



European Policy Review

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Editor's Foreword

2024 is a global election year: the citizens of many of the world's largest democracies will be called to cast their ballot and freely choose their leaders. The European Parliament elections took place in June, giving way to a new institutional cycle at Union level. The great changes and shocks that the world had to face over the past few years will certainly contribute to shaping the policy choices and priorities of the next European mandate; many social, geopolitical, and economic challenges lie ahead.

This year's edition of the European Policy Review aims to explore the existing and emerging threats that Europe will be likely to face in the short and long term, giving a platform to young researchers to present their analyses and engage with the public to offer new angles and solutions.

We would like to thank all the writers, editors and peer reviewers that worked incessantly over the last months to make this year's edition possible. We are delighted to see such eager participation among students and young professionals, who have believed in the EST and have given their personal contribution to the Review. We hope you will find their output informative and thought-provoking.

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The results of the European elections are sure to stimulate a rich intellectual debate on priorities for upcoming years, the EU's positioning, and, not secondary, the very endurance of the European Union. Meanwhile, the Union has become more geopolitical – whatever that misused and abused term means – as promised in 2019, although the attempt at 'ordering' beyond its borders is not new. Yet, today, this ambition seems to have acquired a new relevance and urgency. This drive largely predated Russia's aggression to Ukraine and was encouraged by some turbulence the EU endured through time (COVID-19 and the economic crisis, to name a few), although a war at its doorstep has undoubtedly accelerated the process.

The EU has grown more of the ambitions of classic states: defining a territory, protecting its borders, strategically using its economy, and privileging its citizens. Ultimately, the argument goes, this would allow it to face a surging amount of threats perceived as complex, demanding, and increasingly hybrid. Indeed, challenges are multiple and variegated, with different scopes and depths, but global politics was never something less. It is crucial, instead, to question the EU on its ontology, shared projects, and the values underpinning its emergence in the first place and its development afterward.

While radical right parties make their way into EU politics, it is crucial to explore whether they can work with other forces to cope with challenges no state alone can handle in solitude, such as climate change, the governance of digital technology, and economic hurdles. It is also crucial to see if they will question the EU's values and fundamental beliefs. On both matters, the EU cannot fail if it hopes to have a say in the direction of world dynamics and represent that magnet whose light has been obscured lately. In this year's edition of the European Policy Review, wide attention is given to all these puzzles through investigating different issue areas and the EU's related efforts. The insights and research presented in the papers that were selected will shed light on some of the most relevant threats and challenges the European Union will have to face in the near future, analysing their causes and proposing some approaches to tackle them.

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Securing Europe: safeguarding of the Baltics as a starting point for a more cohesive defence approach

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Abstract

The geographical positioning of Central and Eastern Europe and the Baltic States has historically made them contested territories, embroiled at the crossroads of conflicting spheres of influence. Over the past 150 years, this pattern has persisted, notably marked by the emergence of Germany and Russia as major powers. Despite a period of relative stability following the collapse of the Soviet Union and the expansion of liberal order mechanisms in the former communist bloc, recent decades have witnessed a resurgence of geopolitical tensions. The Baltics have faced misinformation campaigns, cyber-attacks, and open military displays, which experts see as direct responses from Russia to Western actions in the region. This resurgence, underscored by Russia's assertive actions, challenges the narrative of a closed chapter in European history, and raises questions about the security landscape of the region.

This paper delves into the evolving security threats facing Europe, with a specific focus on the Baltic states and their vulnerability to potential Russian aggression. It critiques the inadequacy of Europe's defense capabilities, which necessitates heavy reliance on NATO resources. By examining Russia's motivations, including historical perceptions of natural belonging, geographical proximity, and opposition to American influence, the paper underscores the imperative for the European Union to bolster its defense capabilities. It advocates for a strategic shift towards greater self-reliance to mitigate the risks of overdependence on external actors, such as the United States.

Keywords

Baltic Sea Region, Suwalki Gap, Sweden, NATO, security, future scenarios, securing Europe

Introduction

Located at the intersection of competing spheres of influence, the countries of Central and Eastern Europe and the Baltic States have for centuries contested territories. These regularities have characterized the last 150 years, especially since Germany and Russia emerged as major powers. They reappeared during the Cold War, although due to different global dynamics. Starting in the 1990s, with the collapse of the Soviet Union and the expansion of liberal order mechanisms in the former communist bloc, these regularities

seemed to be marginalized or rendered obsolete. This was due to the inclusive logic of international organizations like the OSCE, the Council of Europe, the Euro-Atlantic Partnership, NATO, and the EU. The expectation of those who considered a page in European history closed was also reflected in the policies of Western states towards the area, with an emphasis on concepts such as the promotion of peace, the spread of democracy and good governance. All this took place while the main regional actor Russia remained apparently quiet. As will be seen in the following pages, however, Moscow's reaction to the West's initiatives have not been entirely conciliatory: it is all too easy to observe how the readiness of the Kremlin to accept European and American *intrusion* into the area has been decreasing in proportion to the economic and military growth of the 2000s, to the point of becoming open opposition in the last fifteen years. So, what are the new security threats facing Europe in the context of shifting geopolitical dynamics in the region? Is Russian invasion a possible threat on the doorstep of the Baltic states and thus on Europe's doorstep? As we will see more in detail in the following paragraphs, Europe's defence is lacking. It does not deliver enough when considering the capital spent on it, and this has a high toll since the only option is relying heavily on NATO resources. *What are Russia's Strategic Goals in the Baltic Region?* presents an overview of the main reasons why Russia wants to maintain influence on the three countries. Reasons include the perception of natural belonging of the countries in the Russian empire, geographical proximity and the strong need of the Kremlin to oppose the American global narrative. The paper then continues in explicating and analysing the security challenges currently faced in the region and puts an emphasis on the necessity for the European Union to increase their capabilities on defence matters to avoid relying too much on third countries, e.g. US.

What are Russia's strategic goals in the Baltic Region?

The Baltic movement, which started in early 1989, was characterised by a series of demonstrations and upheavals against the Soviet rule that went by the name of 'Singing Revolution'. An illustrative text on the matter is 'The Power of Song: Nonviolent National Traditions in the Baltic Singing Revolution' (Šmidchens, 2014), which provides valuable insight into these significant events. Some of these demonstrations impressed world public opinion by their strong symbolic charge, such as the 'Baltic Way' of 23 August 1989: a 600-kilometre-long human chain linking Tallinn to Vilnius via Riga. The Baltic Way was the most significant and extensive campaign by the Baltic states to reclaim their freedom (The Baltic Way, 2021). The first to declare its independence was Lithuania, on 11 March 1990; the Russian reaction took the form of the 'Bloody Sunday' of 13 January 1991, when 14 protesters were killed by Red Army soldiers while defending the television tower and parliament in the capital Vilnius (Di Simone, 2015). The Lithuanians still have a vivid memory of this event, which is a

source of pride for their Baltic neighbours: 'Every Latvian is ready to die for his country, after the last Lithuanian has already died for it', says a popular Lithuanian saying. Estonia and Latvia soon followed the Lithuanian example in declaring independence. From that moment on, the Baltic republics accelerated their course of disentanglement from the sluggish Russian giant, undertaking ultra-liberal structural reforms, aimed at catching up with their neighbours (Di Simone, 2015). Estonia, Latvia and Lithuania are located in a position of definite interest for Russia, being geographically positioned on what is Moscow's natural western border. For this reason, the three countries have traditionally constituted a privileged access point for Russia to the West, especially during the Soviet period. It is therefore not surprising that for several years after the dissolution of the Soviet Union, many in the Russian political elite saw the region an important buffer zone (Puheloinen, 1999). This position gradually faded to the point of acceptance of the official entry of the three countries into NATO in 2004. However, this did not prevent Russian leaders from advancing hostile ambitions and perpetrating actions aimed at securing a lever of influence within the region (Welch Larson & Shevchenko, 2010). A notable example was the 2016 deployment of Iskander-M (SS-26) missiles to Kaliningrad. These missiles, capable of carrying nuclear warheads, were positioned for their symbolic significance as much as for their practical military impact (Galeotti, 2019). We can therefore identify the geopolitical situation of the three countries as the primary reason why Russia seems to maintain a desire for influence in the region - a reason that depends on the combination of natural and political geography. In other words, the relevance of Estonia, Latvia and Lithuania in Russian strategic considerations depends on their proximity and, no less important on NATO membership. Geographical proximity provides Moscow with a position of strategic superiority, while NATO membership is a source of concern for the Kremlin. In a statement, Russian Foreign Ministry Spokeswoman Maria Zakharova referred to recent NATO exercises in the region as "actions against our country" with "an aggressive, provocative nature." She concluded by stating, "Certainly, we see how the escalation spiral is going up" (TASS, 2024). In the perspective of the Baltic countries, the vulnerable situation means that the only guarantee of security is provided by NATO, since the *infamous* European Army is still very much hypothetical. This generates a potential spiral of insecurity for the NATO alliance is able to fulfil its defence and deterrence functions, a credible commitment is needed. Examples of this commitment are the creation of centres of excellence like that in Tallinn on cyber-security as well as cooperation agreements such as the Baltic Battalion. Joint exercises- aka joint military operations to ensure readiness for collective defence- are also needed for commitment and to further strengthen regional security.

A second reason why Russia has an interest in exerting influence in the area could have its roots in the identity perception of a natural belonging of the three countries to the Soviet

legacy. This argument, although a minor one among Moscow policymakers, takes on greater relevance if one introduces a further consideration: the Baltic states have a significant ethnic Russian minority within them, a legacy of the internal migrations to the USSR imposed by the Russification process (Shahi, 2022). Although their incidence on the societies of the countries since the 1990s has dropped significantly, ethnic Russians still make up a quarter of the population in Estonia and Latvia, and around 5% in Lithuania (Simonyan, 2022). For the local political elites, these minorities constitute a burden inherited from Soviet rule and have adopted policies towards them that have little inclination towards integration. For example, in 2023 MPs in Lithuania passed bills to restrict the right of Russians to apply for Lithuanian citizenship and prohibit them from buying real estate in the country for one year (Le Monde, 05 April 2023). Earlier this year Lithuanian Foreign Ministry proposed an extension on the restrictions towards Russians and Belarussians, especially striking in the proposal was the conduction of a supplementary risk assessments for public safety and security (LRT, 25 January 2024).

Russian minorities thus play, at least potentially, a dual role in relations between the three countries and Russia. On the one hand, as expressed in strategic documents and public statements, Russia has the responsibility to *protect* their compatriots, a certainly noble goal, but one that on other occasions— and we just saw the most glaring example in the case of Ukraine—has been used to justify expansionist aims. According to a statement by a Russian news agency, people in the Donbass region are "happy because they are under Russia's protection, that they are part of Russia. They feel and see the real care and help of Russia and generally feel full freedom" (TASS, March 2023). Also, Maria Zakharova commented on "Russia helping Ukrainian families" after "EU social services snatched their children" (TASS, April 2024). On the other hand, the resentment of the Russian population is quite widespread and provides fertile ground for destabilising the social order (Shahi, 2022). Given the possibility of these minorities to benefit directly from Russian television programmes, Moscow has an easy media channel to launch information campaigns, if not outright propaganda. It must be mentioned that Russian propaganda is steadily extending beyond purely Russian channels. Clear examples include the ITAR TASS Russian news agency, which publishes exclusively in English, and a report by the French government (SGDSN Rapport technique - Réseau Portal Kombat, 12/02/2024). This report details the work of VIGINUM, which analysed a network of at least 193 pro-Russian "information portals" aimed at international audiences.

The goal of protecting and unite the Russian peoples outside the motherland only makes sense in the scenario outlined by the maximalist interpretation, concerned about the imperialism of the Russian leader. This interpretation fears that Putin's ultimate goal is re-establish with the satellite states a power relationship similar to the one Russia had with the

Soviet republics and Warsaw Pact states: in the most extreme form, influence would involve nothing less than the annexation of these states. While the strategy of social influence through Russian-speaking media is supported by the revisionist scenario, which can be seen as an intermediate stage, since this scenario is not as extreme as previous interpretations. Instead, it envisions a relationship similar to the current one between Belarus and Moscow. This relationship ensures formal sovereignty and a minimal degree of decision-making autonomy for the satellite states but makes their foreign policy conditional on Moscow's interests (Giusti, 2012).

Poking NATO: hybrid attacks

In light of these considerations, it is possible to understand the meaning and impact of the offensive actions perpetrated by Moscow in recent years. Proceeding in order of importance, one must start with the actions of destabilisation through the appeal to Russian nationalism, to which corollary actions are those aimed at undermining trust in institutions (Struberga, 2022). These actions were carried out through veritable media campaigns, complemented by offensive actions in the cyber environment. It is worth mentioning, at this point, that Estonia was the target of an actual organized attack in April and May 2007, and in September 2023 Russian hackers attacked the sites of the defence ministries and special services of the Baltic States and Poland. Estonian Minister of Defence, Hanno Pevkur, has since then warned Europe and USA of Russia's use of *hybrid attacks* to poke the NATO alliance (Defencescoop, 16 November 2023). As Locatelli (2015) states, the use of Distributed Denial of Service- also known as DDOS- attacks against institutional sites and banks were part of a broader offensive with a nationalist matrix. The attacks always followed events in the target country that upset Russia/Russians. For instance, the cyber-attack on Estonia coincided with the Estonian government's decision to relocate the 'Bronze Soldier Memorial' (a contentious Soviet World War II monument) in Tallinn.

As a partially closed sea, connected to the North Sea and Atlantic Ocean only through straits, control of this region provides a considerable strategic advantage. Part of Russia's strategy to influence the area involved the use of military intimidation, such as unauthorized airspace overflights and exercises along the border (Limes, 15 March 2023). Although not contrary to international law, these types of actions constitute a threat, at least potentially, since both unauthorised overflights and exercises could be used as a form of forward mobilisation in preparation for an attack. Not so long ago, two Eurofighter Typhoon fighter jets from the UK and Germany intercepted an Ilyushin Il-78 (Nato code: Midas) military tanker of the Russian Federation at the border of Estonian skies, escorting it away from NATO airspace. The in-flight refuelling aircraft was moving - possibly trespassing - between St. Petersburg and the Russian exclave of Kaliningrad, where extensive unscheduled military

exercises – over ten aircraft including Su-27s and Su-30sm – were held to simulate the interception and destruction of conventional enemy targets (Limes, 15 March 2023). The latest addition to the aggression is the inclusion of the Estonian Prime Minister – Kaja Kallas – in Russian “wanted person” list, along with Estonian State Secretary Taimar Peterkop and Lithuanian Culture Minister Simonas Kairys, due to alleged “desecration of historical memory” charges (Euronews, February 2024). As published by ITAR-TASS, Russia’s official publishing agency, (12 March 2024), the Russian Foreign Ministry mentioned “...the hostile policies of the Baltic states towards Russia, active lobbying by Latvia, Lithuania and Estonia of sanction measures against our country, interference in Russia's internal affairs, persecution of the Russian-speaking population, the barbaric campaign for the mass demolition of monuments to Soviet liberator soldiers, the rewriting of history, the glorification of Nazism, as well as the criminal policies being pursued by the Baltic countries to beef up the Kiev regime’s military muscle” as good motivation for counter measures, which translated into the ban entry for 347 citizens of Latvia, Lithuania and Estonia. Although an invasion does not appear to be a real risk at the moment – if only because under Article 5 of the NATO treaty this would trigger the reaction of the allies and even though we learned from recent events not to underestimate Putin’s willingness to start *special military operation* in order to *protect the people* as recently seen in Ukraine – these actions play an important communication function, as they alert the Baltic countries to Moscow's capabilities and impose a state of constant alertness in the armed forces of these countries.

Security Challenges

The geography of the Baltic Sea presents a significant security challenge for Europe and NATO alike. According to some analysts, NATO made the mistake of underestimating the strategic potential of the Baltic for a long time, considering it a priority only after events such as the cyber-attack on Estonia in 2007 (Ferragamo and Bortoletti, 2022). The Baltic countries are seen by Moscow as ideal targets for its 'active defence strategy,' commonly known as hybrid warfare. This strategy is specifically aimed at interfering with NATO and potentially the EU, aiming to destabilize individual Alliance members and undermine the unity of the entire organization in the long term (Ball, 2023). This section explores the potential threats facing the Baltic countries, with a focus on Russia's strategic ambitions. It examines two primary scenarios: a worst-case scenario involving a direct invasion and the strategic use from Russia of the so-called 'salami tactics'. Moreover, it underscores a critical common denominator—Europe's defence inadequacies—emphasizing the urgent need for enhanced cooperation and increased investment in military capabilities.

Worst case scenario

A frequent destabilising scenario assumes a physical separation of the three countries from the rest of the Alliance followed by a Russian invasion (Wojnarowska-Szpucha, 2023). To this end, analysts states that the Kremlin has conceived the military exercises Zapad (2017) and Union Shield –jointly with Belarus (2019), plus some other unannounced between 2014 and 2015. This scenario– considered yet unlikely, though operationally very plausible– underlines the key role of the Kaliningrad oblast. The latter is a small Russian exclave between Lithuania and Poland, referred to as Moscow's forward bastion and its only Baltic outlook– since there is a navy headquarters there–, where some 25,000 Russian soldiers have been deployed (Wojnarowska-Szpucha, 2023), making it one of the most militarised areas in Europe. Above all, Kaliningrad is the core of the so-called A2/AD (Anti-Access/Area-Denial) bubble: a multiple defence system that uses integrated air, naval and land defence systems to deny airspace and defend the oblast's maritime and land borders (Ferragamo and Bortoletti, 2022). The Lithuanian National Threat Assessment (2020) emphasises precisely the danger posed by the exclave, where Russian missile systems– short-range, capable of reaching 130 km– would also include the use of Iskander-M missiles, capable of reaching 500 km. According to various simulations (CEPA, 30.01.2024), an attack by Russia, originating either from Kaliningrad to the south or from mainland Russia and Belarus to the east, could quickly overwhelm the Baltic republics, directly threatening their capitals in just a few days, using *only* conventional forces. This scenario is plausible since territorial continuity between the Baltic nations and NATO allies is only maintained through the Suwałki corridor, which is a narrow strip of land of about 65 km that connects Poland and Lithuania and separates Kaliningrad from Belarus. The perception of Suwałki as a 'corridor' between Alliance territory or as a 'gap' between two 'segments' of Russia has significant strategic implications, as it significantly influences the perspectives of the actors involved: to keep the gap open and protected or to seal it and 'fill the gap' to reunite the exclave with the Federation. The strategic importance of this site for the Allies is directly related to the logistical challenges in protecting it from attack, also considering its geography (Vecchiarino, 2022). One study points out that 'the Suwałki corridor is where the main vulnerabilities in the strategy and defensive posture of NATO forces are concentrated' (Elak et al., 2016). According to Šliwa, Veebel and Lebrun (2018), both the scenario of 'hybrid warfare' and the use of minorities, similar to what happened in Ukraine, would be unlikely in the Suwałki corridor as the *little green men* (the term was coined by Ukrainians and it is used to describe “seemingly professional soldiers in Russia-style combat uniforms with Russian weapons but without identifying insignia”, see Brookings, 2014) would be easily detectable in the event of conflict in that area. So far, the opposing actors in the Suwałki corridor have sent signals of warlike determination rather than signals of willingness to negotiate. It is true that with Finland and Sweden joining the Alliance, and making de facto the Baltic Sea a NATO lake, has lowered the possibilities of a full

isolation of the Baltics. The main concern was that once Russian/Belarusian troops would attack the Suwalki corridor and cut the land connection with Poland- and thus NATO and Europe- sending aid and troops via sea could have been problematic too. Whereas now, with Sweden in the game, Kaliningrad and naval forces from Russia are not so likely to have a stronghold on the sea. While NATO seems to have prioritized the security of the Baltic states, questions persist regarding the effectiveness of its strategy and whether the effort put in the region shouldn't be doubled due to its strategic position, along with the idea that a stop to Russia in this region could send a strong signal to the Kremlin regarding the capabilities and unity of the Alliance.

The Salami tactics

However, as we said in the previous paragraph, an aggression does not necessarily have to take the form of a land invasion; Russia could – and is already towards certain countries – adopt a variety of hybrid actions. Among the most plausible options are cyber-attacks (cyber warfare) or physical attacks (sabotage of various kinds) against critical infrastructure, as well as the strategic use of energy flows (while they exist) from Russia to Europe. Which can be defined as an international version of the old but gold communist *salami tactics*. The Kremlin adopted a policy of undermining and occupying the territory of former satellites long before the term "hybrid war" was created. By employing an array of deliberate misinformation, diplomatic manoeuvres, and military force, Russian authorities have effectively divided neighbouring countries and swayed global figures to validate their territorial gains (CEPA, 12 April 2024).

Fears concerning the opening of a new front of hybrid warfare by Moscow with the West spread in the old continent after the explosions that damaged, at the end of September 2022, the Nord Stream 1 and 2 gas pipelines right in the Baltic waters (The Guardian, 28.09.2022). The latter remains current, although it has not been attributed to Russia. However, there are other notable events among which Russian fighter planes repeatedly entering Baltic airspace and being "escorted out" by NATO Air Forces (RaiNews, 29.03.2024).

Such actions present considerable problems because, although they have potentially serious consequences, they remain in a 'grey area' between peace and war, it is not clear whether they can be considered acts of war, and therefore, even if directed against a NATO member state, it is not certain whether they justify the activation of Article V, and they also guarantee 'plausible deniability', allowing the actor –even if state-owned– to deny any involvement without possibility of denial, given the high degree of difficulty in tracing the origin of the attacks with certainty. Although NATO's presence in the Baltics is deemed necessary, it is evident that Russian President Putin recognizes the dire consequences of directly invading any NATO member. Instead, he adopts subtler tactics, exploiting

vulnerabilities that his adversaries, aka Europe in this specific case, are ill-equipped to counter.

A common denominator

In both cases, the soft version and the hard-core invasion, we see a common denominator: Europe's incapacibilities to defend itself. Europe's defence is inadequate. The amount of money used doesn't not translate in good capabilities (Franke, 2024). The United States has one combat tank, but Europe has seventeen different models; the EU has twenty types of combat aircraft, compared to six in the USA. Furthermore, Europeans find it difficult to send and equip even modest numbers of soldiers whenever there is a need for military deployment, despite the fact that the EU's member states collectively command about 1.3 million soldiers (Franke, 2024). There are 27 military industrial markets, 27 procurement agencies, and 27 armed forces in the EU. And, actually, not all 27 would participate, as Franke (2024) points out Malta, Cyprus, Austria, and Ireland are the four EU members that are neutral. These states are forbidden from entering military alliances by their own laws. Of course, they could decide to use political channels to modify this, but there is no indication that this is even somewhat conceivable. On the other hand, society and the political sphere in all four nations have a very positive opinion of neutrality. That leaves the remaining 23, or groups within this group, and possibly non-EU states like Norway or the United Kingdom. Moreover, EU countries are heavily reliant on third-party aid (mainly from the US) for security. What might happen if this aid arrives too late or starts to decrease? To avoid repeating the mistakes made with energy supplies, the EU should strive to become more autonomous. This leads us to a third option, which does exist and needs to be implemented in full force: increased cooperation and investments on defence matters. Bruxelles needs to put more money and efforts in fostering cooperation on joint trainings, on common procurement, and invest more in military developments.

Conclusion

Consistent with the revisionist scenario's assumptions about Putin's motivations, the long-term objective that the Kremlin seems to have set for itself to challenge the foundations of the American-led international order. To do this, with respect to the countries of Central and Eastern Europe, Vladimir Putin's action has concentrated on destabilisation operations, aimed at eroding consensus within public opinion, fuelling potentially conflictual situations between different ethnic groups and conditioning through economic and energy leverage certain foreign policy decisions. Until the invasion of Ukraine in February 2022, these actions were defined through the concept of hybridity, or grey zone, in order to inhibit a direct

response from the West. This entailed a certain degree of self-restraint, and thus moderate successes.

