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I Speak, Therefore I Am: An Analysis of the Digital Services Act's Impact on Freedom of Expression
Mass Shootings in Serbia and the EU SALW Strategy
A Critical Turning Point: EU-US Cooperation on Critical Raw Materials



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EUROPEAN STUDIES REVIEW

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Introduction

THE Digital Services Act (DSA),² which will enter into force on August 25, 2023, has not been introduced without criticism.³ While human rights groups have criticised several aspects of the Act, such as the lack of transparency in the later stages,⁴ whistle-blowers such as Frances Haugen have praised it as setting a “gold standard” for other big tech companies to follow suit.⁵ On the other hand, the DSA has also been criticised for being a compromise between many different interests and not reaching its full potential.⁶ A third critique is that the Act is reducing the European digital market’s attractiveness.⁷

The DSA has good intentions, such as the hope that sexual abuse, grooming, and cyberbullying will decrease. In the EU’s own

words, they are trying to create a digital space with European values at its core.⁸ This paper argues that by pursuing this goal, the DSA risks limiting the user’s right to information and freedom of expression. The article explains the European context and why its predecessor, the E-Commerce Directive (ECD), needs an update. It also explains why “trusted flaggers” can be problematic and how vague definitions and broad interpretations in the DSA will leave the providers of hosting services⁹ in charge of drawing the line between freedom of expression online and the right to information. Lastly, the paper looks at how Twitter handled free speech under Covid and how Facebook already blocks researchers’ access to information.

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2 Regulation (EU) 2022/2065 of the European Parliament on a Single Market for Digital Services and amending Directive 2000/31/EC (Digital Services Act), OJ L 277, October 19, 2022, 1-102.

3 The European Commission released a list of, in total, 19 very large online platforms (VLOPs) and very large online search engines (VLOSEs) on April 23 2023, that have to abide by the DSA starting from August 25 2023. The 17 VLOPs are: Alibaba AliExpress, Amazon Store, Apple AppStore, Booking.com, Facebook, Google Play, Google Maps, Google Shopping, Instagram, LinkedIn, Pinterest, Snapchat, Tiktok, Twitter, Wikipedia, YouTube and Zalando. The VLOSEs are Bing and Google Search. These 19 platforms have to follow special obligations. The Regulation as a whole enters into force February 17, 2024 as it is stated in Article 93 of the DSA; Regulation (EU) 2022/2065.

4 Asha Allen, “The EU’s Opaque Policy-Making Has Never Been Clearer,” *WIRED*, April 29, 2022, <https://www.wired.com/story/eu-opaque-policy-making-dsa/>.

5 RTE, “EU could set ‘gold standard’ on big tech,” *RTE*, November 8, 2021, <https://www.rte.ie/news/business/2021/1108/1258662-facebook-haugen-eu/>.

6 Ståle Lindblad, “Digital Services Act – et slag i luften?,” *Kom24*, May 2, 2022, <https://www.kom24.no/digital-services-act-eu-facebook/digital-services-act-et-slag-i-luften/482334>.

7 Aina Turillazzi, Mariarosaria Taddeo, Luciano Floridi and Federico Casolari, “The digital services act: an analysis of its ethical, legal, and social implications,” *Law, Innovation and Technology* 15, no. 1 (2023): 83-106, 86.

8 European Commission, *The Digital Services Act Package*, [Accessed May 26, 2023] <https://digital-strategy.ec.europa.eu/en/policies/digital-services-act-package>.

9 This is a broad term the European Commission has tried to define in paragraph 13 of the DSA. There are different types of hosting services, which is why specific rules for specific providers are crucial. One type is online platforms. That includes both platforms in which users can shop online and also social networks. What these platforms have in common is that they store their users’ information and then share them when asked. If the information shared is small, e.g. the comment section under a newspaper, then it is not considered a hosting service. At the same time, comments stored in a social network is considered an online platform service-as long as it is not a minor feature of the service.

The European Context: Scrappy Harmony

The meaning of *expression* has changed since our rights were first laid down in various legal instruments. Today, we no longer need to partake in debates in our local newspaper to voice our opinion, our online accounts have become our personal arenas for freedom of expression; a simple post on Twitter or Instagram can engage thousands, if not millions, of people. In this way, one can argue that freedom of expression has become more prevalent, but this prevalence also carries a lot more responsibility, which could get the expressor a fine or, in the worst outcome, a prison sentence.¹⁰

According to the European Data Protection Supervisor (EDPS) the approval and enforcement of the DSA are crucial for the future of digital European sovereignty.¹¹ The DSA seeks to update its predecessor, the ECD.¹² In the words of the EU Commission, the Act will “set a high global benchmark” with “clear obligations”.¹³ Clear obligations are exactly what is needed as different national rules in the implementation of the ECD have resulted in legal fragmentation.¹⁴

The ECD’s efficiency was proven to be limited, as *ex-post* evaluations had shown.¹⁵ Although the Directive turned out to be a crucial motivator for the expansion of the internal market for digital services, the initial objectives of the Act were not met.¹⁶ As explained in the explanatory memorandum for the DSA, the DSA was created for the purpose of efficiency.¹⁷

One of the challenges with the DSA is the fragmented digital economy within the EU. Numbers from the Digital Economy and Society Index show that the Northern countries, such as Sweden, Denmark, and Finland, have the highest scores for integrations of digital technologies.¹⁸ Countries such as Hungary, Romania, and Bulgaria are on the opposite side of the scale.¹⁹

To ensure full harmonisation when applying the DSA, or any other act for that matter, economic harmonisation is important as well. Higher compliance costs disrupt this process for lesser developed countries. This, in turn, disrupts the legal harmonisation in the EU.²⁰ Although this paper only focuses on legal harmonisation, it is important to understand that the DSA will not be fully harmonised without economic harmonisation.

10 For interested readers, see for example: Zack Whittaker, “U.K. Man Jailed Over Facebook Status Raises Questions Over Free Speech,” *CBS News*, October 19, 2012, <https://www.cbsnews.com/news/uk-man-jailed-over-facebook-status-raises-questions-over-free-speech/>; Amnesty International, “Saudi Arabia: Alarming Crackdown on Online Expression,” February 14, 2023, <https://www.amnesty.org/en/latest/news/2023/02/saudi-arabia-alarming-crackdown-on-online-expression/>.

11 European Data Protection Supervisor, *EDPS Opinions on the Digital Services Act and the Digital Markets Act*, February 10, 2021, https://edps.europa.eu/press-publications/press-news/press-releases/2021/edps-opinions-digital-services-act-and-digital_en.

12 Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market, OJ L 178/1, 17 June 2000, 1-16.

13 European Commission, *Europe fit for the Digital Age: new Online Rules for Platforms*, [Accessed May 27, 2023] https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/europe-fit-digital-age/digital-services-act-ensuring-safe-and-accountable-online-environment/europe-fit-digital-age-new-online-rules-platforms_en.

14 Teresa Rodriguez de las Heras Ballell, “The Background of the Digital Services Act: Looking Towards a Platform Economy,” *ERA Forum* 22, no. 1 (2021): 75-86.

15 European Commission, *Impact Assessment accompanying the document “Proposal for a Regulation of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC*, SWD(2020) 348 final, December 15, 2020, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:52020SC0348&rid=1>

16 These objectives were “(i) a well-functioning internal market for digital services, (ii) the effective removal of illegal content online in full respect of fundamental rights, and (iii) an adequate level of information and transparency for consumers”; *Ibid.*

17 Regulation (EU) 2022/2065.

18 European Commission, *Digital Economy and Society Index (DESI) 2022*, July 28, 2022, 48.

19 *Ibid.*

20 Rodriguez de las Heras Ballell, *The Background of the Digital Services Act: Looking Towards a Platform Economy*, 78-86.

Delete First, Think Later?

The European Commission is introducing a new mechanism, called *notice-and-action*,²¹ which has received a significant amount of backlash.²² It is regulated in Article 16 of the DSA, and the idea behind it is that providers of hosting services must *act* when they receive a notice of illegal content on their websites.²³

To make the notification process go smoother, the DSA authorises in Article 22 a term called "*trusted flaggers*".²⁴ The European Commission says that only entities that have demonstrated "*particular expertise and competence*",²⁵ without revealing what this competence looks like, will become trusted flaggers. These flaggers will have their own priority channel, meaning that upon receiving these notices, the providers of hosting services will have to resolve the problem immediately. A positive side of this would be that flaggers could challenge the decisions made by each website.²⁶ On the other hand, there are many pitfalls to this mechanism. These will be discussed in the following subsection.

(i) Digital Services Coordinators – Selected not Elected

Trusted flaggers are entities appointed by every Member State's national digital services coordinators.²⁷ Whereas there are eight sections in the 22nd paragraph explaining the roles, limitations, and duties of trusted flaggers, there is no paragraph explaining how national digital service coordinators will be elected nor how they will operate.

Joan Barata, an international expert in freedom of expression and a Fellow at the Cyber Policy Center of Stanford University, highlights this problem when he questions the legitimacy of these coordinators and asks if they have the experience to "*make comprehensive judgments regarding the desirable plurality of public discourse*".²⁸

According to Article 11 of the Charter of Fundamental Rights of the European Union, freedom of expression and information cannot be interfered with by public authority, regardless of frontiers.²⁹ Yet, we see that the DSA suggests the opposite when letting national digital service coordinators appoint trusted flaggers. This is also a point Barata makes in his article, underlining the fact that non-elected bodies do not have the right to limit our freedom of expression according

21 Not to be confused with ECD's notice-and-takedown. A somewhat similar mechanism, but the difference here is that the DSA is clearer on what type of information a notice must contain.

22 ARTICLE 19, "EU: Regulation of Notice and Action Procedures in the Digital Services Act," May 21, 2021, <https://www.article19.org/resources/eu-regulation-of-notice-and-action-procedures-in-the-digital-services-act/>. Also see their proposed amendments: ARTICLE 19, "Digital Services Act: ARTICLE 19 Proposed Amendment to Article 14," May 14, 2021, <https://www.article19.org/wp-content/uploads/2021/05/Amendment-notice-and-action-1.pdf>.

23 Regulation (EU) 2022/2065, article 16.

24 *Ibid*, article 22.

25 European Commission, *Questions and Answers: Digital Services Act*, April 25, 2023, https://ec.europa.eu/commission/presscorner/detail/en/QANDA_20_2348.

26 European Commission, *Europe Fit for the Digital Age: New Online Rules for Platforms*.

27 Regulation (EU) 2022/2065, article 49.

28 Joan Barata, "Europe's Tech Regulations May Put Free Speech at Risk," *the Center for European Policy Analysis (CEPA)*, May 18, 2022, <https://cepa.org/article/europes-tech-regulations-may-put-free-speech-at-risk/>.

29 European Union, *Charter of Fundamental Rights of the European Union*, October 26, 2012, 2012/C 326/02.

to the Charter, yet the enforcement of the DSA will give the European Commission unelected, politicised and “*significant powers over Internet speech*”.³⁰

Without clearly set criteria on how digital services coordinators are appointed, it will be up to the Member States to define them for the most part. By doing this, the legal fragmentation the Commission was trying to avoid will catch up to them, straining their ambitions of creating a functional legal framework for all Member States.

(ii) *Better Safe Than Sorry*

Another challenge with the DSA, alluded to by human rights groups and free speech activists, is the fact that these providers of hosting services, in their response to a notice, have a set of rules they need to follow, as set out in Article 17 of the DSA.³¹ The response “*shall provide a clear and specific statement of reasons to any affected recipients of the service*”.³² The DSA pushes the providers of hosting services to block web operators and social media platforms without delay. This sounds promising, but human rights watchdogs are suspicious: The Civil Liberties Union of Europe warns that if these providers are given too short deadlines, this could force these providers to delete more content than necessary, thus potentially limiting freedom of expression online,³³ which in turn would result in limitations of fundamental rights.

It is impossible for providers to hire teams of lawyers that will analyse every single notice and make individual assessments. They are more likely to play it safe and delete said content.

The European Digital Rights (EDRi) argued that any removal of content undermines freedom of expression.³⁴ This is especially alarming when seeing how the DSA refrains from presenting a clear position on how they define harmful and illegal content. The focus should be on “*illegal*” and not “*harmful*”, according to Dot Europe -Europe’s internet company association, previously known as EDiMA. A definition that is broad enough to embrace both meanings will put freedom of expression in danger.³⁵ Lack of definitions, as well as broad definitions, will, in reality, leave the service providers to become judges of freedom of expression, as they will have to draw the line between the right to information and free speech and possible harm caused to the user.³⁶

We have seen in the past how the *Terrorist Content Online Regulation* and the *Copyright Directive* were also criticised due to -among other things- vague and broad definitions.³⁷ Now, we also know that the EU is aching to reach harmonisation across all Member States, but they are contradicting themselves: while it is stated that the providers of hosting services might, in some cases, be excluded from

30 Barata, Europe’s Tech Regulations May Put Free Speech at Risk.

31 Regulation (EU) 2022/2065, article 17.

32 *Ibid.*

33 Jascha Galaski, “What is the EU Digital Services Act? What are its Main Goals?,” *The Civil Liberties Union of Europe (Liberties)*, July 05, 2022, <https://www.liberties.eu/en/stories/digital-services-act/44360>.

34 European Digital Rights (EDRi), “The EU’s Attempt to Regulate Big Tech: What it Brings and What is missing,” December 18, 2020, <https://edri.org/our-work/eu-attempt-to-regulate-big-tech/>.

35 Samuel Stolton, “Digital Services Act Should Avoid Rules on ‘harmful’ Content, Big Tech Tells EU,” *EURACTIV*, October 12, 2020, <https://www.euractiv.com/section/digital/news/digital-services-act-should-avoid-rules-on-harmful-content-big-tech-tells-eu/>.

36 EDiMA, “Fundamentals of the Online Responsibility Framework Series. A Legal Basis to Act,” January 2020, https://www.euractiv.com/wp-content/uploads/sites/2/2020/10/ORF-Series_-Basis-to-Act_EDiMA.pdf.

37 The Terrorist Content Online Regulation was criticized for vaguely and broadly defining “terrorist content”, cf. Center for Democracy & Technology “Letter to Ministers of Justice and Home Affairs on the Proposed Regulation on Terrorist Content Online,” December 4, 2018, <https://cdt.org/insights/letter-to-ministers-of-justice-and-home-affairs-on-the-proposed-regulation-on-terrorist-content-online/>; The Copyright Directive’s article 13 was actually rejected by the Parliament after public outcry. The scope of article 13 was too broad and would have claimed as an “imminent threat” to our internet freedom. E.g. James Temperton, “The EU’s Dodgy Article 13 Copyright Directive has been Rejected,” *WIRED*, July 05, 2018, <https://www.wired.co.uk/article/article-13-eu-copyright-directive-memes>.

third-party responsibility, it does not say what causes a service provider to be held liable.³⁸ It is further explained that in the case of grey zones, the matter should be settled by either supplementing EU rules or the Member State's national law. If the latter occurs, that results in yet another limitation of creating a "single-level playing field throughout the EU".³⁹

"In Times of Crisis" – Can the EU Hide Information From You?

(i) Legislation

Paragraph 91 of the DSA states that "*in times of crisis, there might be a need for certain specific measures to be taken urgently by providers of very large online platforms, in addition to measures they would be taking in view of their other obligations under this Regulation*".⁴⁰ What we see is that the European Commission, yet again, grants themselves the right to limit the right to information.

The definition of "*crisis*" is rather broad, as it includes events that "*can lead to a serious threat to public security or public health in the Union or significant parts thereof*".⁴¹ Some examples of said crises are acts of terrorism, armed conflicts, natural disasters (hurricanes, pandemics, earthquakes), and other serious cross-border threats to public health.⁴² During these times of crisis, the European Commission is allowed to make providers increase resources dedicated to content moderation, adapt content moderation processes, adapt terms and conditions,

further intensify cooperation with trusted flaggers, adapt relevant algorithmic systems and advertising systems, taking awareness raising measures and promoting trusted information and adapting design of their online interfaces.⁴³ In true EU-style, it does say that these response mechanisms are only to be used where they are "*strictly necessary*", and the measures invoked should be "*effective and proportionate*" while also taking the "*rights and legitimate interests*" of the parties involved into consideration.⁴⁴

However, even in times of crises, it must be expected that "*the freedom and pluralism of the media shall be respected*",⁴⁵ as the fundamental rights laid down in the Charter are not negotiable. If "*times of crisis*" is interpreted too broadly, this could result in negative consequences the day an action gets authorised by this specific law. As of now, it is unsure whether there is a time limit to these crisis measures. The human rights organisation ARTICLE 19 suggests a short sunset clause with full access to the European Parliament.⁴⁶ Giving the Commission unilateral power would be against the fundamental principles of European democracy.

Another legitimate concern for the "*in times of crisis*"-clause, is the fact that this was not brought to anyone's attention during the full plenary votes, which housed all the Members of the European Parliament, nor was it mentioned in meeting with EU co-legislators.⁴⁷ Instead, the clause was put forward in a closed-door trilogue,

38 Turillazzi et al., The digital services act: an analysis of its ethical, legal, and social implications, 102.

39 Caroline Cauffman and Catalina Goanta, "A New Order: The Digital Services Act and Consumer Protection," *European Journal of Risk Regulation* vol. 12, no. 4 (2021):758-774, 766.

40 Regulation (EU) 2022/2065, paragraph 91.

41 *Ibid.*

42 *Ibid.*

43 Regulation (EU) 2022/2065, paragraph 91.

44 *Ibid.*

45 *Ibid.*

46 ApTI Romania, Access Now, ARTICLE 19 et al., "EU: Digital Services Act Crisis Response Mechanism Must Honour Human Rights," April 13, 2022, <https://www.article19.org/resources/eu-digital-services-act-crisis-response-must-respect-human-rights/>.

47 *Ibid.*

stripping the clause of its legitimacy.⁴⁸ The organisation ARTICLE 19, points out that the over 700 democratically elected Members of the European Parliament (MePs) were excluded from participating in the trilogues, meaning if a compromise is reached during the trilogues, the MEPs will be forced to either accept the DSA as is or to reject it as a whole.⁴⁹ Similar past events show us that not many are willing to pick the latter.⁵⁰ That was proven to be true in this case as well.

(ii) Suppression of information

Twitter left the EU's voluntary Code of Practice against Disinformation in May of 2023, which sparked Thierry Breton, the European Commissioner for Internal Market, to tweet: *"You can run but you can't hide"*.⁵¹ He was referring to the fact that, starting from August 25, 2023, it will become obligatory -and not a voluntary act as it used to be- for very large online platforms, such as Twitter, to fight disinformation.⁵²

The DSA restrictions seen in light of Breton's tweet and also the Covid crisis, tell a darker tale. *"The bird is freed"*, Musk stated when he officially took over Twitter on October 28, 2022.⁵³ Later, in a series

of -previously secret Twitter files- he shed some light on how information had been suppressed the last couple of years.⁵⁴ Twitter's official account tweeted: *"People are asking us if we shadow ban. We don't. Read more to get all the facts"* in 2018.⁵⁵ Former CEO and Twitter co-founder Jack Dorsey told the same story later when he tweeted: *"We don't shadow ban, and we certainly don't shadow ban based on political viewpoints"*.⁵⁶

Dr Jay Bhattacharya, professor at Stanford School of Medicine, tweeted that lockdowns were harmful to children.⁵⁷ In response, his account was labelled a *"trends blacklist"*,⁵⁸ meaning he would never be part of the *"top-read"* list no matter the engagement of his tweets. In hindsight, Dr Jay Bhattacharya turned out to be right: Lockdowns were no good for children, but at the time, Twitter limited this man's speech based on political views.⁵⁹

It is rather concerning that a very large online platform took it into its own hands to limit its users' freedom of expression. Although the right to information was limited, another important factor to remember is that different opinions encourage healthy debates that are in the public interest. If providers of hosting services are given the

48 Allen, The EU's Opaque Policy-Making Has Never Been Clearer; Transparency International EU, a global anti-corruption movement that seeks to *"promote integrity, transparency and accountability in EU institutions, policies and legislations"* -in their own words- wrote an open letter to the MEP, Minister O, Commissioner and Vice-President asking for transparency for the Digital Services Act trilogues, as well as the Digital Market Act, <https://transparency.eu/open-letter-dsa-and-dma-trilogues/>. This proves that lack of transparency is not a one-off case, but rather a recurring problem.

49 Article 19, Public Statement, "EU: Digital Services Act Crisis Response Mechanism Must Honour Human Rights," April 13, 2022, <https://www.article19.org/resources/eu-digital-services-act-crisis-response-must-respect-human-rights/>.

50 Olivier Proust, "Unravelling the Mysteries of the GDPR Trilogues," *Fieldfisher*, July 16, 2015, <https://www.fieldfisher.com/en/services/privacy-security-and-information/privacy-security-and-information-law-blog/unravelling-the-mysteries-of-the-gdpr-trilogues>.

51 Thierry Breton, Twitter Post, May 26, 2023, 10.30 p.m., <https://twitter.com/ThierryBreton/status/1662194595755704321?s=20>.

52 For an exhaustive list of which platforms this applies to, see footnote 3.

53 Elon Musk, Twitter post, October 28, 2022, 5.49 a.m., <https://twitter.com/elonmusk/status/1585841080431321088>.

54 The "Twitter Files" are releases of Twitter documents. Elon Musk gave these documents to journalists (Bari Weiss, Lee Fang, and Matt Taibbi) and authors (David Zweig, Alex Berenson, and Michael Shellenberger). The journalists Weiss and Taibbi published these documents in a series of tweets, coordinated with Elon Musk.

55 Twitter, Twitter post, July 27, 2018, 3.42 a.m., <https://twitter.com/Twitter/status/1022658436704731136>.

56 Jack Dorsey, Twitter post, July 27, 2018, 3.57 a.m., <https://twitter.com/jack/status/1022662121379647488>.

57 Bari Weiss, Twitter post nr. 3 in the thread, December 9, 2022, 1.30 a.m., <https://twitter.com/bariweiss/status/1601011428579717121?s=20>.

58 *Ibid.*

59 Post Editorial Board, "Twitter's Secret Shadow Bans are Why the Public Has Turned Against 'Experts'," *New York Post*, December 9, 2022, <https://nypost.com/2022/12/09/twitters-shadow-bans-are-why-the-public-turned-against-experts/>.

power to define or interpret terms, this might, in turn, lead to less accessibility to free speech for the user. The case of Dr Jay Bhattacharya was not the first time large online platforms had limited their users' fundamental rights. The British human rights organisation ARTICLE 19 sent out a letter to European lawmakers, signed by 6,126 individuals and 35 other organisations asking to draw attention to *"alarming examples of platforms oppressing public interest research about how they influence public debate"*.⁶⁰

Facebook has not only restricted researchers' access to information in the United States but also in Europe. The watchdog organisation AlgorithmWatch was forced to shut down their Instagram monitoring project after threats by Facebook.⁶¹ AlgorithmWatch stressed the increasing influence online platforms have on structuring public debates. In their open letter addressed to the Members of the European Parliament and representatives of Member States, they ask EU lawmakers to facilitate the researchers' ability to do their job, which is to *"fulfil their key watchdog function"*.⁶²

Conclusion

Freedom of expression and right to information are often two sides of the same coin. By creating a position called "digital services coordinator" without defining it or explaining how these

are elected by the Member States, the European Commission arouses suspicion among free speech activists. Another challenge is that these coordinators will fall back to each Member State's national law when in doubt, meaning the DSA will not be able to reach legal harmonisation.

While the term *"trusted flaggers"* is defined and well-documented in the DSA, another suspicion arises when talking about the fact that providers of hosting services must immediately resolve notices raised by them. Critics are concerned that companies will delete the content instead of hiring lawyers to go through the notices case-by-case. As an extension of this problem, Dot Europe warns that by focusing more on *"harmful"* content instead of *"illegal"* content, the European Commission is risking limiting free speech online.⁶³

Lastly, large online platforms gain increasing power to structure online debates, even before the DSA has been fully implemented. A concern is that this will get worse if the European Commission leaves it up to them to draw the line on what is freedom of speech and what is not.

60 Access Now, AI Now Institute, AlgorithmWatch et al., "EU: Stop Platforms from Suppressing Public Interest Research," September 13, 2021, <https://www.article19.org/resources/eu-stop-platforms-from-suppressing-public-interest-research/>.

61 Nicolas Kayser-Bril, "AlgorithmWatch Forced to Shut Down Instagram Monitoring Project After Threats From Facebook," *AlgorithmWatch*, August 13, 2021, <https://algorithmwatch.org/en/instagram-research-shut-down-by-facebook>.

62 Open Letter, "Use the DSA to Stop Platforms from Suppressing Public Interest Research," *AlgorithmWatch*, September 1, 2021, https://algorithmwatch.org/en/wp-content/uploads/2021/09/Open_Letter_to_European_Lawmakers_15_sept_21.pdf.

63 EDiMA, Fundamentals of the Online Responsibility Framework Series. A Legal Basis to Act.



Introduction

BETWEEN May 3 and 4, 2023, two mass shootings took place in Serbia, deeply shocking the local and neighbouring population. In the first, a 13-year-old schoolboy shot dead eight other pupils and a security guard in a school in Belgrade and wounded many others.² On the following day, a young man (21) killed eight people and wounded thirteen in several villages in the municipality of Mladenovac.³ Serbia was not previously known for such bloodshed, and condolences to the Serbian government have come from political leaders all over the world. Most importantly, the shootings brought back the observers' attention to a crucial issue in the Western Balkans: the consistent presence of illegal weapons among the region's population. Indeed, many of the small arms and light weapons (SALW) used during the Yugoslav wars in the 1990s were not returned to the government after the end of the conflicts.⁴ According to the 2018 Small Arms Survey, Montenegro and Serbia share the third and fourth highest rate of civilian firearms holdings in the world, with 39.1 firearms per 100 residents.⁵ Moreover, all ex-

Yugoslav states figure among the first 18 positions of this worldwide standing.⁶

This article analyses the issue of SALW control from an EU perspective. It explains the role of SALW in the EU security policy for the Western Balkans, and it studies the measures implemented to tackle the problem and the activities in support of national and international initiatives. It concludes by assessing the EU SALW Strategy and discussing the challenges to its success.

The SALW Problem in the Western Balkans

The definition of SALW is not always uniform in the literature. Generally speaking, "SALW are all arms that can be used by one person or a small group of people and carried by a person, pack animal or light vehicle".⁷ Moreover, they are cheap, widely available, portable, easy to use, and conceal. For these reasons, SALW are weapons of choice for people waging wars and are the most used in violent conflicts. They are the means for most human casualties in war, as well as in criminal

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2 Milica Stojanovic, "Mass Shooting in Belgrade School Kills Nine, Shocks Serbia," *Balkan Insight*, May 3, 2023, <https://balkaninsight.com/2023/05/03/mass-shooting-in-belgrade-school-kills-nine-shocks-serbia/>.

3 Sasa Dragojlo, "Second Mass Shooting in Two Days Stuns Serbia, Killing Eight," *Balkan Insight*, May 5, 2023, <https://balkaninsight.com/2023/05/05/second-mass-shooting-in-two-days-stuns-serbia-killing-eight/>.

4 Iztok Prezelj, "The Small Arms and Light Weapons Problem in the Western Balkans," in *Transnational Terrorism, Organized Crime and Peace-Building*, eds. Wolfgang Benedek, Christopher Daase and Vojin Dimitrijević (London: Palgrave Macmillan, 2010), 207-226, 210.

5 Aaron Karp, "Estimating Global Civilian-Held Firearms Numbers," *Small Arms Survey*, June 2018, <https://www.smallarmssurvey.org/sites/default/files/resources/SAS-BP-Civilian-Firearms-Numbers.pdf>.

6 *Ibid.*, 4.

7 Prezelj, *The Small Arms and Light Weapons Problem in the Western Balkans*, 208.

attacks in peaceful countries.⁸

SALW were used extensively during the violent Yugoslav wars and today still represent a serious security problem in the post-war situation, as most of them were not returned to the authorities at the end of the fighting. There are several reasons behind this trend, but they can mainly be traced back to the low levels of trust of Balkan citizens in their neighbours and the fear of the rise of new conflicts in the region.⁹ The presence of high numbers of SALW among the population represents a problem not only for their illegal possession but, most importantly, for their use and their proliferation. Indeed, the illicit trafficking of SALW has become a very profitable business for criminal networks along the Balkan smuggling route.¹⁰

Furthermore, the SALW problem in the Western Balkans represents a crucial issue for the EU as well due to the strategic importance of the region for Brussels. Thus, the EU-sponsored SALW control in the Balkans appears crucial for three main reasons. First, it is necessary in order to minimise the possibility of armed violence and promote the stabilisation of the region. Second, it is needed to facilitate the integration of Balkan countries into the EU, as the two sides are committed to reinforcing engagement on security as a key priority.¹¹ Last, SALW control in the Balkans prevents the spread of firearms to other conflict hotspots and cuts the

supply to several criminal and terrorist organisations within the EU itself.

The EU SALW Strategy

To solve the issues of the stockpiling and illicit trafficking of SALW, the EU has developed a specific strategy that devotes particular attention to the region of the Western Balkans. The EU policy was first outlined in the “*EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition*”, adopted by the European Council on December 16, 2005.¹² The document –the first of its kind at the EU level– was inspired by the 2003 European Security Strategy, which had identified the uncontrolled circulation and excessive accumulation of SALW as key security threats facing the Union.¹³ The 2005 Strategy was a child of its time, having been developed in a moment of renewed emphasis on global security and when EU leaders were concerned by violence in neighbouring regions. Nevertheless, this approach became outdated by the mid-2010s, when a new wave of terrorist attacks on European soil made Brussels realise that threats could also come from within. Additionally, the development of updated SALW technologies and the new security environment in the neighbourhood contributed to exposing the antiquated EU approach –too much focused on nearby regions and less on the internal crime-terror nexus, especially with regard to firearms.¹⁴

⁸ *Ibid.*

⁹ *Ibid.*, 214.

¹⁰ Nils Duquet and Kevin Goris, “Firearms Acquisition by Terrorists in Europe,” *Project SAFTE – Flemish Peace Institute*, April 18, 2018, https://flemishpeaceinstitute.eu/safte/files/vrede_syntheserapport_safte_lr.pdf.

¹¹ Cf. Directorate-General for Communication (European Commission), *A Credible Enlargement Perspective for and Enhanced EU Engagement with the Western Balkans: Six New Flagship Initiatives to Support the Transformation of the Western Balkans*, 2018, <https://data.europa.eu/doi/10.2775/902991>.

¹² European Council, *EU Strategy to Combat Illicit Accumulation and Trafficking of SALW and their Ammunition*, December 16, 2005, <https://data.consilium.europa.eu/doc/document/ST%205319%202006%20INIT/EN/pdf>.

¹³ Council of the European Union, *European Security Strategy*, December 13, 2003, <https://www.consilium.europa.eu/media/30823/qc7809568enc.pdf>.

¹⁴ Nils Duquet, “The 2018 EU SALW Strategy: Towards an Integrated and Comprehensive Approach,” *EU Non-Proliferation and Disarmament Consortium*, April 2019, https://www.nonproliferation.eu/wp-content/uploads/2019/04/EUNPDC_no-62_FINAL.pdf.

In 2018, a new “*EU Strategy Against Illicit Firearms, Small Arms & Light Weapons and their Ammunition*” was adopted by the Council.¹⁵ This document was based on the EU’s updated doctrine in terms of defence and security –the 2016 EU Global Strategy¹⁶– and took into account the new challenges to the internal security of the Union. The strategy took note of both the external and internal dimensions of the problem of firearms proliferation, as well as the role of SALW in the spread of terrorism in previous years. It linked the changing security environment to concrete measures to combat arms smuggling and grouped these actions under four main pillars.¹⁷ First, strengthening the normative framework, as the EU committed itself to supporting the implementation of international norms and standards. Second, implementing the norms considering all the different life-cycle phases of SALW. Third, compliance through the monitoring of illicit SALW flows. Last, enhancing operational cooperation and assistance within the EU, as well as at the international level. Under this fourth pillar, similarly to the 2005 Strategy, the Western Balkans were identified as a priority trafficking region.

Overall, the Western Balkans are often cited as a “*success story*” of sub-regional SALW control.¹⁸ One of the main reasons for this accomplishment is that several institutions have joined forces to combat

illicit SALW trafficking in the region. Besides EU bodies and Member States, also the Council of Europe, the Organization for Security and Cooperation in Europe (OSCE), the UN Development Programme (UNDP), and the Regional Cooperation Council (RCC) are actively contributing to this goal. Most of their efforts are conveyed through the South-Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons (SEESAC), the most important hub for coordination and delegation.¹⁹ The SEESAC is a joint initiative of the UNDP and the RCC –and co-funded by the EU– launched in 2002. It is the focal point for SALW-related activities in the Western Balkans and, over the years, has offered holistic support to competent authorities in addressing the issue –from research and coordination to actual capacity building.²⁰

Another reason that determined better enforcement of SALW control in South-East Europe is the Roadmap adopted by Western Balkans states in 2018 under the auspices of the SEESAC.²¹ This document sets seven goals to be achieved by 2024 for a sustainable solution to the SALW problem and represents a real blueprint for target-setting SALW control in other countries and world regions. Moreover, it is in line with –and steps up the engagement of– many EU approaches and strategies: the Berlin Process,²² the Commission’s Six Flagship initiatives for the Western

15 Council of the European Union, *Council Conclusions on the Adoption of an EU Strategy Against Illicit Firearms, Small Arms & Light Weapons and their Ammunition*, November 19, 2018, <https://data.consilium.europa.eu/doc/document/ST-13581-2018-INIT/en/pdf>.

16 European External Action Service, *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the European Union's Foreign And Security Policy*, June 2016, https://www.eeas.europa.eu/sites/default/files/eugs_review_web_0.pdf.

17 Duquet, *The 2018 EU SALW Strategy*.

18 Simone Wisotzki, “Efforts to Curb the Proliferation of Small Arms and Light Weapons: From Persistent Crisis to Norm Failure?,” *Zeitschrift für Friedens- und Konfliktforschung* 10 (2021): 247-271, 263.

19 South Eastern and Eastern Europe Clearinghouse for the Control of Small Arms and Light Weapons, “Who We Are,” *SEESAC*, [Accessed May 14, 2023] <https://www.seesac.org/About/>.

20 *Ibid.*

21 SEESAC, “Roadmap for a Sustainable Solution to the Illegal Possession, Misuse and Trafficking of Small Arms and Light Weapons (SALW) and their Ammunition in the Western Balkans by 2024,” *SEESAC*, July 10, 2018, <https://www.seesac.org/ff/docs/publications-salw-control-roadmap/Regional-Roadmap-for-a-sustainable-solution-to-the.pdf>.

22 German Cooperation, “Berlin Process,” *Berlin Process*, [Accessed May 14, 2023] <https://www.berlinprocess.de/>.

Balkans,²³ the EU SALW Strategy,²⁴ and the 2020-2025 EU action plan on firearms trafficking.²⁵ The implementation of the seven goals is ensured by yearly monitoring and evaluation against fourteen Key Performance Indicators identified by the Roadmap.²⁶

Shortcomings and Challenges

Yet, despite the overall improving trend, serious shortcomings in the SALW control efforts in the Western Balkans remain. In general, the literature has retrieved a *"significant gap between policy and practice"* as the implementation of national and international norms remains difficult.²⁷ Moreover, when looking at the different situations in the six Western Balkan countries, it appears evident that a one-size-fit-all approach is not efficient in tackling the SALW problem, as it fails to acknowledge domestic contexts.²⁸ Overall, three main challenges to the success of SALW-related policies can be identified. First, threat and risk assessments are only partially accurate. Data and estimates on SALW proliferation derive from state reports and thus are not always reliable due to the underdeveloped status of public administrations of Balkan states.²⁹ Since SEESAC also relies on information provided by national sources, its estimates also suffer from a reliability shortcoming.

Second, there is no clear benchmarking about the success of weapon-collection programmes. This difficulty stems from

the aforementioned problem of not having reliable estimates. Therefore, it appears difficult to assess the relative success of SALW collections.³⁰ Moreover, under voluntary handover programmes – often described as the most successful approaches – only old and unusable firearms have been collected.³¹ This trend has been particularly evident in circumstances of uncertain security conditions, such as in Bosnia and Kosovo. Similarly, other incentives such as amnesties and financial stimulations also appear less attractive where citizens feel less secure.

Last, there will be no development in tackling the SALW issue as long as the cultural legacy and mentality of the Yugoslav wars are still present among the population. Disarming needs trust, and today public surveys show that Balkan citizens have low trust levels of their neighbouring nations, but also of their local and national governments.³² Disarmament programmes in the region have shown that, without trust in domestic politics, the SALW collection and reduction plans cannot be successful. This trend is most evident within minority ethnic groups, where mistrust for public administration reaches the highest levels – see the cases of Bosnian Serbs or ethnic Serbs in Northern Kosovo.³³ Furthermore, the legacy of the past wars is still visible in the culture of violence shared by many Balkan citizens. Here, gun ownership is sometimes perceived as

23 Directorate-General for Communication (European Commission), *A Credible Enlargement Perspective*.

24 Council of the European Union, *EU Strategy Against Illicit Firearms*.

25 European Commission, *2020-2025 EU Action Plan on Firearms Trafficking*, (COM(2020) 608, July 24, 2020), https://eur-lex.europa.eu/resource.html?uri=cellar:65f0454e-cfef-11ea-adf7-01aa75ed71a1.0003.02/DOC_1&format=PDF.

26 SEESAC, "Roadmap," 9ff.

27 Suzette R. Grillot, "Guns in the Balkans: Controlling Small Arms and Light Weapons in Seven Western Balkan Countries," *Southeast European and Black Sea Studies* 10, no. 2 (2010): 147-171, 148.

28 *Ibid*, 165.

29 Prezelj, *The Small Arms and Light Weapons Problem in the Western Balkans*, 218.

30 *Ibid*, 219f.

31 *Ibid*, 220.

32 Cf. Regional Cooperation Council, "Balkan Public Barometer," *Regional Cooperation Council*, [Accessed May 14, 2023], <https://www.rcc.int/balkanbarometer/results/2/public>.

33 Prezelj, *The Small Arms and Light Weapons Problem in the Western Balkans*, 220f.

a source of cultural pride, as a reminder of being a victim of violence, or even as a consequence of a patriarchal concept of manhood.³⁴ All these deeply rooted sociocultural conceptions require more than just a short-term policy approach.

Thus, in order to foster real change, the EU should step up its engagement on the long-term solution to the SALW problem, i.e. focusing on fighting the cult of violence in the Western Balkans. To this aim, the Fourth Goal of the SEESAC Roadmap –focusing on increasing “*awareness, education, outreach and advocacy*”– should become the main priority of relevant stakeholders.³⁵ Societal tensions, confidence, and trust-building issues should be addressed, with particular attention on the crucial role played by the media. Both positive and sanctioning approaches should be adopted by Brussels. On the one hand, it should build partnerships with media outlets on the importance of adequate reporting on firearms, while on the other, it should penalise those tabloids and TV channels promoting hatred and violence. In this sense, the disbursement of IPA (Instrument for Pre-accession Assistance) funds, as well as other EU media-related programmes, could prove to be useful tools.³⁶

Conclusion

Overall, despite the great efforts and improving trends since the end of the Yugoslav wars, SALW remain a much present issue in the region, as the recent

events in Serbia show. Over the years, the commitment of the EU to the problem has remained high and has adapted to the changing security environment. Through its support of SEESAC, the EU has realised that only sustained international engagement represents a successful method of SALW control. Nonetheless, several challenges remain to these programmes, related to the accuracy of data estimates, the difficult benchmarking of successful programmes, and the sociocultural legacy of violence.

So far, in response to the recent mass shootings, national authorities in the Balkans have announced voluntary hand-ins of illegal weapons. In Serbia, a new order by the Ministry of Interior has called owners of unregistered firearms to hand them over without suffering legal consequences and free of charge.³⁷ Other measures pledging to disarm the country have been announced by President Vučić, ranging from toughening measures on illegal SALW possession to cutting down firearm licences by 90%.³⁸ Once again, the problem is being tackled by national authorities with traditional measures. However, a real breakthrough to the SALW problem will occur when the culture of violence entrenched in the region is brought to an end. This is what the tens of thousands of demonstrators gathered in Belgrade for the “Serbia Against Violence” rally have pointed out.³⁹ Disarming is a matter of trust management, and until these deeply rooted cultural conceptions are eradicated, no SALW control policy will ever be fully effective.

³⁴ *Ibid*, 222.

³⁵ SEESAC, Roadmap, 17f.

³⁶ Directorate-General for Neighbourhood and Enlargement Negotiations (European Commission), *EU Support to the Media Sector in the Western Balkans*, November 7, 2022, https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-11/EU%20support%20to%20the%20media%20sector%20in%20the%20western%20balkans_factsheet.pdf.

³⁷ SEESAC, “Authorities of the Republic of Serbia Call Owners of Unregistered Firearms to Surrender Them without Suffering Legal Consequences,” *SEESAC*, May 7, 2023, https://www.seesac.org/News_1/authorities-of-the-republic-of-serbia-call-owners-of-unregistered-firearms-to-surrender-them-without-suffering-legal-consequences/.

³⁸ Sasa Dragojlo, “Serbia Imposes Tough Restrictions After Mass Shootings,” *Balkan Insight*, May 10, 2023, <https://balkaninsight.com/2023/05/10/serbia-imposes-tough-restrictions-after-mass-shootings/>.

³⁹ Ivana Jeremic, Milica Stojanovic and Sasa Dragojlo, “Serbians Hold Mass Protest Against Culture of Violence After Shootings,” *Balkan Insight*, May 12, 2023, <https://balkaninsight.com/2023/05/12/serbians-hold-mass-protest-against-culture-of-violence-after-shootings/>.



Introduction

In her 2022 State of the European Union address, European Commission President Ursula von der Leyen announced one of the Commission's flagship initiatives for 2023: the Critical Raw Materials Act.² According to the Commission President, "*Lithium and rare earths will soon be more important than oil and gas. Our demand for rare earths alone will increase fivefold by 2030*".³ While such foresight is welcome from the "geopolitical" Commission, the European Union (EU) alone cannot achieve its targets in the Critical Raw Materials Act. Instead, a cooperative approach, working with the US, is needed to address shortcomings. Establishing a so-called "critical raw materials club" could ease transatlantic tensions in other areas. This article will analyse how the EU and the US address their strategic vulnerabilities regarding critical raw materials (CRMs) and will discuss whether this strategy can be improved through transatlantic cooperation. CRMs is a broad term encompassing many different elements and substances, so the Commission's latest categorisation of CRMs, which includes rare earth metals and elements such as cobalt and lithium, will be the

definition utilised in this analysis.⁴

Yet Another Dependency? China's CRM Monopoly

There is the danger that as the EU successfully weans itself off a dependency on Russian gas and oil, another strategic dependency on Chinese CRMs will be created. Both the EU's digital and green transitions rely heavily on the availability of CRMs, such as lithium and silicon, to produce batteries for energy-efficient vehicles (EEVs), wind turbines, and smartphones.⁵ While demand for CRMs to power digital and green transitions continues to grow, it is worth noting that the monetary value of the EU's CRM imports remains relatively low compared to fossil fuels. In 2021, the EU imported €120 billion worth of gas and oil from Russia alone, whereas the EU's global demand for CRMs such as beryllium and palladium averaged around €4-€5 billion.⁶ Rather than pricing concerns, the principal risk associated with CRMs is the high degree of market concentration, with numerous CRMs geographically concentrated in very few countries. China, especially, has captured the global CRMs market, possessing both large deposits of many rare earth minerals and a highly developed extraction and

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2 European Commission, *2022 State of the Union Address by President von der Leyen*, September 14, 2022, https://ec.europa.eu/commission/presscorner/detail/en/speech_22_5493.

3 *Ibid.*

4 European Commission, *Study on the Critical Raw Materials for the EU 2023 – Final Report*, March 16, 2023, <https://single-market-economy.ec.europa.eu/system/files/2023-03/Study%202023%20CRM%20Assessment.pdf>.

5 Sarah Anne Aarup and Antonia Zimmerman, "The critical raw materials you need to know," *Politico*, March 9, 2023, <https://www.politico.eu/article/critical-raw-materials-act-europe-guide/>.

6 Marie le Mousel and Niclas Poitiers, "Why Europe's critical raw materials strategy has to be international," *Bruegel Institute*, 5 April 2023, <https://www.bruegel.org/analysis/why-europes-critical-raw-materials-strategy-has-be-international>.

refining process. Due to a lack of domestic development of its CRM industry and a historic unwillingness to address strategic dependency issues in key industries before the 2020s, the EU currently imports 99% of its rare earth metals from China.⁷ The Commission's annual Strategic Foresight Report has consistently identified this as a systemic vulnerability since 2020.⁸ Not only is there a reliance on CRMs originating in China, but through the Chinese Belt and Road Initiative (BRI), China has been buying up extraction and refinement plants in other resource-rich countries. The Democratic Republic of Congo provides the world with 70% of the global cobalt supply, but through the BRI, China has captured both the upstream and downstream industries of this supply chain. 15 of the 19 cobalt mines in the country are owned or financed by China, and 50% of the cobalt mined is sent to China for refining.⁹ With both the high concentration of CRMs on Chinese territory and the capture of potential competitors' resources through the BRI, China is the world's most powerful country regarding CRMs, and it has used this to its advantage in the past. The concept of weaponised interdependence can help to explain this. Weaponised interdependence refers to a condition under which an actor can exploit its position in an embedded network to gain a bargaining advantage over others in a contained system.¹⁰ In other words, the EU's and US's dependence on China

for CRMs can be used by China to compel policy changes in key areas.

There is a precedent for China utilising its monopoly over CRMs as a tool for economic coercion. On the morning of September 7, 2010, the Chinese trawler *Minjinyu* 5179 collided with a Japanese coastguard patrol near the disputed Senkaku Islands, leading to the arrests of 18 Chinese fishermen.¹¹ The ensuing diplomatic incident led China to halt the export of rare earth minerals to Japan, and despite Japan only importing \$154 million worth of rare earth minerals at the time, significant economic damage was caused to key industries, and Japan was forced to release the fishermen later that month.¹² The *Minjinyu* incident conveys how China can weaponise economic dependence on its own resources. Likewise, it is concerning that China has openly considered placing such a ban on the US as recently as 2021.¹³ Were China to place such an export ban, even strategically crucial sectors of the US economy, such as the defence industry, could be damaged, as 417 kilograms of rare earth metals are required to manufacture a single fighter jet.¹⁴ Similarly, without Chinese CRMs, the Commission's flagship projects of a digital and green transition would likely fail.¹⁵ While the US lacks many of the necessary refining facilities, it can rely on a larger domestic supply of CRMs than the EU, where domestic production has remained severely underdeveloped.¹⁶

7 Aarup and Zimmerman, The critical raw materials you need to know.

8 European Commission, *2020 Strategic Foresight Report*, September 9, 2020, 18, https://commission.europa.eu/strategy-and-policy/strategic-planning/strategic-foresight/2020-strategic-foresight-report_en#documents.

9 Tobias Gehrke and Mart Smekens, "Preventing the Critical Minerals Crisis. How the Global Gateway and Transatlantic Connectivity Cooperation Can Help Secure Critical Raw Material Supply Chains," *Egmont Policy Brief 277*, May 2022, https://www.egmontinstitute.be/app/uploads/2022/05/TobiasGehrke_MartSmekens_PolicyBrief277.pdf?type=pdf.

10 Daniel W. Drezner, Henry Farrell and Abraham L. Newman, *The Uses and Abuses of Weaponized Interdependence* (Washington D.C.: Brookings Institution Press, 2021).

11 Keith Bradsher, "Amid Tension, China Blocks Vital Exports to Japan," *New York Times*, September 22, 2010, <https://www.nytimes.com/2010/09/23/business/global/23rare.html>.

12 Le Mouel and Poitiers, *op. cit.*

13 Sun Yu and Demetri Sevastopulo, "China targets rare earth export curbs to hobble US defence industry," *Financial Times*, February 16, 2021, <https://www.ft.com/content/d3ed83f4-19bc-4d16-b510-415749c032c1>.

14 *Ibid.*

15 Otto Lanzavecchia, "Dig, Dig, Dig: US and Europe Target China's Grip on Critical Raw Minerals," *Center for European Policy Analysis*, March 23, 2023, <https://cepa.org/article/dig-dig-dig-us-and-europe-target-chinas-grip-on-critical-raw-minerals/>.

16 *Ibid.*

The EU's Response: Searching for an Elementary Solution?

Fears over a growing strategic dependency on other countries for CRMs are not a novel development. Indeed, this fear can be traced back to the EEC's 2nd Environmental Action Programme in 1977, which highlighted the Community's dependence on CRMs from abroad.¹⁷ More recently, the Commission implemented a Raw Materials Initiative in 2008, which promoted greater cooperation with resource-rich countries to diversify supply.¹⁸ This was replaced with a Raw Materials Alliance in 2020, which has developed the strategy further.¹⁹ Since the 2010 EU-Korea free trade agreement (FTA), chapters on CRM access have become a staple of EU FTAs.²⁰ As the geopolitical risks associated with CRM dependency became more evident, this has continued, with CRMs gaining an increasingly prominent role in the EU's trade deals with Mongolia (2017), Vietnam (2019), Chile (2022), and Australia (ongoing).²¹ These FTAs offer diversification and can prevent export bans on CRMs, such as the Indonesian export ban on bauxite in 2020, but on their own, they cannot address the scale of the problem.²²

The recent proposal for a Critical Raw Materials Act on March 16 marked a revolutionary step in the EU's CRM policy. The proposed Regulation calls for domestic extraction to meet 10% of the annual EU

CRM consumption.²³ Similarly, domestic processing capacity should reach 40% of total demand, with an increased CRM recycling capacity to complement this.²⁴ However, on the international level, the Act can be read as a direct response to China. For example, the proposed Regulation stipulates that no more than 65% of the annual consumption of each strategic raw material should be sourced or processed from a single country outside the EU.²⁵ This means that China, which controls 80% of the EU market share in solar panels, will not be able to obtain public contracts after 2030.²⁶

Regarding domestic extraction, the EU found large deposits of CRMs in northern Sweden earlier this year, but the environmental impact could lead to litigation which would delay or prevent extraction.²⁷ Similarly, the permits needed for mining can take up to 15 years to be issued, although the Regulation does propose reducing this to two years for "strategic" mines.²⁸ Regardless, given the geographical scarcity of CRMs on EU territory, the Union will certainly need to rely on international partners to ensure diversified and secure CRM supply chains.

The US's Response and Transatlantic Tensions

The US has also been focusing on CRMs in recent years. The US is fortunate enough

17 Edoardo Righetti and Vasileios Risos, "The EU's Quest for Strategic Raw Materials: What Role for Mining and Recycling?," *Intereconomics* 58, no. 2 (2023): 69-73.

18 *Ibid.*

19 Frédéric Simon, "New EU alliance aims for 'strategic autonomy' on key raw materials," *Euractiv*, September 30, 2020, <https://www.euractiv.com/section/circular-economy/news/new-eu-alliance-aims-for-strategic-autonomy-on-key-raw-materials/>.

20 European Parliament, *Critical raw materials in EU external policies: Improving access and raising global standards*, European Parliamentary Research Service, 2021, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690606/EPRS_BRI\(2021\)690606_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/690606/EPRS_BRI(2021)690606_EN.pdf).

21 *Ibid.*

22 Fransiska Nangoy and Bernadette Christina, "Indonesia confirms bauxite export ban to proceed as scheduled," *Reuters*, December 21, 2022, accessed 28 May 2023, <https://www.reuters.com/markets/asia/indonesia-announce-ban-exports-commodity-without-saying-which-2022-12-21/>.

23 European Commission, *Proposal for a Regulation of the European Parliament and of the Council establishing a framework for ensuring a secure and sustainable supply of critical raw materials*, COM(2023) 160 final, Brussels, 16 March 2023.

24 *Ibid.*

25 *Ibid.*

26 Lanzavecchia, Dig, Dig, Dig: US and Europe Target China's Grip on Critical Raw Minerals.

27 Antonia Zimmerman, "Sweden's rare earths discovery won't end EU's China reliance — yet," *Politico*, January 16, 2023, <https://www.politico.eu/article/swedens-rare-earths-discovery-wont-end-eus-china-reliance-yet/>.

28 Le Mouel and Poitier, *op. cit.*

to have large domestic deposits of certain CRMs, but its production capacity remains significantly underdeveloped, with many CRMs extracted in the US being sent to China for processing.²⁹ Similarly, the US lacks rare earths and imports 80% of these minerals from China.³⁰ The most significant steps came in 2022, with the enactment of the Inflation Reduction Act (IRA). The IRA deals with many policy areas but on CRMs, its main impact is the provision of subsidies for EEVs.³¹ The tax credits provided for green vehicles only apply if the CRMs used in production are sourced inside the US or from a partner country with which the US has an FTA.³² As the EU and the US do not have an FTA, this means that the EU is excluded from the subsidy scheme, bolstering US resilience at the EU's expense.

The IRA and subsidies for EEVs must be viewed considering a significant policy shift in the US. In 2021, the White House adopted a policy paper which called for friend-shoring to ensure resilient supply chains.³³ Friend-shoring refers to *"[d]eliberately sourcing critical materials, goods or services with allies who share the same values"*.³⁴ The US has embraced this doctrine, and the CRM Act's focus on resilience shows that the Union may follow. Outside of the IRA, the Minerals Security Partnership (MSP) is another example of American friend-shoring. The MSP aims to create a "buyers' club" for

CRMs amongst democratic countries, and EU Member States have signed up since it was established last year.³⁵ The MSP could act as a template for future transatlantic cooperation.

Turning the Transatlantic Tide?

Despite tensions over the IRA, the EU and the US have a shared interest in securing CRM supply chains. However, neither power would be able to effectively achieve its targets by working in a silo. A transatlantic pact on CRMs is needed. It appears that Japan, which had found itself in a similar position to the EU, has managed to negotiate a breakthrough, which is indicative of a US desire to engage on this issue.³⁶ The breakthrough for the transatlantic partnership came last month when both President von der Leyen and President Biden issued a joint statement stating that negotiations for a similar EU-US deal are underway.³⁷ Negotiations remain ongoing, with the issue remaining unresolved at the recent G7 summit in Hiroshima, but the Japanese model may offer a template for what to expect.³⁸ US Secretary of the Treasury Janet Yellen has indicated that an agreement on CRMs could lead to IRA benefits being extended to the EU, and according to Malmström, the goal is an agreement *"where critical materials sourced or processed in Europe are recognised as sourced or processed in the US"*.³⁹

29 Yu and Sevastopulo, China targets rare earth export curbs to hobble US defence industry.

30 U.S. Geological Survey, *Mineral Commodity Summaries 2020*, January 31, 2020, <https://pubs.usgs.gov/periodicals/mcs2020/mcs2020.pdf>.

31 Daniel Kleimann, Niclas Poitiers, André Sapir, Simone Tagliapietra, Nicolas Véron, Reinhilde Veugelers and Jeromin Zettelmeyer, "How Europe should answer the US Inflation Reduction Act," *Bruegel Institute*, February 23, 2023, <https://www.bruegel.org/policy-brief/how-europe-should-answer-us-inflation-reduction-act>.

32 Cullen Hendrix, "'Made in America' puts the brakes on electric vehicles Biden hopes to push," *Peterson Institute for International Economics*, April 10, 2023, <https://www.piie.com/blogs/realtime-economics/made-america-puts-brakes-electric-vehicles-biden-hopes-push>.

33 White House, *Building Resilient Supply Chains, Revitalizing American Manufacturing, and Fostering Broad-Based Growth*, June 2021, <https://www.whitehouse.gov/wp-content/uploads/2021/06/100-day-supply-chain-review-report.pdf>.

34 European Commission, *2022 Strategic Foresight Report: Twinning the green and digital transitions in the new geopolitical context*, June 29, 2022, https://commission.europa.eu/system/files/2022-06/strategic_foresight_report_2022.pdf.

35 Lanzavecchia, Dig, Dig, Dig: US and Europe Target China's Grip on Critical Raw Minerals.

36 Ana Swanson, "U.S. and Japan Reach Deal on Battery Minerals," *New York Times*, March 27, 2023, <https://www.nytimes.com/2023/03/27/business/economy/us-japan-battery-minerals-deal.html>.

37 European Commission, *Joint Statement by President Biden and President von der Leyen*, March 10, 2023, accessed 24 May 2023, https://ec.europa.eu/commission/presscorner/detail/en/statement_23_1613.

38 Stuart Lau, "Von der Leyen nudges Biden on subsidies at G7 summit," *Politico*, May 19, 2023, <https://www.politico.eu/article/von-der-leyen-nudges-biden-on-subsidies-at-g7-summit/>.