The ongoing conflict has radically changed things, raising the level of competition with the opponents and nullifying the advantages of the hybrid strategy. One can therefore expect a change in the Kremlin's tactics, how deep this change will be profound will depend on how the war develops but, in any case, Europe is at a security crossroad. It needs to invest more in the military starting from the Baltics, but most importantly it needs to boost its capability and avoid the same mistake made with energy supplies, aka: heavily relying on third parties. This is not the way forward, especially when we consider the latest declarations from one of the *Presidential Election Candidate*, Donald Trump, running for the US Presidential elections in November 2024, that would let Russia do “whatever the hell they want” (cfr. CNN, Sullivan 11 February 2024) to NATO allies who do not pay “enough”. Nevertheless, the issue at stake is clear, Europe’s security starting from the Baltic countries. Bruxelles needs to put more emphasis on joint trainings and procurement, along with higher expenditures in the defence sector in order to boost EU’s possibilities of defending itself from a number of increasing challenges arising from several fronts. While this paper has shed light on the pressing security threats and geopolitical tensions in the Baltic states, there are key areas for future investigation that demand scholarly attention within the realm of security studies. A paramount concern is the evolving landscape of cyber threats in the region, which necessitates a deeper examination of technologies and strategies for cybersecurity. This includes exploring the potential implications of cyber warfare and disinformation campaigns on security dynamics and developing robust mechanisms for resilience and deterrence against such threats. Furthermore, the paper has underscored the urgency for Europe to enhance its defense capabilities and reduce dependence on external actors like the United States. A critical avenue for achieving this goal lies in the implementation of a unified procedure for military procurement and the harmonization of military procedures across the 23 different countries in the European Union. Future research should delve into the practicalities and challenges of such an endeavor, considering factors such as varying national interests, bureaucratic complexities, and technological interoperability. By focusing on technologies for cybersecurity and conducting a more in-depth analysis of how Europe can streamline military procurement processes and harmonize military procedures, scholars can contribute significantly to ongoing discussions in the field of security studies. Through interdisciplinary research and collaborative efforts, innovative solutions can be developed to address the multifaceted security challenges facing the Baltic region and pave the way for a more unified, efficient, and resilient defense posture in Europe.

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Expelling the Russian influence on the European energy market: the answers across the Caspian Sea

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Abstract

The European Commission released its REPowerEU plan two months after the full-scale invasion of Ukraine in anticipation of the shock in EU energy markets. The plan lays out a strategy designed to diversify its supply of fossil fuels away from Russian influence, whether that being via direct imports or through the use of its infrastructure (European Commission, 2022). Despite this initiative being a step in the right direction not only regarding the banishment of Russian influence in EU energy markets but also for the green transition, the EU has not taken advantage of the vast volume of oil and gas reserves across the Caspian Sea within Kazakhstan and Turkmenistan respectively.

This paper aims to display potential areas of improvement in the European oil and gas sectors via the utilisation of Central Asian reserves. The paper begins with a discussion of the Middle Corridor and its present and potential role in diminishing the EU's dependence on Russian infrastructure. The paper will then move on to discuss how the EU can import Turkmen natural gas at a much higher volume from across the Caspian Sea and consequently offer the EU an alternative trade partner to Russia regarding gas, whilst also competing against Chinese influence for Turkmen resources. Finally, this paper will conclude with three policy recommendations that are interrelated with both Middle Corridor and Turkmen gas and are designed to optimise the REPowerEU initiative.

Keywords

REPowerEU, EU-Russia relations, EU energy market, Caspian Sea

Introduction

In retaliation to the Russo-Ukrainian war and the subsequent energy market disruption stimulated by Western sanctions upon the Kremlin, the European Commission devised its REPowerEU plan, launched in May 2022. The plan's main goals include diversifying energy supplies to expel Russian influence on the European energy market, which will be the focus of this paper and the following policy recommendations.

As a result of the invasion of Ukraine, the EU is left with questions to answer about oil and gas and how to circumvent any type of Russian ascendancy. Regarding the latter, the EU

has cut off all direct imports but still relies on Kremlin-controlled pipelines when importing oil from Central Asia - most notably Kazakhstan, which currently serves as a partial substitute for Russian oil (Nakhle, 2023). Such control over European-bound pipelines is a concern to the EU due to the leverage that Putin has over its energy market. Nevertheless, the EU has taken steps to diversify its oil supplies via the Middle Corridor across the Caspian Sea, where Kazakh oil can reach European shores whilst completely circumventing Russia, which will be explained in the following two sections.

Further solutions from across the Caspian Sea regard Turkmen natural gas and its potential, but not yet realised role, in evading Russian imports. Due to the lack of a sufficient alternate option, the EU has continued to import Russian liquified natural gas (LNG). However, Turkmenistan has the reserves and, most importantly, the willingness to engage in substantial trade with Europe, provided the adequate infrastructure. Details will be given in the third and fourth sections of this paper of how Turkmenistan can contribute to REPowerEU, in addition to further analysis of the influence of China on Turkmenistan and the importance for Europe to act swiftly in order to avoid a Chinese monopoly in the region. The final two sections of this paper will address common problems between the Middle Corridor and Turkmen gas, followed by three policy suggestions aimed at optimising REPowerEU and reducing Russian influence in the EU energy market.

The Solution of the Middle Corridor

As previously discussed, Kazakhstan predominantly relies on Russian pipelines to export its crude oil to Europe. The location of Kazakhstan's vessels to Europe gives the Kremlin veto power over a significant proportion of Kazakh crude oil and its ability to be exported to Europe. Such veto power was exercised in July 2022 when the District Court of Novosibirsk suspended the Druzhba pipeline, which begins in Central Russia and connects Siberian oil fields to major European refineries, under the pretence of 'oil spills' (Heavens, 2022), as a reaction to President Tokayev of Kazakhstan's pledge to support European Energy markets (Aarup et al., 2022). In reference to REPowerEU, this increases the necessity for the EU to diversify Kazakhstan's access to Europe via investment in the Middle Corridor, supported by the formation of a long-term partnership for the development of Kazakh infrastructure directed towards Europe.

The Caspian Pipeline Consortium (CPC) accounts for roughly 80% of Kazakh oil exports, which equates to around 1% of the global oil supply and 1.46 million barrels per day(b/d) (Heavens, 2022). The CPC exports two-thirds of its oil from the Tengiz, Kashagan, and Karachaganak fields to the Novorossiysk export terminal on the Russian side of the Black Sea, where it then reaches European pipelines via oil tankers (Nakhle, 2023). Kazakh crude oil is also exported to Europe via the aforementioned Druzhba pipeline. Kazakhstan sent 150,000

tonnes of crude oil to Germany via the Druzhba pipeline in December whilst also suggesting that the rate of Kazakh oil through this pipeline may nearly double to match recent German demand (Abbasova, 2023). Such an increase in crude oil exports via vessels that are majority-owned by Russian state-owned companies further increases Kazakh dependency on the sentiment of the Kremlin because of the lack of alternative infrastructure to transport crude oil from Kazakhstan to mainland Europe.

The Middle Corridor (otherwise known as the Trans-Caspian International Route) aims to establish the most efficient trading route between Beijing and the European Union, offering a solution to alleviate Kazakh dependency on Russia. It covers 2,000 km fewer than its competitor, the Eurasian Northern Corridor (ENC), which passes through Russia and handles approximately 90% of the rail traffic between Europe and the Far East (Kotsev, 2023). The project completely bypasses Russia and is projected to cut transportation time between East Asia and Europe by one week, with cargo expected to reach its final destination in as little as twelve days after crossing Kazakhstan and reaching the Port of Aktai or Kuyrk, where cargo is then ferried to the Port of Baku, from where oil is then transported to Tbilisi and then to Kars (Turkey), where it enters the EU customs union. The Middle Corridor initiative truly began when the Trans-Kazakhstan Railway became operational in 2014, which now links to the Baku-Tbilisi-Kars railway opened in 2017 (Chang, 2023). The volume of cargo along this route reached two million tonnes in 2023, with the aim to reach 10 million tonnes by 2030. In this regard, Kazakhstan, Azerbaijan, Georgia, and Turkey have signed official roadmaps to address potential bottlenecks and other stages of development, which will be explained in further detail in the fifth section, but is important when considering the international cooperation and initiative of such a project (Satubaldina, 2023). Through the Middle Corridor, which links China to Eastern Turkey, Kazakhstan now has access to the EU customs union and via desired infrastructure and geographical positioning, allowing them to engage in trade with Europe without Russian infrastructure.

By increasing the amount of oil exported from the Port of Aktau in West Kazakhstan to the Port of Baku in Azerbaijan by 75% in April 2023 (in comparison with the previous year), Kazakhstan has already started to scale the Middle Corridor (Ozat et al., 2023). Along with an upsurge in trade in the summer of 2023, Kazakhstan established the Seaport Aktau Special Economic Zone (SEZ) by incorporating the ports of Aktau and Kuryk into the project. This decision will increase investment and establish one of the most important international transportation corridors in the world, which is already evident through the investment and construction of a container hub at the Port of Aktau (Sakenova, 2023). In addition to unifying rail tariffs and setting up a common logistics company with Azerbaijan and Georgia to boost cohesion between the trading partners, Kazakhstan has advertised their multi-vector policy, in that they follow the pragmatic approach with little concern for past relations, and hence

have shown its willingness to push itself away from Russian concern and align itself with Europe (Satubaldina, 2024a).

The EU has already become financially invested in Kazakhstan, becoming their largest trading partner with approximately 40% of foreign trade conducted with the EU. Furthermore, the EU is also the largest foreign investor in Kazakhstan with \$7.8 billion being injected into the economy from European pockets in the first three quarters of 2023 alone (Satubaldina, 2024b). Building on such investment and thirty-one years of bilateral trade, the EU pledged €10 billion in January 2024 towards transport connectivity in Central Asia, with the majority of such funding expected to be allocated towards the development of the Middle Corridor (Ali, 2024). Along with such financial investment, the EU has also provided senior twinning advisors to all Central Asian countries to monitor first-hand the development of the Middle Corridor (Ahmadova, 2024), and is thus ready to provide financial support accoupled with its expertise to enhance its REPowerEU plan.

The Middle Corridor displays substantial promise to liberate Kazakhstan from Russian dependence by offering a route that bypasses the grasp of the Kremlin and allows free trade between Astana and the EU. With the backing of EU investment and intellectual capital, in addition to the support from necessary countries that will carry Kazakh crude oil, the Middle Corridor has the potential to be the foundation for a long-term bilateral trading partnership between the EU and Kazakhstan.

Disadvantages of the Middle Corridor

The EU's investment towards the development of the Middle Corridor demonstrates its interest and acts upon its intent to diversify their energy infrastructure away from aggressor states such as Russia, as per the REPowerEU plan. Nevertheless, the Middle Corridor attains substantial drawbacks which the EU needs to consider.

The first challenge is the climate of the Caspian Sea. Aside from bypassing Russia, the Middle Corridor advertises itself as being the fastest transport route from East to West with cargo being estimated to reach the EU customs union from China via Kazakhstan in as little as twelve days. However, the waters on the Caspian are notoriously rough during the summer, which can significantly delay ferry times (Pavlova, 2021). Therefore, when waters start to become problematic on the Caspian, it can be expected that the Middle Corridor will operate below maximum capacity because of immeasurable cargo times due to ferry delays. The unpredictability of transport times along the Caspian may lead to businesses either exporting cargo via Russia and the ENC or taking the longer but more stable maritime route via the Suez Canal, therefore reducing the credibility of the Middle Corridor.

A second challenge regards whether the Middle Corridor can become an adequate alternative to the ENC. The ENC is a route that connects ports from the further Eastern points

of Russia and China to Europe via the Trans-Siberian Railway, which also has routes in Mongolia and Kazakhstan. Despite being a longer trade route, the ENC has a 180 million-ton capacity, which is 18 times larger than the capacity that the Middle Corridor is aiming for by 2030 (Dusek, 2023). Whilst also considering that severe delays along the Middle Corridor are a strong possibility, businesses looking to transport their cargo from East to West will likely opt for the more reliable option that has ceased to fail over decades of service. Furthermore, compared to the smaller industrial centres in Central Asia and the Caucasus', the ENC travels through heavily populated industrial centres in Russia, which significantly enhances the prospects for an increased freight volume along the route and gives further opportunities and accessibility to businesses that are required to access the West. Considering this, despite the Russo-Ukraine war, Russian infrastructure is accredited, relied upon, and has a far larger cargo capacity than the Middle Corridor, which is something that the EU must consider and contend with.

The potential of Turkmen LNG

At the time of this article, the EU still has not sanctioned Russian LNG and remains its largest gas importer, with around \$1 billion a month being spent on Russian Arctic LNG in 2023 (Aris, 2024). Russian exports to the EU hit a record in December 2023, as 3.2 million tonnes of LNG entered European shores (Kobseva, 2024). This continued increase in exports illustrates that despite the full-scale invasion of Ukraine, the EU cannot source a suitable alternative for Russian LNG, despite increasing imports from Qatar and the U.S (Saba 2023). Without such an alternative, the EU can not fully commit to its REPowerEU plan.

Turkmenistan has the potential to liberate the EU from Russian LNG by utilising expertise and information technology from the Middle Corridor, whilst also taking advantage of existing European gas infrastructure. After maintaining self-isolation since the dissolution of the Soviet Union, Turkmenistan has finally opened itself for trade with the West. In August 2023, Turkmenistan signed its first commercial gas deal with Europe by agreeing to export up to 1 billion cubic metres per annum (bcm/a) of LNG to Hungary through Iranian pipelines (O'Byrne, 2023). From Iran, Turkmen LNG is planned to be processed via Azeri and Turkish infrastructure to eventually reach Hungary.

To gain an idea of the wealth of Turkmen gas resources, BP (formerly British Petroleum) has reported that Turkmenistan maintains natural gas reserves of up to 19.5 trillion cubic metres, which is the fourth largest in the world behind Russia, Iran, and Qatar (Hedlund, 2023). Even more importantly, despite a large proportion of this output being pumped to China, it has also been reported that Turkmenistan has the spare capacity to export large volumes of LNG to Europe if incorporated into EU projects and funding, similar to the Middle Corridor, but for LNG as opposed to oil (ibid).

Although Turkmenistan had exported 775 million cubic metres of gas to Iran from March to July 2023, the resource-rich Central-Asian nation is primarily dependent on China as its main destination for LNG exports, with half of Turkmenistan's natural gas exports entering Xinjiang per annum through the Central Asia-China Gas Pipeline via Uzbekistan and Kazakhstan (United States Department of Commerce, 2023). The opening of this pipeline in 2014 was of great significance for Turkmenistan and Central Asia as a region by taking a large step to diversify their gas exports away from Russia. Nonetheless, despite somewhat evading Russian trade dependence, the large volume of LNG exported to China presents the same issue as before the foundation of the Central Asia-China pipeline, just with a new trading partner.

The absence of diverse infrastructure limits Turkmenistan's access to the European free market since Iranian pipelines are the only way for Turkmen LNG to reach Azerbaijan across the Caspian Sea. Expectantly, Iran takes advantage of such shortcomings and charges a 15% fee for Turkmen-Azeri gas swaps via the Islamic Republic (Shokri, 2024). Furthermore, such a route is not even close to rivalling the Central Asia-China Gas Pipeline which boasts a capacity of 55 bcm/a, with only 1.5 bcm/a of Turkmen gas being received from Iran, also used for its own domestic use and gas swaps with Iraq (ibid). These inefficiencies emphasise the necessity for an efficient pipeline for Turkmenistan to access and utilise the incessant demand from the EU for non-Russian LNG and to also rival China's ever-growing presence in the region.

Providing a solution, the Trans-Caspian pipeline (TCP) is a proposed pipeline that would run beneath the Caspian Sea from between Turkmenbashi (Turkmenistan) to Baku (Azerbaijan) and hence reach the same destination as the Middle Corridor does after crossing the Caspian (European Commission, 2023). The TCP, whose majority stake is held by Turkmenistan's state owned gas company Turkmengaz, is projected to be over 300 km long, with a capacity of 32 bcm/a, costing nearly \$2 billion. Despite discussions since 1996, the status of the project is still proposed, and yet interest has perked up once more due to the full-scale Russian invasion of Ukraine (Global Energy Monitor, 2023). Nevertheless, a common port would allow investment in soft infrastructure such as e-queues and electronic transit documents to benefit both the Middle Corridor and the TCP, simultaneously avoiding bottlenecks within both projects. If the TCP were to come to fruition, Turkmenistan would have a clear avenue to Europe for its LNG and would no longer rely on Iran or its 15% transit fee (Shokri, 2024). Moreover, the TCP is reported to have a capacity of 32 bcm/a, which would give Turkmenistan further incentive to move away from low-capacity Iranian pipelines and increase its export capacity. In addition, with the removal of such an extortionate transit fee and an increased capacity of supply, Europe would also potentially receive a cheaper rate of Turkmen LNG as a result because of the reduction in tariffs and enhanced supply chain, whilst Turkmenistan would be able to utilise their large natural gas reserves at a greater capacity.

Turkmen LNG via the TCP would follow the Southern Gas Corridor after leaving the port of Baku. Despite also going through Tbilisi, the TCP would separate itself by reaching the Erzurum gas terminal instead of Kars (Cutler, 2021). Although the Middle Corridor and TCP are not the same project, they both have the EU's interests in mind – to circumvent Russian imports by utilising Central Asia energy reserves via the Caspian Sea. Despite not using the same hard infrastructure, such as pipelines and refineries, because of the different requirements for oil and gas, soft infrastructure such as management consultancy, regulatory authorities, and communication facilities could be used by the EU to maximise efficiency across both projects, as previously discussed. Such proximity and the convenience of potential shared soft infrastructure illustrate the connectivity between the two projects and the potential for enhanced economic rent via conjoined investment.

Problems with Turkmenistan LNG

Russian state-owned multinational energy corporation Gazprom agreed to a transit deal in 2019 to pump more than 40 bcm/a via Ukraine to reach their central European clients (Losz, 2023). Such a deal finishes in 2024 and will not be renewed because of the ongoing Russo-Ukraine war. Considering that Nord Stream is inoperational, the only remaining path for Russian LNG into Europe is via the Black Sea and is therefore at Turkey's discretion (Hedlund, 2024). Despite the TCP's many potential advantages, the fact that Turkey is heavily relied upon by both the EU-Turkmenistan alliance and Russia can cause conflicts of interest.

Turkey is 99% dependent on imported gas, of which 40% is imported from Russia across the Black Sea to be used domestically and to be supplied to countries in Southern and Eastern Europe (Loskot-Strachota et al., 2023). Furthermore, in order to secure their grip on the Turkish gas market, the Kremlin has also proposed a joint hub for gas trade which means that Russian gas will be mixed with Turkish gas imported from countries like Azerbaijan and Iran (Hedlund, 2023). Such infrastructure would allow Russia to indirectly export gas to Europe and maintain an indirect presence in the European energy market. Therefore, if the EU is to completely circumvent Russian gas, Turkmenistan would have to be able to provide a substantial volume of LNG at a favourable rate to Turkey and stop Russian LNG from coming across the Black Sea and flowing into the European market.

Nevertheless, Azerbaijan and Turkey have agreed to double the annual capacity of one of the pipelines along the Southern Gas Corridor to 32 bcm/a (Zeynalova, 2023), whereas the Turkish energy regulator EPDK issued a 10-year licence for Turkmen state-energy company to export its gas via Azerbaijan (O'Bryne, 2023). These prerogatives suggest that parties are preparing for the introduction of the TCP after failing to follow through since the 1990s, with Turkey not fully entertaining the Kremlin's proposition. Nonetheless, Ankara does not need to rush on whether to fully commit to Turkmen or Russian LNG and is keeping its options

open because of its stable market position that allows them to wait for the best offer. Therefore, with the EU dependent on Turkey funnelling Turkmen gas to Europe, the TCP can be used as leverage against the Union's ambitions to expel Russian gas and its REPowerEU initiative.

Another key problem with the TCP is that no party is willing to finance the start-up cost of an estimated \$1.5 billion (Nifti, 2020). Azerbaijan has accepted and prepared for the increased flow of gas through their pipelines but has stated that they will not contribute towards the financing of the pipeline (Hedlund, 2023). Although, despite there not being a clear solution to this financial problem, Baku and Ashgabat may find it necessary to first build an inter-connector between their two existing gas fields: Azerbaijan's offshore Azeri Chirag Guneshli gas field and Turkmenistan's Banka Livanova gas field. The inter-connector would be an affordable proof of concept to demonstrate the effectiveness of relations on both sides of the Caspian, whilst also providing confidence to Europe that the two nations are capable of transporting gas from East to West. Just one-third of the pipeline's total cost will be incurred by the proposed interconnector, with only 42 nautical miles separating the two gas fields (Nifti, 2020). Such a project would soften the financial burden for involved parties financing the project whilst also acting as an assurance for the efficiency of the pipeline and increase the likelihood of a full TCP later down the line. However, there are still no volunteering parties to finance the project, which is something that the EU can change in order to kick-start the TCP.

Common issues with the Middle Corridor and TCP

The first challenge is red tape. The Middle Corridor passes through several countries, and with a projected 10 million tonnes of cargo to be annually transported by 2030, border delays will be common (Chang, 2023). Nonetheless, this is a foreseen issue that Turkey, Azerbaijan, Georgia, and Kazakhstan are working towards solving. For example, the aforementioned joint common logistics company and rail tariffs between the latter three countries are examples of reducing anticipated red tape, whilst all four nations signed a roadmap to eliminate any manageable bottlenecks across the Middle Corridor cohesively. This roadmap gives comprehensive details and instructions on the principles of work, along with precise deadlines and responsibilities (Bachmann, 2022). Necessary preparation and cohesion will not eliminate red tape, but will reduce its disturbance to trade along the Middle Corridor as much as possible so that it will not be a significant factor. However, contrary to the Middle Corridor, the TCP currently has no foundations for a solution. Considering this, it is clear that red tape is bound to be a hurdle for both projects, and yet it is necessary for the EU to initiate the same kind of due diligence for the TCP as Turkey, Azerbaijan, Georgia, and Kazakhstan did for the Middle Corridor.

A second challenge is the rise in insurance premiums for cargo due to potential and ongoing conflict across both projects. First of all, regarding the Middle Corridor, Kazakhstan experienced nationwide riots against rising fuel prices in January 2022, which led President Tokayev to call upon the Moscow-led CSTO (Collective Security Treaty Organisation), which also includes Tajikistan, Belarus, Armenia, and Kyrgyzstan, to help settle tensions (BBC, 2022). Regarding Turkmenistan and LNG, the nation is one of the most closed and repressive in the world, which does not make insurers confident because of the lack of information from the country. Moving down the trade routes, Azerbaijan's occupation of Nagorno-Karabakh ignited disputes with its neighbour, Armenia. This conflict has caused the displacement of over 100,000 people from the region, with Armenia accusing Azerbaijan of initiating ethnic cleansing which has led to constant tensions to this day (Global Conflict Tracker, 2024). Further on, Turkey is at war with the PKK, a Kurdish rebel terrorist group which operates in Iraq and Syria but has committed several attacks on Turkish soil since the 1980s. It is also possible to include Georgia as being involved in tensions over South Ossetia and Abkhazia but disputes over such land with Russia have since significantly de-escalated since the war in 2008. Nevertheless, this conflict across the Middle Corridor and TCP logically suggests that there will be insurance premium hikes, which will increase the costs along both trade routes and somewhat hinder its credibility which is a common side-effect of conflict. Therefore, such a hike in insurance premiums accompanied by an increase in risk to cargo will no doubt be a concern to businesses interested in transporting oil and gas from Central Asia to Europe.

Policy recommendations

In consideration of the issues against importing oil and LNG across the Caspian Sea in regards to the Middle Corridor and the TCP respectively, this paper outlines three policy recommendations for the EU, designed to help mitigate current and potential issues. Even though the Middle Corridor and the TCP are two separate projects, they are both in the EU's common interest to expel Russian influence in its energy market, and both deserve a high level of financial and diplomatic attention. The dismissal of either the Middle Corridor or the TCP would prolong the externality of Russian influence over the European energy market, whether that be via their oil infrastructure or LNG, and hence reduce the effectiveness of the REPowerEU initiative. As simple as the following recommendations may be, they would each be an important step in developing relations between the EU and Central Asia whilst also giving both sides an option away from Russia.

(1). Developing relations with Turkey. Relations between the EU and Turkey are complicated and hence should be prioritised, with the latter being part of the former's customs union and has been a candidate for accession since 1995. Most recent talks for Turkey to gain full EU membership have stalled since 2016, with non-conformity to EU values being

the cited cause (Euronews, 2017). As previously discussed, the Middle Corridor depends on Turkey redistributing Kazakh oil as a substitute for Russian infrastructure, whilst the TCP relies on Turkey to accept Turkmen gas to transport to Europe. Although values do not necessarily align, Turkey is a vital instrument for the EU to access Central Asia, and improving relations is necessary to secure smooth operations. However, with the offer of a joint Russian gas hub and up to 10 bcm/a of Kazakh oil at President Erdogan's discretion, the EU cannot afford to fall out of favour with Ankara.

Allowing Turkey visa-free travel to the Schengen Area would be a step in the right direction. Turkey is the only EU candidate country where its citizens must apply for a visa before entering the Schengen Area, whilst other countries in the same position, such as Albania, Georgia, and Serbia can apply for a less restrictive ETIAS instead (ETIAS.COM, 2022). This would reduce red tape for Turks who wish to travel within the Schengen Area and would be viewed as an encouragement for Turkey's ascension into the EU and be seen as a huge improvement in relations. A further method in developing EU-Turkish relations is investment in Turkish infrastructure projects such as the Edirne-Kars High-Speed Railway or the Northern Marmara Highway, both currently under construction to improve the Middle Corridor's connectivity to Europe. Considering that such investment projects will improve Turkey's connectivity to Europe, financial support from the EU would be recognised as a sign of a developing economic partnership. Nonetheless, both of these measures, whether or not specific to the Middle Corridor or the TCP, will develop EU relations with Turkey and work towards favourable outcomes regarding energy infrastructure.