39 Lanzavecchia, Dig, Dig, Dig: US and Europe Target China's Grip on Critical Raw Minerals; Cecilia Malmström, "Will the scramble

Neither the CRM Act nor the IRA can address the transatlantic dependency on China alone, as neither power has enough CRMs between them. EU already has a framework for addressing shortfalls in domestic CRM capacity through the Global Gateway strategy, which, among other investment projects, seeks to invest in CRM extraction and refinement processes abroad to combat Chinese influence, with €300 billion earmarked for resource-rich sub-Saharan Africa alone.⁴⁰ The Global Gateway has already been used to cooperate with its US counterpart, called Build Back Better World.⁴¹ The G7 summit in June 2022 saw powerful democratic nations combine their strategies into the Partnership for Global Infrastructure, and this should be replicated with a CRM club.⁴² Similarly, a Resilience Council under the EU-US Trade and Technology Council (TTC) would be an easy win for both sides. This Resilience Council could focus on CRM supply chain monitoring as envisaged in the CRM Act. It would be non-contentious, but it could pave the way to a more fruitful relationship in the tense TTC setting.

Conclusion

In 2023, both Atlantic powers remain dependent on both upstream and downstream CRMs from China. Since March, both the EU and the US have recognised that to combat Chinese market dominance, cooperation is better than competition on CRMs. Recent developments, such as the TTC meeting in Luleå, Sweden, on May 30/31, have involved continued negotiations to resolve transatlantic disputes before a CRM club can be established. Another important factor is that as the CRM Act deals with some aspects of Member State competences, Member States need to sign off on the Act.⁴³ The Swedish Council Presidency has been actively negotiating with other Member States to ensure a smooth adoption of the Act, which would allow for EU-US cooperation to progress further.⁴⁴ While the EU and US differ on other policies, negotiations for a CRM club and EU inclusion in IRA CRM benefits are underway and could lead towards a brighter transatlantic future.

for rare earths produce a transatlantic trade accord?," *Peterson Institute for International Economics*, April 6, 2023, <https://www.piie.com/blogs/realtime-economics/will-scramble-rare-earths-produce-transatlantic-trade-accord>.

40 European Commission, *The Global Gateway*, JOIN(2021) 30 final, Brussels, December 1, 2021: 1-13.

41 Jonathan Lemire and Karl Mathiesen, "G7 unveils \$600B plan to combat China's Belt and Road," *Politico*, June 26, 2022, <https://www.politico.eu/article/g7-unveils-600b-plan-to-combat-chinas-belt-and-road/>.

42 *Ibid.*

43 Mark Scott, Barbara Moens, Sarah Anne Aarup and Doug Palmer, "Specter of China looms over EU-US summit," *Politico*, May 26, 2023, <https://www.politico.eu/article/china-eu-us-trade-technology-council-summit/>.

44 Agence Europe, "Critical raw materials act, Swedish Council Presidency proposes to raise processing and recycling targets in EU", *Agence Europe*, May 31, 2023, <https://agenceurope.eu/en/bulletin/article/13191/14>.



Introduction

ON March 7, 2023, the controversial decision of the Georgian government to start the first hearing on the so-called “*Foreign Agents*” Bill (hereinafter the Bill) sparked a wave of spontaneous anti-government protests in the capital Tbilisi.³ The Bill would have obliged NGOs receiving more than 20 per cent of their funding from abroad to register as “*foreign agents*”, to undergo more bureaucratic work, and to fall under rather blurry monitoring by the Minister of Justice. And while there are many countries in the world that have some sort of regulatory and transparency framework for NGOs receiving foreign funding, Georgians made a quick connection between this Bill and the NGO legislation adopted in Russia in 2012, which helped crack down on civil society. Hence, the Georgian Bill was also referred to as the “*Russian Law*”. And as protesters gathered in Rustaveli Avenue and in front of the Parliament, it became quickly clear that the protests were not simply against the Bill but also against the government accused of being Russophilic and of drifting towards Moscow. In

opposition to this, the protesters held EU flags and proudly declared their desire for a future within the European Union. Finally, the police dispersed the protesters away from the parliament by using water cannons, tear gas, and arresting at least 66 people.⁴

For Many It Is a Continuation of Something Already Witnessed

The images and videos of protesters waving EU flags and chanting anti-Russia slogans against the police and the government quickly spread around the world, and a number of politicians, journalists, and bloggers started drawing parallels between the 2023 protests in Georgia and the 2014 Euromaidan revolution in Ukraine.⁵ The idea behind this was that the Europe-loving people of Georgia desired overthrowing the Russophile government, which, by passing the so-called Russian Law, would have brought Georgia into the autocratic, illiberal Russian orbit and away from the democratic, liberal European path. In essence, some politicians, journalists, and bloggers saw it potentially

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2 Cesare Figari Barberis is a PhD student in International Relations/Political Science at the Graduate Institute of Geneva. His research analyses the role of emotions in politics, with a particular focus on the post-conflict sentiments in Azerbaijan and Georgia.

3 Tata Shoshiashvili, “Georgian Foreign Agent Law Passes First Committee Hearing,” *OC Media*, March 21, 2023, <https://oc-media.org/georgian-foreign-agent-law-begins-committee-hearings/>.

4 Mariam Nikuradze, “In Pictures: Tear Gas and Water Cannons: Georgia’s Foreign Agent Protests,” *OC Media*, March 8, 2023, https://oc-media.org/in_pictures/in-pictures-tear-gas-and-water-cannons-georgias-foreign-agent-protests/.

5 Guy Verhofstadt, “After Ukraine in 2014, Also Georgia Today Makes the Choice for a Common European & Democratic Future,” *Twitter*, March 7, 2023. <https://twitter.com/guyverhofstadt/status/1633202554287935489>; Sophie Tanno, “Caught between the West and Russia, Could Georgia Be the next Ukraine?,” *CNN*, March 9, 2023, <https://edition.cnn.com/2023/03/08/europe/georgia-explainer-intl/>; Owen Matthews, “Is Georgia Seeing a ‘Colour Revolution?’,” *The Spectator*, March 13, 2023, <https://www.spectator.co.uk/article/is-georgia-seeing-a-colour-revolution/>.

as a new Euromaidan or as a new colour revolution.⁶ Just two of the many examples of this parallel are presented: Member of the European Parliament and ex-leader of the Alliance of Liberals and Democrats for Europe, Guy Verhofstadt, and Italian journalist for *Linkiesta*, Marco Fattorini. The first tweeted “*After Ukraine in 2014, Also Georgia Today Makes the Choice for a Common European & Democratic Future*”, while the second “*Today in Tbilisi, as in Kyiv in 2014, thousands of people fight for a European future*”.⁷ Interestingly enough, even the Kremlin later drew parallels between Georgia and Ukraine in 2014, and more generally with Colour Revolutions.⁸

Nevertheless, after three days of protests, the government backed down and voted against the bill in an extraordinary parliamentary hearing, and released all 133 people detained during the protests. It was a complete victory for the protesters.⁹ Moreover, there were no significant anti-government protests in the following days. The protests made the government back down but did not overthrow it, because that was not the intention of the majority of protesters.¹⁰ Therefore, the framing of protests as a new Euromaidan or a colour revolution were far off from reality.

Hence, with this article, the authors discuss how to broadly conceptualise a colour revolution —like that of Ukraine 2014— and analyse what similarities and differences there are between this broad conceptualisation and the specific Georgian 2023 case. This could also help to identify with greater clarity future potential colour revolutions.

Which Are the Main Characteristics of a Colour Revolution?

To get a clearer picture of what a colour revolution is and to frame the main dynamics behind its articulation, it is necessary to take a step back in time. The Georgian colour revolutions began in 2003 on Rustaveli Avenue, the same location where the March 2023 protests occurred. Over the next two years, the movement spread to Maidan Square in Kiev and the Kyrgyz capital of Bishkek. In 2018, it reached the streets of Yerevan in Armenia. Following notable comebacks in Kyrgyzstan and Ukraine in 2010 and 2014 respectively, the colour revolutions can be understood as a “*series of large-scale mass protests against the leadership of countries in transition, specifically among authoritarian or hybrid post-socialist regimes during the*

6 Helsinki Times, “Georgian in Turmoil, Is Hungary Next?,” *Helsinki Times*, March 13, 2023, <https://www.helsinkitimes.fi/world-int/23135-georgian-in-turmoil-is-hungary-next.html>; Rod Dreher, “Georgia: Whose Country Is It Anyway?,” *The American Conservative*, March 8, 2023, <https://www.theamericanconservative.com/georgia-whose-country-is-it-anyway/>; Rupen Savoulian, “Georgia, Colour Revolutions and the Ever-Shifting Mirage of Euro-Atlantic Integration,” *Antipodean Atheist*, March 27, 2023, <https://rupensavoulian.com/2023/03/27/georgia-colour-revolutions-and-the-ever-shifting-mirage-of-euro-atlantic-integration/>; Andy Corbley, “Georgian Government Warns of Imminent Color Revolution to Pull Country into Ukraine War,” *World at Large*, March 7, 2023, [https://www.worldatlarge.news/world-conflict/2023/3/7/georgia-government-warns-of-imminent-color-revolution#:~:text=March%20th%2C%202023.,become%20a%20province%20of%20Russia%E2%80%9D](https://www.worldatlarge.news/world-conflict/2023/3/7/georgia-government-warns-of-imminent-color-revolution#:~:text=March%20th%2C%202023.,become%20a%20province%20of%20Russia%E2%80%9D;); Nicolas Camut and Zoya Sheftalovich, “Massive Pro-EU, Anti-Russia Protest Erupts in Georgia,” *Politico*, March 8, 2023, <https://www.politico.eu/article/georgia-protests-eu-russia-ukraine-war-tbilisi-riot-police-foreign-agents-law/>; Tanno, Caught between the West and Russia, Could Georgia Be the next Ukraine?.

7 Verhofstadt, *After Ukraine in 2014, Also Georgia Today Makes the Choice for a Common European & Democratic Future*; Marco Fattorini, “Oggi a Tbilisi, Come a Kyiv Nel 2014, Migliaia Di Persone Combattono per Un Futuro Europeo [Today in Tbilisi, Like in Kyiv In 2014, Thousands Of People Are Fighting For A European Future],” *Twitter*, March 8, 2023, <https://twitter.com/MarcoFattorini/status/1633608544191668225>.

8 Russia’s MFA in Crimea, “Protests against ‘Foreign Agents’ Bill, Erupted in Tbilisi, Result in Demands for the Resignation of the Government. We Recommend to the Georgian People to Recall a Similar Situation in Ukraine in 2014 and What It Finally Led to!,” *Twitter*, March 10, 2023, <https://twitter.com/PMSimferopol/status/1634111915596173312>; Civil Georgia, “Russia’s FM Lavrov Accuses West of Preparing ‘Color Revolution’ by Supporting CSOs in the Region,” *Civil Georgia*, March 21, 2023, <https://civil.ge/archives/532461>.

9 Giorgi Lomsadze, “Georgian Protesters Win a Battle, War May Still Be Ahead,” *Eurasianet*, March 10, 2023, <https://eurasianet.org/georgian-protesters-win-a-battle-war-may-still-be-ahead>.

10 OC Media, “Georgian Foreign Agent Law to Be Dropped after Second Night of Protests Rock Tbilisi,” *OC Media*, March 21, 2023, <https://oc-media.org/georgian-foreign-agent-law-to-be-dropped-after-second-night-of-protests-rock-tbilisi/>.

21st century".¹¹

The first aspect that is worth mentioning is that there is consensus among experts and practitioners in defining colour revolutions as events of a *predominantly non-violent nature*.¹² There are some exceptions, such as the 2010 Kyrgyz revolution and the 2014 Ukrainian Euromaidan, which were not entirely peaceful. Aside from this, experts and practitioners agree that there is a second, more important, element for classifying colour revolutions: *their main aim is to change the country's leadership*.¹³ Even during the 2018 Velvet Revolution in Armenia, despite the important role played by social concerns in the mobilisation of the Armenian people since the 2008 post-election protests, the demonstrators focused on a single demand: the resignation of President-turned-Prime-Minister Serzh Sargsyan.¹⁴

Nonetheless, despite the consensus in defining the main features of colour revolutions, there is some disagreement, especially in academia, about their *triggering causes*. A first approach explains colour revolutions in terms of *transition to democracy*. According to scholars like Mark Beissinger, Michael McFaul, and Joshua Tucker, these revolutions reflect the opposition's desire to eventually make progress towards democracy and to use the ostensibly democratic process of political elections to denounce

instances of electoral fraud.¹⁵ A second approach explains them in the context of *failed authoritarianism*, and it can be traced back to academics like Lucan Way and Vitali Silitski.¹⁶ Essentially, unless an authoritarian regime is able to put in place effective preventive measures, counter-elites will take advantage of an authoritarian system's vulnerabilities whenever it becomes weak or unstable, and protests will likely be led by these counter-elites. Henry Hale's third approach explains colour revolutions within the context of *patronage presidential regime cycles*.¹⁷ It asserts that the systems in which colour revolutions take place are dominated by a president who holds disproportionate formal power in comparison to other state institutions. Additionally, the president benefits from a significant amount of unofficial influence that is built on patron-client connections. However, if the clients start losing the advantages of these connections, some of them may seize the opportunity of overthrowing the incumbent patron, thereby either supporting a new one or even becoming the new patron.

Finally, another issue concerning colour revolutions on which there is still ongoing debate regards *Russia's role*. Moscow has traditionally *"viewed these events as US meddling in the region and in some cases, notably with regard to Georgia, as supporting governments that were*

11 Julia Gerlach, *Color Revolutions in Eurasia* (Springer International Publishing, 2014).

12 Henry E. Hale, "Regime Cycles: Democracy, Autocracy, and Revolution in Post-Soviet Eurasia," *World Politics* 58, no. 1 (2005): 133-65; Lincoln Abraham Mitchell, *The Color Revolutions* (Philadelphia: University of Pennsylvania Press, 2012); Valery Solovei, "Color Revolutions and Russia," in *Democracy in a Russian Mirror*, ed. Adam Przeworski (Cambridge: Cambridge University Press), 78-94.

13 *Ibid.*

14 Richard Giragosian, "Paradox of power: Russia, Armenia, and Europe after the Velvet Revolution," *European Council on Foreign Relations*, August 7, 2019, https://ecfr.eu/publication/russia_armenia_and_europe_after_the_velvet_revolution/.

15 Mark Beissinger, "An Interrelated Wave," *Journal of Democracy* 20, no. 1 (2009): 74-77; Michael McFaul, "Transitions from Post-communism," *Journal of Democracy* 16, no. 3 (2005): 5-19; Joshua A. Tucker, "Enough! Electoral Fraud," *Collective Action Problems, and Post-Communist Colored Revolutions*, *Perspectives on Politics* 5, no. 03 (2007): 535-551, 535.

16 Stefen Levitsky and Lucan A. Way, *Competitive Authoritarianism: Hybrid Regimes after the Cold War* (Cambridge: Cambridge University Press, 2013); Vitali Silitskii, "'Survival of the Fittest': Domestic and International Dimensions of the Authoritarian Reaction in the Former Soviet Union Following the Colored Revolutions," *Communist and Post-Communist Studies* 43, no. 4 (2010): 339-50.

17 Hale, Regime Cycles: Democracy, Autocracy, and Revolution in Post-Soviet Eurasia.

considerably more confrontational with Russia than their predecessors had been".¹⁸ The real or imaginary involvement of the West in the colour revolutions is the main reason why Russian officials adamantly deny the revolutionary character of these events and classify them as mere coups. The threat of colour revolutions has been a recurring theme in the Russian government's security discourse.¹⁹ For example, on March 18, 2005, Russian President Vladimir Putin, referring to Georgian President Shevardnadze's ousting through the Rose Revolution in 2003, stated: "*We are against solving political issues through unlawful ways. Let's speak of Georgia's case: the West had actively supported Shevardnadze there. So why was it necessary to ouster him through a revolution?*".²⁰ Recently, considering the events of January 2022, Putin attributed the violent unrest that occurred in Kazakhstan to "*destructive internal and external forces*" and declared how these events "*are not the first and will not be the last attempt to meddle in the domestic affairs of our states from outside*".²¹ The Kremlin's main concerns are that: 1) the post-revolutionary governments adopted a more pro-Western stance and were viewed as less susceptible to Moscow's influence; 2) The possibility of a colour revolution calling for democratic rights within Russia itself. In the West, Russia's position on colour revolutions is perceived as determination

to maintain authoritarian regimes in the post-Soviet states and unwillingness to allow outside players into the region of its priority interests.²² However, the 2018 Velvet Revolution in Armenia avoided becoming entangled in the deteriorating relationship between the United States and the Russian Federation, in contrast to the revolutions that occurred in Georgia and Ukraine.

Do the 2023 Events in Georgia Fit into This Framework?

Do the protests in Georgia in 2023 fare with the theoretical framework on colour revolutions we just illustrated? In terms of *predominantly non-violent nature*, the protests in Tbilisi were undoubtedly of low violence. Most protesters were simply not equipped with the tools to use violence, and this is particularly true for the first day of protests. This, however, does not mean that there was no violence at all. For example, on the second day, at least one Molotov bomb was launched against the police, protesters assaulted the back entrance of the Parliament and were able to tear down its external defensive fences, and clashed with the police, which resulted in injuries.²³ Police also reportedly mistreated some of the detained protesters while in custody.²⁴ But overall, the level of violence was relatively contained. In conclusion, Georgia 2023

18 Mitchell, The Color Revolutions.

19 Solovei, Color Revolutions and Russia.

20 Civil Georgia, "Putin Comments on Georgia's Rose Revolution," *Civil Georgia*, March 19, 2005, <https://civil.ge/archives/185359>; Besides serving as the final Soviet Minister of Foreign Affairs from 1985 to 1990, Eduard Shevardnadze led Georgia for a number of non-consecutive terms until his resignation in 2003, following widespread protests over the disputed parliamentary elections.

21 Jamie Dettmer, "Putin: No More Color Revolutions," *VOA News*, January 10, 2022, <https://www.voanews.com/a/putin-no-more-color-revolutions/6390636.html>; It was a series of large-scale demonstrations that started on January 2, 2022, in Kazakhstan in response to a sudden, steep increase in the price of liquefied gas following the relaxation of a government-enforced price cap on January 1. The peaceful demonstrations started in the oil-producing city of Zhanaozen and expanded to other towns across the nation, especially Almaty, where they quickly descended into violent riots. The state of emergency was shortly extended to the whole country. In response to the request of Kazakhstani President Tokayev, the CSTO agreed to deploy troops in Kazakhstan

22 Yulia Nikitina, "The 'Color Revolutions' and 'Arab Spring' in Russian Official Discourse," *Connections* 14, no. 1 (2014): 87–104.

23 Ombudsman.ge, "Sakartvelos Sakhalkho Damtsveli Rustavelis Gamzirze 2023 Ts'lis 7-9 Mart's Ganvitarebul Movlenebs Ekhmianeba," *ombudsman.ge*, March 13, 2023, <https://ombudsman.ge/geo/akhali-ambebi/sakartvelos-sakhalkho-damtsveli-rustavelis-gamzirze-2023-tslis-7-9-marts-ganvitarebul-movlenebs-ekhmianeba>.

24 France 24, "Georgia Protesters Decry Brutal Treatment by Police," *France 24*, March 13, 2023, <https://www.france24.com/en/live-news/20230313-georgia-protesters-decry-brutal-treatment-by-police>.

certainly satisfies the first feature to be classified as a colour revolution.

However, the factors at play differ in terms of the primary objective being *to change the country's leadership*. While, of course, many protesters wanted the government to resign, the aim of the protests *per se* was to have the foreign agent bill eliminated. While Members of Parliament were insulted and accused of being Russophiles, the main protest speakers did not insist on calling for anticipated elections, which are set to take place in October 2024. This is probably also linked to the fact that, contrary to the Velvet Revolution of 2018 in Armenia, the protests in Tbilisi were not led by the opposition or by a charismatic political leader. Indeed, the main opposition party, the United National Movement (UNM), was not able to appropriate the leadership of these protests, which were instead organic and politically transversal. But the clearest indication that the aim of the protests was not to change the country's leadership lies in the fact that, as soon as the government voted against the Bill in an extraordinary parliamentary session, the protests stopped. The victorious protesters obtained what they wanted, namely the elimination of the Bill and a declaration that all people arrested during the protests would be set free. In conclusion, Georgia 2023 does not satisfy the second criterion necessary to be classified as a colour revolution.

The failure to meet criterion two disqualifies Georgia 2023 from being classified as a colour revolution. But if we were also to look at the *triggering causes*, the protests in Tbilisi have a hard time standing up to scrutiny. First, Georgia, being already a hybrid democracy, is not really *transitioning to a democracy*.²⁵ Moreover, as mentioned

before, there was a lack of a political opposition pointing to deficiencies in the political system and proposing itself as a democratic alternative. Essentially, even the UNM has very little credibility when it comes to democratic values. Second, the *failed authoritarianism* explanation is to be discarded *a priori* since Georgia in no way can be classified as an authoritarian system. Third, Georgia has a parliamentary system with the politically unaffiliated president Zourabishvili often playing as a counter-weight to Georgian Dream prime minister Garibashvili. So, there is no powerful president who can create a *patronage presidential regime*. One could reasonably argue that the billionaire patron of Georgian Dream, Ivanishvili, who officially has no political position, can be considered the person behind a non-presidential patronage regime. However, the unclear role of Ivanishvili within the party and his lack of official institutional power simply make this third triggering cause of a colour revolution unlikely. In conclusion, Georgia 2023 did not have the institutional and political characteristics that sometimes trigger colour revolutions.

Finally, when it comes to *Russia's role*, the issue becomes more complicated. Indeed, the protesters did frame the foreign agents bill as "*Russian Law*", accused the government of being pro-Russia, and accused the Georgian Dream patron Ivanishvili of being politically close to Putin (image below). On the other hand, protesters framed themselves as pro-European, pro-Ukrainian, liberal-democratic, and desiring a future within the European Union. Hence, at least at a discursive level, the protests did coat themselves with a Europe/West vs. Russia narrative. And even Russia itself eventually partially bought into this narrative, since Russian Foreign Minister Lavrov accused

²⁵ Freedom House, "Georgia: Freedom in the World 2023 Country Report," *Freedom House*, [Accessed April 6, 2023]. <https://freedomhouse.org/country/georgia/freedom-world/2023>.

the West of fomenting a coup attempt in Georgia.²⁶ But how much of this Europe/West vs. Russia narrative is true?

First of all, in March 2022, the Georgian Government applied for EU membership.²⁷ It was the EU in June 2022 that refused to give Georgia EU Candidate Status, which it instead gave to Moldova and Ukraine, citing issues such as political polarisation, the need to continue implementing “*de-oligarchisation*”, to strengthen the accountability of institutions, and to implement a judicial reform strategy.²⁸ Whether or not one considers these motivations for refusal legitimate, it is somewhat odd to consider “anti-EU” a government which applied for EU membership. Moreover, even the relations between Georgian Dream and Moscow are a bit blurry. For example, an investigation by Transparency International Georgia shows that in the period 2012-2019, Ivanishvili had three offshore companies which directly owned at least ten Russian companies, and, as of April 2022, he still possessed at least one Russian firm through an offshore company.²⁹ Hence, it can legitimately be argued that Ivanishvili has at least some economic interests in Russia. Nonetheless, based on this same investigation, the magnitude of these economic ties does not seem to be huge. And Ivanishvili has no official position within Georgian Dream.

More than anti-EU and pro-Russia, the Georgian government can be considered “*cautious*” when it comes to dealing with Russia.³⁰ Likely having in mind the lack of Western support when it had a short war with Russia in 2008, Georgian Dream

was indeed careful in 2022 not to irritate Moscow and refused to apply sanctions against Russia for its invasion of Ukraine. So Russia and Europe/the West are surely greatly involved at a narrative level, but substantially, their role is exaggerated. The Kremlin is not manipulating a pro-Russian government, and the West is not fomenting a coup attempt. It is mostly a Georgian affair.

Conclusion

In conclusion, the Georgia 2023 protests differed substantially from the Euromaidan 2014 protests, and overall the former cannot be classified as a colour revolution. In particular, at least two criteria are not respected. Firstly, their intent was not to overthrow the government but to have the government back down from a very controversial bill on “foreign agents”. Secondly, while the protesters did frame protests as being a battle between a liberal-democratic European path and an illiberal-autocratic Russophilic path, Russia’s actual involvement was at most blurry. To take Ukraine 2014 as a direct comparison, protesters in Kyiv eventually did aim for a change of government, and Russia’s political involvement in the country was stronger and more evident. Therefore, there are substantial differences between Georgia 2023 and the broader theoretical understanding of a colour revolution on the one hand and also with the particular case of Euromaidan 2014 on the other.

26 The Moscow Times, “Russia Says Mass Protests in Georgia Are Western Coup Attempt,” *The Moscow Times*, April 6, 2023, <https://www.themoscowtimes.com/2023/03/10/russia-says-mass-protests-in-georgia-are-western-coup-attempt-a80449>.

27 European Council, *Georgia*, February 9, 2023. <https://www.consilium.europa.eu/en/policies/enlargement/georgia/>.

28 European Commission, *European Neighbourhood Policy and Enlargement Negotiations (DG NEAR): Georgia*, June 17, 2022, https://neighbourhood-enlargement.ec.europa.eu/european-neighbourhood-policy/countries-region/georgia_en.

29 Transparency International Georgia, “Russian Businesses of Bidzina Ivanishvili and His Relatives,” *Transparency International Georgia*, April 27, 2022, <https://transparency.ge/en/post/russian-businesses-bidzina-ivanishvili-and-his-relatives>.

30 Cesare Figari Barberis and Leonardo Zanatta, “Beyond Passionate Protests: The Pragmatic Reasons for Georgia’s Noninterventionist Line,” *European Studies Review* 11, (2022): 54–58.



Authors' photo: Putin and Ivanishvili share a moment together. "No to the Russian Regime!"



Introduction

ARE EU citizens solely loyal to their home country or can they be rallied around a common European identity? This question lies at the crux of debates about the European Union's (EU) *raison d'être* and future possible political integration, as well as the driving forces behind these processes. It establishes an artificial dichotomy between "loyalty" to one's nation and adherence to a wider European political community and identity. The question is thus the following: are national and EU identities truly mutually exclusive? It is broadly agreed across the relevant literature that assessing their degree of compatibility essentially hinges on the definitions of those contested terms. In fact, when considering national loyalty as patriotism –or "*positive feelings and a sense of pride in one's country*"– instead of nationalism –or "*feelings of national superiority and dominance*"– and understanding European identity as a shared bedrock of liberal values and a commitment to representative constitutional democracy, the two are compatible and, indeed, complementary.²

Although the contradiction between national and supranational identity seems merely apparent, it is often weaponised as a rhetorical tool by the opposing sides

in the fierce debate about the authority, legitimacy, and role of the EU on the continent. The "incompatibility" discourse is politically motivated and generally pushed by national anti-EU actors either as part of their electoral strategy when still part of the opposition, or to tip the scales in their favour when bargaining at the EU level once in power. Moreover, while a shared EU identity built on liberal democratic values exists, adherence to and unity by virtue of it is limited by the unequal experiences of the advantages of EU citizenship across Member States and socio-economic classes.

National and European Identity, Friend Not Foe

From a constructivist point of view, the nation is conceived "*as a deep, horizontal comradeship*", a political community consisting in the acceptance of similarity and feeling of solidarity and belonging between a socially constructed "we" (citizens) on the basis of sociodemographic markers and a shared culture and history.³ As a result, loyalty to one's nation-state can be interpreted as a sense of "*belonging to [a] certain human group*", which establishes nationality as a key part of individual political identity.⁴ On

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2 Marcel Coenders, Marcel Lubbers and Peer Scheepers, "Nationalism in Europe: Trends and Cross-National Differences in Public Opinion," *European Review* 29, no. 4 (2021): 484-496, 485.

3 Benedict Anderson, *Imagined communities: reflections on the origin and spread of nationalism* (London: Verso, 1983), 5.

4 Viktoria Kaina and Ireneusz P. Karolewski, "EU governance and European identity," *Living Reviews in European Governance* 8, no.

the other hand, different conceptions of European identity exist, ranging from the "civic", based on cultural adherence to a series of 'European' "philosophical ideas, normative principles or legal documents" which consist "in the received cultural 'idea' of Europe", to the "ethnic", an exclusionary Euro-nationalist understanding of "Europeans [as] forming a distinct civilisation with its own history, culture, tradition and religion".⁵ Overall, according to polling data, the "civic" values-based conception of European identity seems to prevail upon the far-right exclusionary discourse of "national ethnic uniqueness and ... Christian and historical heritage".⁶ Indeed, when asked about the constitutive factors of collective European identity, EU citizens focus on adherence to the "European Union's laws [and the] exercise [of] citizens' rights".⁷ They further view upholding "peace, tolerance, democracy and cultural diversity and [general] Enlightenment values" as the marker of their belonging to the European political community.⁸ Ultimately, European identity is generally conceived as "conscious (emotional) identification" with European values.⁹

Proceeding to the analysis of the relationship between national and European identity, polling data clearly points to individuals' stronger identification with their nation-state, but in a manner that still leaves "room for competing focuses of identity", including their sense of belonging to the European community.¹⁰ Indeed, according to the Eurobarometer, "56% of respondents ... identify ... with being European", while only 14% claim a national identity only.¹¹ Therefore, while "national identifications possess distinct advantages over the idea of a unified European identity" due to their longer standing history, popularity, and accessibility, a "majority of Europeans identify with Europe as well as with their nation state", proving their complementarity and integrating Europeanness "into the pre-existing multiple identification structure of other territorial levels".¹² The intricate relationship between national and EU identity goes beyond the binary Linz-Moreno question and depends on a multitude of factors, including "how strongly people are exposed to ... narratives of their nation and of Europe" and the citizens' level of "partisanship [and adherence] to the values tied to these [different] identities".¹³

1 (2013): 5-59, 18.

5 Ibid, 18; Neil Fligstein, Alina Polyakova and Wayne Sandholtz, "European Integration, Nationalism and European Identity," *Journal of Common Market Studies* 50, (2012): 106-122, 112; Martin Kohli, "The Battlegrounds of European Identity," *European Societies* 2, no. 2 (2000): 113-137, 114.; Jürgen Maier and Berthold Rittberger, "Shifting Europe's Boundaries: Mass Media, Public Opinion and the Enlargement of the EU," *European Union Politics* 9, no. 2 (2008): 243-67, 250.

6 Fligstein et al., European Integration, Nationalism and European Identity, 114.

7 Bettina Westle and Paolo Segatti, *European Identity in the Context of National Identity: Questions of Identity in Sixteen European Countries in the Wake of the Financial Crisis* (Oxford: Oxford University Press, 2016), 28.

8 Fligstein et al., European Integration, Nationalism and European Identity, 112.

9 Adrian Favell, "Europe's identity problem," *West European Politics* 28, no.5 (2005): 1109-1116, 1113.

10 Anthony D. Smith, "National Identity and the Idea of European Unity," *International Affairs (Royal Institute of International Affairs 1944-)* 68, no.1 (1992): 55-76, 56.

11 Kantar Brussels, "Values and Identities of EU citizens," (European Commission, Joint Research Centre, Special Eurobarometer 508, 2020).

12 Smith, National Identity and the Idea of European Unity, 62; Thomas Risse, *A Community of Europeans? Transnational Identities and Public Spheres* (Cornell University Press, 2011), 61; Westle and Segatti, European Identity in the Context of National Identity: Questions of Identity in Sixteen European Countries in the Wake of the Financial Crisis, 92.

13 The Linz-Moreno question is a measure for capturing relative national identity within substate territories. It asks respondents to indicate the extent to which they identify with both the state and substate territory simultaneously. Sophie Duchesne, "Waiting for a European Identity ... Reflections on the Process of Identification with Europe," *Perspectives on European Politics and Society* 9, no.4 (2008): 397-410, 407; Russell J. Dalton, "National/European identities and political alignments," *European Union Politics* 22, no. 2 (2021): 340-350, 348.

As a result, it is clear that national and European identities interact, inform, and shape each other in the image of McLean's overlapping and interlaced "*marble cake*".¹⁴ Furthermore, according to Calhoun's and Brewer's theory of nested identities,¹⁵ national and European identity each fulfil a different function at different scales and are thereby relevant "*in context-dependent ways*".¹⁶ In some Member States, it is even observed that "*strong emotional attachment to the nation is positively related to identification with Europe*", as is exemplified in Medrano's case study of Spain.¹⁷

Eurosceptic Rhetoric and the Political Weaponisation of European Identity

The pitting of national and European identity against each other is a prime example of the political rhetoric pushed by Eurosceptic parties in an effort to gain bargaining power at the EU level when in office or discredit the EU –and the pro-EU government they usually oppose– in national elections. Some far-right European political actors resort to electoral strategies that "*play on the ambiguities between national and European identity*" to appeal to a portion of the electorate that is barred from enjoying the advantages of European integration due to socio-economic constraints and so fears the

impact of a cosmopolitan liberal European model on their state's sovereignty.¹⁸ Consequently, national anti-EU actors are incentivised to frame European and national identities as competing. On the campaign trail, they play up the "*perceived ethnic threat and localism [most] strongly associated with [nationalist]*" affiliations, framing key domestic issues as the result of negative EU interference or the established government's perceived pro-EU bias and deference, and positioning themselves as their country's only hope of preserving national autonomy.¹⁹ For instance, during Hungary's 2018 parliamentary elections, Prime Minister Viktor Orbán ramped up his anti-immigration and anti-EU rhetoric ahead of the vote, promoting a "*homogeneous united Hungarian Christian society*" and heavily criticising the EU for seeking "*to dilute the population of Europe and to replace it, to cast aside [Hungarian] culture, [and the Hungarian] way of life*".²⁰ His party, the FIDESZ-MPP, allied to the KDNP, went on to win 48.53% of the votes.

Once in power, Eurosceptic far-right parties also tend to weaponise the fabricated dichotomy between national and European identity in order to leverage their democratic mandate and the population's anti-Europeanism in EU-level negotiations. For example, prior to the Brexit referendum and subsequently over

14 Westle and Segatti, *European Identity in the Context of National Identity: Questions of Identity in Sixteen European Countries in the Wake of the Financial Crisis*, 163.

15 The theory of nested identities posits that an individual has multiple interconnected and interdependent political identities.

16 Risse, *A Community of Europeans? Transnational Identities and Public Spheres*, 36.

17 Westle and Segatti, *European Identity in the Context of National Identity: Questions of Identity in Sixteen European Countries in the Wake of the Financial Crisis*, 165; Juan Díez Medrano and Paula Gutiérrez, "Nested identities: national and European identity in Spain," *Ethnic and Racial Studies* 24, no. 5 (2001): 753-778.

18 Fligstein et al., *European Integration, Nationalism and European Identity*, 114.

19 Coenders et al., *Nationalism in Europe: Trends and Cross-National Differences in Public Opinion*, 494.

20 Henry Ridgwell, "Hungary's PM Fires Up Anti-Migrant Rhetoric Ahead of Election," *Voices of America*, April 8, 2018, <https://www.voanews.com/a/hungary-orban-prime-minister-election/4337438.html>.

the course of the negotiations between the UK and EU, UK Prime Ministers Cameron and May “sought to leverage Eurosceptic sentiment ... to make it more credible the United Kingdom would walk away if its demands were rejected” in the view that the EU would rather compromise than risk a breakdown in negotiations.²¹ While the results were not what either politician intended, it is clear that their bargaining strategy relied heavily on framing national British identity and Europeaness as incompatible and instrumentalising the resulting popular Euroscepticism to support their political agenda at the EU level.

European Identity, Not So Common After All

Despite dismissing the Eurosceptics’ verdict on national and European identity, it must be conceded that the “common EU identity” that pro-EU scholars have described is not as homogeneous as grand discourses claim and falls short of promoting true unity and solidarity among EU citizens, particularly across socioeconomic classes. Indeed, the EU citizens’ radically different self-perception and self-identification with regards to their Europeaness is essentially due to their different experiences of the EU, which boil down to socio-economic inequalities within and across Member States. Polling data reveals that 59% of the EU citizens who “enjoyed an education until or beyond

the age of 20” state that they tend to identify as being European, against 52% for “those who left at 15 or younger”, while 60% of those who “never or almost never have trouble paying bills” feel European against 43% for those who do.²² Self-identification with a European identity is mostly predominant in the “highest socio-economic groups in society”.²³ In fact, there seems to be a direct correlation between certain socio-demographic markers such as “socio-economic status, and [...] educational attainment” and adherence to either national or European identity, reinforcing the “strong cleavage between lower and higher educated” in political and ideological affiliation.²⁴

On one hand, the EU citizens who have benefited from European economic integration –business owners, white-collar workers, the educated, and the young– tend to feel strongly European because they benefit from the advantages of EU citizenship, such as the ability to “shop across borders, buy property abroad, look for work in a foreign city, take holidays in new countries, [and] join cross-national associations” resulting from EU integration and policies like the freedom of movement accords.²⁵ Some, like Favell, argue that the enjoyment of those benefits that characterise the European experience are a stronger basis than adherence to a vague set of “cosmopolitan and other liberal values” or political preferences for defining the European identity.²⁶ Conversely, the

21 Benjamin Martill, “Prisoners of their own device: Brexit as a failed negotiating strategy,” *The British Journal of Politics and International Relations* 24, no. 4 (2021): 582-597, 582.

22 Kantar Brussels, Values and Identities of EU citizens.

23 Fligstein et al., European Integration, Nationalism and European Identity, 109.

24 Westle and Segatti, European Identity in the Context of National Identity: Questions of Identity in Sixteen European Countries in the Wake of the Financial Crisis, 208; Coenders et al., Nationalism in Europe: Trends and Cross-National Differences in Public Opinion, 494.

25 Neil Fligstein, *Euroclash: The EU, European Identity, and the Future of Europe* (Oxford: Oxford University Press, 2008); Favell, Europe’s identity problem, 1115.

26 Risse, A Community of Europeans? Transnational Identities and Public Spheres, 61.

older, poorer, less educated, and blue-collar citizens that have benefited less from European integration tend to view the EU as intrusive on national sovereignty or fear its pro-business and multicultural orientation, which they expect to overwhelm the national welfare states on which they depend.²⁷ Overall, these trends show that the exclusive, elitist character of European identity is not uniting, but they limit the potential for identification and solidarity among a two-tier EU citizenry.

Conclusions

Ultimately, the claim that national and EU identities are incompatible disregards the complementarity of EU citizens' national identity and sense of Europeanness evidenced by survey data and academic literature. Once envisaged as civic engagement with a specific set of values and culture, neither national nor European identity pose a threat to each other. Instead, they each constitute a fragment of every EU citizen's complex political identity, which encapsulates different scales, structures, and socio-demographic markers. European identity is nevertheless vulnerable to the kind of political instrumentalisation that

the Eurosceptic political class has been promoting in order to challenge the EU's growing power and authority across key policy areas. Their political agenda varies depending on their degree of electoral success in national races between advantageously framing domestic political issues, as well as discrediting the often-pro-EU incumbent government in the eyes of the electorate and gaining greater EU-level bargaining power. However, there is some truth in the basis of their claims in that, while a shared commitment to liberal democratic values does seem to contribute to the EU citizens' sense of belonging to a supranational political community, their differing experiences of the advantages of EU citizenship prevent further identification with their fellow Europeans across Member States and socio-economic classes.

²⁷ Neil Fligstein, *Euroclash: The EU, European Identity, and the Future of Europe*.



Introduction

ALTHOUGH Catalan self-determination has always permeated Catalonia's political ethos, secession, either unilateral or through a referendum, is illegal and the electoral feasibility of secession has only been viable within the last decade.² Paradoxically, this shift has occurred within the context of a Catalonia that, up until that point, had grown increasingly socio-politically homogeneous with the rest of Spain. Even after the abolition of the Franco regime's Catalan subordination, the subsequent linguistic reintegration of Catalan into the region failed to catalyse a nationalist resurgence.³ Given a context whereby Catalan urbanisation had largely withered Catalan geo-linguistic boundaries,⁴ why has Catalan self-determination exacerbated in viability since 2012? Further, how has this viability influenced the broader politics of Spain? Ultimately, the data indicate that the popularity of secession surged due to mounting grievances towards Spain's federal fiscal structures, combined with concerns about the encroachment of Spanish federalism through newly imposed statutory reforms. Furthermore,

the growing sentiment of Catalanian secessionism has compelled the federal government to address separatist demands, particularly due to the economic consequences associated with political instability.

Historical Context

The viability of Catalanian secession has steadily decreased over the last century.⁵ The espoused sentiment of Catalan separatists throughout the mid-century was that the Franco Regime's subordination of Catalan socio-linguistic values as punishment for the region's role in the civil war had been successful in its cultural erasure.⁶ Consequently, separatists anticipated that the autonomy granted to Catalonia after the Franco era would strengthen Catalanian claims of sovereignty as a distinct and definitive region. However, despite this, secessionist sentiments remained relatively limited across the region. The post-Francoist reforms aimed at promoting Catalan linguistic immersion through the integration of the Indigenous language in media and education did not succeed in fostering stronger separatist sentiment among the population.⁷ Services offered

- 1 Elliot Goodell Ugalde, a graduate student at McMaster University, obtained his BA in Political Science from the University of Victoria in 2023.
- 2 Guillem Rico and Robert Liñeira, "Bringing secessionism into the mainstream: The 2012 regional election in Catalonia," *South European Society and Politics* 19, no. 2 (2014): 257-280.
- 3 Enric Ucelay-Da Cal, "Catalan nationalism, 1886-2012: a historical overview," *Pole Sud* 1 (2014): 13-28.
- 4 Erika Jaráiz, Ángel Cazorla and José Manuel Rivera, "The New Components of Catalan Nationalism," *Open Journal of Political Science* 9, no. 1 (2018): 163-188.
- 5 Cal, Catalan nationalism, 1886-2012: an historical overview.
- 6 Natalie J. Cestone, "Catalonia: Independence in History, Rhetoric, and Symbolism," *Independent Study Project (ISP) Collection* 3339, Spring 2020, https://digitalcollections.sit.edu/isp_collection/3339.
- 7 Kathryn A. Woolard, "Language, Identity, and Politics in Catalonia," *Brown Journal of World Affairs* 25, no. 1 (2018): 1-20.

in the Catalan language faced challenges in competing with their Castilian counterparts. These services incurred significant deficits and necessitated linguistic subsidies to maintain their competitiveness.⁸ One significant example of these services is radio offered in the minority language, specifically the Catalan Broadcasting Corporation (Corporació Catalana de Ràdio i Televisió, CCRTV), which operates as a public corporation and explicitly promotes the minority language as one of its guiding program principles (as stated in Article 14.3 of the 1983 law).⁹ As such, the failures of Catalan linguistic immersion reflect the broader failures of secessionist sentiment given Benedict Anderson's centralisation of language as the primary factor in determining a region's self-interpretation as "an imagined community".¹⁰

The persistent and growing marginalisation of the Catalonian separatist sentiment is commonly attributed to the process of urbanisation, although there is a clear connection between urbanisation, language, and support for secession. One of the main factors contributing to this trend is the high level of urbanisation in Barcelona, which is predominantly dominated by Castilian speakers. Still, Catalonian culture remained ontologically tied to rural traditions which were subsequently eroded via urbanisation.¹¹ Simultaneously, the urban scramble, responsible for the importation of the Castilian culture by-way-of migration patterns, also led to the emigration of Catalonians into surrounding Spain, further withering geo-linguistic rigidity. Urbanisation also revealed the demand for

inexpensive labour, which, in conjunction with Spain's integration into the European Union (EU), accelerated the adoption of distinct cultural traditions from Northern Africa and Eastern Europe.¹² Lastly, a post-Franco hegemonic naturalisation of electoral politics disfigured the separatist movement's orthodox rhetoric rooted in an idolatry of paramilitary revolution.¹³

In spite of these factors, the marginalisation of secessionist sentiment had witnessed a noticeable shift in the past decade. Surveys conducted by three prominent Spanish think-tanks (ICPS, CIS, and CEO) revealed that the popularity of Catalan secession had doubled by 2012 compared to the late 2000s.¹⁴ These surveys involved asking participants about their preferred constitutional governance for the region, including secession as one of the options.

Ultimately, the current secessionist phenomena, which deviate from Catalonia's historical trend towards national homogeneity, can be mainly attributed to two interconnected variables emerging in Spanish politics. Firstly, the rise in secessionist sentiment can be understood as a reaction to a series of statutory reforms that have placed limitations on Catalan self-governance. This conclusion is corroborated temporally as per the survey's results. These reforms, originally proposed in 2005 and ratified by the Spanish constitutional court after five years of litigation, imposed limitations on Catalonian claims to self-governance. Specifically, they revoked Catalonian jurisdiction over linguistic rights, judicial autonomy, immigration policies, taxation, and the ability to independently hold

8 Cal, Catalan nationalism, 1886-2012: a historical overview.

9 Maria Corominas Piulats, "Media policy and language policy in Catalonia," in *Minority Language Media: Concepts, Critiques and Case Studies*, eds. Mike Cormack and Niamh Hourigan (Bristol: Blue Ridge Summit: Multilingual Matters, 2007) 168-187, 173.

10 Benedict Anderson, *Imagined communities: Reflections on the origin and spread of nationalism* (Verso books, 2006).

11 Xavier Romero-Vidal, "Two temperatures for one thermostat: The evolution of policy attitudes and support for independence in Catalonia (1991-2018)," *Nations and Nationalism* 26, no. 4 (2020): 960-978.

12 Jaráz et al., *The New Components of Catalan Nationalism*.

13 Cestone, *Catalonia: Independence in History, Rhetoric, and Symbolism*.

14 Guillem and Liñeira, *Bringing secessionism into the mainstream: The 2012 regional election in Catalonia*.

secessionist referenda in the future.¹⁵ Initially, the Catalan government and voters, in a referendum, approved of a new autonomy statute for the region. The right-wing Partido Popular de Cataluña (PP), opposition in the Cortes, challenged it to the constitutional court, and the Court ruled it invalid. Thus, the Cortes decided to remove autonomy following a decision taken on a statute that had prior been passed and agreed upon. Still, the conclusion was the effective snuffing of Catalanian self-determination.

Secondly, while urbanisation has accelerated the blending of Catalanian socio-political identity into the broader Spanish context, it has also brought to light the region's economic potential. Consequently, Catalanian grievances have arisen concerning the disproportionate economic contributions made by the region to the Spanish nation-state. These grievances have been further exacerbated as a consequence of the 2008 recession's impact on Europe. Although the recession damaged the popularity of incumbents throughout the country,¹⁶ Catalonia grew increasingly dissatisfied as a consequence of a regionally disproportionate economic blow. This disproportionality came partially as a product of the aforementioned statutory reforms that had limited Catalanian fiscal autonomy.¹⁷ These growing economic grievances, coupled with the 2010 statutory reforms, allowed separatist leaders to commandeer an existing populist movement concluding with the contemporary inflation of Catalanian nationalism.¹⁸

Statutory Reforms

The processes of urbanisation, industrialisation, and linguistic repression during the Franco era had largely contributed to the sociological homogenisation of Catalonia with the rest of Spain, resulting in internal political divisions within the region. However, both theoretical and empirical analyses of secessionist movements suggest that internal political divisiveness remains a relatively minor factor in determining the viability of such movements.¹⁹ Further, realist international relations scholars posit that nations behave universally and predictably to maximise their sovereignty regardless of internal political polarisation within that nation.²⁰ In regards to Catalonia, the imposition of federal statutory reforms can be interpreted as a direct threat to such sovereignty, concluding with a predictable increase in Catalanian nationalism.

According to Jaime Lluç, a federally mandated statutory reform is likely to result in a political reorganisation and revitalisation of separatist sentiment. This is due to the perception among minority regions that such sweeping reforms imposed by the federal government reaffirm federal sovereignty.²¹ The statutory reforms implemented in Catalonia further amplify the phenomena proposed by Lluç, as they directly challenge Catalanian aspirations for self-governance. Additionally, Lluç argues that cultural solidarity, which underlies the revitalisation of separatist sentiment, does not necessarily rely on political unity. Instead, it emerges as a response to an external threat. In the context of

15 Kevin Mermel, "The End of the State of Autonomies? An Analysis of the Controversy Surrounding the 2010 Spanish Constitutional Court Ruling on Catalonia's 2006 Statute of Autonomy," *University of Colorado, Boulder* (2016).

16 Guillem and Liñeira, Bringing secessionism into the mainstream: The 2012 regional election in Catalonia.

17 Kathryn Cramer, *Goodbye, Spain? The question of independence for Catalonia* (Sussex Academic Press, 2014) 68-69.

18 Romero-Vidal, Two temperatures for one thermostat: The evolution of policy attitudes and support for independence in Catalonia (1991-2018).

19 Jason Sorens, "The cross-sectional determinants of secessionism in advanced democracies," *Comparative political studies* 38, no. 3 (2005): 304-326.

20 Hans Morgenthau, *Politics Among Nations: The Struggle for Power and Peace* (McGraw-Hill Education, 1978), 4-15.

21 Jaime Lluç, "How nationalism evolves: explaining the establishment of new varieties of nationalism within the national movements of Quebec and Catalonia (1976-2005)," *Nationalities papers* 38, no. 3 (2010): 337-359.

Catalonia, this threat is perceived as encroachment upon Spanish federalism. Llach's sentiment is corroborated by Jason Sorens in stressing the negligibility of political difference measured in terms of ideological difference as a determinant of a secessionist movement's popularity.²² This rationale embraces a firm standpoint rooted in the realist perspective of international relations, asserting that Catalonian secession follows a universal and predictable pattern irrespective of internal political intricacies within a nation.²³ In this context, the growing encroachment of Spanish federalism evident in the statutory reforms had triggered a predictable backlash from the Catalonian nation regardless of the industrialisation's impact on political polarisation within the region.

Empirical evidence supports the theoretical framework proposed by Sorens and Llach, as it demonstrates a consistent and unified response from politically divided Catalonians towards the encroachment of Spanish federalism. Although post-Franco linguistic immersion had largely failed and Catalan remained linguistically subordinate to Castilian,²⁴ the statutory reforms—specifically of article 6.1 of the statute of autonomy of Catalonia of 2006, which targeted Catalan's language—were interpreted as extensions of Franco's linguistic repression.²⁵ The magnitude of these reforms on Catalonian perceptions of sovereignty was so profound that it prompted over one million Catalans to take to the streets in protest on the very next day after the reforms were ratified.²⁶ Although at the point of protest there had existed great contestation among Catalonians as to whether Catalan should

be spoken colloquially,²⁷ the statutory reforms were understood as an attack on Catalonia's ability to be linguistically self-determinant in regards to that contestation. Consequently, the political distinctions regarding the linguistic significance of Catalan within Catalonia became less significant, leading to the flourishing of separatist sentiment in response to the encroaching threat of federalism that posed a challenge to their linguistic self-determination.

In the end, while the increasing urbanisation and industrialisation had significantly diminished Catalonian socio-linguistic traditions, resulting in political divisions within the region, the 2010 statutory reforms acted as a catalyst for a united Catalonian nationalism in response to threats against their sovereignty. Ultimately, internal political divisiveness proved marginal in limiting the inflation of Catalonian nationalism as soon as a threat to national sovereignty was identified, evident in the proliferation of secessionist parties.

Economic Factors

Although Franco's policy of linguistic erasure had permanently stunted the resurgence of the Catalonian language,²⁸ Sorens posits that Benedict Anderson had overestimated the role of language as a determinant of a secessionist movement's viability. Sorens challenges Anderson's linguistic determinism in arguing that "secessionism must draw on more than cultural differences like language".²⁹ He concludes that a fiscal imbalance between a contested region and the surrounding state reflects an empirically meaningful

22 Jason Sorens, *Secessionism: Identity, interest, and strategy* (McGill-Queen's Press-MQUP, 2012).

23 Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 4-15.

24 Woolard, *Language, Identity, and Politics in Catalonia*.

25 Cramer, *Goodbye, Spain? The question of independence for Catalonia*, 68-69.

26 Romero-Vidal, *Two temperatures for one thermostat: The evolution of policy attitudes and support for independence in Catalonia (1991-2018)*.

27 Woolard, *Language, Identity, and Politics in Catalonia*.

28 Woolard, *Language, Identity, and Politics in Catalonia*.

29 Sorens, *Secessionism: Identity, interest, and strategy*, 19.

variable in determining a secessionist movement's viability.³⁰ In regards to Catalonia, industrialisation—which had prior been explained as a factor of eroding Catalan cultural rigidity—had also emphasised the relative strength of the Catalan economy.³¹ Further, the 2008 recession exposed and exacerbated an existing fiscal imbalance between the region and the Spanish state. Although the recession had damaged the popularity of incumbents throughout Spain, it had disproportionately stunted the Catalan economy insofar as the previously described statutory reforms had further restricted Catalan fiscal autonomy and increased the need to subsidise other Spanish regions more dependent on recession-targeted investments such as speculative housing.³²

Catalonia's limited fiscal autonomy becomes apparent when compared to Spain's Basque region. The Basque region retains fiscal autonomy as a consequence of their economic accord (*concierto económico*). This accord allows the Basque to conduct their own taxation and pay a negotiated percentage to the federal government.³³ By contrast, Catalonia's tax revenue is directly allocated to the state, which subsequently returns a percentage to be used for Catalan services and investments. This grants jurisdiction to the federal government as to Catalonia's fiscal contributions to other regions via mechanisms of equalisation³⁴ and their infrastructural budgeting.

Further, the 2010 statutory reforms had directly increased the fiscal imbalance by

removing article 206.3 of the Statute of Autonomy of Catalonia, which had prior alleviated Catalonia's obligation to provide direct financial support to surrounding regions if they are experiencing economic crises.³⁵ Given these fiscal reforms, coupled with the recession's impact, Catalonia's surplus contributions to the federal government had peaked, resulting in 7-9% of Catalonia's annual GDP leaving the region in recent years for external allocation.³⁶

Generally, it is understood that secession is preferred by a region when such a region is compelled to subsidise necessitous regions.³⁷ Ultimately, the disproportionately high rate of industrialisation within Catalonia, the 2008 recession, and the 2010 statutory reform, which reinstated Catalonia's obligation to fiscally support necessitous regions during crises, coalesced into an inflation of separatist sentiment.

Subsequent Impact

Explaining the broader impacts on Spanish politics, the increased nationalism in Catalonia over the past decade can be attributed to mounting grievances with Spanish fiscal structures and a response to the perceived threat of encroaching Spanish federalism through statutory reforms. These impacts are indicative of a broader economic and electoral transformation in Spain. The economic paradigm shift is apparent in how separatists, driven by Catalonia's disproportionate contribution to the Spanish economy, have utilised strategies such as strikes and civil

30 Sorens, *Secessionism: Identity, interest, and strategy*.

31 José M. Oller, Albert Satorra and Adolf Tobeña, "Unveiling pathways for the fissure among secessionists and unionists in Catalonia: Identities, family language, and media influence," *Palgrave Communications* 5, no. 1 (2019).

32 Germà Bel, Xavier Cuadras-Morató and Toni Rodon, "Crisis? What crisis? Economic recovery and support for independence in Catalonia," *Regional Science Policy & Practice* 11, no. 5 (2019): 833-848.

33 Cramer, *Goodbye, Spain? The question of independence for Catalonia*.

34 Antoni Castells, "Catalonia and Spain: political and fiscal conflict," *Pole Sud* 1 (2014): 59-80.

35 Cramer, *Goodbye, Spain? The question of independence for Catalonia*.

36 Jordi Pons-i-Novell and Ramon Tremosa-i-Balcells, "Macroeconomic effects of Catalan fiscal deficit with the Spanish state (2002-2010)," *Applied Economics* 37, no. 13 (2005): 1455-1463.

37 Brandon M. Boylan, "In pursuit of independence: the political economy of Catalonia's secessionist movement," *Nations and Nationalism* 21, no. 4 (2015): 761-785.

disobedience to bring about regional economic disruption.³⁸ This was done to emphasise the extent to which Catalonia over-contributes to the Spanish economy. Moreover, the economic ramifications of the growing secessionist popularity are evident in the market volatility typically associated with political unrest. In Catalonia, this can be observed through the increased issuance of regional Catalan bonds, indicating investor apprehension in the region. Furthermore, the shifting landscape is exemplified by the relocation of several prominent Spanish banks, including CaixaBank and Banco de Sabadell, moving their headquarters from Catalonia to Madrid.³⁹

The more significant paradigm shift, triggered by the rising tide of separatist sentiment, mirrors the overall electoral landscape of Spain. This is evident in how the growing Catalan nationalism and its subsequent economic consequences have heightened the awareness of federal parties regarding the popularity of nationalist demands. As a result, major federal parties have started accepting various separatist demands. Although a failure to appease all separatist demands has resulted in the political re-viability of the pro-separatist Esquerra Republicana de Catalunya (ERC) as predicted by Simon Hug's theory of party assemblage,⁴⁰ the leftist coalition currently in power had begun negotiations with separatists as of February 2021. As part of the separatist demands, the federal government has agreed to two measures. The first demand, as part of the separatist demands, concerned the federal government's agreement to provide amnesty to

incarcerated politicians who were involved in Catalonia's attempted secession in 2017. Additionally, the government has decided to retroactively legalise the referenda associated with the secession.⁴¹

Ultimately, Catalonia's surge in secessionist popularity can be primarily attributed to two factors. Firstly, there is a common expectation that regions tend to embrace separatist tendencies when there is a fiscal imbalance between the region and the federal government. The increased Catalan nationalism witnessed in the past decade aligns temporally with these fiscal grievances. This is evident from the statutory reforms introduced in 2010, which challenged the region's autonomous fiscal structures, exacerbating the imbalance with the federal government as a result of the 2008 recession. Secondly, the statutory reforms themselves reflected encroaching Spanish federalism on Catalan autonomy. Internal political and linguistic grievances amongst Catalonians were marginal factors in response to a homogenisation against this external threat. This theory is proposed by Lluç, Sorens, and realist international relations scholars who argue that nations behave universally and predictably to maximise their self-preservation regardless of internal domestic polarisation.⁴² These findings have been valuable in comprehending the wider Spanish, economic, and electoral ramifications of Catalan nationalism. This includes recognising the economic consequences of heightened political unrest, which have influenced the federal government's willingness to accommodate separatist demands.