(2). Directing investment to the Azeri-Turkmen inter-connector. As previously discussed, China is making significant moves to harness Central Asian gas via its Central Asia-China pipeline and is already exporting a high volume of Turkmen gas via Uzbekistan and Kazakhstan. China is also looking to expand the pipeline's capacity to 85 bcm/a, which will build on the 35 bcm/a Turkmenistan sent via the Central Asia-China pipeline in 2022 (Donnelon-May, 2023). The TCP is a chance for the EU to become more competitive in the gas trade against China and is at an advantage considering the existing infrastructure of the Southern Gas Corridor, which would incur a much shorter time lag in comparison to the construction of Chinese infrastructure projects. Although no nation is willing to bear the cost of \$1.5 billion, an interconnector comes at a fraction of the initial price and would be perceived as a signal of intent for the implementation of the full TCP.

As noted in the first section, the EU pledged €10 billion towards developing the transport connectivity of the Middle Corridor, but it would only take 5% of such a figure to build an interconnector between the Azeri and Turkmen pipelines on the Caspian Sea, and therefore ignite the TCP project. Pledging just a small subset of already allocated funds with immediate effect is a worthy policy recommendation to not only secure non-Russian natural

gas for the EU but to also compete with the Chinese presence in Central Asia before China gains a monopoly over the region and its resources. Such an allocation of funds will ignite the TCP project given the functionality of the interconnector, at a much lower risk of paying its full price. The TCP is a key project for Turkmen gas to enter Europe and subsequently enhance the REPowerEU initiative, and the interconnector is the first step.

(3). Investing and developing infrastructure. Both the Middle Corridor and TCP are set to face logistical problems in line with red tape, insurance premiums and capacity competition, yet EU funding for soft and hard infrastructure would alleviate the impact of potential issues.

First of all, investment in soft infrastructure would harmonise custom procedures and simplify both the Middle Corridor and TCP by taking advantage of digital literacy. Electronic queues at checkpoints will reduce wait times and bottlenecks, whilst electronic transit documents will smoothen barrier entry and thus decrease transit time and red tape for cargo moving across the Caucasus' from Central Asia. Furthermore, the establishment of a common logistics platform would create a large functional system, assisting both the Middle Corridor and the TCP. This would be an EU extension of the previously cited common logistics company between Georgia, Azerbaijan and Kazakhstan and would ideally also involve Turkmenistan and Turkey.

In addition, a further soft infrastructure recommendation would be to establish and conjoin soft infrastructure facilities such as management consultancy, regulatory authorities and communication posts, which would be handled and invested in by the EU. Bringing such organisational and strategic outposts under one umbrella would maximise efficiency and economic rent within the Middle Corridor and TCP, whilst allowing the EU to oversee and ensure the safety and capacity of their imports before they reach its shores. These measures would increase the throughput rate for both infrastructure projects by unifying soft infrastructure when possible for both oil and gas under EU supervision, whilst simultaneously increasing cohesion between the involved nations.

In regards to hard infrastructure, there are two concerns: increasing capacity and the green transition. Capacity issues mainly concern the Middle Corridor as it competes against Russian infrastructure eighteen times its size. Nevertheless, expansive infrastructure projects are underway, which include new container trains between Poti (Georgia) and Constanta (Romania), in addition to new shipyards to facilitate transport volume. Despite the latter having a more significant time lag, it is recommended that the EU look into expanding the Middle Corridor with similar methods of investment regarding shipyards and ports in order to exceed capacity limits and, therefore, increase its competitiveness against alternate East-to-West routes, most notably the ENC. Even though such a route is unlikely to ever rival

the capacity of the ENC, the more projects to increase the capacity of the Middle Corridor, the increased optimisation of REPowerEU.

As for the green transition, forthcoming infrastructure projects must appeal to sustainability to attract investors and adhere to past agreements. Although the Kyoto Protocol does not bind any of the countries along the Middle Corridor or TCP, the Paris Agreement, which aims to keep rising temperatures below 2 degrees Celsius, serves as the worldwide moral obligation for countries to become as sustainable as possible, even in the absence of legal enforcement. Nevertheless, the EU is bound to both agreements and its Green Deal, which acts as a collection of legislative measures aimed at putting the EU on course to achieve carbon neutrality by 2050. These measures may include replacing diesel freight trains with electric ones or implementing solar and wind power stations along the trade routes to become carbon neutral. Henceforth, involving both the Middle Corridor and the TCP in the green transition demonstrates the EU as being committed to its goals even when importing oil and gas via the Caucasus'. Furthermore, this is also to the benefit of countries along the TCP and Middle Corridor, as such willingness towards a green transition, coupled with EU projects, would attract investors and increase international competitiveness.

Conclusion

This policy brief has given an in-depth explanation of how the EU can utilise both Kazakh and Turkmen energy reserves to enhance its REPowerEU plan and diversify its energy supplies away from Russian influence via the Caspian Sea. This paper has explored the reasons for current EU investment in the Middle Corridor and its efforts to provide competition to Russian infrastructure that had been the primary vessel of Kazakh oil into Europe. This paper also suggested that the EU should invest towards infrastructure to import Turkmen LNG via TCP across the Caspian Sea and therefore significantly reduce LNG trade with Russia, which has continued despite the Russo-Ukraine war. Finally, this paper has laid out three policy recommendations to optimise both the Middle Corridor and TCP projects: (1) developing stable relations with Turkey, (2) directing already allocated investment to the Azeri-Turkmen inter-connector to ignite the TCP project, and (3) investing in both hard and soft infrastructure at the benefit of both projects through EU supervision. All three policy recommendations are interrelated with both projects and are designed to supplement the REPowerEU plan.

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Exploring irregular migrants' agency in EU border spaces

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Abstract

In recent years, migration policies such as the new European Union's (EU) Pact on Migration and Asylum have implemented increasingly restrictive border controls targeting irregular migration, even though research has consistently demonstrated that irregular migrants will find ways to cross borders by adapting their strategies accordingly. Therefore, the objective of these restrictions – controlling irregular migration – remains largely unfulfilled. Migrant agency appears to be a recurrent blind spot in EU decision-making, contributing to the ineffectiveness of policies in place. By shedding light on the diverse ways through which migrants challenge, circumvent, or protest EU borders, this paper intends to analyse irregular migrants' agency in those border spaces. It begins by examining the EU border as a space of exclusion hindering direct confrontation, then viewing it as a space of precarity shaping everyday resistance. Finally, it considers the EU border as a social space where intersecting factors generate varying forms of agency. Ultimately, this paper concludes by calling for further research and suggesting alternative approaches to engage with political communities.

Keywords

EU migration policy, EU Pact on Migration and Asylum, EU borders, migrant agency

Introduction

In May 2024, the Council of the EU adopted the New Pact on Migration and Asylum, initially proposed in 2020. This Pact covers a wide range of Regulations and Directives, with a strong emphasis on border controls. Specifically, it plans to expand the use of border procedures to process asylum requests directly at EU external borders (Directorate-General for Migration and Home Affairs, 2023). This approach reflects a general trend of restrictive border controls targeting irregular migration, even as research has consistently demonstrated that irregular migrants keep coming irrespective of restrictions in place, by coming up with more creative – and often more dangerous – strategies to enter a territory (Massey, 2020; Tiberghien, 2009).

The term 'migrant' is defined by the UNHCR (2021), in opposition to a refugee, as a person moving for reasons other than persecution and war, whether they be economic, educational, or else. This distinction has nevertheless been widely criticised and obscures a

much more fluid reality that this paper will try to overcome to discuss all those people trying to enter the EU without documents, regardless of their reasons to come (Schindel, 2017). Moreover, there is no clear consensus over the use of terms such as ‘irregular’, ‘undocumented’ or ‘illegal’ to qualify those ‘people who stay in the country without official permission’, whether they entered illegally or overstayed their legal visa” (Engbersen, van San, & Leerkes, 2006, p. 210). For the sake of neutrality, this paper adopts the term ‘irregular’ (Vasta, 2011).

EU decision-makers, when adopting border policies, often overlook the agency displayed by irregular migrants in resisting or circumventing border controls. Therefore, studying the agency of irregular migrants within border spaces becomes particularly pertinent. Borders, going from Lesbos to Calais in the case of the EU, embody spaces of historical state power. They also represent a key priority of the new EU Pact and the space of the ‘migration crisis’ *par excellence* (Brambilla & Jones, 2020). This paper will understand agency as the room for manoeuvre – neither a choice nor a freedom – that irregular migrants have despite politics of border control, from open protests to everyday resistance (Balzacq, 2015; Mainwaring, 2016; Xhaho, Çaro, & Bailey, 2021). It should be clarified that this focus on migrants’ agency does not negate the existence of structural constraints that significantly shape irregular migrants’ actions, mobility and rights advocacy (Mainwaring, 2016). Rather, the aim is to elucidate the various ways and the conditions needed for irregular migrants to contest border politics. In other words, to describe how even in ‘bare life’, illegal migrants can develop “paradoxical modes of agency, and even resistance, by turning the state’s abandonment to one’s own advantage” (Schindel, 2017, p. 18). Therefore, this paper aims to analyse irregular migrants’ agency in EU border spaces. After a brief literature review, the paper delves into the difficulties faced by irregular migrants to start collective mobilisations in border spaces, driving them towards acts of everyday resistance instead. Finally, the paper briefly reflects on other factors influencing migrants’ agency before concluding on the remaining gaps in research and the political implications of this topic for EU migration policy.

Literature review & methodology

While border spaces have been recognised as sites of struggle where alternative agencies and new political possibilities are shaped (Brambilla & Jones, 2020), scholarly attention within migrant agency has predominantly centred upon destination spaces and the ways in which irregular migrants can shape their lives on a territory where they have no rights (Bloch, Sigona, & Zetter, 2011; Ellermann, 2010; Schweitzer, 2017). Therefore, there remains a dearth of case studies and analyses of irregular migrants’ agency at EU borders. Nevertheless, existing research makes it possible to infer that irregular migrants have room for manoeuvre,

as underlined by Balzacq (2015) in his examination of resistance, emancipation or resilience within the framework of critical border studies.

Besides, migrant agency has become a burgeoning area of research to better understand international migration (Mainwaring, 2016). This literature – spanning from citizenship studies to critical border studies – is usually divided into two approaches that may be summarised as ‘bare life versus autonomous migration’ (Rygiel, 2011; Woods, 2016). The first perspective is based on Agamben’s notion of ‘bare life’, which qualifies the condition in which an individual finds himself/herself when excluded from the political community. In bare life, the irregular migrant is not a political subject with rights, but a person defined by its lack of agency, lack of security, lack of political voice: the migrant becomes the “negative counterpart of the citizen, paradoxically included in political matters only by virtue of their exclusion” (Nyers, 2006, p. 51). This approach understands migrants as living a structural bare life especially when they are in a ‘state of exception’ depriving them of any powers, such as detention centres or refugee camps in border spaces (Rygiel, 2011; Woods, 2016). In response to this vision, a second approach was developed to highlight migrants’ agency and their capacity to use mobility as a resource for political actions of resistance (Rygiel, 2011). This paper largely relies on this second approach of autonomous migration to consider the ‘room for manoeuvre’ or the agency displayed by irregular migrants (Rygiel, 2011; Woods, 2016).

Finally, in recent years, much research has focused on the diverse ways through which irregular migrants could protest border policies and thus express their own agency outside the citizenship framework, referring not only to the notion of ‘agency’, but also to the concepts of ‘resistance’, ‘contestation’ and ‘strategies’ (Mainwaring, 2016; Schindel, 2017). Most scholars have adopted an approach considering specific instances of irregular migrants’ open resistance and transgression, such as organising a protest, going on a strike, or allying with NGOs and lawyers (Brambilla & Jones, 2020; Nyers, 2006). An alternative approach focuses on the everyday forms of agency which can comprehend individual acts of desperation, or the negotiations undertaken by irregular migrants to survive (Mainwaring, 2016). In the words of Tazzioli, De Genova, & Mezzadra (2015, p. 80), migrant struggles not only account for “more or less organized struggles in which migrants openly challenge, defeat, escape or trouble the dominant politics of mobility (including border control, detention, and deportation)” but also “the daily strategies, refusals, and resistances through which migrants enact their (contested) presence – even if they are not expressed or manifested as ‘political’ battles demanding something in particular”.

This paper will delve into both dimensions to provide a complete overview of irregular migrants’ agency at EU borders. To do so, it relies on an extensive bibliography and desk

research, aiming to provide the most comprehensive account of irregular migrants' agency. This endeavour serves as a first step towards more ambitious research on the subject.

1. The EU border: a space of exclusion largely preventing open resistance

The phrase 'contesting the border' often evokes images of direct acts of defiance such as strikes, sabotage, or civil disobedience. However, in practice, organised protests at EU borders are the exception rather than the norm. Indeed, migrants need several resources and conditions that are hard to find in border spaces to be able to organise an openly political action (Ellermann, 2010).

First, a key takeaway from research on collective mobilisations seems to be that having a stable situation and remaining in the same location over the long term is favourable to develop forms of organised resistance (Ellermann, 2010; Monforte & Dufour, 2011). This explains why organised protests of irregular migrants happen more regularly in destination countries than in transit locations such as border spaces. But even in these cases, they remain occasional and rarely successful. One example can be taken from the Republic of Cyprus, where one may connect the absence of migrant protests to the absence of big detention centres keeping individuals in the same place over a long period of time, or to the absence of NGOs supporting irregular migrants' claims (Mainwaring, 2016). It appears that the more marginalised an individual is from society, the harder it will be for them to organise or participate in collective acts of resistance. In fact, individuals without a legal status – such as irregular migrants – often refrain from openly contesting border politics due to the risks of visibility and identification. By speaking out in the public sphere (often to request regularisation and integration within EU societies), irregular migrants risk arrest and deportation by immigration authorities, ironically losing any chance to achieve their original objective (Papadopoulos, Fratsea, & Mavrommatis, 2018). These difficulties can be illustrated by the experience of the 'No Border' camp established by migration activists in Calais in June 2009. Although the activists' clear objective was to show solidarity to irregular migrants in Calais and organise political actions together, this coordination with migrants was rendered difficult by the fact that many migrants were only staying in 'the jungle of Calais' for one week on average (Rygiel, 2011). Moreover, the tense situation in Calais between the police, the local authorities, and the migrants indicated that many migrants "may be too scared to come to the camp" and to engage with activists (Rygiel, 2011, p. 12). This eventually proved justified as the No Border camp was destroyed by the police in September 2009.

On the other hand, some scholars argue that it is precisely the people in the most precarious situations – meaning in bare life – who resort to desperate acts of resistance when they have nothing left to lose (Ellermann, 2010; Schindel, 2017). Monforte & Dufour (2011) agree that a political mobilisation coming from irregular migrants is extremely unlikely

considering the structural constraints they face, such as very limited resources, the lack of a clear collective identity, the fear of being caught and the following risk of deportation. However, despite all those obstacles, irregular migrants' agency has been expressed through collective actions and protest strategies in several moments and places throughout Europe (Chimienti, 2011; Monforte & Dufour, 2011). These moments of mobilisation tend to happen under similar conditions. First, irregular migrants need a window of opportunity which will make their claim perceived as realistic and timely (Chimienti, 2011). This can be a policy shift perceived as particularly unfair, or an event in the news triggering a momentum for action. Then, irregular migrants tend to organise and protest border politics when they have a shared sense of pain and a shared perception of injustice. Chimienti (2011) underlines that creating that sense of belonging and shared awareness of injustice is extremely difficult for isolated irregular migrants staying under the radar in destination countries. On the contrary, it would make sense for such feelings to emerge more easily in border spaces where irregular migrants are gathered in camps or detention centres. Finally, getting the support of public opinion – or a section of it – is always helpful to spark and justify a protest action (Chimienti, 2011).

It is only by fulfilling these conditions that irregular migrants can hope to go from isolation to collective action against EU border controls. The occurrences are rare, but they do exist and deserve to be mentioned to underline the creativity and agency that irregular migrants put in these actions of resistance. In other words, the mere existence of these actions prove that irregular migrants are not passive when confronted with restrictive border policies targeting them as undesirable (Papadopoulos, Fratsea, & Mavrommatis, 2018). For instance, there have been several cases of protest actions in Malta where migrants are detained in overcrowded detention centres for long periods of time. In the early 2000's, migrants' protests succeeded in influencing the Maltese policy of mandatory 18-month detention and raising awareness on the poor conditions of their detention. After the media coverage of the death of a detainee in 2012, migrants' protests and legal actions led to a reduction of the detention limit to 6 months and the end of the mandatory detention of asylum seekers (Mainwaring, 2016). In 2019, migrants detained in the Hal Far immigration reception centre burned staff cars and slightly injured a policeman in a violent cry for freedom (Al Jazeera Media Network, 2019). Similarly, the Italian island of Lampedusa has witnessed recurrent situations of irregular migrants' protesting their detention and EU regulations forbidding them to leave Italian territory. Surges in arrivals in recent years have overcrowded the island's detention centre, thus triggering the anger of detainees who set fire to the centre in 2011 and 2016 (Scherer, 2016). In these few examples, irregular migrants showed agency by seizing an opportunity (like the death of a fellow detainee or an overcrowded place) to express – sometimes violently – their shared sense of pain and injustice and thus contest the EU border regime.

In those border spaces, it is also common for irregular migrants to form alliances with lawyers and NGOs to legally contest EU border policies (Ellermann, 2010). This serves as a means for them to access precious resources in terms of legal expertise, time, institutional or organisational support (Papadopoulos, Fratsea, & Mavrommatis, 2018). Again, the situation in Malta offers a good example, since legal actions taken by migrants in the early 2010's resulted in a decision of the European Court of Human Rights (ECtHR, 2013a, 2013b) condemning Malta's detention policy as a "defective national system hindering human-rights protection". Moreover, the ECtHR (2011) also ruled against the return of an Afghan asylum seeker to Afghanistan after being seized by a group of migrants and NGOs in Greece, thus showing how NGOs can be intermediaries in championing migrant causes and agency in different spheres (Mainwaring, 2016). The Calais No Border camp was also an example of solidarity and networking between irregular migrants and activists coming from France, Belgium and Great Britain to demand rights of movement. The stated objective was to erase material borders but also imaginary ones between citizens and non-citizens, legal and illegal, migrants and non-migrants, in order to promote a common humanity (Rygiel, 2011). These actions show how developing a culture of solidarity among migrants but also between migrants and NGOs or lawyers can lead to political mobilisations in EU border spaces to demand freedom and rights.

Finally, it is important to highlight that in most of these collective actions, irregular migrants rarely get what they ask for, whether it is freedom or papers (Chimienti, 2011; Papadopoulos, Fratsea, & Mavrommatis, 2018). At best, some protesters can obtain regularisation, but structural changes in policy are often not reached through these means (Chimienti, 2011). These limited results constitute an additional argument to justify irregular migrants' limited resort to open political actions. This brings considerations back to basic political questions of who can speak, who can act, and what is left to do for those who cannot speak or act in the political sphere (Nyers, 2006).

2. The EU border: a space of precarity shaping everyday resistance

This section will thoroughly examine the question of what options remain for irregular migrants to contest politics of control in EU border spaces. Often referred to in the literature as 'everyday resistance' or 'desperate acts of resistance or resilience', these remaining options include passive noncompliance, deception, de-identification strategies, or even extreme measures such as self-harm or suicide (Ellermann, 2010). This paper argues that these acts, even though not expressed as political actions *per se*, communicate the political creativity and the diverse possibilities of agency available to irregular migrants (Brambilla & Jones, 2020).

The previous section indicated that organising a collective mobilisation and openly challenging states' policies is extremely difficult for irregular migrants, in large part due to their precarious status and situation. The border can in this sense be perceived as a peak of precarity, where bordering a country equals bordering detention, deportation, or death. Indeed, when confronted with life-or-death situations in border spaces, irregular migrants can resort to strategies of self-harm and perform victimhood in the hope of being rescued (Schindel, 2017). In this sense, playing the helpless victim to not be considered as a threat in the eyes of EU Member States can be understood as a way of manipulating common perceptions entrenched in EU border policies (Mainwaring, 2016). A striking example can be found in the numerous cases of migrants coming from the Mediterranean Sea (especially before 2015) and voluntarily deflating their own boat near the European coast, in the hope of being rescued by the Greek or Italian Coast Guard (Schindel, 2017). These acts cannot constitute acts of empowerment, but rather acts of desperation. Yet, they show agency in the sense of potential room for manoeuvre available for irregular migrants to contest border politics. Other extreme examples witnessed in EU border spaces include hunger strikes, sewing one's lips, or suicide (Nyers, 2006; Schindel, 2017). This informs us that in dramatic conditions of bare life, the body, which is often the only resource that irregular migrants still have, can become a means of resistance (Schindel, 2017).

In fact, the role played by the body in everyday resistance appears as an answer to border policies centred around the control of individuals' bodies. For instance, migrants trying to enter the EU without legal documentation often aim at escaping the fingerprint process which would identify them in a European database and limit their mobility. Research has thus shown how several individual strategies used by migrants are centred around the issue of identity, or rather de-identification (Ellermann, 2010; Vasta, 2011). As migration flows get more and more monitored, becoming invisible is in truth a great resource for irregular migrants' agency (Papadopoulos & Tsianos, 2007). While some migrants refuse to be fingerprinted by border guards, others resort to mutilation with chemicals or razors to erase their fingerprints and remain forever unidentified (Ellermann, 2010). Migrants coming from Morocco, Senegal, or Mali and trying to cross the straits of Gibraltar to enter Europe resort to similar strategies. They are called 'the burners' in reference to the practice of burning their identity papers when arriving at the Spanish border to avoid being returned to their country of origin (Papadopoulos & Tsianos, 2007). By burning their documents, they voluntarily lose their identity and enter this 'de-humanisation' process to become invisible and unreachable. These conscious acts further complicate the claim of political rights: "as the burners say, if you want to cross the Spanish borders, it is not sufficient to burn your papers, you have to become an animal yourself" (Papadopoulos & Tsianos, 2007, p. 4). Moreover, making changes to one's body and tampering with legal documents can help build a flexible

identity: migrants can transform their voices, hair, accents, or gender to create an alternative identity and facilitate their mobility in EU border spaces (Schindel, 2017). In this sense, William, a Congolese asylum seeker, narrates how an acquaintance from Burkina Faso lent him his passport to cross the border between Turkey and Cyprus: “because we are Africans and the police, immigration, they see someone from Africa, so they just look like this, it’s the same person. Although the faces are not the same! [laughs] (Interview: August 2009)” (Mainwaring, 2016, p. 8). Even when avoiding direct conflict with EU Member States, irregular migrants’ agency as described above remains subversive to state control, since their strategies are often efficient in circumventing border policies (Mainwaring, 2016).

However, border spaces cannot be reduced to individual acts of desperation. Rather, the border often gives irregular migrants the conditions to maintain social relations, negotiate, cooperate, and share knowledge, especially in camps or detention centres (Papadopoulos & Tsianos, 2007). These social interactions matter even when they are not undertaken with the objective of a collective political action. Extensive research has analysed the role of networking in border spaces and the way how friends, relatives, and co-nationals can play an essential role in helping the migration process, in gathering advice, or in seeking (financial) support (Mainwaring, 2016; Vasta, 2011). For instance, irregular migrants can use their network to find the best spot to be rescued in the Mediterranean Sea. They often negotiate with smugglers to find a way in, or create friendships to travel in groups and use each other’s resources (Black, Collyer, Skeldon, & Waddington, 2006; Mainwaring, 2016). In a somewhat surprising way, EU border spaces can even become temporary resting places to create communities. This argument is explained by Rygiel (2011) through the example of the jungle of Calais in 2009. In this camp, irregular migrants actively engaged in ‘practices of citizenship’ although this border space was created specifically to be a place of non-rights for non-citizens (Rygiel, 2011). In fact, many social relations were ongoing in this border space between irregular migrants of different origins, the population of Calais, NGOs on the ground, etc. Through these social exchanges, irregular migrants were able to gather resources in the form of transnational social networks to facilitate the transition from one border to another and to better navigate EU policies of border control (Rygiel, 2011). This also demonstrates irregular migrants’ capacity to create a ‘community on the move’ and a sense of belonging even in border spaces where they are openly unwanted (Rygiel, 2011).

In short, these everyday acts of resistance focus on immediate individual gains and short-term objectives instead of structural policy change. They are more often individual acts than collective ones (Ellermann, 2010). However, such indirect confrontations with EU border policy, made by individuals without rights, matter. By small acts of influence over their own personal situation, they show agency and question European and nation-states’ politics of control (Brambilla & Jones, 2020; Mainwaring, 2016). Thus, their agency positions irregular

migrants as political agents although they are excluded from the political sphere (Nyers, 2006; Schindel, 2017).

3. The EU border: a social space of intersecting factors creating varying agencies

Finally, characterising irregular migrants' agency in EU border spaces requires a short reflection into some social factors directly affecting the expression of migrants' agency. A border space is essentially a social space that will not be invested in the same way depending on a migrant's legal status, gender, economic situation, etc. These social factors affect migrants' migration journey, their actions, their choices, and consequently the expression of their agency (Papadopoulos, Fratsea, & Mavrommatis, 2018).

First and foremost, it is important to acknowledge that the mere existence of border procedures inherently introduces a hierarchy of legal statuses, citizenship, and precarity levels. While some irregular migrants may have the option to seek asylum, others will not be given this opportunity (Rygiel, 2011). These discrepancies significantly influence the ways in which irregular migrants can navigate their circumstances and assert agency (Monforte & Dufour, 2011).

Secondly, it is possible to analyse border controls not only as a tool preventing migrants from entering, but also as a process filtering a desirable workforce (Duez & Simonneau, 2018; Papadopoulos, Fratsea, & Mavrommatis, 2018). This idea directly refers to the liberal paradox whereby the increasing liberalisation of the world economy coexists with tighter control of migration flows. This situation provides EU Member States with a cheap labour force that is "flexible, vulnerable and prone to heavy exploitation" (Papadopoulos, Fratsea, & Mavrommatis, 2018, p. 201). The border can therefore turn regular citizen workers with economic rights into vulnerable non-citizens with fewer rights, but with a remaining necessity to work. In other words, the current system offers economic gains to EU member states without political losses. The more precarious and the more economically unstable an individual is, the less likely they are to express political agency. This further explains why irregular migrants looking for a job or trying to keep it can hardly engage in political mobilisations and endanger their precarious economic situation (Rygiel, 2011).

If this reflection is reminiscent of Marxist theory, this is no coincidence. Indeed, some scholars have compared examples of (irregular) migrants' protests in EU countries to the dynamic of a new proletariat, coining the expression 'precariat class' (Papadopoulos, Fratsea, & Mavrommatis, 2018). The precariat class refers to those migrants working without documents and in poor labour conditions in EU member states, who could one day awaken to their group interests and organise collective actions to defend their rights. This idea is summed up by Elias, a Bangladeshi migrant interviewed by Papadopoulos, Fratsea, &

Mavrommatis (2018): “the problem is our weaknesses. We remain, each one of us, apart from each other and isolated. We are alone until we get together either by sector or join the working class. And until we all organize, the situation will not change...”(p. 207). In fact, economic concerns are often at the heart of irregular migrants’ political actions to demand rights. Most migrants want to be regularised to work in better conditions (Chimienti, 2011). The other side of the coin implies that irregular migrants in EU border spaces could negotiate EU restrictive border policies despite their vulnerable position, precisely because they can leverage their economic value. This strategy has already been used in destination countries. In the United Kingdom, the migrant domestic workers’ organisation Waling Waling spoke in the public space as economic actors to demand political rights (Anderson, 2010). For this reason, it is interesting to study migrant agency and class analysis in tandem, as suggested by Papadopoulos, Fratsea, & Mavrommatis (2018).

Thirdly, it is also possible to look at irregular migrants’ agency through a gendered lens (Mainwaring, 2016; Xhaho, Çaro, & Bailey, 2021). For instance, in the case mentioned earlier, the vulnerable migrant labour force exploited by EU Member States is often female. The Waling Waling movement was essentially composed of migrant women, who felt empowered by their work and their new role as primary breadwinners within the family, thus leading them to clearly express their political agency (Anderson, 2010; Xhaho, Çaro, & Bailey, 2021). At the border, agency is also gendered. While women at EU border spaces may more easily adopt a victimhood narrative, migrant men may sometimes perform aggressive masculinity to contest EU border policy (Tyszler, 2023). A relevant illustration can be found at the Morocco–Spain border of Ceuta and Melilla, where migrant men try to jump over the fences delimiting the border (Tyszler, 2023). Success is rare and often belongs to the healthiest and youngest migrant men (while almost no women try the jump). These men attempting to jump mostly come from Sub-Saharan Africa and are called ‘warriors’ or ‘soldiers’. They perceive their own agency as an act of extreme bravery in the ‘border war’: “we are the warriors of a war we did not choose” (Tyszler, 2023, p. 30). Although this tactic is rarely effective, it still gives them more chances of success than any other (Tyszler, 2023). Many examples of collective – often unsuccessful – attempts can be accounted for in recent years. On June 24th, 2022, around 1,700 individuals mostly coming from Sudan and South Sudan attempted to cross the Melilla border as a group. Those who succeeded in jumping over the fence were brought back to Morocco by border guards, and at least 37 people died (Bremner, 2023). This example is only one of many highlighting intersections of gender and agency. Therefore, analysing these intersections is necessary to get a better understanding of irregular migrants’ agency in EU border spaces.

Finally, other factors deserve to be further researched. Ethnicity, nationality, age, or education levels can influence migrant agency in diverse ways. Their intersections are a

second level of analysis also needed to characterise in a more comprehensive way irregular migrants' agency in EU border spaces.

Conclusion

To conclude, this paper has sought to unveil the conditions and diverse shapes that irregular migrants' agency takes in EU border spaces. It has shown that these particular places provide space for rare collective mobilisations, frequent everyday resistance and thus varying degrees and forms of agency. This overview indicates that in most cases, irregular migrants' agency is expressed through everyday individual actions rather than collective mobilisations to demand rights. These means of action characterise people who cannot act as regular citizens, those who have no right to demand rights. Yet even these 'weapons of the weak' are inherently political since they constitute a protest of mobility politics and border regimes (Mainwaring, 2016; Vasta, 2011). Further research and case study analyses are needed to tackle these considerations, differentiate agency along class, gender or age factors, and finally delve into two political implications. First, the fact that irregular migrants are not passive objects but active subjects reacting to policies controlling them, suggests that restrictive policies of border control are doomed to fail in their objective of countering irregular migration (Mainwaring, 2016). Whatever the means developed by states to stop migration flows, migrants will counter them with more sophisticated strategies to keep crossing borders, even if they need several attempts (Mainwaring, 2016). In this sense, migrants will always have room for manoeuvre, though in a very limited manner. Moreover, addressing irregular migrants' political agency not only questions the use of securitarian policies but also notions of national and European citizenship. In fact, the conversation on agency shows the ways in which irregular migrants directly or indirectly challenge the idea of 'Fortress Europe' and states' prerogative to decide who belongs in the political community and who does not (Chimienti, 2011). For those who are denied asylum, who cannot circulate freely, who cannot vote and cannot participate in political life in the traditional sense, other means exist to engage with politics in creative ways. Therefore, looking at irregular migrants' agency at EU borders could be a first step to point to alternative ways of engaging with a political community outside of traditional citizenship.

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Revisiting the Populist Zeitgeist: European Mainstream Parties' Response to Populist Threats through Incorporation of Populist Positions

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Abstract

This paper investigates the dynamic relationship between right-wing populist parties' (RWPPs) positions and mainstream parties across Europe, focusing on the policy areas of European integration, immigration, and economy. Drawing from a theoretical framework that considers the adoption of populist positions by mainstream parties in response to RWPPs' electoral success, the study conducts 24 cluster analyses using data from the Chapel Hill Expert Survey (CHES) spanning 2014 and 2019. Results reveal nuanced patterns across countries and policy areas. While the thematic isolation of RWPPs - where mainstream parties do not alter their positions to align with populist views - was observed in some instances, such as in Poland regarding European integration, other countries exhibited mainstream party adoption of populist positions, notably seen in Sweden regarding immigration. Contrary to hypotheses, economic policy clusters remained stable, indicating resistance to change. Despite limitations in data availability, this study provides valuable insights into the complexities of RWPPs' thematic isolation and mainstream party responses.

Keywords

Right-Wing Populist Parties, mainstream parties, position altering, Chapel Hill Expert Survey, cluster analysis, European integration, immigration, economic policy

1. The Shrinking Space Behind the German "Brandmauer"

In Germany, a notable trend emerges within the political landscape as established mainstream parties strategically endeavour to distance themselves from the Right-Wing Populist Party (RWPP) Alternative for Germany (AfD), officially opting for a stance of non-cooperation (Hagen et al., 2020). Despite this concerted effort, the AfD continues to amass significant public support. In the most recent state election polls in Germany, the AfD emerges as the frontrunner in Brandenburg with 32% of the vote, in Saxony with 34%, and in Thuringia with 36%, as reported by ZEIT ONLINE (2024). Given the evident appeal of the RWPPs' political stances to voters, a key question emerges: Could it be a strategic move for mainstream parties to align more closely with the ideologies of RWPPs in order to win back these voters? In essence, is the isolation of RWPPs solely manifested in their lack of

collaboration with mainstream parties, or does it extend to a thematic isolation as well? This warrants examination across different policy domains and time periods to determine whether this possible strategy is in fact dynamic, with the degree of isolation decreasing over time, or if there is no such shift. Moreover, exploring potential disparities among European countries could yield valuable insights into the nuances of this issue. In short: I aim to address the question of possible populist position altering by mainstream parties across various policy areas within different European countries as response to RWPPs success over the last years.

While the question itself is not new, there has been considerable discourse surrounding whether a process of decreasing thematic isolation – or, the integration of populist positions into mainstream parties – is in fact present. For instance, Breyer (2023), relying on parliamentary debate speeches in Germany and Austria, delves into a related question, and finds evidence that parties strategically adjust their populist stances within the competitive party landscape. On the other hand Rooduijn et al. (2014) who employ content analyses of election manifestos of parties in Western European countries could not find any indication “... that mainstream parties change their programmes when confronted with electoral losses or successful populist challengers” (Rooduijn et al., 2014, p. 1).

In summary: The recent success of RWPPs, coupled with the ambiguous findings of current literature underscores the societal and scientific importance of this research endeavour. I aim to offer a fresh and expansive perspective, hoping to contribute valuable insights to this ongoing debate.

After providing a concise definition of populism, drawing from the work of Mudde (2007), I establish the theoretical framework on position altering by mainstream parties as reaction to RWPPs electoral success to formulate my hypotheses, building upon the research of a number of different authors (Breyer, 2023; Downs, 1957; Harmel & Janda, 1994; Hobolt & Vries, 2015; Mudde, 2004, 2007; Vries & Hobolt, 2012). Subsequently I conducted a total of 24 individual cluster analyses, utilising data sourced from the Chapel Hill Expert Survey (Jolly et al., 2022). Given constraints in data availability, the observation period for this study is confined to the years 2014 and 2019. My analysis focuses on the countries Sweden, Poland, Italy and Germany as representative for the main European regions (United Nations, 1999). Within these contexts I examine the policy areas of European integration, immigration, and economy (following Abou-Chadi, 2016; Röth et al., 2018; Vries & Hobolt, 2012).

The theoretic expectations were confirmed only for specific countries and policy areas. Thematic isolation in European integration was only observed in Poland with PiS, while RWPPs aligned with left-wing parties in Sweden and Germany, and with other populist parties in Italy; dynamic processes over time did not yield clear conclusions. In migration, Sweden proved as a prime example with the thematic isolation of RWPP in 2014 and mainstream party adoption of RWPP positions by 2019. However, no changes were observed

in other countries. In economics, contrary to my hypotheses, clusters remained stable, indicating resistance to change, with no possibility for clear ideological classification of RWPPs across countries.

After discussing these results, I conclude the paper by addressing its limitations and propose potential directions for future research to build upon the findings presented.

2. Theoretical Background

To lay the theoretical groundwork, two key elements are essential. Firstly, establishing a comprehensive understanding of populism is crucial for identifying RWPPs in the subsequent analysis. Secondly, I must lay the foundation for my hypotheses regarding mainstream parties' reactions to the electoral success of RWPPs and their potential shifts in position. Mudde (2004, p. 543) defines populism as

“an ideology that considers society to be ultimately separated into two homogeneous and antagonistic groups, ‘the pure people’ versus ‘the corrupt elite’, and which argues that politics should be an expression of the *volonté générale* (general will) of the people.”

The components of this definition are discussed in more detail by Mudde & Kaltwasser (2017), however, for the objectives of this paper, this suffices quite adequately. With this definition in mind, it becomes evident that a populist party can be identified by the topics it emphasises in the political arena, particularly those related to the perceived divide between “the pure people versus the corrupt elite” (Mudde, 2004, p. 543; Mudde & Kaltwasser, 2012, p. 8). With this definition in mind, let me now discuss the theoretical expectations on how mainstream parties respond to the populist threat through position alteration.

In the realm of democratic politics, parties are fundamentally driven by the pursuit of votes and offices rather than by steadfast adherence to preconceived policies or specific interest groups. As Downs theorised over six decades ago,

“Political parties in a democracy formulate policy strictly as a means of gaining votes. They do not seek to gain office in order to carry out certain preconceived policies or to serve any particular interest groups; rather they formulate policies and serve interest groups in order to gain office” (Downs, 1957, p. 137).

This foundational principle underscores the pragmatic nature of political parties, wherein policies are formulated and interest groups are served with the ultimate aim of securing electoral victory and access to governmental power. While party-specific factors such as party size, policy positions, and intra-party politics (Helboe Pedersen, 2012), as well

as organisational and institutional factors (Strom, 1990), may impose limitations, parties should nonetheless always be motivated by seeking votes and offices to some degree.

The dynamics of party behaviour in response to electoral outcomes are further elucidated by Breyer (2023), who posits that the loss of votes or office incentivizes parties to take risks and alter their positions on contentious issues. This assertion is supported by scholarly findings indicating that parties, traditionally conservative organisations, are compelled to adapt in the face of external or internal pressures, particularly when confronted with the prospect of electoral defeat (De Vries & Hobolt, 2012; Harmel & Janda, 1994; Hobolt & De Vries, 2015;). Mainstream parties therefore have an easier time ignoring populist parties when they are not successful. Breyer (2023) cautions that they may be inclined to overlook populist parties, particularly when they lack electoral success – drawing from an idea that was already postulated almost 30 years ago by Harmel & Janda (1994). In such instances, despite facing losses in votes or offices, mainstream parties may be less motivated to engage with populist issues, thereby exhibiting reluctance to alter their positions. Thus, they may be less likely to trespass on the populist issues when populist parties have low electoral success, even when office and vote loss is present (Breyer, 2023, p. 675). This expectation finds support from various scholars, as stated above. For instance, Hobolt & De Vries (2015) studied the evolution of European integration in 14 European party systems from 1984 to 2006 and found that “parties only highlight a previously ignored issue when it is conceived as a potentially winning strategy” (Hobolt & De Vries, 2015, p. 1177). In light of the recent rise of right-wing populist parties, this observation can certainly be applied to the prominent populist issues in different policy areas, which have demonstrated significant voter appeal over the last 10 years.

It is worth considering the possibility that this traditional strategy employed by mainstream parties might no longer be adequate to prevent potential losses in both votes and office. On the contrary the *Zeitgeist* thesis articulated by Mudde (2004) reemerges as a relevant framework to consider in this context. Mudde contends that mainstream parties, when confronted with the growing influence of populist outsiders, adopt a dual strategy of exclusion and inclusion. This strategic manoeuvring involves both efforts to deny populist actors political power while simultaneously incorporating populist themes and rhetoric into their own platforms to counter the populist challenge – creating a populist *Zeitgeist* (2004, p. 563).

For instance, in the case of immigration, mainstream parties might exclude populist parties by refusing to form coalitions or alliances with them, thereby limiting their direct influence in government. At the same time, these mainstream parties may adopt stricter immigration policies or use rhetoric that resonates with populist sentiments to appeal to voters who are concerned about immigration. This approach should allow mainstream parties

to maintain their dominance while mitigating the appeal of populist competitors. This exclusion-inclusion-phenomenon can be observed in Germany, as demonstrated by Art (2018) and Esguerra et al. (2023). The former states that one can observe

“cordon-sanitaire (or the policy of *Ausgrenzung* in Germany), which at the minimum involves explicit agreements to not enter into political coalitions with the radical right [...]” (Art, 2018, p. 78),

while, after analysing several thousand speeches from the German parliament, Esguerra et al. (2023) can show that exposure to politicians from the AfD prompts mainstream politicians to adopt a more distinctly right-wing populist language.

In summary, parties primarily seek votes and aim to attain public office. However, the emergence of RWPPs poses a challenge to these objectives, jeopardising their efforts to expand their voter base and secure positions of power. Consequently, parties are incentivized to adapt their strategies, which may involve integrating populist themes and rhetoric into their platforms as a means of countering the populist threat. Drawing from this theoretical framework, I put forward the following hypotheses:

H1: *Given the relatively limited success of RWPPs across Europe in 2014, there should be observable thematic isolation across policy areas.*

H2: *With the increasing success of RWPPs across Europe, thematic isolation is expected to decrease as mainstream parties incorporate populist positions into their programs across policy areas.*

3. Methodological Approach

Given the lack of consensus within the discipline regarding the selection of countries to represent all European regions, and the varied interpretations of what constitutes European regions in scholarly literature, I opt to align with the regions proposed by the United Nations (1999). Following the UN geoscheme subregions of Europe, namely Northern, Eastern, Southern, and Western Europe, I selected Sweden to represent Northern Europe, Poland for Eastern Europe, Italy for Southern Europe, and Germany for Western Europe.

To ensure a comprehensive overview with detailed insights, I choose specific policy fields based on data provided by Jolly et al. (2022) as well as current literature (Abou-Chadi,

2016; Röth et al., 2018; Vries & Hobolt, 2012). These include European integration¹, immigration², and economics³. To ensure maximum comparability, I only incorporate items available for both 2014 and 2019. While the inclusion of other fields like environmental policies would have been beneficial, unfortunately, there are only single items available for these other categories in the dataset. While even individual items draw upon a substantial number of data points and expert judgments, a single item alone may not be adequate for forming meaningful clusters. Ideally, the inclusion of at least three items per policy field, but preferably significantly more, would guarantee a more robust clustering analysis (Hair et al., 2010).

For dissimilarity measures of my quasi metric variables, I choose squared Euclidean distances, facilitating the use of Ward's Method. Within hierarchical clustering procedures, I employ Ward's Method as the agglomerative algorithm. This method involves combining clusters in a way that minimises the increase in within-cluster sum of squares. Consequently, it results in the formation of homogenous, compact groups. However, it is essential for the variables to be measured on a metric scale for the computation of the sum of squares (Hair et al., 2010).

Finally, it is crucial to ascertain which parties in the respective countries should be classified as RWPPs. Given that the Chapel Hill Expert Survey (CHES) (Jolly et al., 2022) solely identifies party families based on Hix & Lord (1997), there is no predefined list of RWPPs

¹ Consisting of EU_POSITION (= overall orientation of the party leadership towards European integration in YEAR), EU_INTMARK (= position of the party leadership in YEAR on the internal market (i.e. free movement of goods, services, capital and labour)), EU_BUDGETS (= position of the party leadership in YEAR on EU authority over member states' economic and budgetary policies) and EU_COHESION (= position of the party leadership in YEAR on EU cohesion or regional policy (e.g. the structural funds)).

² Consisting of IMMIGRATE_POLICY (= position on immigration policy), MULTICULTURALISM (= position on integration of immigrants and asylum seekers (multiculturalism vs. assimilation)) and NATIONALISM (= position towards cosmopolitanism vs. nationalism).

³ Consisting of SPENDVTAX (= position on improving public services vs. reducing taxes), LRECON (= position of the party in YEAR in terms of its ideological stance on economic issue), DEREGULATION (= position on deregulation of markets), ECON_INTERVEN (= position on state intervention in the economy) and REDISTRIBUTION (= position on redistribution of wealth from the rich to the poor).

available within the data. To address this, I construct a mean index from several relevant variables⁴, largely aligned with Mudde & Kaltwasser's (2017) outlined characteristics of populist parties. If the mean index yields a value of ≥ 7 (ranging from 0 to 10), the party is classified as an RWPP. To prevent fragmentation, parties that gained less than three percent vote share in the last national election in the year in question are excluded. It is essential to emphasise that for the scope of this study, it is crucial to clearly distinguish between RWPP and the other parties. This distinction enables me to accurately assess the level of thematic isolation and is the rationale behind my decision to adopt a different approach from Breyer (2023), who examines populism as a matter of degree in all parties.

4. Results: Degree of Thematic Isolation of Right-Wing Populist Parties across Europe

The parties identified as RWPPs using the proposed approach align closely with the general perception of RWPPs in their respective countries (Schellenberg, 2018). In Sweden, the Sverigedemokraterna or Sweden Democrats (SD) are categorised as RWPPs for both 2014 and 2019. In Poland, Prawo i Sprawiedliwość or Law and Justice Party (PiS) is classified as a RWPP for both 2014 and 2019 (with Kukiz 15 and Konfederacja excluded due to less than three percent vote share). In Italy, Lega Nord or Northern League (LN) is identified as an RWPP in 2014 and 2019 and Fratelli d'Italia or Brothers of Italy (FdI) in 2019. Lastly, the AfD is classified as a RWPP in Germany for both 2014 and 2019. All these parties saw substantial growth in their vote share from 2014 to 2019.

The following subsections now provide an overview of the varying degrees of thematic isolation among RWPPs across the mentioned European countries in the areas of European integration, immigration, and economy, as well as their evolution over time.

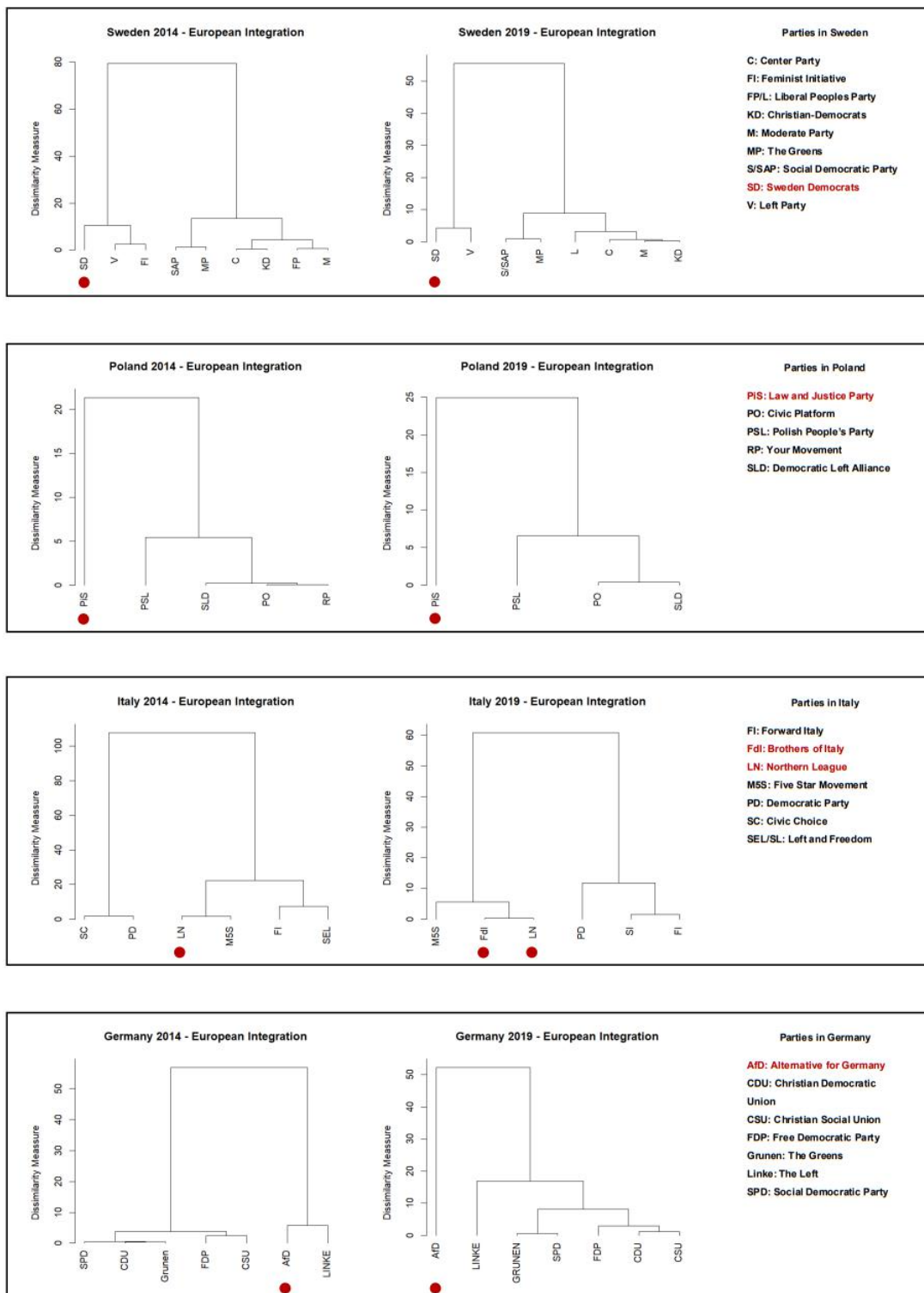
⁴ Consisting of NATIONALISM (= attitude towards cosmopolitanism vs. nationalism), PEOPLE_VS_ELITE (position of the people towards elected representatives) and ANTIELITE_SALIENESS (= importance of anti-establishment and anti-elite rhetoric). The variable LRGEN (= general ideological orientation on the left-right scale) is included in the index so as not to include any left-wing populist parties in the analysis, for which this study explicitly does not analyse any correlations.