38 Barbara Kollmeyer, "5 Things Investors Need To Know About Catalonia's Independence Referendum," *MarketWatch*, September 30, 2017. <https://www.marketwatch.com/story/5-things-investors-need-to-know-about-catalonias-independence-referendum-2017-09-28>.

39 Nicholas Megaw, "Catalan bonds stumble ahead of Independence Vote," *Financial Times*, September 28, 2017.

40 Simon Hug, "Studying the electoral success of new political parties: a methodological note," *Party Politics* 6, no. 2 (2000): 187-197.

41 Meg Bernhard, "Leaders of Spain and Catalonia open long-awaited talks on region's political future," *Los Angeles Times*, February 26, 2020. <https://www.latimes.com/world-nation/story/2020-02-26/spain-catalonia-independence-talks>.

42 Morgenthau, *Politics Among Nations: The Struggle for Power and Peace*, 4-15.



Introduction

It has been ten years since the Irish Supreme Court decision in *Fleming v Ireland*² which rejected Marie Fleming's bid to recognise a right to die. Fleming had multiple sclerosis (MS), which had progressed over the years and left her in a wheelchair suffering from significant pain.³ The Supreme Court, in its judgement, did point out that it would be possible for the legislature to conceive a solution by introducing appropriate legislation on the matter while having due regard to the Constitution.⁴

Since then, two bills have been proposed by TD's (Members of Parliament) to regulate assisted dying in Ireland, but progress has been slow.⁵ Further afield, other countries have introduced assisted dying regimes which can provide interesting glimpses into the nuances of these distinctive regimes, some being liberal and others more restrictive in terms of access to assisted dying. Lessons from legislation enacted in Europe and further afield are crucial to informing the current debate around the future of assisted dying in Ireland in order to better shape the proposed legislation currently under consideration.

A Trailblazer - Belgium

It has been over twenty years since Belgium introduced euthanasia. Belgium has been described as an example of a "slippery slope" as, initially, legislation was quite strict in its remit and gradually became more lenient. For example, the legislature amended the law in 2014 to allow for minors, with the consent of their parents, to avail of assisted dying in cases of terminal illnesses, being one of the only countries in the world to allow this practice.⁶

The European Court of Human Rights (ECtHR) in Strasbourg has held that national laws permitting euthanasia are not *per se* in violation of Article 2 ECHR on the right to life, providing their legal framework establishes appropriate safeguards to protect the right to life, as enshrined in the Convention, and the safeguards are properly applied in each case. This *dictum* emerged from the curious case of *Mortier v Belgium*, in which M. Mortier brought the Belgian state to the ECtHR following the death by euthanasia of his mother, which he only discovered posthumously.⁷ The Court found that the Belgian euthanasia law was compliant with human rights,

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2 High Court of Ireland, *Fleming v Ireland & Ors*, [2013] IESC 19, January 10, 2013.

3 *Ibid*, para 13.

4 *Ibid*, para 108.

5 Dáil Éireann, Dying with Dignity Bill, Bill 125 of 2015, December 15, 2015; Dáil Éireann, Dying with Dignity Bill, Bill 24 of 2020, October 7, 2020.

6 Ministère de la Justice, La Loi du 28/05/2002 relative à l'euthanasie, art 3.

7 ECtHR, Case of *Mortier v Belgium*, Application No. 78017/17, October 2017, Strasbourg.

but the Court did find in Mortier's favour on very limited grounds, namely, that the control system was inadequate. The system allowed a physician who sat on the review board to remain silent and vote on the compatibility of the euthanasia they were involved in, which failed to ensure the Board's independence. This practice has since been abolished by the Belgian government.

Spain's Progressive Legislation

The Spanish *Ley de Eutanasia* was passed by the Spanish Parliament and became law in 2021, making Spain the fourth European country to allow this practice.⁸ The passing of the law, however, was not without controversy. A challenge to the constitutionality of the law was brought by the right-wing political party Vox.⁹ Giving its majority decision, the Constitutional Court decided that the law "*guarantees the right to self-determination of the individual without leaving life unprotected, to which it provides a degree of protection that is not insufficient*".¹⁰ In its judgement, the Court relied principally on Articles 10 and 15 of the Constitution, which guarantee, among other things, the fundamental right of human dignity and free development of personality.¹¹

To qualify for assisted dying under Spanish law, there must be a significant, chronic, invalidating, and incurable illness that causes intolerable physical or psychological suffering.¹² The Spanish

law follows quite closely that of Belgium in allowing euthanasia in cases where a person is not terminally ill.¹³ Both countries also allow for assisted dying in cases where a person is suffering from a mental illness, subject to strict conditions. To ensure that there is no external pressure, a patient in Spain must make an oral request twice and once in writing at an interval of at least 15 days. Unlike Belgium, under Spanish law, it is prohibited to request assisted dying for a minor.

Legislation of Limited Recourse in New Zealand

The legal challenge in *Seales v Attorney-General* was a catalyst for the introduction of legislation in this area in New Zealand.¹⁴ Ms Seales wanted to end her life with medical assistance after she was diagnosed with a brain tumour, but her request was denied by the High Court, which insisted that the complex legal, philosophical, moral, and clinical issues raised by Ms Seales could only be addressed by Parliament passing legislation.¹⁵ Following this, New Zealand's parliament approved the *End of Life Choice* bill in 2019. For the legislation to enter into force, it was conditional on it passing a referendum which was put to the people of New Zealand in 2020.¹⁶

In order to avail of assisted dying in New Zealand, a person must suffer from a terminal illness likely to end his or her life within six months. This narrow condition

8 Jefatura del Estado, Ley Orgánica 3/2021, de 24 de marzo, de regulación de la eutanasia.

9 Jose Maria Brunet, "Vox pide al Constitucional que suspenda la ley de eutanasia por el valor "absoluto" del derecho a la vida," *El País*, June 16, 2021, <https://elpais.com/sociedad/2021-06-16/vox-pide-al-constitucional-que-suspenda-la-ley-de-eutanasia.html>.

10 Reuters, "Spain's top court euthanasia law in blow to far-right party," *Reuters*, March 22, 2023, <https://www.reuters.com/world/europe/spains-top-court-upholds-euthanasia-law-blow-far-right-party-2023-03-22/#:~:text=By%20a%20wide%20margin%20of,to%20have%20such%20a%20law>.

11 Constitución Española, Cortes Generales «BOE» núm. 311, de 29 de diciembre de 1978.

12 Jefatura del Estado, Ley Orgánica 3/2021, art 5 (1d).

13 *Ibid.*

14 High Court of New Zealand, *Seales v Attorney-General*, [2015] NZHC 1239, June 5, 2015.

15 *Ibid.*, para 221.

16 Ministry for Health, The end of Life Choice Act 2019 < <https://www.health.govt.nz/our-work/life-stages/assisted-dying-service/about-assisted-dying-service/end-life-choice-act-2019>>.

mirrors the proposed Irish legislation on assisted dying. The law specifies that a person cannot be eligible for assisted dying on the basis of advanced age, mental illness, or disability alone. The legislation could arguably be said to be indicative of countries that initially legislated for assisted dying in that the recourse is limited and extremely restrictive. It will be interesting to see if New Zealand, in the years to come, extends the legislation to account for those areas specifically prohibited under the legislation.

Judicial Activism in Austria

In contrast to the decision of the New Zealand High Court, the Constitutional Court in Austria found in favour of four applicants who alleged the violation of their constitutionally protected rights to respect for human dignity, life, and respect for private and family life. The Constitutional Court upheld their complaint and held that a right to free self-determination is to be derived from several constitutional guarantees, in particular, the right to private life, the right to life, as well as the principle of equality. This right also extends to the freedom to end one's own life. Where a person decides to end his or her own life, this decision must be respected by the State provided that it is based on the free will of the individual concerned.¹⁷ Against the backdrop of that important decision, the Austrian parliament introduced legislation that allows adults who are terminally ill or

have a permanent, debilitating condition to make provisions for assisted dying.¹⁸

France: Movement towards Reform

In 2023, a citizens' assembly voted 76% in favour of legalising assisted dying, which precipitated a debate around the introduction of a new legal framework for assisted dying in France.¹⁹ The current law in France dates from 2016 and allows medical personnel to place someone close to death and in intolerable pain under permanent sedation but stops short of authorising them to administer or supply a lethal substance.²⁰ A draft bill is expected at the end of this summer. Macron has said in a discourse delivered in April 2023 that the legislation will ensure there is informed consent given by all patients and that this consent is reiterated.²¹ He also said that assisted dying will never be carried out for social reasons stemming from feeling isolated or a burden on family members before completely ruling out the possibility of the regime being open to minors.²²

The Proposed Irish Act

As evidenced, legislative change in this area has stemmed from a variety of avenues, from government initiative to the courts and, in the case of France, a citizens' assembly. Whatever the origin, there is a clear shift in Europe and beyond in favour of legislating for assisted dying for a variety of different reasons. Chief among those

17 Verfassungsgerichtshof, Case Law G 139/2019-71, December 11, 2020.

18 BBC News, "New law allowing assisted suicide takes effect in Austria," *BBC News*, January 1, 2022. <https://www.bbc.com/news/world-europe-59847371>.

19 Irish Legal News, "French citizens' assembly backs euthanasia and assisted dying," *Irish Legal News*, April 3, 2023, <https://www.irishlegal.com/articles/french-citizens-assembly-backs-euthanasia-and-assisted-dying>.

20 Kim Willsher, "France to draw up draft end-of-life bill after citizens back assisted dying," *The Guardian*, April 3, 2023, <https://www.theguardian.com/society/2023/apr/03/france-to-draw-up-draft-end-of-life-bill-after-citizens-back-assisted-dying#:~:text=The%20current%20law%20in%20France,or%20supply%20a%20lethal%20substance>.

21 Déclaration de M. Emmanuel Macron, Président de la République, concernant les conclusions de la Convention citoyenne sur la fin de vie, April 3, 2023, <https://www.vie-publique.fr/discours/288866-emmanuel-macron-03042023-fin-de-vie#:~:text=je%20souhaite%20que%20ce%20travail,des%20vies%20de%20l'humanit%C3%A9>.

22 Agnès Leclair, "Fin de vie: Macron ouvre la voie à un nouveau modèle français [End of life: Macron paves the way for a new French model]," *Le Figaro*, April 3, 2023, <https://www.lefigaro.fr/actualite-france/fin-de-vie-macron-ouvre-la-voie-a-un-nouveau-modele-francais-20230403>.

is respecting the autonomous wishes of a patient who is suffering from a chronic illness. However, opponents of legislation in Ireland have steered the conversation towards “assisted living” and providing adequate services and support for the most vulnerable members of society; those suffering from illness or disability who are “considered less or troublesome or different”.²³

The *Dying with Dignity Bill* (hereinafter the Bill) was introduced in 2020 before the Dáil as a private members bill, meaning a bill initiated by a member of parliament and not the government.²⁴ To avail of the proposed legislation, a person would need to be terminally ill, over 18 years old, and have a clear and settled intention to end his or her life.²⁵ The Bill makes reference to capacity issues meaning the aptitude of a person to understand the decision they are making and the necessity of the person being informed of palliative, hospice, and other care.²⁶ In 2021, the Joint Committee on Justice determined that the Bill had serious technical issues, may have unintended policy consequences, and several sections of the Bill contained serious flaws.²⁷ The report also stated that the Bill should not proceed to the Committee stage but that a Special Oireachtas Committee should be established to undertake an examination on the topics raised.²⁸ That Special Committee met for the first time in June 2023, and it has been hotly debated since its inception.

In enacting legislation in this area, what is most important is that the legislature ensures that there are stringent safeguards in place. There is merit in the argument that patients could feel the need to avail of assisted dying in order to cease being a burden on family and friends or on the scarce public health resources currently available. Possible safeguards which have been introduced in other jurisdictions could include a cooling-off period, a psychiatric evaluation, the inclusion of immediate family members in the decision-making process, and having an independent committee approve the decision of the two medical practitioners, one of which must be independent.

Conclusion

Marie Fleming sadly passed away in 2013 after a long and painful battle with MS. Her legacy and campaign lives on, and, hopefully, others in her situation will one day have the right to choose. If a person has clearly and unequivocally decided that they don’t want to continue to suffer when given a terminal diagnosis, the state should respect and assist in that decision. Lessons from Europe and beyond must inform the debate around how Ireland should regulate this area to ensure consistency with international best practices and safeguard the rights of those wishing to avail of assisted dying.

23 Irish Times, “Romanticised rhetoric of assisted dying bears little relation to reality,” *Irish Times*, June 21, 2023, <https://www.irishtimes.com/opinion/2023/06/21/rosaleen-mcdonagh-romanticised-rhetoric-of-assisted-dying-bears-no-relation-to-the-reality/>.

24 Houses of the Oireachtas, *Dying with Dignity Bill 2020*, <https://www.oireachtas.ie/en/bills/bill/2020/24/#:~:text=Bill%20entitled%20an%20Act%20to,qualifying%20persons%20and%20related%20matters.>

25 *Dying with Dignity Bill 2020*, Article 7 (Dáil Éireann - Irish Parliament).

26 *Dying with Dignity Bill*, Article 9 (Dáil Éireann - Irish Parliament).

27 Joint Committee on Justice, *Report on Scrutiny of the Dying with Dignity Bill 2020*, July 2021, https://data.oireachtas.ie/ie/oireachtas/committee/dail/33/joint_committee_on_justice/reports/2021/2021-07-21_report-on-scrutiny-of-the-dying-with-dignity-bill-2020-pmb_en.pdf.

28 *Ibid.*



Introduction

As the world's policy-makers and business leaders gathered once more in the small Swiss mountain town of Davos, there was one buzzword which made its way from the snowy stage to the press: "*polycrisis*".² The pandemic and the post-pandemic recovery, the Russian invasion, inflation and energy shortages, rising global inequality and a return to protectionism are some of the immense challenges that have emerged onto the world stage, and they can no longer be relegated as one-off exceptions to the otherwise stable liberal world order.³ In the wake of these difficulties, many political scientists and economists have inferred that the tools of the past are no longer adequate to face the challenges of today.⁴ In Europe, no institution has been a victim to the temptation of the "*quick fixes*" of the past quite as much as the European Central Bank (ECB). Unwilling to budge from a strict interpretation of its mandate, terrified of a loss of credibility and, from a strictly legal perspective, totally independent,⁵ the ECB has chosen to wage its war on inflation through the conventional use of interest rate increases,

entirely aware of the detrimental effects on the purchasing power of lower and middle-class Europeans. This paper attempts to contextualise the most recent decisions of the European Central Bank in a broad economic and political framework. By focusing on the origins of inflation, the policy approach of the ECB, and the effects of both, the paper elucidates the core challenge to central bank independence and legitimacy in democratic systems. Furthermore, it helps provide an explanation of the current cost-of-living crisis across Europe and what it implies for policy-makers of monetary policy.

Understanding the Causes of Inflation: the Working Class as a Scapegoat

In the fall of 2021, when Western economies began to permanently open up with great excitement, the inflation rate in the Eurozone reached what at the time was a whopping 4.9%.⁶ In a brief report on rising inflation, the ECB was not so keen on an aggressive approach and mentioned the so-called "*second-around effect*" of an increase in wages as a possible consequence of the

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- 2 Adam Tooze, "Chartbook #130 Defining polycrisis - from crisis pictures to the crisis matrix," *Substack*, June 24, 2022, <https://adamtooze.substack.com/p/chartbook-130-defining-polycrisis>.
- 3 ISPI, "Rapporto ISPI 2022: La Grande Transizione [ISPI Report 2022: The Great Transition]," *Istituto per gli Studi di Politica Internazionale*, February 11, 2022, Part 1, <https://www.ispionline.it/it/pubblicazione/la-grande-transizione-33197>.
- 4 Daniela Gabor, "The Bank of England has only one solution to rising inflation - make workers pay," *The Guardian*, February 8, 2022, <https://www.theguardian.com/commentisfree/2022/feb/08/bank-of-england-rising-inflation-workers-pay-andrew-bailey>.
- 5 Manuela Moschella, "Let's speak more? How the ECB responds to public contestation," *Journal of European Public Policy* 27, no. 3 (2020): 400-418.
- 6 Eurostat, *Flash estimate - November 2021*, November 30, 2021, <https://ec.europa.eu/eurostat/documents/2995521/11563387/2-30112021-AP-EN.pdf/#:~:text=Euro%20area%20annual%20inflation%20is,office%20of%20the%20European%20Union.>

uncertain economic situation.⁷ As energy prices rose and consumer spending returned to pre-pandemic levels thanks to expansionary fiscal policy, inflation climbed at a steady pace.⁸ The focus at the time was on supply chains and rising energy prices, two problems which would only be exacerbated by Russia's invasion of Ukraine and speculation on the futures of gas prices at the Dutch Title Transfer Facility.⁹

A major shift in policy occurred in the summer of 2022, as the US Dollar reached parity with the Euro.¹⁰ The ECB announced that it would end its various programmes of Quantitative Easing, through which it provided liquidity to European banks and bought bonds of governments in distress, and that it would begin to raise interest rates above 0%.¹¹ As with all central banks, the ECB was using its primary tool to reduce demand in the economy, that is interest rates, even if this inflationary wave was caused by supply-side shocks and thus could not be so easily halted.¹² Interest rate hikes were met with some angst, especially amongst more heterodox economists who cited the negative distributional effects.¹³ According to these economists, the Eurozone labour market and demand were already destined to

take a hit due to the negative economic impact of Russia's invasion of Ukraine and sanctions invoked by the European Union (EU), especially in the form of a more marked cost-of-living crisis.¹⁴ At the same time, studies on the differences between demand-driven and supply-driven inflation showed the possibility of pursuing price stability in a fairer and more socially equitable manner.¹⁵ Price control mechanisms, in fact, were more enticing to governments that sought to lower energy prices and feared aggressive monetary approaches, as seen in Spain and Germany.¹⁶

Nevertheless, as inflation continued to rise, driven by the massive profits of oil companies and other corporations,¹⁷ the ECB continued on its interest-rate path, aware of the effects on lower and middle income households. The rationale was simple: higher interest rates may lead to an increase in unemployment and lower wages, and will certainly lead to costlier mortgages and debts, all of which will weigh heaviest on lower and middle income households; however, being as there is no alternative, this situation is still more desirable than high inflation.¹⁸ This economic reasoning is in line with the "Monetarist" tradition of monetary policy,

7 European Central Bank, *Why is inflation currently so high?*, November 16, 2021, https://www.ecb.europa.eu/ecb/educational/explainers/tell-me-more/html/high_inflation.en.html.

8 Eurostat, *Inflation in the Euro area*, March 31, 2023, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Inflation_in_the_euro_area.

9 European Central Bank, *Meeting of 9-10 March 2022*, Frankfurt am Main, April 7, 2022, <https://www.ecb.europa.eu/press/accounts/2022/html/ecb.mg220407~8e7069ffa0.en.html>.

10 European Central Bank, *Monetary Policy Decisions*, July 21, 2022, <https://www.ecb.europa.eu/press/pr/date/2022/html/ecb.mp220721~53e5bdd317.en.html>.

11 European Central Bank, *We have raised interest rates. What does that mean for you?*, July 21, 2022 (updated: September 23, 2022), https://www.ecb.europa.eu/ecb/educational/explainers/tell-me-more/html/interest_rates.en.html.

12 Isabella M. Weber, Jesus Lara Jauregui, Lucas Teixeira and Luiza Nassif Pires, "Inflation in Times of Overlapping Emergencies: Systemically Significant Prices from an Input-output Perspective," *Economics Department Working Paper Series*, 340, 2022, <https://doi.org/10.7275/0c5b-6a92>.

13 Philipp Heimberger, "The ECB should not hike interest rates," *Social Europe*, April 5, 2022, <https://www.socialeurope.eu/the-ecb-should-not-hike-interest-rates>.

14 Jonny Ball, "Joseph E Stiglitz: 'Everything the Neoliberals said was wrong,'" *New Statesman*, March 22, 2022, <https://www.newstatesman.com/spotlight/climate-energy-nature/2022/03/stiglitz-everything-the-neoliberals-said-was-wrong>.

15 Isabella M. Weber, *How China Escaped Shock Therapy: The Market Reform Debate* (Routledge, 2021), 56.

16 Sandrine Morel, "Spain's gas price cap proves effective albeit with some negative side effects," *Le Monde*, October 28, 2022, https://www.lemonde.fr/en/economy/article/2022/10/28/in-spain-a-gas-price-cap-is-effective-but-is-having-perverse-effects_6002059_19.html.

17 Oliver Milman, "Monster profits' for energy giants reveal a self-destructive fossil fuel resurgence," *The Guardian*, February 9, 2023, <https://www.theguardian.com/environment/2023/feb/09/profits-energy-fossil-fuel-resurgence-climate-crisis-shell-exxon-bp-chevron-totalenergies>.

18 Daniel Dieckelmann and Julian Metzler, "Household inequality and financial stability risks: exploring the impact of changes in consumer prices and interest rates," *Financial Stability Review*, (2022): 107-118.

in which central banks should consider the economic context in which they operate, but instead work towards price stability regardless of the negative externalities.¹⁹

Who Is the ECB's True Constituent?

For the past six months, the ECB has largely kept its position unchanged, continuing to increase interest rates even in March 2023, contrary to financial sector instability.²⁰ Though there was some protest from financial giants, who fear the onset of a slow-moving financial crisis,²¹ the actions of the Federal Reserve in the Silicon Valley Bank case and the announcement by ECB President Christine Lagarde that needy banks would be helped, clearly reveal the real constituents of the ECB.²² As inflation slowly eases, the hope of the ECB is to gain credibility and control.²³ However, nine months after the first interest rate increase, a clearer picture has emerged of the drivers and impact of the ECB's monetary policy. A closer look at the effects of interest rate increases shows that, as was the case during the Eurozone crisis in 2011, lower and middle income households have taken the hardest hit, especially those with outstanding mortgages.²⁴ In fact, 93% of Europeans say that their primary concern is *"the rising cost of living"*, followed by 82% stating they fear *"poverty and social exclusion"*.²⁵

In a speech given in La Toja, Spain, in September 2022, the ECB's own

Executive Board Member Isabel Schnabel unabashedly recognised both the harsh reality of the cost-of-living crisis occurring in Europe and the fact that wages were not the primary motor of inflation, stating that *"the cost-push channel, too, currently suggests that wages are unlikely to add to inflation going forward"*.²⁶ In that same speech, Schnabel took the adventurous step of underlining the major role played by disproportionate corporate profits in driving inflation through exaggerated price increases.²⁷ Another Executive Board Member, Fabio Panetta, was even more explicit in his accusations of profit-gouging in a speech given in March 2023 at the ECB headquarters in Frankfurt, saying *"some producers have been exploiting the uncertainty created by high and volatile inflation [...] raising prices beyond what was necessary to absorb cost increases"*.²⁸

It would seem that the inflation fears of the ECB have shifted from a wage-price spiral to a profit-price spiral, breaking away from the constraining and inadequate models of the inflation pressures of the 1970s. In reality, the actions taken by the ECB in the first three months of 2023 tell a different story. While President Lagarde and the Executive Board are fully aware of the unique convergence of global phenomena which have led to the rise in prices, they have yet to advocate for a more nuanced monetary -and fiscal- response to inflation. In her press conference following the decision to once again raise interest rates,

19 Jens Van 'T Klooster and Clément Fontan, "The Myth of Market Neutrality: A Comparative Study of the European Central Bank's and the Swiss National Bank's Corporate Security Purchases," *New Political Economy* 25, no. 6, (2020): 868-869.

20 Eshe Nelson, "The European Central Bank Raises Rates Half a Point Amid Uncertainty," *New York Times*, March 16, 2023, <https://www.nytimes.com/2023/03/16/business/ecb-interest-rates-inflation.html>.

21 Cédric Durand, "Crisis in Slow Motion? - Sidecar," *New Left Review*, March 29, 2023, <https://newleftreview.org/sidecar/posts/crisis-in-slow-motion>.

22 European Central Bank, *Press Statement: Christine Lagarde, President of the ECB; Luis de Guindos, Vice-President of the ECB*, March 16, 2023, <https://www.ecb.europa.eu/press/pressconf/2023/html/ecb.is230316~6c10b087b5.en.html>.

23 European Central Bank, *Can the ECB gain credibility by explaining its strategy?*, ECB blog, August 24, 2022, <https://www.ecb.europa.eu/press/blog/date/2022/html/ecb.blog220824~3262248a2e.en.html>.

24 Niccolò Battistini, Johannes Gareis and Moreno Roma, "The impact of rising mortgage rates on the euro area housing market," *ECB Economic Bulletin*, no. 6, 2022.

25 Eurostat, *EP Autumn 2022 Survey: Parlemeter*, 2022, <https://europa.eu/eurobarometer/surveys/detail/2932>.

26 European Central Bank, *Monetary policy in a cost-of-living crisis*. Speech by Isabel Schnabel, Member of the Executive Board of the ECB, at a panel on the "Fight against inflation" at the IV Edition Foro La Toja. September 30, 2022, <https://www.ecb.europa.eu/press/key/date/2022/html/ecb.sp220930~9dac17b1fe.en.html>.

27 *Ibid.*

28 European Central Bank, *Interview with Fabio Panetta, Member of the Executive Board of the ECB*, April 1, 2023, <https://www.ecb.europa.eu/press/inter/date/2023/html/ecb.in230401~ec65174af7.en.html>.

President Lagarde displayed both the lack of creativity and the inability of the ECB to find a more socially equitable policy response to inflation when she said: “*What we are concerned about is, whatever the burden-sharing, if that was to spiral into the second-round effect that we don’t want to see, frankly*”.²⁹ Thus, struggling households and workers find themselves bearing the brunt of EU economic policy, with little chance of impacting the decision-making of a distant central bank and little hope of bargaining their way to better shares of income, due to the weakness of trade unions and collective bargaining.³⁰ All the while, commercial banks and credit institutions with bank reserves at the ECB are earning significant remuneration for holding liquidity reserves, essentially meaning that the ECB is paying these institutions to hold onto their money, rather than increasing the reserve requirement.³¹ Stated in plain English, what the continued policy implementation of the ECB implies is that multinational corporations get away with large profits, banks are once again subsidised, enriching their shareholders, and the real wages of the majority of Europeans continue to shrink.³²

Re-thinking Monetary Policy to Preserve Democracy

The limits of conventional monetary policy have stressed the democratic tapestries of the Eurozone Member States, as citizens across the EU feel the economic pressure of inflation and national governments struggle to provide concrete policy solutions.³³ European citizens have been informed about the origins of the current inflationary pressures, referring to supply-chain backups and Putin’s instrumentalisation of energy and food prices as part of his illegal invasion of Ukraine.³⁴ By using tools focused on suppressing aggregate demand in the Eurozone, that is in keeping down wage increases and consumer spending, the ECB has failed not only in targeting the primary culprits of inflation but has also allowed for an entrenchment of inflation in the EU’s economy by not focusing on price increases.³⁵

This monetary model is not working, neither for confronting inflation, as core prices of specific sectors remain high,³⁶ nor for preserving a legitimate, democratic operating system across Europe, as the ECB increasingly lacks in output

29 European Central Bank, *Press Conference, Christine Lagarde, President of the ECB, Luis de Guindos, Vice-President of the ECB*, Frankfurt am Main, March 16, 2023, <https://www.ecb.europa.eu/press/pressconf/2023/html/ecb.is230316~6c10b087b5.en.html>.