4.1. European Integration

The following figure illustrates the degree of thematic isolation of RWPP across Europe in the field of European integration in 2014 and 2019 respectively.

Figure 1

Thematic Isolation of RWPP for European Integration in 2014 and 2019



It is evident from the data that in 2014, the issue of European integration did not serve to isolate RWPPs from other parties across Europe. Instead, I observe the formation of clusters involving RWPPs alongside leftist parties in countries like Sweden and Germany, and with other populist, albeit not right-wing populist, parties such as the Italian 5 Star Movement. This suggests a notable convergence of eurosceptical positions within both the far right and the far left across much of Europe, with Poland being a notable exception where all other parties form a single cluster before merging with PiS.

In line with my hypotheses, I anticipated a decrease in isolation, indicated by a smaller dissimilarity measure on the y-axis or the incorporation of another party into the RWPP cluster. This expectation is met in Sweden, where the dissimilarity measure between the SD-V cluster and other parties decreases from 80 to 60, and in Italy, where the LN-M5S-FdI cluster decreases from 100 to 60. However, no mainstream party joins these clusters; instead, they form one large mainstream party cluster before merging. Conversely, in Poland, the distance between PiS and other parties slightly increases from 21 to 25, and in Germany, the Left joins the mainstream party cluster, effectively isolating the AfD on the issue of European integration.

In summary, the anticipated isolation in the policy area of European integration in 2014 is only observed in Poland, and the expected decrease in isolation is confirmed only in Sweden and Italy. Conversely, the trend is reversed in Poland and Germany.

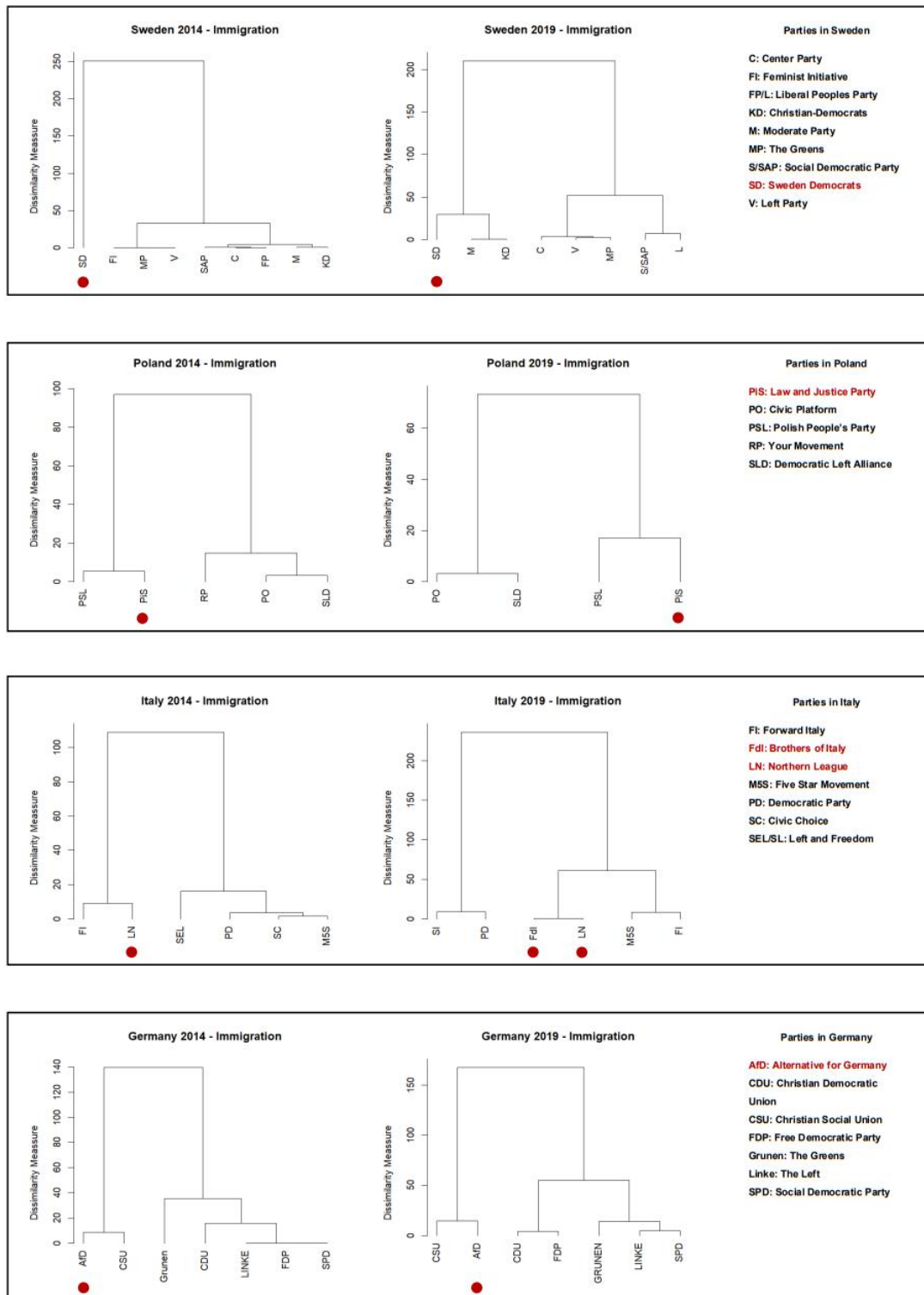
4.2. Immigration

On the following page figure 2 depicts the extent of thematic isolation of RWPPs across Europe concerning the topic of Immigration in both 2014 and 2019.

In 2014, my hypothesis regarding clear thematic isolation holds true only for Sweden, where all other parties merge into a single cluster before aligning with the Sweden Democrats (SD). In contrast, in all other countries, christian democratic parties (such as PSL in Poland, FI in Italy, CSU in Germany) exhibit distinct clustering with RWPPs, characterised by extremely low dissimilarity measures, before ultimately merging with the broader cluster of all other parties at significantly higher dissimilarity levels.

In 2019, Sweden once again confirms my hypothesis. Despite being thematically isolated in 2014, we observe that both the Moderate Party (MD) and the Christian Democrats (KD) join the RWPP cluster, thereby ending the thematic isolation of the SD in Sweden on the issue of immigration. While there are no significant changes in Poland and Germany between 2014 and 2019, there is a noticeable development in Italy. In 2019, we witness the formation of a populist-conservative cluster comprising FdI, LN, M5S, and FI.

Figure 2
Thematic Isolation of RWPP for Immigration in 2014 and 2019

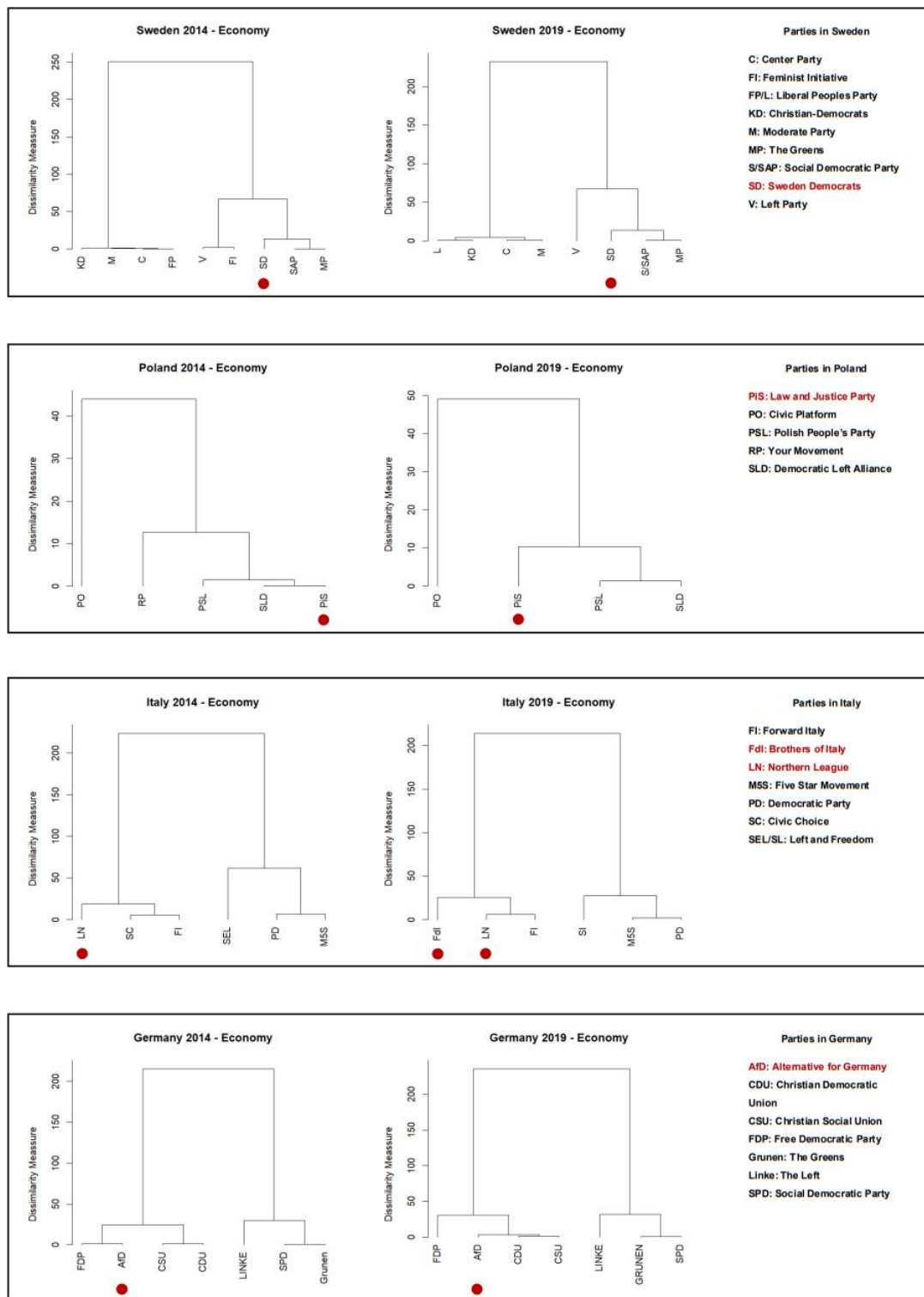


4.3. Economy

Figure 3 finally illustrates the degree of thematic isolation of RWPPs across Europe in the economic field in 2014 and 2019 respectively. In 2014, my hypothesis regarding clear thematic

isolation is contradicted by the clustering patterns observed in all four countries. Nonetheless, it is particularly intriguing to observe the variations in these clusters across different countries.

Figure 3
Thematic Isolation of RWPP for Economy in 2014 and 2019



In Sweden, the SD forms a cluster with the Social Democratic Party and The Greens, both leftist parties. In contrast, in Poland, PiS forms a cluster with the Polish Christian Democrats PSL and the Democratic Left Alliance SDL. In Italy, the RWPPs are seen to form a cluster with SC and FI, indicating a liberal-conservative alignment. Similarly, in Germany, the Liberals (FDP) and conservatives (CDU/CSU) form a cluster with the AfD.

It is notable that these clusters remain relatively stable over time, with minimal or no changes observed. This suggests that the economic policy area is more or less resistant to significant alterations in party positions.

5. Discussion

The results of the analysis extend the literature on the thematic isolation of RWPPs and the adoption of populist positions by mainstream parties, but no general conclusions can be drawn across all policy areas and countries. Instead, an individual and complex picture emerges. Due to space constraints, I cannot delve into every one of the 24 clusters extensively. Instead, I will focus on discussing the most intriguing cases and broader trends.

In the policy field of European integration, isolation was observed solely in Poland with PiS, while RWPPs formed clusters with left-wing parties in Sweden and Germany. It might be beneficial to look at the voters of both RWPPs as well as radical left parties to understand why this is the case. Carrieri & Vittori (2021) confirm that both RWPP and radical left populist voters express criticisms of EU integration, positioning euroscepticism predominantly at the extremes of the political spectrum rather than within mainstream parties. However, RWPP have capitalised on opposition to EU integration and the issue has become significant for RWPP voters, particularly during crises, shaping their electoral preferences. In contrast, left wing voters have not aligned significantly with anti-EU positions, instead focusing on other issues such as immigration (Carrieri & Vittori, 2021). While displaying some Eurosceptic attitudes during the Euro crisis, radical left voters generally support further economic integration within the EU framework, viewing it as better suited to address economic challenges than national approaches. That might explain why we can see The Left forming a cluster with the AfD in Germany in 2014 and leaving it in 2019. In Sweden, we do not see a comparable dynamic, but the nation also boasts a unique history and relationship with European integration (Miles, 2019). The Italian case aligns with Ivaldi et al. (2017) findings. Both parties converge on European integration, with the LN advocating “hard” euroscepticism and the M5S adopting a “fuzzy”, but also eurosceptical stance on the issue (Ivaldi et al., 2017, p. 358). Franzosi et al. (2015, p. 120) offer an explanation for the M5S’s position, despite not being a RWPP.

“The M5S’s critical stance on Europe can be interpreted as a strategic move of an opposition protest party trying to capitalise on the growing disaffection, distrust and frustration of the Italian electorate.”

The observed differences in mainstream party responses to RWPP electoral success in Sweden and Italy compared to Poland and Germany over time may be attributed to varying political contexts and party strategies. While euroscepticism is an important part of PiS’s identity (Folvarčný & Kopeček, 2020), other parties may need to distance themselves from PiS on this issue to maintain their distinctiveness and opposition stance. In Germany historical commitment to the EU as a founding member coupled with its influential position within the EU might shape its approach to populist position altering. Mainstream parties in Germany seem to prioritise EU cohesion over domestic politics, hence resisting alignment with RWPPs’ eurosceptic stance.

In the realm of immigration, clear thematic isolation was only observed in Sweden with the SD aligning with theoretical expectations. However, in all other countries christian democratic-right wing populist clusters were already evident in 2014, suggesting a more static rather than dynamic scenario. This polarisation between left and right deviates from some prior research, like that of Dancygier and Margalit (2020), on left-right polarisation of the immigration issue. Nonetheless, the results in Poland, Italy and Germany are consistent with their observations that centrist parties’ immigration stances are not significantly shaped by the success of, what they call, “anti-immigrant parties” (Dancygier & Margalit, 2020, p. 735). Of particular interest is the observation that the dual strategy of exclusion and inclusion, as outlined by Mudde (2004), does not seem effective in the Swedish context. Despite the significant importance of the immigration issue to RWPP voters (Carrieri & Vittori, 2021), incorporating RWPP stances resulted in the Moderate Party losing votes, with the Christian Democrats only gaining a modest increase of 1.5 percentage points. Concurrently, the Sweden Democrats experienced a notable increase of 4.6 percentage points. Certainly, further research with updated data, particularly the CHES data for 2024, holds promise for better understanding party positioning on that particular issue.

In economics, contrary to my hypotheses, all clusters remained relatively stable, indicating resistance to change, with no clear ideological classification of RWPPs discernible across countries. One possible explanation is that economic positioning forms a fundamental part of a political party’s identity. Any significant alteration in economic policies could risk the party’s credibility and consistency, thereby undermining its core identity. Moreover, economic stances often reflect deeply held ideological beliefs, making substantial shifts politically difficult. Consequently, parties may be hesitant to change their economic positions, resulting in these stable clusters.

In summary, historical factors, diverse political contexts, and entrenched party identities play significant roles in shaping mainstream party responses to RWPPs. Furthermore, the varying appeal of radical left or right parties to voters on different issues across different countries introduces complexity and challenges the formulation of comprehensive deductions.

6. Conclusion

The analysis adds to the understanding of RWPPs' thematic isolation and mainstream parties' adoption of populist positions. However, it highlights the complexity and diversity of patterns across different policy areas and countries, precluding overarching conclusions.

I explored two hypotheses to gain deeper insights into the dynamics of RWPP isolation. H1 posited that given the relatively limited success of RWPPs across Europe in 2014, thematic isolation would be observable across policy areas. Conversely, H2 proposed that with the increasing success of RWPPs across Europe, thematic isolation would decrease as mainstream parties incorporate populist positions into their programs across policy areas. To examine these hypotheses, 24 individual cluster analyses were conducted for Sweden, Poland, Italy, and Germany, focusing on the policy areas of European integration, immigration, and economy. Data from CHES (Jolly et al., 2022) was utilised for analyses conducted at the time points of 2014 and 2019.

The theoretic expectations were confirmed only for specific countries and policy areas. Regarding European integration, isolation was observed solely in Poland with PiS, while RWPPs formed clusters with left-wing parties in Sweden and Germany, and with other populist but not right-wing populist parties in Italy. This suggests that euroscepticism is not confined to either the traditional left or right spectrum in Europe, as it emerges as a topic for both the radical right and radical left. Examining potential dynamic processes over time did not yield clear conclusions in this area. In the realm of migration, Sweden exemplifies the theoretically expected correlations between thematic isolation in 2014 and the adoption of these positions by mainstream parties. While the SD remained completely isolated in 2014, the electoral success of RWPPs prompted the Moderate Party and Christian Democrats to depart from the mainstream cluster and join the RWPPs. No changes were observed in other countries. In the economic domain, the results contradicted my hypotheses of clear thematic isolation and subsequent convergence in all four countries. These clusters remained stable over time, indicating resistance to changes in parties' positions on economic policy. Nonetheless, the composition of the individual clusters was intriguing, as no clear ideological classification of RWPPs can be discerned across countries.

While this study provides valuable insights into the thematic isolation of RWPPs and their interaction with mainstream parties, it is important to acknowledge several limitations.

Chief among them is the availability of data, as the CHES dataset utilised for this study updates its data every five years. Unfortunately, at the time of this research, the 2024 update was not yet available, leading to the use of 2014 and 2019 data, which may not fully capture the most recent developments. Additionally, the chosen items used to operationalize the policy areas, while ensuring replicability and traceability, may also pose limitations, as they might not fully capture the complexities of party positioning. Furthermore, it is important to note that the quantitative method employed in this study may not adequately represent the intricacies of political dynamics within individual countries.

However, despite these limitations, this study provides a valuable starting point for further research in the field. Future studies should aim to utilise the most recent data available and consider even more nuanced measures for accurately capturing party positioning. As comprehensive code for the analyses conducted in this study is provided, it enables other researchers to replicate and build upon this research using updated datasets and improved measures. Through these efforts, future research can offer a more comprehensive and nuanced understanding of the dynamics between RWPPs and mainstream parties in European politics. Additionally, an analysis of the ideologically inconsistent positioning of RWPPs in Europe in the economic domain would be highly informative.

This study hopefully sets the stage for further exploration into the interesting dynamics of RWPPs and mainstream parties in European political landscapes.

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The Legal Perils of AI-Enabled Search Engines: How the integration of generative systems affects Search Engine obligations under EU Law

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Abstract

The recent commercialisation of GenAI has sparked renewed enthusiasm as well as anxiety regarding the potential for technological innovation, with AI-enabled search becoming one of the first applications of the new systems. With new tools, however, come new legal responsibilities. This paper highlights how the integration of GenAI into search engines amplifies and complexifies the legal obligations of technology companies within the context of the EU legal framework. In particular, it addresses how privacy law, as well as provisions for digital platforms and market competition, enshrined, respectively, in the GDPR, DSA and DMA, might apply to such development. This paper does so by presenting each framework, identifying how these apply to online search engines in particular, and discussing how GenAI may run afoul of such obligations. Overall, this paper aims to outline how GenAI integration presents new obligations for search engines but also creates new technical difficulties in complying with existing requirements.

Keywords

Artificial Intelligence, Search Engines, Digital Regulation, Privacy, Online Platforms, Digital Markets, EU Policy-Making

Introduction

When Elon Musk announced that with his acquisition of Twitter, “the bird has been freed”, Thierry Breton, the EU’s Commissioner for the Internal Market, quipped back that “In Europe, the bird will fly by our rules” (Preussen, 2022). Over the last decade, as predominantly North American businesses have pushed the envelope on the capabilities of emerging technologies, European policymakers have shown great resolve in seeking to regulate the digital realm and ensure that innovation is aligned with human and societal interests (Bradford, 2023). With the popularisation and commercialisation of generative Artificial Intelligence (GenAI) tools, particularly since the public launch of OpenAI’s ChatGPT in late 2022, there has been a novel wave of enthusiasm as well as anxiety regarding the future potential of emerging technologies, leading to renewed impulse among lawmakers to adjust the block’s regulatory framework to meet the challenges of new technological developments. Though some speculated that the advent of GenAI would be the end of search engines, and Google in particular (Roose, 2022), it appears that for the moment such tools are primarily

being used to amplify the capabilities of existing systems, rather than replacing them, allowing for more conversational interactions (Stokel-Walker, 2023) and facilitating more advanced search (White, 2024). In the process, however, the embedding of GenAI systems expands upon the potential for search engines to violate legal obligations. Thus, whilst policymakers, digital rights advocates and technology giants scramble to define legal parameters targeted specifically at AI, it is worth reflecting on how existing regulations will interact with AI-enabled search engines, and how such technology may expand upon the potential for legal peril for these systems' owners. In particular, such assessments will be conducted within the context of the EU's digital policy framework, one of the most extensive in the world (Bradford, 2023), which has set the standard for many other markets (Bradford, 2020). Here, I define "Artificial Intelligence System" as "a machine-based system that, for explicit or implicit objectives, infers, from the input it receives, how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments" (OECD Council, 2023). In such context, GenAI is to be understood as a subset of Artificial Intelligence identifying those systems that are capable of producing new content (Chan & Colloton, 2024), including, but not limited to, text, images, videos, music (OECD.AI Policy Observatory, n.d.). To identify the legal implications that enabling GenAI functionality in traditional search engines will entail, this paper will aim to address how embedding GenAI affects these companies' obligations in relation to (1) privacy, (2) provision for digital services and (3) market competition. In each case, the applicable legal framework will be outlined while highlighting how such requirements apply to and affect large search engines at present, and identifying how GenAI tools might extend or complicate search system providers' ability to abide by their obligations, whether due to technical challenges or the broadening of their responsibilities.

Generative Search and Data Privacy

A major new concern with GenAI search engines relates to the data collection practices that underpin these models, and the potential for training data to be disclosed to others in breach of European Privacy Standards as codified by the General Data Protection Regulation (GDPR). In principle, GenAI tools can be compliant with privacy rights if they are trained in a "privacy-sensitive way" by avoiding the inclusion of private data in training models, ensuring that private information included in prompts is handled diligently and information about individuals is disclosed in an appropriate manner, and under certain conditions (Novelli et al., 2024). In practice, however, this is often not the case (Gal, 2023).

The GDPR is often hailed as Europe's first major step towards regulating the digital sphere (Mitrou, 2017), as it sought to enshrine the right to privacy, already recognised under the EU's Charter of Fundamental Rights (GDPR, 2016), into the digital world by promoting

“lawfulness, fairness, and transparency in processing personal data” (Bradford, 2023). For technology companies, this meant having to communicate, justify and request consent for the transmission, processing and sharing of personal data (Bradford, 2023). For online search engines, in particular, it meant having to provide a means for users to challenge the availability of personal data through search along certain criteria as set out in Article 17, with some exceptions such as freedom of speech and public interest (GDPR, 2016, art. 17). The Regulation applies to organisations deemed data “controllers”, i.e. a person/organisation which “determines the purposes and means of the processing of personal data”, and data “processors”, which process data on behalf of a controller (GDPR, 2016, art. 4). For our purposes, whether a GenAI developer is acting at its own discretion or that of a third party, if personal data is processed at some stage, whether in the training or use of the system, it falls within the scope of the GDPR.

Abiding by the same has proven challenging for GenAI systems. In its notice temporarily taking down ChatGPT, the technology underlying many GenAI search engines such as Copilot in Bing (Lemoine & Vermeulen, 2023), in March of 2023, Italy’s Privacy Regulator noted that ChatGPT’s developer did not disclose how data collected from users would be used nor what GDPR legal basis would justify such data collection (Garante per la protezione dei dati personali, 2023). The underlying concern is that the data collection processes used by most major GenAI tools, often involving the scanning of virtually any form of content available on the internet, may be hoarding vast swathes of personal data in the process and that the legal basis for doing is tenuous at best (British Information Commissioner’s Office, n.d.). Of the six legal justifications for processing data contained in Article 6 of the GDPR, all but one would be near impossible to rely on (British Information Commissioner’s Office, n.d.). What is left is the argument of “legitimate interest” (Burgess, 2023), under which the makers of GenAI tools would have to argue that their product pursues a legitimate goal, such as commercial, personal or societal benefit, that the data processing is necessary to attain such objective, and that the merits of the interest are balanced with the infraction upon the data subject’s interests, rights and freedoms (Irish Data Protection Commission, 2019). In order to defend this stance, GenAI developers would need to keep a record of having endeavoured to balance such interests, and having sought to minimise the amount of data collected, actions that run contrary to the data hoarding tendencies (Zuboff, 2019) and the “move fast and break things” mentality that dominates Big Tech at present (Radsch, 2024).

In principle, this challenge is already applied to search engines, as these too collect large swathes of data. Here, however, concerns are mitigated by the fact that traditional search engines are able to execute right to erasure requests, i.e. the removal of content from the platform upon request, with relative ease by “delisting” undesirable search result(s)

(Peguera, 2020; Zhang et al., 2023). In the case of GenAI tools the process is not nearly as straightforward. Current GenAI-enabled search engines, such as Copilot in Bing combine “traditional” search results with a generative layer that conveys the information in a format that directly answers the user’s query (White, 2024), allowing it to combine dynamic web search data with its training dataset, which is more static since models are pre-trained. If “prohibited” information is contained in model training data, “delisting” is not an option, and checking the GenAI’s output whilst leaving the model intact, known as output filtering, has proven unreliable at best (Patil et al., 2023). Thus, to truly remove content, GenAI search providers would have to retrain their models with each takedown request (Zhang et al., 2023), which would be virtually impossible since this can take months, exceeding the “undue delay” required by the GDPR (Zhang et al., 2023).

The data collection and sharing practices of GenAI tools, as they exist at present, therefore expose search engine developers seeking to implement these capabilities to significant legal challenges given the potential difficulties of justifying the collection and processing of data under the GDPR, and the challenge of removing personal data from the underlying model upon request.

Generative Search as a Digital Service

Another important concern of implementing GenAI tools in search is the potential that such tools could become subject to some or all the obligations of large platforms under the Digital Services Act, which could pose significant legal and technical challenges.

Following the enactment of the GDPR, European legislators turned their efforts towards limiting and regulating the spread of harmful content on digital platforms through the Digital Services Act (DSA, 2022). The Act incorporates a tiered approach, whereby more stringent obligations are placed on larger platforms due to their “larger reach and a greater impact” (DSA, 2022, sec. 57). In such light, “Very Large Online Search Engines”, i.e. Google and Bing, are expected to adhere to more extensive requirements compared to other services given their size, as measured by an “operational threshold” of over 10% of the EU population (DSA, 2022, sec. 76), i.e. over 45 million users per month. Under the Act, these platforms are required, among others, to expediently remove illegal content when flagged by national authorities, “identify, analyse and assess any systemic risks” and “put in place reasonable, proportionate and effective mitigation measures”, as well as sharing information with independent auditors, researchers and government officials (DSA, 2022, arts. 9, 36, 37, 40).

The precise application of the DSA to GenAI tools would depend on their implementation and size. In an exploratory paper, Lemoine and Vermeulen suggested that standalone GenAI systems might be deemed to fall under the definition of search engines for the purposes of the DSA (Lemoine & Vermeulen, 2023). Such an argument becomes easier to

make when the tool is given access to information from across the web, such as through a plugin for a service such as ChatGPT, or the implementation of GenAI directly into an existing search engine, as is the case for Bing Copilot (Lemoine & Vermeulen, 2023). Such an assessment would impose the same obligations as search engines on the generative components of these combined tools (Lemoine & Vermeulen, 2023). These systems also risk being categorised as “hosting services”, i.e. services responsible for storing information “provided by, and at the request of, a recipient of the service” (DSA, 2022, art. 3). If this were to be the case, they may become subject to notice and action mechanisms, which would require them to remove illegal content when contained in the GenAI system’s output (Lemoine & Vermeulen, 2023). Perhaps most damningly, it is unclear whether the liability exception (DSA, 2022, art. 1), i.e. the provision that conditionally absolves digital service providers from legal responsibility for the content they store or transmit, would also apply to GenAI-produced content. Indeed, whereas search engines can claim that they had no editorial control over the content they provide, such an argument is significantly harder to defend in the case of GenAI since the output is effectively produced by the tool itself (Lemoine & Vermeulen, 2023), rather than being a mere hyperlink as is the case for traditional search.

If either of the latter were the case, this may pose significant challenges to developers of combined systems. As outlined above, it is relatively simple for existing search engines to remove data when flagged, however, this is not the case for the output of GenAI systems (Zhang et al., 2023), due to the manner in which content is “learned” by the model. Further compounding these challenges is that GenAI systems, and particularly Large Language Models (LLMs), are known to “hallucinate”, i.e. will provide inaccurate information (Gravel et al., 2023; Ji et al., 2023), and generally seek to respond to user requests, to a fault (Kreps et al., 2022). From a legal perspective, these would be treated no different than “regular” output data, meaning that if they are deemed to contain “illegal” content, such as making statements that amount to hate speech¹ or infringe upon copyright, these may require takedown and the implementation of measures seeking to prevent their dissemination in the future. Yet how does one prevent a GenAI tool from generating illegal information if it is either hallucinating it or producing it in response to the user’s explicit request, while output filters

¹ GenAI producing potentially problematic content is not nearly as far-fetched as one might hope, since the data hoarding practices that allow their development can be prone to collecting harmful data, see Biddle, 2022. We’ve also already seen one case of a complaint based on a GenAI tool “hallucinating” information that is inaccurate regarding individuals, see: Pollet, 2024

are imperfect at best? (Patil et al., 2023). Such questions are likely to present significant challenges for technology companies and regulators alike as they strive to control the unintended potential of these systems, and may (and perhaps should) hamper search engine providers' ability to implement GenAI features before such concerns have been adequately addressed.

The integration of GenAI into traditional search engines may therefore result in the classification of these combined tools under similar terms as traditional online search for the purposes of the DSA, thus exposing the Generative components to existing substantive requirements, with all the technical challenges that this may lead to, while also potentially extending the legal obligations of the overall systems by doing away with the liability exemption thus far enjoyed by search engines.

Generative Search in the Digital Market

Beyond the obligations imposed by the nature of the technology, GenAI search may also be affected by competition regulation, particularly the Digital Markets Act (DMA), where the tool's developer is deemed to have an outsized influence in the digital market.

The DMA, developed in parallel with the DSA, addresses monopolistic behaviour by large technology companies, known as digital “gatekeepers”, (DMA, 2022) in order to create a more equitable market environment (Bradford, 2023). A company is deemed to be a gatekeeper if it is able to significantly impact the European market, provides a “core platform service”, and enjoys an “entrenched position”, features which are presumed to be met if the organisation meets certain turnover, operational and active monthly user thresholds (DMA, 2022, art. 3). Most importantly for our purposes, online search engines are listed as one such “core platform service”, leading Google Search to be identified by the European Commission as subject to the DMA's requirements, with the investigations into Microsoft's Bing being underway (Directorate-General for Communication, 2023). Gatekeepers are subject to a variety of obligations, including a prohibition to favour their other services (DMA, 2022, art. 6) and to link data across their products without the user's consent (DMA, 2022, art. 5), as well as the obligation to share data regarding their systems with interested parties (DMA, 2022, arts. 5, 6). For Google, for instance, this meant having to decouple Google Search data from Google Maps and other products, and cease showing Google Shopping or Flights and other results from related services in search (Bethell, 2024). Though not currently listed as a core service in itself, there appears to be a consensus that the DMA ought to apply to GenAI in some way (Lomas, 2023), with many, including the European Parliament, already calling on the EU Commission to include these tools in their understanding of core services (Yon-Courtin & Cavazzini, 2024). Indeed, it appears inevitable that the commercialization of GenAI will serve to further consolidate the market dominance of existing technological behemoths

given their unmatched access to the crucial elements of GenAI development: “talent, large training datasets, and computational power” (Khanal et al., 2024). It would therefore seem reasonable to expect that legislation seeking to increase digital market fairness and competition ought to also apply to this domain.

Until then, in order to be deemed a “core service”, GenAI systems would need to fall under one of the existing categories enumerated in Article 2 of the DMA (DMA, 2022, art. 2). Though it would be hard to argue that GenAI is a messaging service or an operating system, there might be some merit to the argument that particular implementations of the technology could lead it to fall under the definition of an online search engine when it has access to web search results (Lemoine & Vermeulen, 2023). This could apply, for instance to Copilot in Bing, which one could argue is an integral component of Bing search (Lemoine & Vermeulen, 2023). Once established as a core service, the nature of additional obligations that existing “digital gatekeepers” would be subject to depends on whether the service is deemed to be part of search or is considered a “linked service”. In the case of the former, GenAI search tools would be subject to all the same requirements as traditional search, including the ban on data sharing with other services without user consent (DMA, 2022, art. 5) and prefer their own offerings over those of competitors, such as using GenAI to create maps or shopping results (DMA, 2022, art. 6). If, on the other hand, GenAI tools are categorised as independent, search providers may be unable to serve generated results from their own GenAI systems as this may constitute preferential treatment for their own service compared to those of competitors (DMA, 2022, art. 6). Either way, they would also be required to provide audited information regarding the profiling applied to users of the service (DMA, 2022, art. 15), which may be revealing of how GenAI tools are responding to their ability to infer information about their users (Staab et al., 2023).

Ultimately, though it may require some time for regulators to assess the appropriate categorisation for GenAI tools under the DMA, either as a standalone core service or falling under a different category based on its implementation, any such designation will have an important impact on the manner in which designated gatekeepers will be able to develop AI-assisted search systems, how these will ultimately operate, and what obligations these will create for developers.

Conclusion

Though some of the analysis presented remains speculative while European regulators investigate how existing legal frameworks could be extended to these new technologies, it is clear that the integration of GenAI into traditional online search engines exposes their developers to important novel legal obligations as well as renewed technical challenges in complying with existing requirements, which perhaps ought to be taken into account as these

technologies evolve and are embedded into existing platforms and services. In particular, online search engine providers will face significant hurdles in ensuring that GenAI search features comply with privacy rights, particularly when it comes to honouring the right to erasure requests. Furthermore, they may see their technologies classified and reclassified under the Digital Services Act, exposing them to additional obligations or extending existing requirements to cover the generative aspect of combined tools. Finally, existing digital gatekeepers may face opposition from regulators and lawmakers alike as it becomes clearer how GenAI slots into their existing product lineups, and how this impacts their obligations when it comes to ensuring fair market competition. With the continued relevance of AI in the public sphere, we can also expect renewed policy-making efforts to tackle GenAI in itself, such as the AI Act, which will further shape how GenAI Search will operate in the EU. Though this paper has focused on search engines, the same principles could be applied to the embedding of GenAI into other technologies, such as virtual assistants, messaging services and other platforms, which merit additional investigation of their own.

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What could CBAM mean for EU-WB6 relations?

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Abstract

The European Union's ambitious climate goals are driving the implementation of the Carbon Border Adjustment Mechanism (CBAM). This new carbon-taxing system is set to prevent *carbon leakage*, the relocation of carbon-intensive industries outside the EU. In doing so, CBAM will particularly affect carbon-intensive exporters of cement, steel, aluminium, fertilisers, electricity and hydrogen to the EU. The Western Balkans (WB6), exporters of carbon-intensive goods heavily reliant on trade with the EU, will face unique challenges after CBAM's introduction. This paper examines the impact of CBAM on EU-WB6 relations, particularly focusing on their electricity sector, one of the WB6's most important exports to the EU. It explores strategies for mitigating CBAM's impact, such as securing CBAM exemptions, furthering EU market integration and financing renewable energy deployment, all heavily dependent on EU financial assistance. However, uncertainties remain regarding WB6 governments' willingness and ability to implement necessary reforms mandated by the EU, raising concerns about socioeconomic instability in the region and the risk of shifting geopolitical allegiances away from the Union. The paper finds that collaboration between the EU and WB6 is essential to ensure EU integration, a smooth green transition, and a stable future for both regions.

Keywords

CBAM, carbon leakage, EU sustainability policy, EU-Western Balkans relations

Introduction

The European Union (EU) has set ambitious climate objectives for 2050 through its Green Deal and FitFor55 Package. These goals aim to achieve a climate-neutral Union by 2050, for which it has pledged to reduce greenhouse gas emissions by at least 55% by 2030 compared to 1990 levels (European Commission, 2024c; European Council, 2024). To this aim, the EU has set up various systems in order to induce a reduction in its greenhouse emissions. Among these initiatives is CBAM, or the Carbon Border Adjustment Mechanism.

This new carbon-taxing system aims to address the disparities between carbon taxpayer producers inside the Union –who pay taxes under the EU's Emissions Trading System (ETS)– and companies which export their goods into the EU carbon-tax-free. Therefore, CBAM is set to affect the EU's trade dynamics, as exporters of carbon-intensive

products will have to invest in lowering the embedded gas emissions of their goods or pay the new carbon taxes to the EU.

Given the gradual implementation of CBAM, which will start to become operational by 2026, governments and companies around the world are preparing to minimise the impact on their economies. Having the EU as its biggest trade partner, the Western Balkans (WB6) will be especially affected, as the Union accounts for almost 70% of their total trade (Eurostat, 2022; Risteska et al., 2022). Generally, the main product that the WB6 export to the EU is carbon-intensive electricity, which is usually produced from coal. In parallel, the progress of the green transition in the Balkans has been slow, with renewable energy deployment having stalled due to recent energy crises and an over-reliance on coal. Thus, squeezed between the competing geopolitical influences of the EU and Russia, this region faces a critical choice: strive for a sustainable and energy secure future or cling to the status quo.

This paper seeks to analyse the impact and effects of CBAM's introduction on EU-WB6 relations. After an exploration of the EU's ETS and CBAM, the paper delves into CBAM's effects on WB6's exports to the EU, taking electricity as a case study due to its carbon-intensive nature and prominence in their trade relations. Lastly, the paper examines the idea that, due to the many adjustments the WB6 must make to minimise CBAM's impact, WB6 governments could opt to distance themselves from the EU in favour of alternative partners, such as Russia.

Context

The EU Emissions Trading System (ETS): Pioneering the Carbon Market

To achieve its climate neutrality goals, the European Union introduced the Emissions Trading System (ETS) in 2005. Through this system –the first of its kind world-wide– the EU taxes carbon emissions from highly polluting industries inside the Union (European Commission, 2024b; European Council, 2024). For the period 2020–2030, experts expect that the price of greenhouse gas emissions will fluctuate between 50–100€/tCO₂, compared to 5–10€/tCO₂ during the previous decade (Recessary, 2024; Risteska et al., 2022). The revenues from this instrument are set to finance part of the EU's green transition and environmental objectives, channelling the much needed investments in renewable energy projects and other low-carbon technology key for the transition (European Commission, 2024b; European Council, 2024).

Despite its sustainable intentions, the EU ETS poses the risk of highly polluting industries relocating to countries with less stringent or negligible environmental regulations. Since its inception in 2005, the ETS aimed to counter this possible tax evasion, also known as *carbon leakage* by providing *free allowances* to carbon-intensive industries. Between 2013 and

2021, the EU ETS progressively shifted from predominantly free allowances to auctioning. Free allowances were only maintained for industries deemed at high risk of carbon leakage – namely cement, steel, aluminium and fertilisers among others– (European Commission, 2024a; Marcantonini et al., 2017). The free allowances are tradable within the EU’s carbon market. In principle, this should incentivise highly polluting companies to invest in lowering their greenhouse gas emissions, as they would gain the opportunity to sell the surplus allowances to other companies and profit from their environmental efforts (European Commission, 2024a; Marcantonini et al., 2017).

However, the European Court of Auditors highlighted their concerns with the free allocation system in their 2020 ETS report. The court pointed out that not toughening the system could compromise the EU’s decarbonisation objectives. The main issues identified included: 1) overallocation of free allowances; 2) carbon pricing being too low to incentivise significant emission reductions; and 3) carbon pricing being too volatile, which limits long-term planning by companies –such as significant investments in emission-reducing measures– (European Court of Auditors, 2020). It is in this context, where the EU seeks to toughen its carbon taxation system while preventing carbon leakage, that CBAM was formulated.

The Carbon Border Adjustment Mechanism (CBAM): Ushering in a New Era of Emissions Control

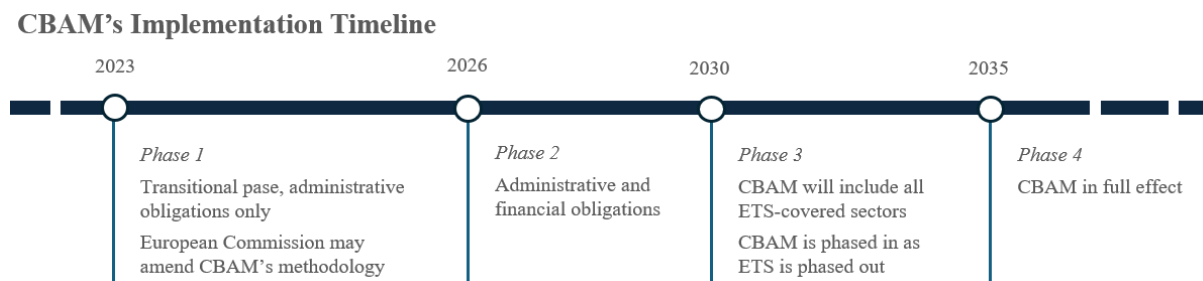
The Carbon Border Adjustment Mechanism or CBAM is the mechanism developed by the EU to address the issue of *carbon leakage* —the relocation of heavily polluting companies outside the Union— that may happen since the introduction of the 2005 EU ETS. Proposed in 2019 by the European Commission as part of the European Green Deal, CBAM will tax imports of carbon-intensive goods entering the EU in proportion to the carbon emitted during their production (European Commission, 2024a). The mechanism aims to level the playing field for carbon taxpayers within the Union. The main sectors that will be affected by CBAM include cement, iron, steel, aluminium, fertilisers, electricity and hydrogen –the industries with the highest risk of carbon leaking–. As with the EU’s ETS, revenues made by CBAM will be channelled towards financing the Union’s green transition, as well as re-financing borrowing done under the NextGenerationEU –the EU’s post Covid-19 recovery plan– (European Commission, 2024a; Risteska et al., 2022).

CBAM is being rolled out in phases. The first (transitional phase) started in October of 2023, and is set to last up until the beginning of 2026. During the first phase, exporters to the EU of CBAM-covered goods will only need to comply with administrative requirements. Exporters will have to register with their relevant national authorities and declare the greenhouse gas emissions embedded into their imports entering the Union. Before fully

implementing CBAM in 2026, the EU will assess and make any necessary revisions to the methodology used to calculate embedded emissions (European Commission, 2024a).

Figure 1

CBAM's Implementation Timeline



Note: Author's own elaboration with data from European Commission (2024a).

From 2026 onwards, CBAM will require exporters to the EU to comply with both administrative and financial requirements. The mechanism will oblige exporters to purchase CBAM certificates, which will reflect the carbon emissions embedded in the production of CBAM-covered goods. After 2030, CBAM is set to expand and include all sectors and industries covered by the EU's ETS. Parallely, the EU plans to gradually replace the free allocation system with CBAM. Thus, it is expected that by 2035, ETS' free allowances will be completely phased out in favour of CBAM certificates (European Parliament, 2023; Risteska et al., 2022).

It is important to note that CBAM offers a set of payment exemptions. Mainly, if exporters can demonstrate that they have paid for the embedded carbon emissions of their exports in the country of origin through an equivalent ETS system. The EU, however, must have set an equivalence with the country's system to accept the proof of payment. This will enable the EU to verify the authenticity and integrity of carbon taxation (European Commission, 2024a). Additionally, CBAM payment exemptions are set up for countries whose electricity grid is interconnected with the EU's. They must, however, comply with certain conditions: 1) ensure market coupling with the EU's electricity market and, therefore, abide by the EU's energy legislation; 2) join the EU ETS system or have its own ETS system permanently linked to that of the EU's before 2030; 3) commit to achieving climate neutrality by 2050 and deploying renewables; and 4) ensure that no electricity from third non-complying countries is exported to the EU (European Parliament & The Council of the EU, 2023; Spasić, 2023).

How Will CBAM Affect the Western Balkans (WB6)?

EU-WB6 Trade Dynamics

The Western Balkans (WB6) have longstanding trade relations with the EU. The Union accounts for almost 70% of total trade with WB6 countries, making it their largest trading partner (Eurostat, 2022; Risteska et al., 2022). As the European Bank for Reconstruction and Development (2024) report states, had CBAM been operational in 2022, it would have affected about 22% of all products imported into the EU from the region.

Figure 2 shown below showcases the structure of WB6's CBAM-covered exports to the EU. Generally, their biggest export is electricity –except for Kosovo and North Macedonia–. The changes in the export percentages of WB6 countries between 2021 and 2022 can largely be attributed to fluctuations in electricity exports to the EU and the successful expansion of new markets in their aluminium, iron, and steel industries (Allert et al., 2023; European Bank for Reconstruction and Development, 2024). Specifically in the case of Montenegro, the significant variation is due to the closure of its key aluminium plant in December of 2021 (Ciută & Gallop, 2022).

Figure 3 illustrates WB6's CBAM-covered exports to the EU in relation to their GDPs. Although the graphic shows that such exports do not constitute a significant percentage of their GDPs, it is important to note that a considerable proportion of Montenegro, Kosovo, and Bosnia's exports to the EU are from CBAM-covered sectors. For other countries, the percentage is smaller but still notable –varying between 10–15% of their total exports to the EU–. This indicates that, despite not having a devastating macroeconomic impact, CBAM-covered industries –which form a significant part of the WB6's export sectors to the EU– will be severely affected. Thus, the introduction of CBAM is set to significantly impact the WB6, affecting governments and exporters of electricity, cement, aluminium, iron, and steel. It is crucial for Balkan governments to prepare and do as much as possible to minimise CBAM's negative effects on their economies.

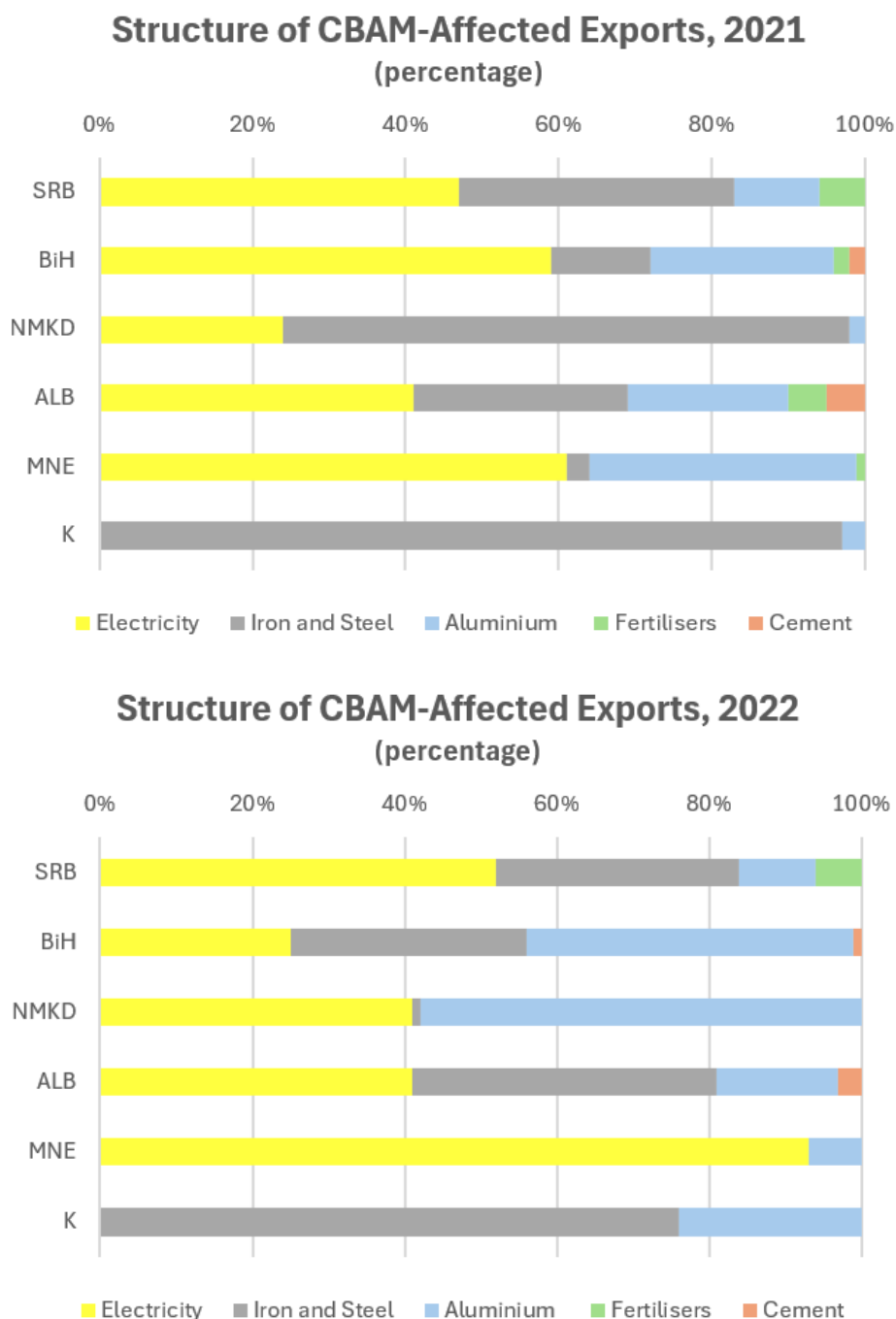
On the one hand, if WB6 governments fail to establish their own EU-verified ETS and secure CBAM exemptions, especially in the electricity sector –to be analysed in later sections– the European Union could levy up to €2.8 billion in carbon taxes (Ciută & Gallop, 2022). Without their own ETS, the WB6 would be financing the EU's green transition instead of its own. These funds could be key for much needed investments in renewables in the region, as well as to support transitioning coal-dependent areas.