30 EurWORK, *Trade union density*, February 22, 2019, <https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/trade-union-density>.

31 Paul De Grauwe and Yuemei Ji, “Monetary policies that do not subsidize banks,” *VOXEU CEPR*, January 23, 2023, <https://cepr.org/voxeu/columns/monetary-policies-do-not-subsidize-banks>.

32 Steven Arons, “UBS, UniCredit Pledge \$12 Billion Bonanza for Shareholders as Rates Drive Profit,” *Bloomberg*, January 31, 2023, <https://www.bloomberg.com/news/articles/2023-01-31/ubs-unicredit-pledge-12-billion-bonanza-as-rates-drive-profit#xj4y7vzkg?leadSource=verify%20wall>; David Sangokoya and Giannis Moschos, “Recession in 2023? Here’s how trade unions are gearing up,” *World Economic Forum*, January 16, 2023, <https://www.weforum.org/agenda/2023/01/trade-unions-recession-davos2023/>.

33 Valentina Romei and Martin Arnold, “Inflation’s legacy hits European households even as price growth ebbs,” *Financial Times*, April 30, 2023, <https://www.ft.com/content/784156df-ca03-4d5b-a61f-62ea57c3b911>.

34 Pierpaolo Benigno, Paolo Canofari, Giovanni Di Bartolomeo and Marcello Messori, “Inflation dynamics and monetary policy in the euro area,” *Luiss School of European Political Economy, Working Paper 4/2023*, March 13, 2023.

35 *Ibid.*

36 Trading Economics, “Euro Area Core Inflation Rate,” [Accessed June 11, 2023], <https://tradingeconomics.com/euro-area/core-inflation-rate>,

legitimacy.³⁷ As economic historian Adam Tooze put it, “[w]hat we need is an adequate model of inflation and policy-making under conditions prevailing in 2023, of extreme asymmetry of bargaining power, deadlocked democratic politics and a consequent lack of social contestation, even when real wages are taking a painful hit”.³⁸ These evaluations of ECB monetary policy, in fact, lead to an ever-more important question: who really decides the content of economic policy in European democracies? In an almost glaring repetition of events, though in a different economic-policy area than during the Eurozone crisis, today, the protection of absolute market freedom has taken complete priority over any semblance of democratic oversight of market processes. Political scientist Jacqueline Best has called this governance approach “*technocratic exceptionalism*”, a process that “*establishes the limits of normal politics by invoking an existential threat, suspends normal democratic oversight around certain issues, and puts the exception into place through a set of highly technical theories and policies that work in the background, through routine everyday practices, to produce a particular kind of liberal economic subject*”.³⁹

Central Bank independence is certainly one of the economic and legal norms that perpetrates a decreased level of

democratic control in favour of maintaining the liberal economic system intact.⁴⁰ By ignoring the empirical distributive effects of monetary policy, the ECB is thus willingly following a logic which is class-biased.⁴¹ The nexus between economic policies, both fiscal and monetary, which hurt the lower and middle classes most and the rise of populism, nationalism, and in some cases political disengagement has been widely studied.⁴² Martin Wolf, a contributor to the *Financial Times*, used the term “*status anxiety*” to describe the growing sentiment felt by these classes.⁴³ The lack of strong systems of wage-bargaining and the weight of inflation and higher interest rates will certainly serve as a worsening factor of the anti-democratic trends already present across Europe, and on which numerous parties have already attempted to capitalise.⁴⁴

Conclusion

By analysing the current inflationary round, and more importantly the way the ECB has crafted a structural framework of interpretation, this paper has sought to contextualise contemporary monetary policy within a broader theoretical and political conversation. As a consequence of the growing anxiety regarding inflation and its “*stickiness*”, an important ontological

37 Eric Albert, “ECB turns 25 amid accusations of failing to control inflation,” *Le Monde*, May 24, 2023, https://www.lemonde.fr/en/economy/article/2023/05/24/ecb-turns-25-amid-accusations-of-failing-to-control-inflation_6027863_19.html#:~:text=As%20it%20celebrates%20its%2025th,late%202021%20and%20early%202022.

38 Adam Tooze, “Chartbook #185 Inflation and distributional conflict - in 2023 not 1973! Also a response to the debate around that Blanchard thread,” *Substack*, January 4, 2023, <https://adamtooze.substack.com/p/chartbook-185-inflation-and-distributional>.

39 Jacqueline Best, “Varieties of ignorance in neoliberal policy: or the possibilities and perils of wishful economic thinking,” *Review of International Political Economy* 29, no. 4, (2022): 1159-1182.

40 Anna Peychev, “The primacy of the European Central Bank: Distributional conflicts between theory and practice in the pursuit of price stability,” *European View*, March 24, 2023, <https://doi.org/10.1177/17816858231164475>.

41 Jordi Schröder Bosch, “Profits, Not Wages, Should Be the ECB’s Main Concern,” *Positive Money Europe*, March 22, 2023, <https://www.positivemoney.eu/2023/03/profits-not-wages-ecb-main-concern/>.

42 Philip Manow, “The political economy of populism in Europe: Hyperglobalization and the heterogeneity of protest movements,” *Chatham House*, December 2021, <https://www.chathamhouse.org/sites/default/files/2021-12/2021-12-15-political-economy-populism-europe-manow.pdf>.

43 Martin Wolf, *The Crisis of Democratic Capitalism* (Random House, 2023), 92-95.

44 Nicolò Fraccaroli, Alessandro Giovannini, Jean-François Jamet and Eric Persson, “Ideology and Monetary Policy: The role of political parties’ stances in the ECB’s parliamentary hearings,” *The European Money and Finance Forum*, May 2022, <https://www.suerf.org/suer-policy-brief/45135/ideology-and-monetary-policy-the-role-of-political-parties-stances-in-the-ecbs-parliamentary-hearings>.

doubt has emerged onto the political stage concerning the true capabilities of these technocratic experts, and if their role, increasingly systemic and dominant, can continue to be justified in a democratic society.⁴⁵

The depoliticisation of money has had a long and complex history, with major turning points occurring often in response to deep and painful economic crises. Yet, money is never really depoliticised or fully made independent, rather the control over the money supply and monetary policy is "*de-democratised*" in favour of a rather blind-trust in the capabilities of ideological experts.⁴⁶ In June, 2023, after almost a year of tackling inflation, ECB President Christine Lagarde stated that the ECB now credited corporate profits in contributing to continued growth inflation, calling into question both the ECB's understanding of inflation and its policies in response to it.⁴⁷ Thus, what the current moment demands is an evaluation of decades of empowerment of independent central banks, increasingly a part of economic policy of all types, and a critical approach to the elements of democratic legitimacy today. The expectations of new global challenges, intertwined amongst themselves and with reverberating externalities, invite policy-makers to employ greater creativity and flexibility in an attempt to promote a just and sustainable economic environment.

45 Jens van 't Klooster, "Technocratic Keynesianism: a paradigm shift without legislative change," *New Political Economy* 27, no. 5, (2021): 771-787; Jakob Feinig, "Toward a moral economy of money? Money as a creature of democracy," *Journal of Cultural Economy* 5, (2020): 531-547.

46 Stefan Eich, *The Currency of Politics* (Princeton University Press EBooks, 2022), 276-277, <https://doi.org/10.1515/9780691235448>.

47 János Allenbach-Ammann, "ECB-Lagarde says corporate profits contributed to inflation," *Euractiv*, June 6, 2023, <https://www.euractiv.com/section/economy-jobs/news/ecb-lagarde-says-corporate-profits-contributed-to-inflation/>.



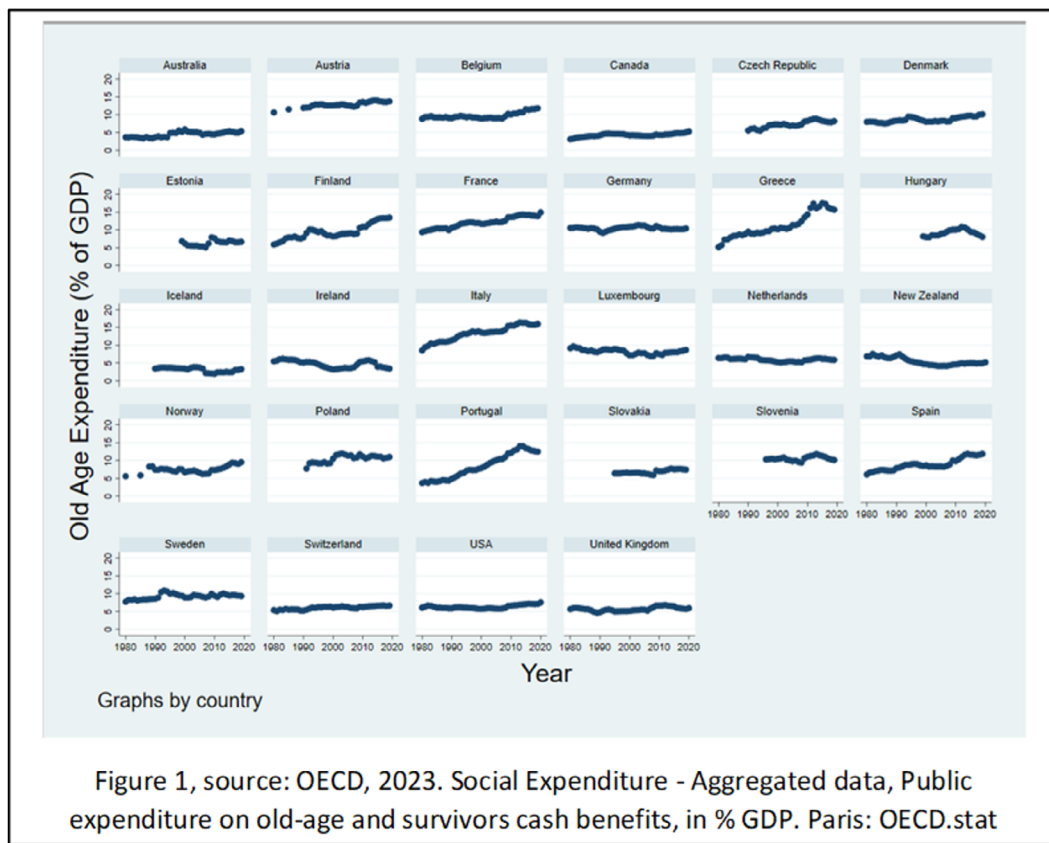
Introduction

GOVERNMENTS are reforming old-age expenditure around the world. France is the latest to introduce pension reforms, with President Macron warning that “*the financial risks were too great*” not to.² In a European Union (EU) characterised by rapidly ageing populations, pension financing sustainability is now a primary stimulus for initiating reforms. But what role do current economic factors play? Economic crises have often preceded expenditure reforms, with policymakers aiming to address economic imbalances by reducing the role of the state and cutting future state benefits.³ For example, Greece famously had to initiate brutal cuts to pension schemes and social spending in the face of mounting public debt and spiralling unemployment in the early 2010s, encouraged by the ECB, IMF, and the European Commission by the promise of loans.⁴ Nevertheless, politicised approaches to pension restructuring combined with often heated discourses surrounding reforms can obscure distinctions between economic and politically motivated expenditure adjustments, making causal links harder

to identify. Different demographic trends and welfare state frameworks complicate this further, while the general pattern of increased old-age expenditure across many Organisation for Economic Co-operation and Development (OECD) countries (Figure 1) does not necessarily reflect economic or sustainability concerns. This paper will attempt to provide clarity on this issue by focusing on two economic variables, debt and unemployment, to answer the research question: *what are the predictive relationships of government debt and unemployment with state old-age expenditure?*

In the context of ageing populations and changing labour force dynamics, understanding this predictive relationship is vital. This study’s application of a random effects regression model⁵ to a panel dataset of 28 OECD countries reveals unemployment’s positive relationship with old-age expenditure levels and public debt’s non-significant impact while controlling for potentially confounding welfare, demographic, political, and economic variables. The results of this study shed light on the complex interplay

- 1 Joseph Slattery is a master’s student, graduating in July 2023. He has studied at Charles University in Prague, Leiden University and the University Pompeu Fabra in Barcelona as part of the Erasmus Mundus Master’s programme in European Politics and Society. He has a Bachelor’s degree in German and History from Southampton University. He currently works part time as a research assistant on a Max Planck Project.
- 2 Angelique Chrisafis, “Macron Uses Special Powers to Force through Plan to Raise Pension Age,” *The Guardian*, March 16 2023, <https://www.theguardian.com/world/2023/mar/16/emmanuel-macron-uses-special-powers-to-force-pension-reform-france>.
- 3 Edward Whitehouse, Anna D’Addio, Rafal Chomik and Andrew Reilly, “Two Decades of Pension Reform: What Has Been Achieved and What Remains to Be Done?,” *The Geneva Papers on Risk and Insurance - Issues and Practice* 34, no. 4 (2009): 515–35.
- 4 European Parliament, *Greece: Troika success story or a warning against too much austerity?*, January 29, 2014, <https://www.europarl.europa.eu/news/en/headlines/eu-affairs/20140129STO34108/greece-troika-success-story-or-a-warning-against-too-much-austerity>.
- 5 Random Effects regression model is used to estimate the effect of individual-specific characteristics that are inherently unmeasurable. Such individual-specific effects are often encountered in panel data studies. Along with the Fixed Effect regression model, the Random Effects model is a commonly used technique to study the effect of individual-specific features on the response variable of the panel data set.



between social policies and economics in legislating sustainable pension systems. Furthermore, it contributes to the literature on social policy and pension reform.

The article has the following structure. First, an overview of the literature relating to the variables, from which two hypotheses are derived. Then, the methodology and variables will be expanded on, with the analysis of the random effects regression model thereafter. Finally, the conclusion will summarise the results and discuss the implications of the study.

Literature Review

This section investigates the factors that impact old-age expenditure, with a primary focus on debt and unemployment. Old-age expenditure

is heavily influenced by concerns over future financing sustainability triggered by increasing old-age populations and lower fertility rates.⁶ Political, economic, and welfare-related factors can also play a role, though this is often dependent on time, country, and institutional structures. Immergut et al. predicted that more veto players inhibit pension retrenchment but actually found that countries with more veto players were more successful in reforming pensions. Korpi and Palme show that left-wing governments can delay pension retrenchment, at least initially.⁷ Ultimately, however, Tepe and Vanhuyse reveal that macroeconomic pressures tend to be more decisive determinants in pension restructuring.⁸ The adequacy of state pension funding is also affected by welfare structures, with the generosity of public funding

6 Edyta Marcinkiewicz and Filip Chybalski, "A New Proposal of Pension Regimes Typology: Empirical Analysis of the OECD Countries," *Journal of Economic Policy Reform* 22, no. 1 (2017): 84–99.

7 Ellen Immergut, Karen Anderson and Isabelle Schulze, *The Handbook of West European Pension Politics* (Oxford, New York: Oxford University Press, 2009); Walter Korpi and Joakim Palme, "New Politics and Class Politics in the Context of Austerity and Globalization: Welfare State Regress in 18 Countries, 1975–95," *The American Political Science Review* 97, no. 3 (2003): 425–46.

8 Markus Tepe and Pieter Vanhuyse, "Who Cuts Back and When? The Politics of Delays in Social Expenditure Cutbacks, 1980–

varying considerably among welfare-state types. With these complexities in mind, a cross-country comparative approach that controls for demographic, political, and welfare variables is fitting to isolate debt and unemployment's impact on old-age expenditure.

Governmental debt can influence public expenditure levels, old-age expenditure included, though its relationship can be indirect.⁹ In one study, a positive relationship between debt and pension expenditure was mediated by increasing elderly populations. Public debt played a minimal role in the pension reform processes across the OECD that led to multi-pillar pension systems¹⁰ being created, but some countries did take on debt to fund generous pension and benefit payments. Generally, however, the switch to multi-pillar financing structures was part of a wider trend to reduce the role of the state by introducing private and supplementary provisions, hence lowering the need for public debt.¹¹ Furthermore, as Pay As You Go (PAYG) pension systems were generally created to reduce the burden of pension funding on the state, and share it between employers and employees, increasing public to fund them would run counter to the aim they were originally created to achieve.¹² In extreme cases, like the financial crisis, spiralling debts were used

as one of the reasons for drastic reforms and the introduction of strict fiscal rules, but this panel data's timescale (40 years) and inclusion of 28 countries may average out these outlier cases.¹³

Hypotheses

The above literature leads to the following hypothesis:

H1: Public debt will have a weak negative relationship with old-age expenditure.

Unemployment can have a positive and negative relationship with expenditure. For example, high unemployment levels can delay cuts to social expenditure but alternatively discourage citizens from re-joining the workforce, with some retiring early or choosing to retain unemployment benefits.¹⁴ These latter effects respectively place more strain on old-age financing or reduce contributions to pensions, therefore depleting available funding overall and for individuals.¹⁵ Disentangling unemployment from other macroeconomic factors will be necessary to identify its role correctly. Unemployment was a consequence of the financial and sovereign debt crises, which, in countries like Greece, led to brief pension expenditure increases due to older citizens taking early retirement,

2005," *West European Politics* 33, no. 6 (2010): 1214–40.

9 Ezebuilo Romanus Ukwueze, "Determinants of the Size of Public Expenditure in Nigeria," *SAGE Open* 5, no. 4 (2015).

10 A multi-pillar pension system is a retirement plan with multiple components or pillars. Typically, these pillars include employer-sponsored pensions, public pensions supplied by the government, and private individual savings or investment accounts. During their retirement years, it strives to give people a varied and steady income source.

11 Bernhard Ebbinghaus and Mareike Gronwald, "2 The Changing Public–Private Pension Mix in Europe: From Path Dependence to Path Departure," in *The Varieties of Pension Governance: Pension Privatization in Europe*, ed. Bernhard Ebbinghaus (Oxford: Oxford University Press, 2011); Ismael Sanz and Francisco Velázquez, "The Role of Ageing in the Growth of Government and Social Welfare Spending in the OECD," *European Journal of Political Economy* 23, no. 4 (2007): 917–31.

12 Marcinkiewicz and Chybalski, A New Proposal of Pension Regimes Typology: Empirical Analysis of the OECD Countries.

13 Bernard Casey, "From Pension Funds to Piggy Banks: (Perverse) Consequences of the Stability and Growth Pact since the Crisis: From Pension Funds to Piggy Banks," *International Social Security Review* 67, no. 1 (2014): 27–48.

14 Christian Jaag, Christian Keuschnigg and Mirela Keuschnigg, "Pension Reform, Retirement, and Life-Cycle Unemployment," *International Tax and Public Finance* 17, no. 5 (2010): 556–85; Alexander Hicks and Christopher Zorn, "Economic Globalization, the Macro Economy, and Reversals of Welfare: Expansion in Affluent Democracies, 1978–94," *International Organization* 59, no. 3 (2005): 631–62; Jean-Olivier Hairault, François Langot and André Zylberberg, "Equilibrium Unemployment and Retirement," *European Economic Review* 79 (2015): 37–58.

15 Jorge Bravo and Jose Herce, "Career Breaks, Broken Pensions? Long-Run Effects of Early and Late-Career Unemployment Spells on Pension Entitlements," *Journal of Pension Economics & Finance* 21, no. 2 (2022): 191–217.

but subsequent expenditure was quickly frozen, cut, or restructured.¹⁶ It has also been argued that the relationship between unemployment and old-age expenditure can be endogenous, as prospective higher employer contributions can discourage hiring, which in turn leads to lower state finances.¹⁷ Random effects regression can control for potential endogeneity, while differences in employer pension contributions can be controlled by including welfare regime-type variables.¹⁸ This study will hopefully clarify unemployment's complex relationship with old-age expenditure and provide a nuanced understanding of its influence in different contexts.

This leads to the hypothesis:

H2: Higher unemployment rates lead to an increase in old-age expenditure.

Dataset & Methodology

This study uses the Comparative Political Data Set 1960-2020 (CPDS) and the OECD Social Expenditure Database.¹⁹ The datasets were merged using Microsoft Excel's VLOOKUP function to include the OECD's measure of state expenditure on old-age benefits in the CPDS. This measure, which is the study's dependent variable, primarily consists of financing for pensions, as well as early retirement and elderly social services ('Social Expenditure - Aggregated Data: Public Expenditure on Old-Age and Survivors Cash Benefits, in % GDP' n.d.). Random effects regression is used as it accounts for unobserved

time-invariant factors while allowing for the control of differences in countries' welfare regimes. Country-specific effects are modelled as random, allowing for the effects of economic variables on state old-age expenditure to be isolated while controlling any collinearity caused by including welfare state types.²⁰ Robust standard errors are applied to control for potential heteroskedasticity. Regression assumptions have been satisfied, and the data has been checked for missing values and skewness. See annex for multicollinearity test results (negative). 1980-2020 was chosen as the period of focus due to various events which impacted social policies during that time, for example, the continuing trend of ageing populations, the entry of numerous market economies into Europe after the Cold War, the creation of the European Monetary Union (EMU), the expansion of the EU, and the Financial and Sovereign-debt crises.

Variables

Dependent Variable

Old-age expenditure (% of GDP)

Independent variables

- Unemployment (% of workforce)
- Governmental debt (% of GDP)

Control variables

Economic:

- Inflation (% change CPI, annual)
- GDP growth (% change, annual)
- Deficit (% of GDP, annual)

16 Manos Matsaganis, "The Welfare State and the Crisis: The Case of Greece," *Journal of European Social Policy* 21, no. 5 (2011): 501-12.

17 Roland Demmel and Christian Keuschnigg, "Funded Pensions and Unemployment," *FinanzArchiv / Public Finance Analysis* 57, no. 1 (2000): 22-38.

18 Riju Joshi and Jeffrey Wooldridge, "Correlated Random Effects Models with Endogenous Explanatory Variables and Unbalanced Panels," *Annals of Economics and Statistics*, no. 134 (2019): 243-68.

19 Klaus Armingeon, Sarah Engler and Lucas Leemann, "Comparative Political Data Set 1960-2020," *University of Zurich: Department of Political Science*, 2022, <https://www.cpd-data.org/index.php>; OECD, *Social Expenditure - Aggregated Data, Public Expenditure on Old-Age and Survivors Cash Benefits, in % GDP*, 2023, <https://stats.oecd.org/index.aspx?queryid=30197#>.

20 Paul Clarke, Claire Crawford, Fiona Steele and Anna Vignoles, "The Choice Between Fixed and Random Effects Models: Some Considerations for Educational Research," *SSRN Electronic Journal*, no. 5287 (2010).

- Government receipts (% of GDP)

These economic control variables indicate economic stability and performance, and are included to prevent debt and unemployment's impact on the DV being confounded.

Political

- Government support (Gov. party seat-share)
- Government type (Single-party majority government, coalition, technocratic etc.)
- 'Pres'-Executive-legislative relations (Parliamentary system, Single-party minority government etc)
- Government composition (% left-party cabinet posts)
- Government composition (% centre-party cabinet posts)
- Government composition (% right-party cabinet posts)

Immergut et al. and Korpi and Palme's informed the decision to include three 'veto player' and three political party orientation variables.

Demographic

- Population over 65 (% of population)
- Population 65+ was the only non-collinear demographic variable available in the CPDS.

Welfare Regime Type

- Welfare regime type (Predominant mandatory public regime, Significant mandatory participation in private schemes, Significant voluntary pension schemes and Outlier)

Marcinkiewicz and Chybalski's welfare typology is based on market and state involvement and voluntary pension schemes.²¹

Analysis

For the 28 OECD nations, debt and unemployment's relationships with old-age expenditure are assessed using random effects regression. According to the Wald Chi statistic (671.49) and corresponding P value (0.0000), one or more of the factors are significant predictors of old-age expenditure. The results are consistent with 95% confidence intervals and a critical value of 0.05, and the R-squared value (0.7891) indicates that the model explains a significant amount of variance in the dependent variable within each country. Polynomials were included in a non-nested model to test for non-linear relationships, with none found to be significant, resulting in their exclusion from the final model.

Debt's relationship was not found to be statistically significant, so there is not adequate evidence to accept H1 that public debt has a weak negative relationship with old-age expenditure. This relationship had been expected due to most OECD countries' employer-employee PAYG pension funding structures.²² Some of the referenced literature about debt's influence on expenditure were single case studies, and this finding suggests that caution should be applied when generalising findings about debt's relationship to other settings. Furthermore, policymakers might reevaluate ideas about reducing public debt in order to tackle funding issues for old-age expenditure. Nevertheless, public debt is still an indicator of economic health which, at high levels, might impact other economic variables that *do* determine old-age expenditure, like deficits and government receipts, which may become less tenable due to debt-induced interest rate increases.

²¹ Marcinkiewicz and Chybalski, A New Proposal of Pension Regimes Typology: Empirical Analysis of the OECD Countries.

²² Max Planck Institute, "Pension Maps Visualising the Institutional Structure of Old Age Security," *Max Planck Institute*, 2023, <https://www.mpisoc.mpg.de/en/social-law/research/research-projects/pension-maps/project-website/>.

Random-effects GLS regression		Number of obs = 956				
Group variable: countryn		Number of groups = 28				
R-sq:		Obs per group:				
within = 0.7891		min = 21				
between = 0.7623		avg = 34.1				
overall = 0.7833		max = 41				
corr(u_i, X) = 0 (assumed)		Wald chi2(16) = 671.49				
		Prob > chi2 = 0.0000				
(Std. Err. adjusted for 28 clusters in countryn)						
PercentofGDP	Coef.	Robust Std. Err.	z	P> z	[95% Conf. Interval]	
unemp	.1091745	.0204787	5.33	0.000	.0690369	.1493121
inflation	-.0621999	.0190721	-3.26	0.001	-.0995805	-.0248193
debt	.0021622	.0032458	0.67	0.505	-.0041994	.0085239
deficit	-.0545616	.0130245	-4.19	0.000	-.0800891	-.0290341
realgdpgr	-.0539224	.0139955	-3.85	0.000	-.0813532	-.0264917
receipts	.1338455	.0199173	6.72	0.000	.0948083	.1728826
elderly	.321841	.0652227	4.93	0.000	.1940068	.4496752
gov_sup	-.0100943	.0074774	-1.35	0.177	-.0247498	.0045612
gov_type	-.0584362	.0379499	-1.54	0.124	-.1328166	.0159442
pres	.117882	.0874093	1.35	0.177	-.0534372	.2892011
gov_left1	-.0131038	.0084255	-1.56	0.120	-.0296175	.00341
gov_cent1	-.0113095	.0083899	-1.35	0.178	-.0277534	.0051344
gov_right1	-.0118512	.0090291	-1.31	0.189	-.0295479	.0058455
Welfare_regime_type						
Mandatory_Pub	2.317361	.6233743	3.72	0.000	1.09557	3.539152
Sig_Mandatory_Priv	-.2483992	.7335485	-0.34	0.735	-1.686128	1.189329
Sig_Volun_Pen	-.6076318	.6507644	-0.93	0.350	-1.883107	.667843
_cons	-2.254778	1.632123	-1.38	0.167	-5.453679	.9441236
sigma_u	1.298551					
sigma_e	.64509975					
rho	.8020567	(fraction of variance due to u_i)				

Figure 2

Unemployment's relationship was statistically significant, with a one percent increase in unemployment causing old-age expenditure to increase by 0.11% on average, aligning with H2's prediction that higher unemployment leads to higher old-age expenditure. Unemployment's positive relationship with pension expenditure may be explained by its influence on the behaviour of older citizens, as discussed in the literature. Returning to the workplace may be unappealing compared to early retirement, and labour market frictions may also make a return unfeasible, leaving retirement as the other option.²³ Legislators might consider removing

barriers to employment for elderly citizens to tackle the issue of unemployment among the elderly as an indirect way to reduce old-age expenditure, for example, by incentivising businesses to take on older citizens. Future studies might focus on particular welfare types, perhaps where unemployment and retirement benefits are lower, to assess whether this pattern is still visible. Additionally, addressing possible reverse causation by including a lagged dependent variable may help control for any effect of old-age expenditure on unemployment in previous years.

23 Hila Axelrad, Miki Malul and Israel Luski, "Unemployment among Younger and Older Individuals: Does Conventional Data about Unemployment Tell Us the Whole Story?," *Journal for Labour Market Research* 52, no. 1 (2018): 3; Hairault et al., *Equilibrium Unemployment and Retirement*.

None of the political control variables significantly predict old-age expenditure levels. This raises questions about the applicability and replicability of Immergut et al. and Korpi and Palme's respective findings. The scale of this project, with 28 diverse countries from across the OECD over 40 politically and economically tumultuous years, may have made political control variables obsolete. Political cycles are relatively short compared to wider macroeconomic, political, and demographic changes that have occurred in many countries. Future studies might employ different measures of political control and support, as well as consider the potential influence of membership of political and economic organisations such as the EU, EMU, and World Trade Organisation (WTO), to ascertain if there is a statistically significant relationship between political variables and old-age expenditure.