Exporters of CBAM-covered sectors, on the other hand, face a critical challenge: if they do not reduce embedded emissions, their products may become less competitive in the EU market. This could steer WB6 exporters to seek alternative markets. If WB6 economies become detached from the EU –its biggest trading partner–, it would entail great levels of economic instability for the region, as Balkan companies may have to close if unable to redirect their exports successfully (European Bank for Reconstruction and Development,

2024). Moreover, a shift in trade flows towards new markets could decrease the EU’s influence in favour of other international actors and geopolitical competitors.

Figure 2

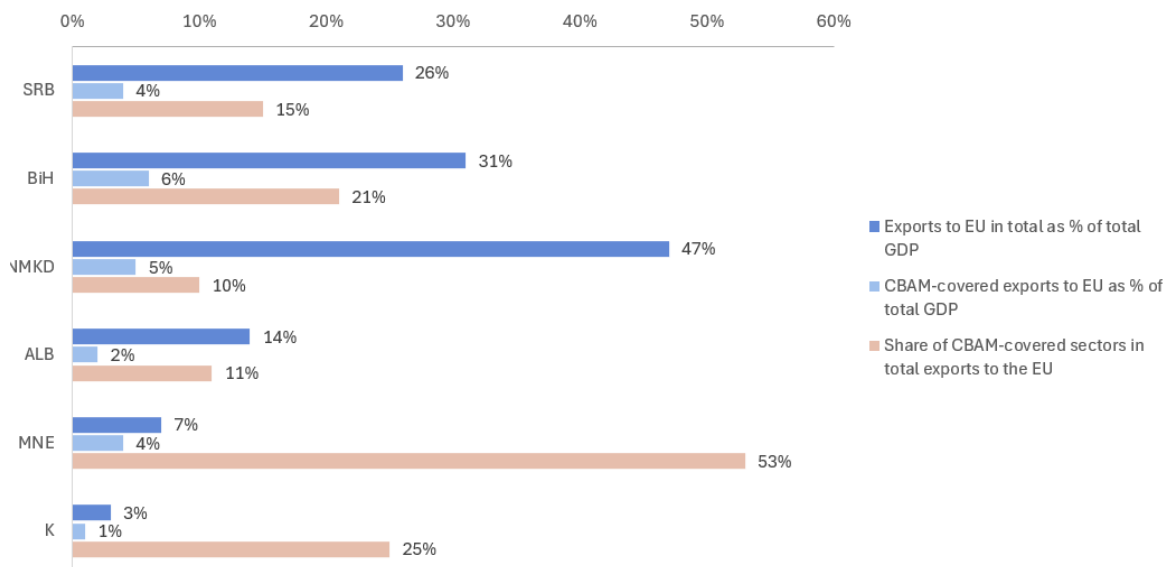
Structure of CBAM-Affected Exports for 2021 and 2022 (Per Cent)



Note: Author's own elaboration with data from Agora (2022), Eurostat (2022), European Bank for Reconstruction and Development (2022), and Germanwatch (2023).

Figure 3

WB6 Exports to the EU in 2021



Note: Adapted from Germanwatch (2023).

Electricity in WB6

As seen in the previous section, electricity generally accounts for a very large quantity of WB6’s exports to the EU (except for Kosovo). Considering the characteristics of electricity generation in the region, which is dominated by coal and lignite power plants, it is essential to analyse this sector to comprehend the potential impacts of CBAM on WB6 countries and the implications for future EU–WB6 relations.

Exporting electricity to the EU is a very profitable business for countries in the region. For instance, Bosnia –who has been consistently a net exporter of electricity to the EU in the last decade– saw its revenues increase from just under €115M to almost €250M between 2015 and 2022 (European Bank for Reconstruction and Development, 2024; OEC, 2024). Kosovo and Montenegro were the only two among the WB6 not connected to the EU grid and did not export electricity to the EU (Ciută & Gallop, 2022; Eurostat, 2022). Montenegro, however, has managed to start exporting electricity since the establishment of the Italy–Montenegro interconnector in late 2019. Such exports have become a key revenue for Montenegro too, as in the wake of the Covid-19 pandemic, more than 50% of its domestic electric production was exported to the EU (Ciută & Gallop, 2022).

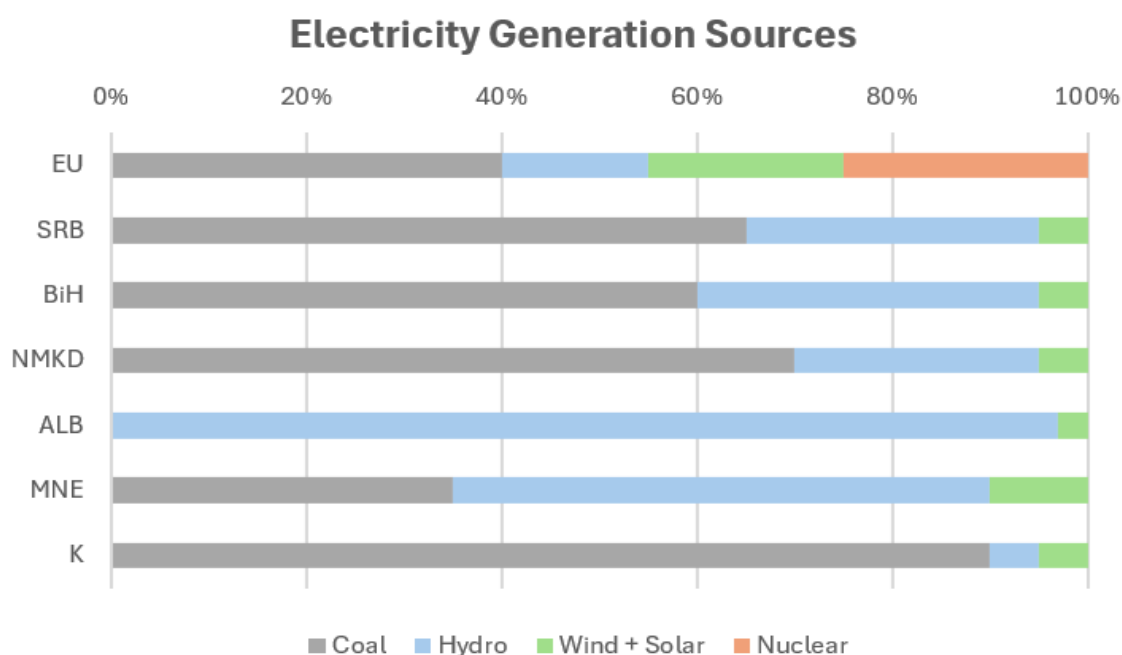
Bosnia and Herzegovina, Serbia, North Macedonia and Montenegro’s electricity exports to the EU are the most heavily exposed to CBAM, as most of their energy production is sourced from the 14 coal plants located in their territories (Ciută & Gallop, 2022; European Bank for Reconstruction and Development, 2024). This results in EU member states

consuming electricity with high levels of embedded carbon emissions. Without carbon taxation, electricity-exporting countries have a competitive advantage over EU competitors due to artificially low prices (Gallop, 2021). The illegal operation of several coal plants in the region –which have exhausted the 20.000 operating hours limit under the Energy Community Treaty– enable countries in the region to produce and export electricity at cheaper rates than their European competitors (Gallop, 2023). However, there are currently no financial repercussions for this illegal activity (Ponyer 2022).

On the other hand, Kosovo and Albania’s electricity sectors will not be as affected by CBAM’s introduction. As for Kosovo, despite heavily relying on coal to meet its domestic electricity demand, it is still not interconnected to the EU and, thus, does not export electricity to the Union. Conversely, Albania is connected to the EU, but most of its electricity is produced from hydroelectric power and, therefore, has low embedded carbon emissions. Thus, Albania currently stands as the only WB6 country bound to avoid a hefty carbon tax on its electricity exports to the EU after the introduction of CBAM (Allert et al., 2023).

Figure 4

Sources for Electricity Generation in EU and WB6



Note: Author’s own elaboration with data from Eurostat (2022) and European Bank for Reconstruction and Development (2024).

How to Mitigate CBAM's Impact on the WB6?

Mitigating the socioeconomic impact of CBAM will be key for the stability of the Western Balkans. The EU could achieve this through various actions. As mentioned in the second section, CBAM has been designed with a series of limited exemptions. The exemptions provided for the electricity sector are key for the WB6, which could be granted to them if they fulfil certain conditions (European Commission, 2024a; Hafner & Santikarn, 2023; Risteska et al., 2022).

The first condition is electricity market integration with the EU. Despite the fact that most of the WB6 export electricity to the Union and are connected to the EU's electrical grid, coupling between the two markets is yet to happen. This would translate into full application of the pertinent EU energy law in WB6 countries (regulating competition, electricity market coupling, obligations on renewables...). In this regard, all WB6 countries should already comply with such laws, as they are part of the Energy Community Treaty (Pozsgai, 2024). More precisely, the WB6 were set to integrate all EU electricity-related legislation –also known as Electricity Integration Package– by December 2023. However, as per the Energy Community's Annual Implementation Report –published in November 2023–, none of the contracting parties were on track to do so (Energy Community, 2023a). As experts point out, in absence of financial penalties under the Energy Community Treaty for failing to meet EU standards and recommendations, the responsibility of implementing the legislation and the necessary changes now depend on the political will of the governments of the region (Ciută et al., 2023; Spasić, 2023).

The next condition is to be part of the EU Emissions Transmission System or to develop their own ETS system, which should be linked to that of the EU before 2030 (European Commission, 2024a). Regarding the progress of the WB6 on this requirement, all of them signed in 2021 the Energy Community's Decarbonisation Roadmap, committing to the establishment of a carbon taxing instrument, and to lowering their carbon emissions (Energy Community, 2023c). Since then, most of the WB6 have developed systems that monitor, report and verify their greenhouse emissions, a first step towards an emissions trading system (Energy Community, 2023a). However, as of today, only Montenegro has developed its own ETS. The system operates since 2020 and covers the power and industrial sectors with a minimum price of 24€/tCO₂, half of the EU's equivalent (Allert et al., 2023; Hafner & Santikarn, 2023; Spasić, 2023). The rest of the WB6 is in the process of considering the design and implementation of such a system (Energy Community, 2023c). The authorities in Bosnia and Herzegovina and North Macedonia, for example, have signalled their willingness to establish a carbon tax before 2026, aiming to harmonise it with the EU ETS by 2030 (Allert et al., 2023; Energy Community, 2023c; Hafner & Santikarn, 2023; Spasić, 2022).

The third condition is that the country in question must be committed to carbon neutrality by 2050 and to the deployment of renewable energies. To this regard, the WB6 signed the Sofia Declaration in 2020, where they pledged to implement a common Green Agenda (Energy Community, 2023a). The agenda aims to align the WB6 to the EU's climate and sustainable goals (European Commission, 2020). Moreover, as part of their accession negotiations, WB6 countries must adjust their climate and energy policies to the EU's ambitious 2050 strategies and goals in those areas (Cierco Gomes, 2019; DG NEAR, 2024). The WB6 are making gradual improvements in harmonising their environmental and energy policies to that of the EU. By June 2023, all Western Balkan governments submitted drafts of their National Energy and Climate Plans (NECPs) to the Energy Community Secretariat, as legally mandated under the treaty. As of the writing of this article, Albania and North Macedonia have already adopted their own NECPs, and the rest of governments are set to adopt their own by June 2024 (Energy Community, 2024; Spasić, 2023). Moreover, all governments in the region have initiated market adaptations, such as regulating self-consumption of renewable energy (Energy Community, 2023a). Other market adjustments in the region are underway. Short-term markets, for example, should drive the uptake of renewables, which are a condition for the exemption of electricity under the CBAM (European Bank for Reconstruction and Development, 2024).

As for renewable energy deployment, despite some progress, WB6's energy mixes continue to be dominated by coal. A halt in the development of renewable energy infrastructure has happened due to an energy crisis in the region, ongoing since 2021: a mix of drought –which affected hydroelectric power generation–; an ageing coal power plant fleet; and extremely high electricity import prices from the EU –due to the gas crisis caused by the war in Ukraine– (Ciută & Gallop, 2022). These crises have not only stalled renewable deployment in the region, but have been used by some WB6 governments as an excuse to extend the life of coal mines and power plants, and even announce plans to open new ones (Ciută & Gallop, 2018, 2022). However, a report by Agora states that, even from a purely economic perspective, these carbon-intensive plans do not make sense in the mid- and long-term. After analysing several newly planned units in the Western Balkans, mainly in Bosnia and Serbia, the study found that no plant will be economically feasible after the introduction of the EU's CBAM or a national ETS.

On the other hand, the report highlights the benefits of the introduction of renewable energy, which would likely reduce the prices of energy in the region (Risteska et al., 2022). A year later, in November 2022, acknowledging the importance of phasing out coal in the region and scaling up renewables, the WB6 signed the Declaration on Energy Security and the Green Transition in the Western Balkans. The declaration seeks to avoid CBAM's application in the WB6's energy sectors. It calls on the Energy Community to aid governments in the region in

phasing out coal, guaranteeing WB6's energy security and cooperating to integrate the region into the EU's ETS (Kovacevic, 2023).

The last requirement to secure a CBAM exemption for electricity exports is to establish an effective system that prevents the indirect export of electricity from third countries that do not comply with regulations via the WB6. According to the Energy Community CBAM-Readiness Tracker, such a system has not yet been put in place (Energy Community, 2023b).

The EU could mitigate the impact of CBAM on the WB6 in other ways besides the exemption on electricity analysed above, which mainly focuses on supporting market integration, incentivising the deployment of renewable energy infrastructure and ramping up technical support for the creation of a national ETS in WB6 countries (Allert et al., 2023; Ciută & Gallop, 2022; Tcherneva, 2023). The main solution would be to (partially) fund the green transition in the Balkans. This means investing in renewable power production and energy efficiency measures aiming to lower embedded emissions in the production of CBAM-covered goods. The funds could come from an array of current or new financial schemes.

For example, the EU could destine part of the revenues made by CBAM to Western Balkan states. The European Parliament had proposed to reinvest CBAM revenues into supporting developing countries who are working towards achieving climate neutrality, which would include the WB6 (European Parliament, 2022b). However, this proposition did not make it to the final agreement, due to the legal difficulties in assuring non-discrimination that this system could entail (Benson et al., 2023). Despite this decision, it is important to note that the WB6 hold a special status as EU accession countries. This specificity could prompt an exemption, if there was the political will from Member States to do so (Allert et al., 2023).

Other funding schemes to support renewable energy deployment in the region would include the Instrument for Pre-Accession Assistance –which provides technical and financial support to EU candidate countries–; the Platform for Coal Regions in Transition –aiming to help diversify and restructure coal-dependent regions–; the Western Balkans Guarantee Facility –designed to support investments and boost the post-pandemic economic recovery of the WB6–; or the Western Balkans Investment Framework –also providing technical and financial assistance for sustainable development projects in the region– (Allert et al., 2023; European Council, 2023).

CBAM in the WB6: Opportunity for Sustainability vs. Geopolitical Risk

As seen in the previous sections, CBAM will greatly impact the Western Balkans. This is both a significant opportunity and a considerable risk for EU-WB6 relations. The opportunities are plenty: prompting further market integration; speeding up accession; jumpstarting the green transition in the region; co-funding a just transition in coal dependent regions; and improving the WB6's energy security, making the region more sustainable and energy

independent. However, if the EU does not adequately collaborate in providing technical and financial assistance, it could risk having a disengaged and unstable Western Balkans, a region geographically near to the EU which is already prone to ethnic conflict flare-ups and instability. Amidst the need for numerous legal and market adjustments, WB6 governments could quickly shift their geopolitical stances on the EU, opting to maintain their current socioeconomic and energy status quo and diversifying their exports to other markets.

If WB6 were to stop integration, endure CBAM, and not develop their own ETS, they would risk suffering important consequences, such as: 1) losing valuable revenues and support for their green transition, 2) losing competitiveness in the EU market, and 3) facing social instability due to economic uncertainties. Thus, CBAM would be collecting millions of euros from WB6 inaction, money which could otherwise modernise and fund a locally-led Balkan green transition (Risteska et al., 2022; Todorović, 2023). Furthermore, the failure of WB6 governments to ease renewable energy deployment, could shift the financial burden of reducing CBAM's impact entirely on Balkan companies (Todorović, 2023). If these companies become uncompetitive in the EU market, economic instability may arise, as they are forced to either close or relocate (Risteska et al., 2022). In a region marked by sociopolitical tensions and high unemployment rates, such economic instability risks escalating into conflict.

Thus, the EU needs to engage WB6 governments in order to: 1) advance a global green transition; 2) further integrate accession countries and re-gain geopolitical leverage; and 3) boost its neighbours' and its own energy security. First, if the EU aims to decarbonise and promote a European green transition as part of its Green Deal (European Commission, 2024c), it should not neglect supporting accession countries in the Balkans. The region needs strong technical and financial backing for the necessary legal and market changes to increase the rate of renewables in their energy mix (Ciută & Gallop, 2022).

Second, the countries in this region have grown disillusioned with the European dream (Techerneva, 2023). Over time, integration and accession seemed increasingly out of reach for many Western Balkan countries. With accession seemingly stalled, this has disincentivised WB6 governments from pursuing the changes demanded by the EU and has enabled them to get closer to the EU's geopolitical competitors, such as Russia (TLDR News EU, 2024).

Third, the WB6 have traditionally relied on coal and hydroelectric power generation to supply their domestic demand (European Bank for Reconstruction and Development, 2024). However, with ageing coal power plants and unstable rain patterns due to climate change, the region faces severe energy insecurity. While renewables offer a long-term solution, the WB6 may choose to invest in gas infrastructure – given the current low Russian gas prices –, as well as extend and/or build new coal power plants (Gallop, 2023). The EU must engage the governments in the region to promote WB6's energy security, to secure its own

access to sustainable electricity imports, and to reduce Russia's influence on the region's energy sectors – where it already yields a strong presence– (Kovacevic, 2023).

Otherwise, the EU risks: 1) a fossil-fuel intensive region unwilling to decarbonise, 2) sociopolitical instability near its borders, 3) a geopolitical encroachment from EU competitors, such as Russia.

Signs that unwillingness for decarbonisation may materialise are evident from recent announcements by some Balkan governments' intentions on opening new coal power plants and reports of illegal coal power plants being extended (Energy Community, 2023a; Risteska et al., 2022). These actions indicate that the WB6's commitment to decarbonisation should not be taken for granted.

CBAM could also be posing the risk of economic instability, which could arise from Balkan companies being forced to seek other markets to sell their uncompetitive carbon-intensive products, and from a failure by the EU to support Balkan coal-dependent regions in achieving a fair green transition (European Bank for Reconstruction, 2024; Risteska et al., 2022).

Lastly, CBAM may be offering Russia an opportunity to expand its influence on the region. While the EU offers a green transition, market integration and sustainable energy security –albeit after several legal and market adjustments–, Russia offers the maintenance of the status quo, cheap fossil fuels, and a market without carbon taxes. The EU should aim to stop further encroachment of Russian influence –deemed by the Parliament as a state sponsor of terrorism (European Parliament, 2022a)– in its very backyard. Thus, the EU should not overestimate its appeal or assume that the WB6 will adapt to CBAM without dedicated support, as disillusionment with the Union is widespread already (Kovacevic, 2023). No sufficient attention, patience and help could result in Balkan governments disengaging from the EU, and continue relying on highly pollutant coal and new Russian gas. This scenario would diminish the EU's leverage in an unstable region near its borders, already prone to conflict, ethnic tensions and Russian influence, potentially jeopardising the WB6's EU accession and integration aspirations definitively.

Conclusions

The European Union has set ambitious climate objectives for 2050 through its Green Deal and FitFor55 Package. The Carbon Border Adjustment Mechanism (CBAM) has been designed by the EU to prevent *carbon leakage*, the process by which companies relocate to countries with less stringent environmental regulations. Designed to tax imports of carbon-intensive goods into the EU, CBAM seeks to level the playing field between EU and non-EU producers while the Union undergoes its decarbonisation process. From 2026 onwards, the system is set to

specially affect exporters of carbon-intensive cement, steel, aluminium, fertilisers, electricity and hydrogen which do not pay carbon taxes and compete in the EU market.

Consequently, the Western Balkans (WB6) are expected to be severely impacted, as the EU is their largest trade partner and coal-generated electricity is their main export to the EU (Eurostat, 2022; Risteska et al., 2022). In order to mitigate CBAM's impact on the region, the EU and WB6 governments are working together. While focusing on the WB6 electricity sector, several adjustments are being put into place, such as advancing Euro-Balkan market integration, harmonising energy legislation, deploying renewable energy infrastructure and advancing energy efficiency measures. The paper finds that the EU must collaborate with WB6 governments, offering further technical and financial support to implement necessary reforms, while co-founding a Balkan green transition with special attention to areas economically dependent on coal mining. This should ensure the WB6's accession path, a sustainable energy secure future for both regions and prevent socioeconomic instability in the Balkans.

However, given the current disillusionment with EU promises of accession and the historical reform inaction of Balkan governments –due to an unassertive and divided EU and a lack of financial and technical support–, it is unclear whether WB6 governments will execute all necessary changes on time, or whether they want to. The paper finds that the introduction of CBAM offers both opportunities and risks for EU-WB6 relations. The new mechanism can drive market integration, accelerate EU accession, and stimulate a continental green transition by promoting renewable energy deployment. However, without sufficient support, CBAM could lead to disengagement, socioeconomic instability, and an increase of Russian influence in the region.

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Sailing through dangerous waves: the EU's expanding toolbox at sea

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Abstract

The EU strives to address maritime insecurity through a comprehensive and distinctive approach. This paper analyses the evolving approach of the Union in maritime affairs over the last two decades. In doing so, it highlights the progression from a limited initial interest up to a holistic approach aiming to tackle maritime threats and pursue the status of a "global maritime security provider". The analysis begins with a throughout overview of the various EU's strategic documents and policy developments, identifying key tenets and milestones in the maritime security journey. It then turns to primary sources of insecurity for the EU at sea and relates them to the enlarging toolbox that the Union developed to tackle such issues in the past two decades. Lastly, the paper highlights the main deficiencies and areas of future improvement to provide a comprehensive picture of the EU's pursuit of maritime security.

Keywords

Maritime Security, European Union, EUMSS, Strategic Document Analysis, Sea threats, Maritime policies

Introduction

As the world's largest trading power, the European Union (EU) is profoundly dependent on safe and stable seas. Foremost, around three-quarters of the EU's external trade by volume is seaborne, while 35% of the Union's internal trade travelled by sea in 2022. Despite variations in volume traded by sea, all member states are affected by maritime insecurity, which affects, inter alia, global value chains and inflation (Eurostat, 2023; Lefebvre de Saint-Germain, 2022). Besides, the importance of safe and stable oceans for the EU economy is highlighted by the dependence of the global energy market on the seas, since around two-thirds of gas and oil supplies are either seaborne or moved via sea. Moreover, practically all data flows through undersea cables (European Commission and High Representative, 2023).