The variable "elderly" is a significant predictor of old-age expenditure. With every percentage increase in population over the age of 65, old-age expenditure as a percentage of GDP increases on average by .32%. The ageing demographics across the sample and predictions that the average OECD labour force will shrink approximately 50% in the next 40 years made this relationship relatively easy to foresee.²⁴ Considering this increasing imbalance between elderly and work-age populations, however, it was interesting to find through testing with polynomials that the relationship between elderly population levels and expenditure is linear, and expenditure increases have not, on average, accelerated as the population over 65 has grown. Perhaps pension reforms are starting to mitigate the issue

of expanding elderly demographics. Future studies, when the proportion of the population over 65 has grown even more, might revisit this point.

Regarding the welfare regime typology variables, countries in the mandatory public pension category have, on average, a 2.3% higher level of old-age expenditure as a percentage of GDP than countries in the other welfare types, holding all other variables constant. The design of this typology-category might help explain this, as it is characterised by mandatory public pension scheme participation and high public pension expenditure.²⁵ Furthermore, the highest number of countries are included in this group, though they are still "the least internally diversified", which may have made it easier to identify a consistent and statistically significant relationship with old-age expenditure.²⁶ A larger sample size for the other categories may help reveal if their relationship is significant, though their comparative diversity of funding structures and public participation may make a consistent relationship hard to identify.

Inflation has a weak negative relationship with the dependent variable, with a 1% increase causing a 0.06% decrease in old-age expenditure. This could be due to inflation eroding purchasing power, reducing the resources for old-age expenditure. Switching indexation formulae to tie pensions to Consumer Price Index growth, as most European governments did, was intended to cut costs, as it was premised on the idea that inflation would grow more slowly than wages.²⁷ It seems they may have succeeded here, perhaps due to the consistently low

24 OECD, *Health at a Glance 2017: OECD Indicators*, 2017, https://www.oecd-ilibrary.org/social-issues-migration-health/health-at-a-glance-2017_health_glance-2017-en.

25 Marcinkiewicz and Chybalski, A New Proposal of Pension Regimes Typology: Empirical Analysis of the OECD Countries.

26 *Ibid.*

27 Karl Hinrichs, "Recent Pension Reforms in Europe: More Challenges, New Directions. An Overview," *Social Policy & Administration*

levels of inflation over the past decades, which meant expenditure adjustments were less frequently required.²⁸ Further examination of inflation's impact might incorporate countries, or time periods, with higher levels of inflation, for example, Turkey, or the inflationary period starting in 2022, to see if this pattern remains. Similarly, a narrower time period encapsulating the years since indexing formulae were changed might present a stronger or different result.

A 1% increase in deficits and GDP growth is associated with a 0.05% decrease in old-age expenditure and a 1% increase in receipts is associated with a 0.13% increase. Deficit reduction through the cutting of expenditure is a typical stipulation of fiscal rectitude and a common goal in market economies' budget processes, while governments with surplus receipts might be more likely to increase expenditure.²⁹ Policymakers might consequently consider strategies that increase revenue as a cost-effective way to tackle financing sustainability.

Future studies might incorporate an alternative measurement for the dependent variable. The dependent variable's measurement (% of GDP) may have made interpreting GDP growth's relationship with it harder, as a larger overall GDP might mean that only expenditure's *proportional* size is reduced, not its real terms value. A different measure of old-age expenditure, perhaps in cash, might provide clarity here.

Conclusion

To conclude, governmental debt and unemployment's relationships with old-age expenditure in 28 OECD countries were identified using random effects regression to answer the research question "What is the predictive relationship between government debt and unemployment with state old-age expenditure?". While debt's relationship was not significant, unemployment was found to have a weak positive relationship with old-age expenditure. Fiscal rectitude is sacrosanct in EU mechanisms like the European Semester and the Stability and Growth Pact, where unemployment, deficit, and public debt levels are tightly regulated. However, perhaps in France, where protests against pension reforms are ongoing, policymakers might use this result to approach sustainability issues differently by addressing market frictions that inhibit employment for the elderly rather than concentrating solely on reforming old-age benefits. Incorporating more demographic variables and using an alternate expenditure measure might allow for a more extensive understanding of the determinants of old-age expenditure. This paper provides a fresh perspective on the subject by applying a new statistical approach and including a wide selection of countries, many of which are often overlooked in welfare studies. Results from this project suggest that policymakers should consider the role of unemployment more prominently when deciding on old-age expenditure rather than over-focusing on cutting benefits to ensure sustainability.

55, no. 3 (2021): 409–22.

28 *Ibid*; Macrotrends, *OECD Members Inflation Rate 1960-2023*, 2023, <https://www.macrotrends.net/countries/OED/oecd-members/inflation-rate-cpi>.

29 Alberto Alesina and Roberto Perotti, "Fiscal Discipline and the Budget Process," *The American Economic Review* 86, no. 2 (1996): 401–7.



Introduction

ON February 25, 2023, the long-running battle for Bakhmut came under the spotlight when the Russian mercenary group Wagner announced its claims over Yahidne, a village located three kilometres from the city.² Russian forces had already made a first step towards Bakhmut in July 2022, after the battle of Lysychansk, but were unable to go any further due to heavy losses.³ In November 2022, Ukraine succeeded in pushing Russian forces further east, into the Kharkiv and Kherson regions. Due to a shortage of trained soldiers as well as logistical challenges, Russian forces withdrew from the city of Kherson. The Wagner Group began to play an important role in the battle of Bakhmut from August 2022.⁴ This marked the beginning of the longest battle of the Ukrainian war, stretching the resources

of Russia, its Wagner Group, and Ukraine to their limit. By the end of March 2023, Russia had managed to capture 65% of Bakhmut, and, by 20 May 2023, Russia's Defence Ministry claimed to have captured it.⁵

Of all the fights, the prolonged nature of the battle for Bakhmut raises two questions. First, why did Ukraine, Russia, and the Wagner Group fight for so long for Bakhmut? Second, what does this battle mean for the larger Ukraine war? To answer these questions, it is necessary to analyse the significance of the city and the stakes for each of the three players involved in this long battle. Next, the importance of the city is analysed in the light of the wider strategy of these players in the war. Finally, a more forward-looking perspective is adopted to examine the potential implications of this battle for future developments in the war.

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- 2 Nadeem Badshah, Tom Ambrose and Adam Fulton, "Russia-Ukraine war live: Putin accuses west of wanting to dismantle Russia – as it happened," *The Guardian*, February 27, 2023, <https://www.theguardian.com/world/live/2023/feb/26/russia-ukraine-war-live-wagner-chief-claims-capture-of-village-near-bakhmut-ukraine-says-power-grid-recovering>; Reuters, "Russia's Wagner claims control of Ukrainian village near Bakhmut," *Reuters*, February 24, 2023, <https://www.reuters.com/world/europe/russias-wagner-claims-control-ukrainian-village-near-bakhmut-2023-02-24/>.
- 3 Andrew Bowen, "Russia's War in Ukraine: Military and Intelligence Aspects," *Congressional Research Service*, February 13, 2023, <https://crsreports.congress.gov/product/pdf/R/R47068>.
- 4 *Ibid.*
- 5 Karolina Hird, Riley Bailey, Kateryna Stepanenko, George Barros and Frederick W. Kagan, "Russian Offensive Campaign Assessment, March 28, 2023," *Institute for the Study of War*, March 28, 2023, <https://understandingwar.org/backgrounder/russian-offensive-campaign-assessment-march-28-2023>; Le Monde, "Moscow claims it has captured Bakhmut, Kiev says fighting 'ongoing,'" *Le Monde*, May 20, 2023, https://www.lemonde.fr/en/international/article/2023/05/20/wagner-claims-complete-control-of-bakhmut-ukraine-says-situation-critical_6027363_4.html.

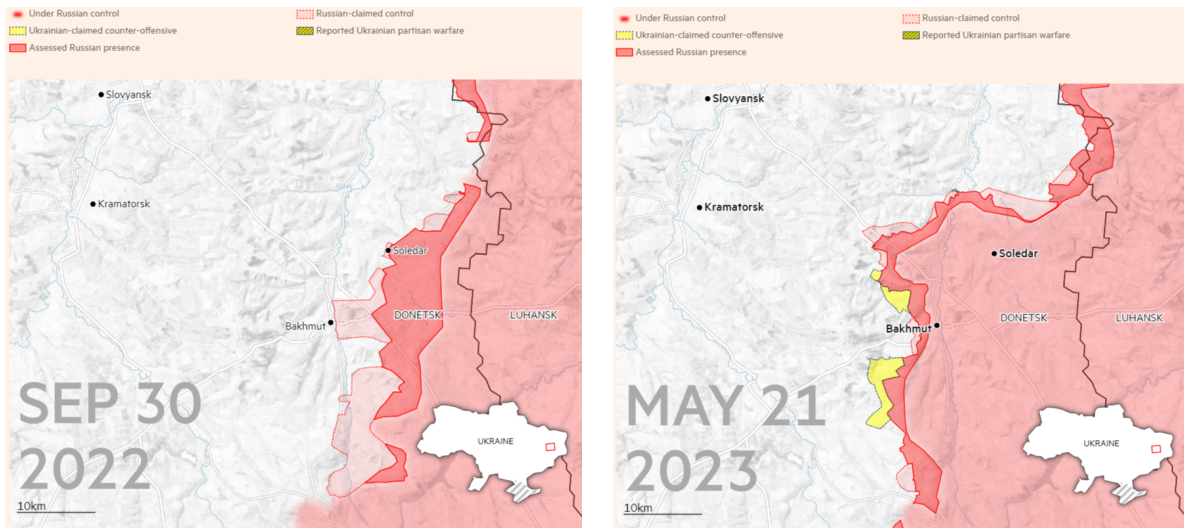


Image Source: Institute for the Study of War/Financial Times⁶

Significance of Bakhmut

Geographical

Located in the northeast of Donetsk, Bakhmut contains a north-south rail line and an M-03 highway linking Kharkiv to the Donetsk Basin. Bakhmut connects Kramatorsk, and Sloviansk to the west, and Soledar to the east.⁷ Kramatorsk, which hosts industrial plants and mining equipment production, acts as the administrative block of the self-proclaimed Donetsk People's Republic since 2015.⁸ On the other hand, Sloviansk, located near the M-03 highway, connects Kyiv, and Kharkiv, and extends its lines close to Rostov-on-Don in Russia.⁹ Apart from the road and rail infrastructure benefits, the city is also known for its salt industry, and manufacturing plants.

Cultural

Culturally, Bakhmut (known as Artemivsk until February 2016) shared a deep demographic, linguistic, and political history with Russia.¹⁰ After the 1917 Revolution, Ukraine made territorial, economic, and demographic gains thanks to the Donbas region. During the industrialisation between 1920 and 1950, the Ukrainian population grew, helping to boost the socio-economic status of the Donetsk region.¹¹ As can be seen, the area has played a significant role in Ukraine's economic development. In Russia's perspective, the region is home to a prominent Russian-speaking population and is equally of economic importance given that it developed well under the Soviet Union, giving the country an incentive to wage the battle.

⁶ Max Seddon, Christopher Miller and Roman Olearchyk, "Putin claims capture of Bakhmut as Ukraine insists battle 'not over'," *Financial Times*, May 21, 2023, <https://www.ft.com/content/5950d5d5-26b4-4b8b-a4c6-9dfbd62e9a99>.

⁷ ARTEMIVSK, "The History of cities and villages of the Ukrainian SSR," ARTEMIVSK, [Accessed April 16, 2023], <http://imsu-doneck.info/mista-i-sela-doneckoi-oblasti/artemivskij-rajon/artemivsk.html>.

⁸ Roman Goncharenko, "Why Russia really wants last Ukraine-held cities in Donbas," *Deutsche Welle*, July 7, 2022, <https://www.dw.com/en/ukraine-why-russia-wants-to-take-last-three-major-cities-in-donbas-region/a-62388866>.

⁹ *Ibid.*

¹⁰ Bakhmut City Council, "Historical reference," *Bakhmut City Council*, July 1, 2017, <https://artemrada.gov.ua/history>.

¹¹ Istpravda, "Ukrainian Revolution 1917-1921," *Istpravda*, April 18, 2018, <https://www.istpravda.com.ua/short/2018/04/18/152320/>; Bakhmut City Council, "Historical reference," *Bakhmut City Council*, July 1, 2017, <https://artemrada.gov.ua/history>; Stepan Rudnyzkyj, *Ukraine - The Land and its People. An Introduction to its Geography* (Loschberg: Jazzybee Verlag, 2022); Donetskstat, "Population census: Donetsk region," *Donetskstat*, 2012, <https://web.archive.org/web/20120207045443/http://donetskstat.gov.ua/census/census.php?ncp=11&ncp1=6>.

Strategic

For Russia, capturing Bakhmut would be an additional asset following its victory in the battle of Soledar. By taking control of Bakhmut, it would gain access to rail and road infrastructure and would be able to establish a connection with its existing arms and equipment base in Soledar. It would also put Russia in a favourable position to launch an offensive on the neighbouring cities of Kramatorsk and Sloviansk, currently under Ukrainian control, and thus strengthen Russia's hold on the Donetsk oblast. Additionally, in light of the Ukrainian counter-offensive, it is of utmost importance for Russia to hinder Ukraine's counteroffensive, including by avoiding that the M-03 highway serves as a supply line for Ukrainian troops and equipment for the battles in the neighbouring cities. Keeping hold of Bakhmut is a means of deterring the Donetsk battle. On the Ukrainian side, the strategic aspect of Bakhmut lies in the possibility of inflicting heavy damage on the Russian forces and the Wagner Group and occupying the Russian forces, while preparing the announced counter-offensive.

A Determined Ukraine with a Weak Military Stance

After a successful counteroffensive in September 2022, Ukraine was able to capture back districts in Kharkiv and Kherson in November 2022. The front lines are being pushed farther into eastern Ukraine, concentrating the fight in the Donbas. The position of Bakhmut offers an entry point into Donetsk, where Russia has a stronghold. Although the battle provides

a strategic possibility for Ukraine to push back Russia further away from Donetsk, the prolonged counter has cost the Ukrainian military heavily. While Russian forces and the Wagner Group are pulling in equipment and prisoners to fight this costly war, the risk of losing Kramatorsk and Sloviansk has pushed Ukraine to exhaust its existing resources by forming a fortress in western Bakhmut.¹² The fight creates a risk of significant exhaustion of its reserves due to the massive deployment of resources. It also creates a pressure point to demand more weaponry and faster delivery of the pledged military support from the West. Germany, other EU member states and the United States (US), which gradually increased their military aid from June 2022, promised to deliver advanced battle tanks and weapon systems.¹³ In the absence of a precise delivery schedule, Ukraine's position in Western Bakhmut is challenged. This was confirmed by Ukraine's Armed Forces Commander-in-Chief, General Valerii Zaluzhnyi. According to him: *"The defensive operation around Bakhmut is of paramount strategic importance for deterring the enemy. Bakhmut is the key to the stability of the entire front now... It just hurts to realize that with more resources, we would save a lot of lives. Had that been available, it is possible Bakhmut would never have become a fortress, a symbol, or a legend."*¹⁴

Bakhmut does prove to be a strategic point in the war. Due to Ukraine's decreased military resources, it could not prevent the Wagner Group from encircling Bakhmut in the north, south and east. The Ukrainians clung on to the parts of the city they still controlled. This strategy

12 Lera Burlakova, "Ammunition Hunger Games in Bakhmut," *Center for European Policy Analysis*, March 20, 2023, <https://cepa.org/article/ammunition-hunger-games-in-bakhmut/>.

13 Padmashree Anandhan, "The Ukraine War," *Global Politics*, December 31, 2022, https://globalpolitics.in/view_cir_articles.php?url=2022:%20The%20World%20This%20Year&recordNo=980.

14 Burlakova, *Ammunition Hunger Games in Bakhmut*.

of defence at all costs then turned into a technique of wasting Russia's time and resources, while planning attacks in other regions. These could be launched further south in Kherson and further north from Kramatorsk or Sloviansk to cities like Kreminna, Severodonetsk, and Lysychansk, in the oblasts of Luhansk and Donetsk. Nevertheless, Ukraine needs time, as it will only be able to carry out its counter-offensive with increased Western military support.¹⁵

Russia's Elastic Hand - The Wagner Group

On the ground, Russia's military forces combined with the Wagner Group have been engaged in a brutal battle against Ukraine since September 2022. The Wagner Group shared the heaviest burden of the fight. It is estimated that close to 40,000 Russian prisoners have been recruited by Wagner's founder, Yevgeny Prigozhin.¹⁶ According to UK intelligence, between 20,000 and 30,000 of them died or were wounded.¹⁷ During the nine months of the battle, the mercenaries and the Russian forces made significant advances, as confirmed by the Institute for the Study of War.¹⁸ As of March 28, the Wagner Group took control of numerous areas in eastern, northern and central Bakhmut, but failed to capture the western part of Bakhmut.¹⁹ There are two possible reasons for Russia's determination to continue its offensive despite the heavy

losses suffered in the city. The first is to exhaust Ukraine's resources in Bakhmut. The second is to prepare Russian forces for a strong offensive aimed at Sloviansk and Kramatorsk in order to implement its wider strategy in the Donetsk region, while not abandoning Bakhmut thanks to the mobilisation of the Wagner Group.

Russia, with the help of the Wagner Group, has been able to rebuild its forces and reinforce its positions. Nevertheless, it did not succeed in exhausting Ukraine's resources. Since the aid promised by the West is arriving in batches and the Ukrainians are being trained by the West, Ukrainians could emerge reinvigorated for the next battle.

The Wagner Group has experienced difficulties on the ground in countering Ukrainian forces and clashes with Russian defence forces to maintain ammunition supplies.²⁰ Despite such challenges, the group made progress every week, capturing the centre of Bakhmut. Seizing Bakhmut could both be a political and a strategic aim for the organisation and its leader. From a political point of view, claims have been made regarding a possible candidacy of Prigozhin for the next presidential election and debates have risen about how the Group would be exploited by Russia to accomplish its goals.²¹ Despite such claims, the Wagner Group was determined to carry out its operations in Bakhmut. From a strategic

15 Andrew E. Kramer and Anatoly Kurmanaev, "Ukraine Claims Bakhmut Battle Is Wagner's 'Last Stand,'" *The New York Times*, March 7, 2023, <https://www.nytimes.com/2023/03/07/world/europe/bakhmut-ukraine-russia-wagner.html>.

16 Tim Lister, "Battle for Bakhmut grinds down Wagner's mercenaries and cuts their notorious leader down to size," *CNN*, March 16, 2023, <https://edition.cnn.com/2023/03/16/europe/bakhmut-wagner-yevgeny-prigozhin-intl-cmd/index.htm>.

17 *Ibid*; Kathryn Armstrong, "Ukraine war: Battle for Bakhmut 'stabilising', says commander," *BBC*, March 27, 2023, <https://www.bbc.com/news/world-europe-65072173>.

18 Hird et al., Russian Offensive Campaign Assessment, March 28, 2023.

19 *Ibid*.

20 Elena Teslova, "Head of Wagner mercenary group complains about lack of ammunition," *Anadolu Agency*, February 21, 2023, <https://www.aa.com.tr/en/world/head-of-wagner-mercenary-group-complains-about-lack-of-ammunition/2826801>.

21 Elena Teslova, "Head of Wagner paramilitary group says he intends to run for president in Ukraine," *Anadolu Agency*, March 12, 2023, <https://www.aa.com.tr/en/politics/head-of-wagner-paramilitary-group-says-he-intends-to-run-for-president-in-ukraine/2843138>; Tim McNulty, "Russian military chiefs 'deliberately' using Bakhmut to purge Wagner Group," *Express*, March 14, 2023, <https://www.express.co.uk/news/world/1745544/ukraine-live-updates-russia-military-wagner-group-bakhmut-battle>.

point of view, it tactically introduced new resources by recruiting Russian prisoners and managed to bargain its ammunition with Russia. It succeeded in blocking Ukraine's supply routes and encircling Ukrainian forces, with the exclusion of the western part of Bakhmut. Over time, however, the Group weakened by continued losses, and exhaustion of its personnel and weaponry, increasing its dependency on Russian forces. Due to such challenges, the Wagner Group was forced to withdraw from Bakhmut and got replaced by the Russian forces. In its last offensive in western Bakhmut, the Group was only able to capture a few areas (Gnezdo, Konstruktor, and Domino) in the west without a breakthrough.²²

What Does the Battle Mean for the Larger War in Ukraine?

Firstly, the battle may not have been in Ukraine's favour due to its limited weapons and continued offensives from Wagner's cannon fodder. Russia will have to concentrate its forces to keep control of the city, now that the Wagner Group left Bakhmut. For Ukraine, this will be a good time to rethink its strategy, whether it wants to keep its remaining forces in Bakhmut or strategically withdraw them to concentrate troops in other important areas such as Sloviansk, Kramatorsk, and, more largely, in the Donbas region.

Secondly, the results are mixed for Russia. Wagner's exhaustion will be a setback for Russia in launching future offensives. However, gaining ground in Bakhmut sets Russia in a positive position. Russia

has impeded Ukraine from entering the Donbas region, one of the largest areas captured since 2022. However, the threat is not far away as Ukraine has launched its counter-offensive.

Thirdly, Bakhmut remains an expensive battle with no significant outcome so far. Russia's drive to continue the war for six months despite logistical challenges and personal losses at military and paramilitary levels may not bear fruit. If Russia's goal is strategic and aims to take control of Sloviansk and Kramatorsk eventually, the losses and exhaustion experienced in the battle for Bakhmut will slow or reduce the Russian army's capacity to attack. This could consequently prevent it from advancing or at least limit its larger position in eastern Donbass. Ukraine and the countries that support it will have to increase their military spending to set the country on par with Russia. This would only increase the cost of the war and the damage caused.

Conclusion

The battle for Bakhmut will go down as one of the longest and most exhaustive fights in the Ukraine war. If it is of symbolic importance or a tussle for ground will be revealed as the war goes forward. The main lessons to be learned from this battle are as follows. First, the astonishing defensive and strategic capability of the Ukrainian forces to use their resources tactically and in depleting the Wagner Group and the Russian forces. Second, Wagner's command showed great strength in using its soldiers and resorting to prisoners to

²² Vladislav Ugolny, "Inside the 'Bakhmut meat grinder': How Russia forced Ukrainians to retreat from Artyomovsk, their supposed 'fortress' in Donbass," *RT*, May 21, 2023, <https://www.rt.com/russia/576632-artemovsk-bakhmut-battle/>.

keep moving forward despite the losses, while the Russian regular army focused on a recovery strategy. Whether a Russian victory in the battle for Bakhmut would mark a turning point in the larger war remains uncertain. Both Russia and Ukraine have tremendously exhausted their resources. Replacing them with qualified soldiers and quality weapons systems to hold the conquered areas and for the battle ahead will be decisive. In that regard, Ukraine might be in a better posture thanks to the incoming trained soldiers and the advanced weapons provided by the West. Russia, for its part, must find a way to increase its military capabilities and resources, while avoiding mobilising its population too heavily in order to maintain its rhetoric about a "*military operation*" that is not a war.



Introduction: Fixing the Machinery of Global Europe

THE world has become a hostile environment to the European Union (EU). As the global order undergoes paradigmatic shifts, the EU is increasingly solicited to respond to new challenges and opportunities, ensuring the security of its citizens and the sustainability of its societal model. The Russian invasion of Ukraine has been a tectonic event in this regard. Given the severity of this crisis, public and political debate have largely revolved around immediate policy initiatives on sanctions, security, defence, or support to Ukraine. This is certainly essential from the perspective of short-term reaction.

However, more attention could be given to initiatives aimed at making the EU structurally able to act more effectively at the global level. In fact, there is no straightforward connection between the intensity of external pressure (*input*) and the quality of adopted policies (*output*). Reactiveness in the face of hardships is never the exclusive formula for success in external policymaking. Institutions and governance make up the very machinery through which inputs are *processed* into timely decision-making and quality policymaking. They constitute the basic

architecture of a truly effective global EU and shall therefore receive adequate priority.² Therefore, to consolidate a stronger global role for the EU, attention should be given to governance innovation, institutional reforms, and decision-making improvements.³ This article aims at sketching a series of practicable reforms empowering the EU's institutional and decision-making system in external action.

Beyond the Single Market: Unveiling the Geopolitical Aspiration of the European Project

It is common knowledge that the rhythm of European integration has historically been drummed up by member states based on their consent and willingness to construct policies and institutions of collective action. A progressive realisation of the added value resulting from deeper cooperation within specific policy areas transmuted into greater political willingness to pool competencies and sovereignty into newly created supranational institutions. Contrary to a widespread economist understanding of the European project, the latter has historically been, fundamentally and beyond its economic dimension, a geopolitical response to external threats within its regional environment (hear the Soviet Union). The Russian invasion of

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2 Stefan Lehne, "Making EU Foreign Policy Fit for a Geopolitical World," *Carnegie Europe*, April 14, 2022, <https://carnegieeurope.eu/2022/04/14/making-eu-foreign-policy-fit-for-geopolitical-world-pub-86886>.

3 Sophie Pornschlegel and Ilke Toygur, "After Russia's invasion of Ukraine: Unity is good, but ambition is better," *European Policy Centre*, June 1, 2022, 7, https://www.epc.eu/content/PDF/2022/Differentiated_integration_DP.pdf.

Ukraine, far from “transforming” the EU into a “new” geopolitical actor, is truly *unveiling* this *preexisting* essence. Nevertheless, the post-WWII transatlantic tutelage of Europe severely constrained collective external action at the European level, thus fostering conservative attitudes and impeding public and political actors from appreciating the benefits of integrating a full-fledged foreign policy. Consequently, many weaknesses are associated with the conduct of foreign policy at the EU level, such as the intergovernmental and unanimity-based decision-making of the Common Foreign and Security Policy (CFSP), but also the lack of a common strategic culture, sluggishness in bilateral or multilateral diplomacy, or insufficient financial clout. Such (dys)functionings of the EU’s Common Foreign and Security Policy are tributary of the abovementioned Cold-war vassalage of Europe to the United States (US).⁴ What shall here be understood is that the very notion of foreign policy as being a “*sensitive regal power of nation-states*” is only a pure construct of history. Consequently, the institutional setting and decision-making of CFSP is today anachronistically unfit to navigate the real world and the accelerating pace of global events. The capability-expectation gap within the EU’s external action framework is still tremendously wide.

Foreign policy has nonetheless been institutionalised at the EU level, starting with the European Political Cooperation in the 1970s, progressing with the consolidation of CFSP through the Maastricht Treaty, the subsequent creation of a High Representative and a European External Action Service (EEAS), and even the progressive involvement of the Commission and the European Parliament. The following sections provide input to

maximise the use of available operational resources, unleash the potential of existing cooperation formats, and create a regulatory framework to up the timing and quality of foreign policymaking at the EU level.

Beyond Internal Competences: Institutionalising an External Role for the Commission

The European Commission has recently emerged as a prominently active and resourced external policy actor.⁵ While initially relegated to handling so-called internal policymaking, globalisation processes and the rise of international power politics have considerably blurred the line between internal and external action. Exclusive or shared EU competencies, taxonomically separated from CFSP, *de facto* reverberate with the external environment. Through externalising its internal policies and owing to its capillary international connections and significant financial clout, the Commission has gained substantial actorness in external policymaking.⁶ The geopolitical aspirations of the Commission, prioritised under Von der Leyen’s presidency, are gaining momentum. The Ukraine war has only drastically accelerated the Commission’s capacity and willingness to leverage the EU’s economic power in protecting strategic interests of its own. The planning and implementation of economic sanctions, the management of asymmetric dependencies, the use of conditionality, and increased investments in security and defence, are reshaping the role of this institution in a way that has never been witnessed before. Growing external and internal expectations are directing the Commission towards displaying greater flexibility and capacity

4 Richard Youngs, *The European Union and Global Politics*, (London Red Globe Press, 2021), 10.

5 Lehne, Making EU Foreign Policy Fit for a Geopolitical World.

6 Nicole Koenig, “The ‘geopolitical’ European Commission and its pitfalls”, *Jacques Delors Centre*, December 2, 2019, 2, <https://www.ceps.eu/ceps-publications/will-the-european-political-community-actually-be-useful/>.

to ensure coherence in its external action.

Created as a hybrid and independent entity to prevent the Commission from gaining more control over foreign policy issues,⁷ the EEAS has persistently suffered from poor authority, unclear mandate, and depletion of available resources.⁸ It has, moreover, remained subordinated to the intergovernmental authority of the Council. As the Commission now enjoys presence and actorness in external action, the case shall be made for considerable portions of the EEAS to be pooled back into the Commission's own institutional structures. This would give the latter greater capability to shape and implement its external action in a strategically more coherent, effective, and efficient manner. As this would require amending Article 27 TEU, such an institutional rearrangement should be undertaken, first, through informal agreements and processes, making the EEAS more straightforwardly available to support the Commission.⁹ The added value resulting from this informal reshuffling would lead towards a treaty-based formalisation of this institutional setup.

Beyond National Interests: Facilitating Decision-Making at the European Council

Besides supranational spillovers, the institutional setting of EU foreign policy still remains essentially intergovernmental. Foreign policymaking has, however, tendentially shifted from the Foreign Affairs Council to the European Council in recent years due to the blurring line

between internal and external policies, and the accelerating pace of international challenges.¹⁰ To keep up with the complexification and acceleration of external events, the *de facto* chamber of EU Heads of State has taken advantage of its political authority to play a significantly greater leadership role within the foreign policymaking of the EU. This institution was, however, only recently formalised through the Lisbon Treaty of 2009, providing the European Council with the capacity to take decisions on foreign policy matters (art. 28 TEU). All things considered, this institution still lacks sufficient operational ability to anticipate and coordinate effectively in the face of external challenges. Meetings only occur biannually and are carried out by leaders with poor foreign policy experience and a tendency to think through the prism of national interests.¹¹ The Russian invasion of Ukraine has, therefore, only artificially boosted the European Council's capacity to act in a seemingly unified fashion.

Targeted institutional reforms should prevent the persisting fragmentation and reactive attitude of this institution, often resulting in policies of the minimum common denominator. One serious proposal should be to create a support structure comprising national diplomats from the permanent representations to the EU, from the Council, as well as special advisors on European affairs, and a few remaining operational resources from the EEAS. This structure would be continuously or regularly active throughout the year. Informal and discreet negotiations could take place in preparation for the European

7 Thomas Henokl, "The European External Action Service: Torn Apart Between Several Principals or Acting as a Smart 'Double-Agent'?", *Journal of Contemporary European Research* 10, no. 4 (2014): 381-401, 385.

8 Hylke Dijkstra, "Five recommendations for the reform of the European foreign service," *London School of Economics Blog*, February 26, 2013, <https://blogs.lse.ac.uk/europpblog/2013/02/26/five-recommendations-eeas/>.

9 Antonio Zotti, "The relations between the EEAS and the European Commission in the EU's foreign policy system," *European Policy Brief*, August, 2014, 7, <https://cris.unu.edu/sites/cris.unu.edu/files/GREEN%20Zotti%20Policy%20Brief%2034.pdf>.

10 Erwin van Veen, Alba Di Pietrantonio Pellise, Nancy Ezzeddine and Paolo Napolitano, "EU policies and interventions in the Syrian and Iraqi civil wars," *Clingendael Institute*, February, 2021, 12, <https://www.clingendael.org/sites/default/files/2021-02/ue-relevance-in-the-syrian-and-iraqi-civil-wars.pdf>.

11 Lehne, Making EU Foreign Policy Fit for a Geopolitical World.

Council meetings. Heads of State would then only need to validate previously agreed decisions and thus spend more time solving the remaining more sensitive issues. Speedier and more ambitious decision-making at the European Council level would *in fine* provide Foreign Affairs Ministers with a mandate to progress more rapidly within the Council of the EU. Swifter decision-making at the Council level should then be complemented by a more regular activation of the “*passerelle*” clause (art. 48 (7) TEU), allowing for extraordinary use of qualified-majority voting on CFSP issues. This mechanism could also be reformed by making its triggering contingent upon qualified majority rather than unanimity as currently set forth. As a priority, Council decision-making through qualified-majority should aspire to treaty-based generalisation and formalisation.¹²

Beyond Self-Referentiality: Inter-Institutionalising, Deepening, and Enlarging Cooperation

Interinstitutional cooperation is key to maximising the potential of the EU as a global actor. Such interactions already exist, *albeit* only at the legislative (non-CFSP) level. In the foreign policy field, interinstitutional linkages are limited to direct attendance of the Commission President and HR/VP in meetings of the European Council, informal contacts between leaders, or formal monitoring from the European Parliament. Relations remain, however, competitive, infrequent, and fragmented. Following the so-called “trialogue” model, informal interinstitutional cooperation practices should be envisaged in foreign and external action policy, allowing representatives from EU institutions to

gather regularly to undertake discreet negotiations, share information, and build a common strategic culture.

Secondly, in cases where one or more member states hold back the adoption of specific actions, a more spontaneous use of enhanced cooperation mechanisms should be envisaged. As contemplated by EU treaties, a coalition comprising a minimum of nine member states, upon acceptance from the Commission and unanimous agreement from the Council, might decide to deepen integration and cooperation in a specific foreign policy area. While this has never been attempted in the CFSP framework so far,¹³ external pressures and increased expectations towards the EU justify an unprecedented application of this instrument, such as already done in security and defence through the Permanent Structured Cooperation. Complementary actions could include a more variegated use of soft law, such as through open methods of coordination, but also reliance on intergovernmental treaties or the possibility of opting out of agreed decisions.

Enlargement of foreign policy cooperation to the broader European region could be envisaged through consolidating the recently launched European Political Community. This French-initiated –yet EU-led– intergovernmental forum could provide the EU with a solid structure to root itself as the epicentre of a pan-European community of values, re-engaging its neighbourhood after a period of so-called “enlargement fatigue”, and cooperating on the grounds of a shared geopolitical understanding of security issues.¹⁴ Success will depend on deliverables, for

12 Nicolai von Ondarza and Minna Alander, “After the Conference on the Future of Europe: Time to Make Reforms Happen,” *German Institute for International and Security Affairs*, August, 2022, 5, https://www.swp-berlin.org/publications/products/comments/2022C49_ConferenceOnTheFutureOfEurope.pdf.

13 Giovanni Grevi, Pol Morillas, Eduard Soler i Lecha and Marco Zeiss, “Differentiated Cooperation in European Foreign Policy: The Challenge of Coherence. EU Integration and Differentiation for Effectiveness and Accountability,” *EU IDEA Policy Papers No.5*, August, 2020, 3, https://www.epc.eu/content/PDF/2020/EU_IDEA_challenge_of_coherence.pdf

14 Michael Emerson, “Will The European Political Community Actually Be Useful,” *Center for European Policy Studies*, 2022, 5,

this community not to end in a useless talking shop but rather to become a space where ambitious joint initiatives can be activated. The institutionalisation of this community will depend on the allocation of permanent resources, both financial and human ones, to which the EU should substantially contribute. This would facilitate the constant preparation of agreements reflecting EU interests and priorities. An additional initiative to foster cooperation and understanding between European capitals would finally consist in the establishment of a secondment program for national diplomats, allowing the latter temporary stay within the Foreign Affairs Ministry of third states, including accession candidates and associated ones.

Conclusion: Time to Reengage Institutional Reforms

"Nothing is possible without men, but nothing lasts without institutions", said Jean Monnet. Today's much-celebrated European solidarity is, however, only contingently driven by the critical times Europe faces.¹⁵ The unexpected unity among EU member states and institutions signals that longstanding divisions in specific strategic areas can be overcome and that collective action at the EU level seems to be accepted as being preferable to minimalist, fragmented, and *ad-hoc* action.¹⁶ The current juncture, therefore, generates a historically unique momentum to engage ambitious reforms of the CFSP architecture and make the EU more coherent, reactive, and powerful on the global stage. The path towards establishing

a stronger external governance for the EU will take time but must start somewhere.

This article provides some starting points in this regard but does not cover the entire range of possibilities.¹⁷ Such recommendations could be further investigated and used to relaunch a reform momentum through the upcoming EU presidencies, notably the Spanish one, a country that has displayed tremendous interest in this regard.¹⁸ They shall be seen as transitional steps towards a full-fledged EU foreign policy. In the long term, the demonstrated added value of collective action at the EU level should justify a further concentration of decision-making powers by the Commission, with the European Council operating through qualified majority or being relegated to taking on decision-shaping functions. A supranational institutional setting in foreign policy, driven by the Commission under the responsibility of the HR/VP (acting as a *de facto* EU Foreign Affairs Minister), but substantially shaped by member states, should be the final outcome of this reform movement. Greater actorness from the EU in external action should also justify a more stringent and legitimising role for the European Parliament, but also the allocation of greater financial resources to this policy pillar.

<https://www.ceps.eu/ceps-publications/will-the-european-political-community-actually-be-useful/>.

15 Ivan Krastev and Mark Leonard, "Fragile unity: Why Europeans are coming together on Ukraine (and what might drive them apart)," *European Council on Foreign Relations*, March 16, 2023, <https://ecfr.eu/publication/fragile-unity-why-europeans-are-coming-together-on-ukraine/>.

16 Richard Youngs, "The Awakening of Geopolitical Europe?," *Carnegie Europe*, April, 3, 2023, <https://carnegieeurope.eu/2022/07/28/awakening-of-geopolitical-europe-pub-87580>.

17 Stefan Lehne, "Is There Hope for EU Foreign Policy?," *Carnegie Europe*, December, 2017, 14-17, https://carnegieendowment.org/files/CP_322_Lehne_EU1.pdf.

18 Ministry of Foreign Affairs (Ministerio de Asuntos Exteriores) of the Kingdom of Spain, "The European Union's Common Foreign and Security Policy," [Accessed April 5, 2023]. <https://www.exteriores.gob.es/en/PoliticaExterior/Paginas/PoliticaExteriorSeguridadComunUE.aspx>



Introduction

THE European Union (EU) has found itself in stormy waters following the Russian invasion of Ukraine and the increasingly hostile great power competition between China and the US. While the situation asks for rapid action and a straight course to manage this storm, the EU seems incapable of formulating a grand strategy that allows it to do so.

In this article, the main shortcomings of the EU's grand strategy are addressed, and it is pointed out that the lack of a shared strategic culture leads to a lack of strategic foresight as well as a tendency to avoid making strategic choices, leading to a ship without a course. A dangerous place to be in, given the rough seas.

After exposing these weaknesses, it is explained how the EU should act by first realising that the European project has been founded on an American-led liberal order that allowed for open markets. Given the fact that this main benevolent actor has turned protectionist to face the growing threat coming from China and the ensuing multipolarity of the world, it is argued that the EU should go its own way while remaining open for dialogue with both parties.

This course should immediately serve as a clear coordination point to which the EU should adapt its grand strategy, having finally found a common rallying point. Having a clear vantage point will allow the EU to finally leverage its economic power and use it to support its capabilities in developing either hard power or soft power. As a result, this course will not only get the EU out of this storm but will also increase the capabilities and confidence of the EU as a geopolitical actor, allowing it to spread its ideals far beyond its current borders.

A Rough Sea Ahead

With the invasion of Ukraine by Russia 16 months ago, the security of the European mainland has been drastically impacted.² Not only has military security been affected, with European countries desperately clinging on to the North Atlantic Treaty Organisation (NATO), but energy security has been impacted as well, initiated by Putin's decision to close Nord Stream 2.³ To make things worse, European economic security is also being challenged by the United States (US). The Inflation Reduction Act (IRA) is encouraging European firms to invest in the US and receive large subsidies, in addition to the lower energy costs in the US, since their energy prices have not been significantly

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2 Megan Greene, "Europe's long-term security will rest on the reconstruction of Ukraine," *Financial Times*, December 18, 2022, <https://www.ft.com/content/39cf6ae7-1e21-4494-bb4e-afb11b3cdd01>.

3 Richard Milne, "Denmark, Germany and Poland Warn of 'Sabotage' after Nord Stream Leaks," *Financial Times*, September 27, 2022, <https://www.ft.com/content/85f24052-10a6-48de-8eb1-7a6f8be95759>.

impacted by the war in Ukraine.⁴

The US is becoming increasingly protectionist as they feel threatened by the rise of China, thereby potentially harming the European economy's ability to retain its prosperity.⁵ The advent of the multipolar world has led to a far more aggressive environment in which each power tries to protect its own interests.⁶ Russia, China, and the US, with their distinct strategic cultures, are putting everything into place to coordinate their responses to this emerging multipolarity,⁷ leaving the EU behind.⁸

It is in this situation of "*polycrisis*"⁹ that the EU currently finds itself. To keep its head above water, it will need to find a solution to a variety of internal and external problems. While this seems a daunting task, it should not be forgotten that even one of the founders, Jean Monnet, stated that "*Europe will be forged in crisis*".¹⁰ With Europe becoming engulfed in this polycrisis, it is essential to start repairing the ship and making it stormproof. In order to set a stable course, it is important to have an overarching strategy that will serve as a guiding light throughout these rough times.

Does the EU have something as a grand strategy? In contrast to other players

such as the US, China, or Russia, the EU needs to consider the feedback of its 27 Member States to formulate its grand strategy, which explains why deadlocks in the formulation can take several years to resolve.¹¹ In addition, while grand strategy itself is already considered to be a "*fuzzy topic*";¹² having to accommodate 27 different authors only increases the vagueness of the language used and obscures the possible path laid out in these documents.

A European Course, Going in Circles?

The first European grand strategy titled "*A secure Europe in a better world*" was published in 2003 and indicated "*its idealistic orientation*".¹³ The key approach for the EU was to respond to security challenges posed by the threats of weapons of mass destruction (WMDs) and organised crime, thereby forgoing the possibility to ask more profound questions about the possible emerging centres of strategic power.¹⁴

While in the US it is customary to publish a new national security strategy every presidential term, this is different in Europe, leaving it up for debate when a new document gets published.¹⁵ The thirteen-year gap between the first and second grand strategy also left the EU

4 Andy Bounds, "Belgium Accuses Us of 'Aggressive' Push to Lure European Business," *Financial Times*, January 10, 2023, <https://www.ft.com/content/16816444-1694-4530-84bb-ac289d6776dd#comments-anchor>.

5 Faith Birol, "Europe Urgently Needs a New Industrial Master Plan," *Financial Times*, December 5, 2022, <https://www.ft.com/content/2a68ef41-76ee-4406-a1f1-b64b2efc58a0>.

6 Sven Biscop, Bart Dessein and Jasper Roctus, "Putin Is Creating the Multipolar World He (Thought He) Wanted," *Egmont Institute Security Policy Brief no. 156*, March 2022, <https://www.egmontinstitute.be/app/uploads/2022/03/spb156-sven.pdf?type=pdf>.

7 For more information on strategic cultures see Feng Huiyun, *Chinese Strategic Culture and Foreign Policy Decision-Making: Confucianism, Leadership and War* (Routledge, 2007); Michael J Boyle and Anthony F Lang Jr., "Remaking the World in America's Image: Surprise, Strategic Culture, and the American Ways of Intervention," *Foreign policy analysis* 17, no. 2 (2021): 1-38; Agata Włodkowska, "The Strategic Culture of Russia. Why Is the Dialogue So Challenging?," in *Disinformation, Narratives and Memory Politics in Russia and Belarus*, eds. Agnieszka Legucka and Robert Kupiecki (London: Routledge, 2022), 135-150.

8 Benjamin Martill and Lisa Ten Brinke, "Europe in a Multipolar World," *LSE Ideas*, 2020, <https://www.lse.ac.uk/ideas/Assets/Documents/updates/LSE-IDEAS-Europe-in-a-Multipolar-World.pdf>.

9 Adam Tooze, "Welcome to the World of the Polycrisis," *Financial Times*, October 28, 2022, <https://www.ft.com/content/498398e7-11b1-494b-9cd3-6d669dc3de33>.

10 Jean Monnet, *Mémoires: Jean Monnet* (Profile Books, 1978), 43.

11 Sven Biscop, "From Global Strategy to Strategic Compass: Where Is the Eu Heading?," *Egmont Institute Security Policy Brief no. 121*, December 2019, https://www.egmontinstitute.be/app/uploads/2019/12/SPB121_FINAL.pdf?type=pdf.

12 Nina Silove, "Beyond the Buzzword: The Three Meanings of 'Grand Strategy'," *Security studies* 27, no. 1 (2018): 27-57, 28.

13 Sven Biscop, *Grand Strategy in 10 Words: A Guide to Great Power Politics in the 21st Century* (Policy Press, 2021), 33.

14 Jolyon Howorth, "The Case for an Eu Grand Strategy," *Egmont Papers* 27 (2009): 18-24.

15 Biscop, *From Global Strategy to Strategic Compass: Where Is the Eu Heading?*.

directionless when faced with novel crises that were not addressed in the 2003 document, such as the Arab Spring, the American pivot to Asia, and the financial crisis, causing the EU to miss out on strategic opportunities.¹⁶

Published in 2016, the EU's second grand strategic document titled "*EU Global Strategy*" marked a shift in the discourse of the EU, recognising the increased competition globally, but believing that it could be contained if it tried, therefore labelling its course "*principled pragmatism*".¹⁷ This document listed practically every region in the world as an equally important area, thereby avoiding making choices, running in contrast to the concept of good strategy which "*involves identifying and prioritising a small number of core objectives*".¹⁸

The third and most recent grand strategic document was published in 2022, just months after the Russian invasion, and was titled "*A Strategic Compass*".¹⁹ As a result of the monumental changes in the geopolitical environment, this "*Strategic Compass*" differentiated itself from previous documents through its increased focus, urgency, and availability of means to achieve its goals.²⁰

While this seems a promising addition to the European strategic discourse, some problems remain. The EU is already spending a large amount of money on defence; however, the inability to integrate

both the defence budgets and the military forces to the extent that other countries can, often leads to wasteful investments, which is something this document did not address.²¹ Another criticism of the document is its lack of strategic foresight, which can be seen by its half-hearted mentions of the Indo-Pacific, despite it being the emerging geopolitical centre of gravity.²² In addition, the Chinese threat to the rules-based order is being downplayed, demonstrating "*the EU's security and defence ambitions as that of a regional player, not a global one*".²³

Multiple Captains Will Sink the Ship

Looking back at the criticisms of the European grand strategy, these can be categorised into two trends. The first is the lack of real strategic foresight, translating itself into not focusing on future possible scenarios or making it difficult to pinpoint priorities, thereby avoiding taking decisions. A second criticism is the inability to integrate the European armies, be it in weapons procurement, interoperability, or defining their capabilities.

What would be a solution to these problems? A key element could be a common strategic culture. Strategic cultures are defined as the "*total of ideals, conditioned emotional responses, and patterns of habitual behaviour that members of the national strategic community have acquired through instruction or imitation*".²⁴ Important is the mention of "*national*",

16 Sven Biscop, "EU Grand Strategy: Optimism Is Mandatory," *Egmont Institute Security Policy Brief no. 36*, July 2012, <https://www.egmontinstitute.be/app/uploads/2013/09/SPB36-Biscop.pdf?type=pdf>.

17 Biscop, *Grand Strategy in 10 Words: A Guide to Great Power Politics in the 21st Century*.

18 Andrew Cottey, "Astrategic Europe," *Journal of common market studies* 58, no. 2 (2020): 276-91, 283.

19 Daniel Fiott, "Rising Risks: Protecting Europe with the Strategic Compass," *CSDS Policy Briefs*, October 2022, <https://brussels-school.be/publications/policy-briefs/rising-risks-protecting-europe-strategic-compass#:~:text=The%20Strategic%20Compass%20will%20guide,protect%20its%20interests%20and%20values>.

20 Nicole Koenig, "Putin's War and the Strategic Compass: A Quantum Leap for the EU's Security and Defence Policy," *Jacques Delors Centre*, April 29, 2022, https://www.delorscentre.eu/fileadmin/2_Research/1_About_our_research/2_Research_centres/6_Jacques_Delors_Centre/Publications/20220428_Koenig_StrategicCompass.pdf.

21 Sven Biscop, "The EU's Strategic Compass: How to Translate It into Capabilities?," *IEMed: Mediterranean yearbook*, no. 2022 (2022): 211-14.

22 Steven Blockmans, Dylan Macchiarini Crosson and Zachary Paikin, "The EU's Strategic Compass: A Guide to Reverse Strategic Shrinkage?," *Centre for European Policy Studies*, March 31, 2022, <https://www.ceps.eu/ceps-publications/the-eus-strategic-compass/>.

23 *Ibid*, 3.

24 Jack L. Synder, *The Soviet Strategic Culture. Implications for Limited Nuclear Operations* (Rand Corp Santa Monica Calif, 1977), 9.

which implies that a European strategic culture should “transcend the different national security cultures and interests”.²⁵

First formulated in the 2003 grand strategic document, the formation of a “European strategic culture” remained difficult, with some even noting that “the evolution of a genuinely European Strategic Culture never seemed as remote as in 2012”.²⁶ Several years later, the diverging strategic cultures were still seen as the main impediment to achieving political autonomy for the EU,²⁷ which is necessary to act in the global arena.

Having different strategic cultures complicates procedures such as joint procurement of military equipment and formation of joint units, which is essential to the formation of a European Defence.²⁸ While these may be practical issues, they also raise strategic concerns, as strategic cultures have a substantial impact on grand strategies.²⁹ As a result, if no common strategic culture can be developed, the resulting grand strategy will, therefore, not be able to address goals and subsequently develop ways to achieve these goals.

So far, the EU has been rather reactionary towards the events that shape the world today, trying to navigate itself out of the worst parts of the storm before throwing its anchor again and waiting to flee the storm anew. However, a clear course should be formulated for Europe to survive this multipolar storm. From the assessment above, this can only be done by bridging the differences in European

strategic culture.

Setting Out a Course for Action

To set out a course, we first need to find a direction. However, without looking at the environment surrounding us, following a specific direction would be ill-advised, as it could put us into an even more dangerous position. Therefore, instead of looking in a direction, we first need to understand our interests, allowing us to navigate toward those places that will safeguard them.

The EU has been an economic project from the beginning, first to limit the chance of war between Member States and later as a carrot to facilitate the relations between different countries, as economic advantages were something nobody would oppose.³⁰ This economic focus, which served as a motor of integration, became a strong factor in the economic blossom of Europe after the Cold War when the implosion of the Soviet Union heralded the model of liberal democracy and global trade.³¹ This model was protected by the hegemon of that time, the US. While the US grew slower than other countries under global trade, it did not have to fear possible consequences as there were no rivals present to challenge them.³² This hegemonic position of the US no longer persists; however, as a formidable challenger has risen in the form of China. While the power of China does not equal that of the US, the “Thucydides trap” explains that when faced with a rising power, the hegemon tends to do everything in its power to forestall its counterpart, often including war.³³ While

25 Howorth, The Case for an Eu Grand Strategy; Jolyon Howorth, “The CESDP and the Forging of a European Security Culture,” *Politique européenne* 8, no. 4 (2002): 88-109, 89.

26 Heiko Biehl, Bastian Giegerich and Alexandra Jonas, *Strategic Cultures in Europe* (Springer, 2013), 7.

27 Niklas Helwig, “The EU’s Strategic Multilateralism: Global Engagement in an Era of Great-Power Competition,” *Finnish Institute of International Affairs (FIIA)*, 2022, https://www.fiaa.fi/wp-content/uploads/2022/08/bp347_niklas-helwig_eu-strategic-multilateralism.pdf.

28 Tomas Valášek, “Surviving Austerity: The Case for a New Approach to Eu Military Collaboration,” *Centre for European Reform*, 2011, https://www.cer.eu/sites/default/files/publications/attachments/pdf/2011/rp_981-141.pdf.

29 Jeffrey S. Lantis, “Strategic Culture and National Security Policy,” *International studies review* 4, no. 3 (2002): 87-113.

30 Dan Vătăman, “History of the European Union,” *LESIJ-Lex ET Scientia International Journal* 17, no. 2 (2010): 107-37.

31 Ray Dalio, *Principles for Dealing with the Changing World Order: Why Nations Succeed or Fail* (Simon and Schuster, 2021).

32 Ibid.

33 Graham T. Allison, “Destined for War?,” *The National Interest*, no. 149 (2017): 9-21.

a military war is not being waged at the moment, the economic war that started under President Trump has continued under President Biden.³⁴

This trade war has already escalated to the point where technological advancements are no longer being shared, to prevent the other party from further developing itself,³⁵ with the restrictions on semiconductors being a clear example of this dynamic.³⁶ The EU is not immune to this increasingly antagonistic approach, with the US, for example, pressuring the Netherlands to stop supplying semiconductors to China.³⁷ Another example has been the strong pressure from the US to prevent the EU from using the 5G network proposed by Huawei, which led Huawei to scale back its ambitions for the European markets.³⁸ In other words, the conflict between the two largest powers in the world is creating large waves and increasingly impacting the outlook for the economically-oriented EU. Against this background, what course should the EU set: follow the US and decouple from China, or increase its cooperation efforts with China, despite warnings from the US?

The answer might lie in the middle. Decoupling from China is impossible as the EU-China trade is over 1 billion euros a day. On the other hand, walking away from the US -which was essential to the foundation of the EU- is unthinkable. Therefore, the EU should go its own way and not follow either of the great powers.³⁹

This perspective threatens the EU as an actor in its own right, transforming from an object where Sino-American competition occurs to a subject effectively influencing the competition.⁴⁰

A good practical example of this philosophy is "Strategic Autonomy", which should allow European Member States to "set their own priorities in foreign policy, security, and defence and have the means to implement these decisions alone or with partners".⁴¹ This means that while relations with the US and China do not fundamentally change, it reduces the effect of great power competition between those two on the EU. This would allow the EU to evaluate every interaction with either the US or China based on individual merits and no longer from a position of weakness.

While strategic autonomy was first used in the defence industry, its function is not limited to defence, as it could also serve well economic interests.⁴² In this light, European countries could benefit from keeping their markets open to both sides while, at the same time, skilfully navigating the increasingly hostile environment and adapting their dependencies to strengthen their position where necessary.⁴³ This, in turn, will allow the EU to keep on speaking terms with both parties while remaining a forceful supporter of a rules-based international order and concomitantly keeping its soft power intact.

34 Pablo D. Fajgelbaum and Amit K Khandelwal, "The Economic Impacts of the Us-China Trade War," *Annual Review of Economics* 14 (2022): 205-28.

35 Ray Dalio, Principles for Dealing with the Changing World Order: Why Nations Succeed or Fail.

36 Demetri Sevastopulo, "US Tries to Enlist Allies in Assault on China's Chip Industry," *Financial Times*, November 13 2022 <https://www.ft.com/content/4a060f86-db19-474b-945b-313951f7a499>.

37 Sam Fleming, "Netherlands and Japan Join Us in Restricting Chip Exports to China," *Financial Times*, January 27 2023 <https://www.ft.com/content/baa27f42-0557-4377-839b-a4f4524cfa20>.

38 Laurens Cerulus, "How Washington chased Huawei out of Europe," *Politico*, November 23, 2022, <https://www.politico.eu/article/us-china-huawei-europe-market/>.

39 European External Action Service, *The Sinatra Doctrine.: How the Eu Should Deal with the US-China Competition*, August, 27, 2020, https://www.eeas.europa.eu/eeas/sinatra-doctrine-how-eu-should-deal-us%E2%80%93china-competition_en.

40 Luis Simón, Subject and Object: Europe in Sino-American Competition (European University Institute, 2021).

41 Pauli Järvenpää, Claudia Major and Sven Sakkov, "European Strategic Autonomy: Operationalising a Buzzword," *International Centre for Defence and Security* 38 (2019): 34.

42 Mario Damen, "EU Strategic Autonomy 2013-2023," *European Parliamentary Research Service*, July 8, 2022, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733589/EPRS_BRI\(2022\)733589_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/733589/EPRS_BRI(2022)733589_EN.pdf).

43 Helwig, The EU's Strategic Multilateralism: Global Engagement in an Era of Great-Power Competition.

Conclusion

Given the multipolar order the EU finds itself in, it has become clear that action needs to be taken to keep this ship on track. This is not an easy task; it will require frequent navigation and course changes based on the waves and wind that the EU will encounter in order to keep its ship on course. This objective should be to keep a straight line between both great powers while enhancing the EU's capacities to reduce its dependencies on the most critical of items while simultaneously increasing its capacity to navigate the stormy waters that today form the stage of international politics. A good example of this behaviour is the current idea of "*Strategic Autonomy*", which would allow for this delicate balancing exercise to be a success.

Focusing on this balance will allow the EU to formulate a coherent grand strategy. Given the substantial economic resources of the EU as well as its large number of people, it allows for strong leverage, leading to significant hard power if necessary. In addition, this independent course will reduce the ability of other great powers to meddle in Europe while keeping its soft power intact, allowing the EU to spread its values and belief systems far beyond the borders of Europe.

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