Beyond maritime transport, the Union's maritime regions produce around 40% of its GDP thanks to the positive influence of the blue economy, whose sectors provided 4.5 million jobs and revenues of over 650 billion euros before the pandemic. Notably, the shipbuilding industry is critical for the Union, both for its technological edge and vast dimensions – since it encompasses more than 22'000 manufacturers and suppliers. Furthermore, the European energy diet relies heavily on the maritime domain, as the Union members dominate the

offshore production of energy and generate more than 80% of their gas and oil offshore (European Commission, 2023). Furthermore, certain EU members, respectively Greece and Germany, hold the largest and fourth largest merchant fleets, while cumulatively the Union's members would have the fourth largest fishing fleet. With over 1200 seaports and established connections with the rest of the world, Europe relies heavily on sea lines of communication (SLOC), critical chokepoints and the logistical nodes of the global value chains. Overall, the blue economy plays a vital role in making the EU a maritime powerhouse (Usewicz & Keplin, 2023).

From a political perspective, the European Union is a promoter and enforcer of UNCLOS (Ferreira-Pereira & Melo, 2022), and a leader in international discussions on maritime terrorism, piracy, and regulation of global commons. In turn, internally, the member states have agreed on common policies, regulations and actions – lessening their veto power – and allowed many EU bodies to effectively influence maritime policies. Besides, the sea enables the EU to project its normative and material power (Germond, 2015), further its strategic culture, and fasten and consolidate security and defence integration – thus, challenging the perspective of the European Union as only a ‘*soft power*’ that uses exclusively non-military means on the international stage (Larsen, 2020; Riddervold, 2018).

Overall, the EU largely benefits from the maritime domain in terms of growth, prosperity, identity and power. However, the Union now faces a highly threatening maritime environment, characterised by the heating of geopolitical competition and tensions, and the degrading repercussions of climate change. Hence, not only good comes from the sea, which is becoming increasingly full of Scyllas and Charybdis, directly raising the stakes and demanding effective responses from the EU and its members.

This paper analyses the EU's journey in maritime affairs to assess its distinctive approach and quest to successfully address insecurity at sea. Through the lenses of strategic documents, policy developments and key initiatives, the paper examines the evolution from a limited maritime interest to a comprehensive approach, and the pursuit of the status of “global maritime security provider”. Then, it evaluates the main threats that the EU faces at sea, before turning to the numerous instruments the Union developed to respond to increasing challenges during the past 20 years. By examining these aspects, this paper aims to provide a comprehensive understanding of the Union's pursuit of maritime security and highlight the main deficiencies and areas for further improvement.

A thick net of strategies

Early developments of the EU Maritime posture

During the Cold War, the EU's predecessors had a marginal interest in maritime security, and their actions at sea mostly revolved around fisheries. However, many developments and challenges have increasingly drawn the Union at sea, broadening time after time its understanding of the maritime domain. Notably, the various enlargement rounds reinforced the Union's maritime dimension due to the maritime interests, assets, and sea accesses of the new members, which extended the Union's reach. Therefore, new members did not shift the EU's centre of gravity towards continental Europe; rather, they progressively reoriented the maritime focus from the North-East Atlantic Ocean to the Mediterranean, the Baltic and the Black Seas (Germond, 2015, pp. 92–93; Koivurova, 2012, p. 162).

Initially, the advent of environmental tragedies near the European coasts – in particular, the sinking of the oil tanker *Erika* in 1999 and *Prestige* in 2002 – and increasing drug and human trafficking pushed the Union to start an internal debate on blue crimes¹ and marine safety². This resulted mainly in the establishment of the European Maritime Security Agency (EMSA)³ in 2002, developing a common shipping policy and aligning standards for marine environmental protection. Therefore, the initial focus in the maritime domain revolved mainly on the protection of the marine environment and seaborne trade (Kraska & Pedrozo, 2013, p. 60). Gradually, socio-economic concerns reached the level of environmental considerations, keeping the security dimension on the sidelines. The links between the blue economy, social development and protection of the marine environment, grew stronger thanks to the idea that by boosting the marine industry, sustainably managing resources and coordinating EU maritime activities, the Union could obtain higher returns from the sea while protecting the marine environment. (Ferreira-Pereira & Melo, 2022).

¹ Blue crime includes those transnational organised crimes that target maritime activities, including piracy, smuggling, human trafficking, environmental crimes, illegal fisheries etc.

² Maritime safety is the combination of preventive and responsive measures to protect the maritime environment, domain and professionals from natural or accidental danger and damage. Thus, it is a concept connected to maritime security, inter alia, through the International Maritime Organisation (IMO), search and rescue operations, environmental and cultural concerns, and the mutual influence of sea workers and the environment on one another, as well as because the maritime industry is at the same time a potential target and perpetrator of maritime crimes (such as waste dumping, marine pollution and fisheries depletion).

³ EMSA works mainly in the fields of marine safety and environmental protection, rather than in the maritime security domain per se.

These dynamics are reflected in the development of strategic documents. The main security strategies – the European Security Strategy of 2003, its Report on Implementation of 2008 and the Internal Security Strategy (European Council 2003; 2008; 2010) – failed to address maritime security in detail, and only briefly mentioned singular issues, chiefly piracy, demonstrating in this way a gradual penetration of the maritime security agenda in EU strategic documents. In turn, the main marine framework at the time, the Integrated Maritime Policy of 2007 (European Commission, 2007), showed the primacy of the blue economy dimension while supporting the EU members and agencies to jointly address competitiveness, environmental degradation, fisheries, safety of shipping and resource sustainability (Silveira, 2020) – in other words, ocean governance. Indeed, tackling maritime threats and surveillance activities were seen as ancillary to the growth of the blue economy. Yet, maritime security and economic development are deeply intertwined given that unsafe seas threaten the blue economy, international trade, and sustainable resource management. In turn, the maritime economy relates to human development and might provide either economic opportunities to coastal populations or exacerbate their grievances; thereby escalating illicit activities. Besides, maritime security often represents a source of economic growth in terms of demand for security services, surveillance, capacity-building endeavours and the development of new technologies (Menzel, 2022).

The development of the EU Maritime Security Strategy

Since 2007, and especially after 2008, an upsurge in piracy attacks off the coasts of Somalia powerfully lifted the issue of maritime insecurity. The Gulf of Aden is a vital theatre for the Union and its states, especially due to Europe's maritime trade flows and fisheries catches. With 11 billion dollars per year on the line, the EU was forced to intervene by deploying its first naval mission – EUNAVFOR Atalanta (Filipec, 2017). In particular, the looming financial crisis of 2008 aggravated the economic damage of Somali pirates, favouring the deployment of the operation to secure maritime trade and freedom of navigation. Yet, the economic dimension still retained its primacy at this stage, with much emphasis on the contribution of the blue economy to the recovery from the financial crisis, and the blue economy-maritime security nexus.

The first attempts to develop a collective maritime security strategy shattered against the resistance of the members to be bound by a common policy and disagreements on the scope and cross-sectoral nature of the strategy (Riddervold, 2021; Roy, 2016). Only in 2014, the Union was finally able to agree on a Maritime Security Strategy (EUMSS), favoured by a conjuncture featuring the alignment of European bodies, the initiative of the Commission, the resounding success of Atalanta, the renewed unity in the aftermath of the Russian annexation of Crimea, and the worsening of the migrant crisis (Riddervold, 2018).

In the EUMSS, the EU inscribed four key principles that it has upheld until today: (1) having a cross-sectoral approach, aiming to foster cooperation among all relevant stakeholders in the maritime field (both civilian-military and public-private); (2) functional integrity, i.e., building over existing achievement without prejudice the division of competencies and the sovereign rights of the states; (3) respect for the principles and rules upon which the EU is built; (4) maritime multilateralism as a guiding principle.

Through the strategy, the EU developed a holistic and global approach with a comprehensive understanding of maritime security, which includes ocean governance, blue crime, the interstate dimension, freedom of navigation and international law, protection of economic interests, marine safety and the marine environment (etc). Furthermore, the strategic document organised and expressed the Union's interests, threats and workstrands; thereby it proposed a strategic framework to pursue maritime security and the ambitious status of 'global maritime security provider'.

With the EUMSS, the Union confirmed the intrinsic connection between maritime security, the blue economy and broader maritime geopolitics, but for the first time, primacy fell upon security, and the maritime domain was explicitly added to the security of the EU (Ceccorulli, 2022). Traditionally, the Union's approach privileged the blue crime dimension while still monitoring and addressing issues related to the other maritime security dimensions, explicitly, terror activities at sea and the interstate perspective (Bueger & Edmunds, 2023).

In 2023, the EU updated its maritime strategy, reflecting the drastic changes in the strategic environment – chiefly, Brexit, the war in Ukraine, increased strategic competition, climate change and hybrid threats. Building on the original EUMSS, the new document addresses the new and evolving threats that affect the EU, such as strategic competition for power and resources, challenges to the international order, cyber and hybrid menaces, security of critical infrastructure, environmental degradation, and climate change. In turn, it mostly archived the solved challenges, like piracy and smuggling, while keeping an eye on them. This manoeuvre was long needed to connect the ongoing initiatives with the relevant policy instruments and build over the progress attained at sea (Pejsova, 2023). Notably, through the update, the Union increased attention and efforts directed towards the “hard” side of the maritime security spectrum (European Council, 2023).

Between 2014 and 2023, the EU maritime approach evolved in multiple dimensions. The main cross-sectoral security strategies – the 2016 EU Global Strategy and the 2022 Strategic Compass – reaffirmed the importance of the seas and the role of '*global maritime security provider*' for the EU. Besides, they contributed to raising the level of ambition and the integration of the maritime domain as a core component of the Union's foreign policy identity (EEAS, 2016; European Council, 2022; Ferreira-Pereira & Melo, 2022). Meanwhile, the

economic and ocean governance perspectives continued to evolve on parallel tracks – including through Council Conclusions, the Blue Growth Strategy in 2012 and the International Ocean Governance Agenda in 2016. Additionally, several regional strategies contribute to adapting and particularising the overall maritime framework to specific maritime theatres.

Overall, the EU developed a thick net of cross-cutting strategic documents revolving around the maritime domain. On the one hand, this proliferation undermines a coherent maritime policy by pulling actions and actors in opposite directions, allowing the cherry-picking of single issues and blurring the relations between strategies as well as the order of priorities (Bueger & Edmunds, 2023). On the other hand, it is not easy to reconcile the strategic national interests of 27 states; yet, the attention given to the maritime domain testifies the crucial importance of the sea for the EU and shows the intention to play a meaningful role in ensuring global maritime security. Thereby, it proves the effective overcoming of the seablindness that long downplayed the maritime domain (Larsson, 2024).

Threats at all corners of the sea

The extensive strategic apparatus provides a framework to address the many security threats that affect the EU from the sea. Albeit the strategies are intended to be global, much of the attention is directed closer to European shores.

The Russian full-fledged invasion of Ukraine exacerbated various maritime security challenges. Already in 2014, with the unlawful annexation of Crimea, the Kremlin regained the naval base of Sevastopol and seized 75% of the Ukrainian navy; thus, Russia treated the Black Sea as its own lake with the Crimean peninsula acting as a maritime bastion⁴ ensuring relative sea dominance (Combes, 2022; Fiott, 2022). However, after the last two years of Ukrainian asymmetrical naval warfare, sea command in the Black Sea is heavily disputed while 10 years of sanctions, structural problems and funds competition with the other branches have crippled the Russian navy and its naval industrial base (Balçay, 2024; Fiott, 2024).

In turn, as an unintended result of the Russo-Ukrainian war, the security equation of the Baltic Sea has profoundly changed, mainly due to the entrance of Sweden and Finland into NATO and tougher stances vis-à-vis Moscow. European maritime security in the Baltic area

⁴ A maritime bastion consists in a highly protected sea perimeter in which the owner of the bastion enjoys sea control, and can easily deter foreign naval interference or disrupt maritime traffick.

is threatened by increasing threat misalignment and distrust, growing militarisation and provocative military presences, and potential disruption of SLOCs. Besides, hybrid and cyber-attacks on critical maritime infrastructure further demonstrate the cruciality of the maritime space for EU members and raise tensions in the basin – as showcased by the destruction of the Nord Stream pipelines (Swistek & Paul, 2023; Westgaard, 2023).

Multiple security dynamics are at play in the Mediterranean Sea. Foremost, this sea is increasingly a theatre for geopolitical competition: China seeks a primary role in the region either through strategic investments in key ports and infrastructures, naval diplomacy missions and sea presence. The Mediterranean is of crucial importance for Russia as well, as evident in its Maritime and Naval Doctrines, naval presence and exercises, and intrusions in the Syrian and Libyan conflicts. Besides, the US Navy is retreating, leaving a vacuum that the EU is trying to fill. Additionally, regional maritime powers – Turkey, Israel, Egypt and Greece – are raising the stakes and their military budgets, prompting a race for energy resources, freedom of navigation and maritime spaces. Lastly, the Mediterranean is a medium for weapon and drug smuggling, human trafficking, mass migration and terrorist infiltration, which pose significant pressure on the EU borders (Ceccorulli, 2022; Rubin & Eiran, 2019).

The war in Gaza increasingly linked insecurity at sea in the Mediterranean and the Western Indian Ocean – considered also a part of the “Enlarged Mediterranean Sea” in Italian strategic documents due to the maritime, economic and cultural continuums between the *Mare Nostrum*, the Red Sea, the MENA region and the Horn of Africa. Indeed, the Houthi rebel movement targets Western commercial vessels in the Red Sea and Bab-El-Mandab area in an attempt to pressure the end of the war (Barlucchi, 2024). Furthermore, Somali pirates have seized the opportunity of reduced political and naval attention on them to resurface after a decade of semi-inactivity; thereby, putting global shipping under further stress and deteriorating freedom of navigation in the area (Bueger, 2024).

Moving further away, maritime security is challenged worldwide, with critical implications for European security. Foremost, great and medium power rivalries risk escalating tensions, territorial disputes and cold fractures, leading to worldwide repercussions both on the rule of law and international order, as well as for the global economy and inflation. Indeed, blocks or delays along SLOCs generate enormous costs along the global value chains which endanger all states, regardless of their sea access. For these reasons, developments in the South China Sea and other strategic chokepoints (such as the Gulf of Guinea, Strait of Hormuz, Strait of Malacca, Gulf of Aden etc.) are closely monitored despite their remoteness. Moreover, increasing competition for undersea resources and their depletion, further fuels incidents and disruption of freedom of navigation.

These risks are not inherently state-based, rather the geopolitical and interstate dimension represents only the last wave of maritime concerns after the end of the Cold War.

Initially, maritime security emerged due to terrorism concerns in the aftermath of 9/11, which were further reinforced by numerous terrorist episodes at sea, including the sinking of the destroyer *USS Cole*, the tanker *MV Limburg* and the passenger ship *MV SuperFerry 14* in the first 2000s. Thereafter, blue crime consolidated the salience of security at sea due to a wide range of non-state threats which periodically rose to the forefront. These included the rise of piracy, mass drowning following irregular migration in the Mediterranean, illegal fisheries, smuggling of various goods, damage to maritime critical infrastructure and competition for offshore energy resources (Bueger, 2022).

In this framework, the EU is ever more conscious of the nexus between marine environmental degradation, climate change and insecurity at sea. Indeed, the formers are seen as threat multipliers and causes of the latter, as evidenced in the EU policies towards the Arctic. Lastly, these threats are not to be conceived in isolation, rather they provoke or mutually reinforce each other.

An ever-expanding toolbox

As the EU addresses a wide range of maritime security threats – from the safety of shipping and of the marine environment to countering piracy and terrorist attacks at sea – it has developed a broad spectrum of tools, tailoring them to the faced menaces and lessons learned. The lion-share of attention is devolved to its naval operations. Since 2008, the EU launched four different Common Security and Defence Policy missions: the counter-piracy operation EUNAVFOR Atalanta, mainly intended to protect maritime shipping in the Western Indian Ocean; from 2015 to 2019, it deployed EUNAVFOR Sophia in the Mediterranean, targeting human smugglers and traffickers; this was substituted with EUNAVFOR Iriini in 2020, shifting the focus to anti-arms smuggling directed to Libya due to the inefficacy, perverse effects and growing critiques directed at Sophia; lastly, the brand-new operation EUNAVFOR Aspides to protect maritime trade in the Red Sea from the Houthi terrorist attacks.

Yet, these missions were not isolated endeavours, but rather part of a comprehensive approach featuring at times maritime multilateralism, capacity-building initiatives, information sharing, development support, policy dialogue, port and critical routes security etc.

Since 2021, the EU has devised the Coordinated Maritime Presence (CMP) concept as a pragmatic and flexible alternative to a CSDP naval mission. This tool advances coordination among the assets of member states in a designated Maritime Area of Interest by sharing information, analysis and operational awareness. Since contributions are voluntary and assets remain under the national chain of command, the CMP has a strong intergovernmental nature, which makes its implementation easier when needed. Indeed, it follows a “coalition of the willing” approach, where *ad hoc* naval groupings pursue light cooperation and

maritime picture-building. Hence, it enhances interoperability, operational engagement and cooperation while presenting a less intrusive – and potentially collaborative – solution to the CSDP missions and helping to bridge EU naval practice and rhetoric (Nováky, 2022; Sobrino-Heredia, 2022; Suri, 2023). Besides, when the differences among members do not allow to pursue a naval mission under an EU framework, they often cooperate in other frameworks or coalitions of the willing, such as the French-led maritime surveillance mission in the Strait of Hormuz (EMASOH and its naval component Agenor), the NATO or US-led missions (i.e., *Ocean Shield*, *Allied Provider*, *Combined Maritime Task Force* etc.) and individual or bilateral missions.

An often neglected but tremendously important branch of work at sea is maritime domain awareness (MDA) and surveillance. These allow the EU to draw a holistic picture of what happens in the vast maritime domain and, thereby, they can be considered important force multipliers to intervene promptly and effectively. Hence, internally the EU encourages better coordination and secure information sharing among all relevant players at both European and national levels, i.e., around 400 authorities involved in maritime surveillance activities, including national ones, coastguards, EU agencies and military and civil actors (Boşilcă, 2016). To this end, the EU facilitates information collection and exchange, chiefly via: the Common Information Sharing Environment (CISE), which integrates civilian maritime surveillance systems and prompts cooperation, and MARSUR, its military counterpart (Boşilcă & Riddervold, 2024). Besides, this collaboration is beneficial towards establishing a fully effective European integrated border management to timely detect, trace and respond to vessels, cross-border crimes, migration etc. – i.e., ultimately securing the Schengen area. In doing so, the EU advanced interagency cooperation between Frontex, EMSA and the European Fisheries Control Agency (EFCA), which support the national authorities in carrying out coast guard functions, each in its capacity, expertise and mandate as well as through multipurpose maritime operations (European Commission, 2022).

At the international level, the EU leads in MDA by promoting and funding capacity-building initiatives with a component of maritime surveillance and information sharing; these include the various Critical Maritime Routes projects (CRIMARIO, CRIMLEA, CRIMSON, CRIMGO), the Maritime Security Program in the Western Indian Ocean, the Gulf of Guinea Interregional Network etc.

The EU encourages and funds local maritime security capacity building in strategic partners to enable them to address transnational threats at sea on their own, or at least contribute to common efforts (Bueger et al., 2020). Thereby, these efforts usually include maritime security sector reform initiatives, supporting the development of the legal, penal and judicial systems, promoting MDA and information sharing, providing equipment, training and infrastructure etc. Cumulatively, in the Mediterranean, Western Indian Ocean

and Gulf of Guinea regions, it invested in maritime capacity-building programs for over 600 million euros (Bueger & Edmunds, 2023).

In line with the pursuit of strategic autonomy and maritime multilateralism, the EU collaborates with partners when it can, but does not eschew solitary initiatives. Overall, it became a leading voice in international discussions and forums on ocean governance, counter-piracy, and protection of the marine environment and resources. At the bilateral level, its trusted partners to address transnational maritime challenges include the UK, the US, India, Japan, Korea, Norway and Canada. In turn, at the organisations' level, it collaborates with the UN, NATO, the African Union and ASEAN, and other minor ones, like the Indian Ocean Commission. By doing so, the EU is actively involved in crafting and sustaining the maritime security architecture in various regions.

Lastly, the Union is investing in raising its maritime resilience and capabilities to effectively manage risks and threats. Much in response to external inputs, the EU is advancing the protection of its critical infrastructure in the maritime domain, enhancing control on foreign direct investments, and preparing to deal with the unexploded ordnance that will remain in the Black Sea after the Russo-Ukrainian war. Besides, it invests in high-level maritime training and education. Furthermore, many European defence initiatives have a maritime leg, aiming to strengthen the naval industrial base, advance fleet development, synergise maritime assets and protect maritime critical infrastructure. The most prominent initiatives include the Coordinated Annual Review on Defence, the European Defence Fund and the Permanent Structured Cooperation (PESCO). In particular, the most prominent PESCO projects include the development of the next-generation corvette (EPC), cutting-edge sensors to enhance surveillance and security of critical maritime areas (HARMSPRO), advanced systems of surface combatant (4E) and underwater assets to protect critical infrastructure (CSIP and MUSAS) (PESCO, 2023). However, they produced only modest results so far (European Council, 2023; Boşilcă & Riddervold, 2024). In conclusion, conscious of the nexus between security and environmental, climate and resource issues, the Union pursues initiatives on multiple fronts, including the fishing carding scheme, regulations on the safety of navigation, and efforts to reach climate neutrality.

Conclusion

Over the last two decades, the EU's approach towards the maritime domain has undergone considerable evolution. The scope of the Union's strategic vision at sea has gradually enlarged, reaching a holistic conception of maritime security which goes beyond the naval aspect, to encompass ocean governance, the blue economy, freedom of navigation, human security and environmental dimensions as well as the nexuses between land-sea, governance-security-economy, and climate change-security. In parallel, the EU developed

an ever-expanding maritime toolbox from which to select the most appropriate instruments for forthcoming crises. However, the maritime means suffer multiple drawbacks. Above all, responses to crises will inevitably have to face the divergence of national interests, despite the progress and actorness of the EU institutions. Most recently, the decision to launch the CSDP mission *Aspides* was delayed for several weeks due to Spain's opposition to repurposing *Atalanta* to face the Houthi threat, the French pursuit of strategic autonomy and other states initially preferring the US-led operation *Prosperity Guardian* (Hertl, 2024).

The Union's maritime stance remains strongly anchored in the blue crime dimension; although there has been some progress towards the interstate dimension and addressing terror at sea with the update of EUMSS, the EU strategy for cooperation in the Indo-Pacific in 2021, and the deployment of EUNAVFOR *Aspides*. Thirdly, the EU and its states continue to suffer from a lack of assets and resources, which are disputed across missions, programs and priorities. Despite the emphasis and positive impact of MDA, which enables a better use of resources, the paucity of naval assets is detrimental to the ambitions of the EU. Neither the strategies, defence initiatives nor multiple instruments can compensate for the lack of naval vessels, which retain *the* core role in managing crises – especially considering that capacity building is a long-term endeavour.

Meanwhile, challenges close to European shores continue to mushroom, threatening EU prosperity and economic power. With the update of the EUMSS, the EU aims to address some issue areas previously neglected, such as the protection of critical infrastructure. However, the evolution of the approach continues to be mostly driven by contingencies, rather than being the result of a planning process. This trend is also testified by the numerous strategic documents which flourished in the last decades.

Therefore, the EU still has a long way to go to walk its talk. In doing so, it could take different directions, however, the first essential steps should be towards systematising the huge mole of strategies to get a clearer direction and developing the necessary hardware – i.e., naval assets – to back its ambitions.

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Evolving EU-China Trade Dynamics Amidst US Protectionism

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Abstract

This paper examines how protectionist policies of the last two US administrations have not only led to strained trade relations between the EU and the US but also significantly impacted political and economic relations between the EU and China. As China continues to rely on exports to achieve economic growth, we establish how EU markets have become the primary export target for China's dumping of excess production due to the US having walled off its economy. Along with increasing geopolitical tensions and calls for de-risking from China, this paper takes note of increasing pressure on the EU to protect its economic interests. As EU policymakers initiate first measures, the authors outline possible strategic avenues for the EU to pursue, including the establishment of alternate suppliers, fostering international trade ecosystems, and renewed pressure placed upon China, while advising against mimicking unilateral US protectionism.

Keywords

EU-China trade relations, EU trade policy, US trade policy, EU-China economic relations

1. Introduction

A new “European Competitiveness Deal” is needed to ensure the European Union’s (EU) economy stays afloat amidst fears of being outpaced by rivals on subsidies: this was the conclusion of EU leaders at their recent summit in Brussels on the 18th of April 2024 (Petrequin, 2024). In recent years, several key European industries have come under intense economic pressure due to the industrial policies of both the United States (US) and China, whose former embrace of globalisation has made way for respective protectionism.

As the EU has – at least until now – not followed a similar path, as its economy has been disproportionately affected by emerging trade barriers and discriminatory practices such as the exclusion of EU producers from subsidisation arising from the American and Chinese policies. This paper attempts to show how protectionism does not only influence bilateral trade, but also that different mechanisms of protectionism can reinforce each other – as is currently happening with US policies targeting trade with China, which are indirectly causing tensions between the latter and the EU.

In the light of this idea, the paper firstly exposes recent developments on US protectionist policies, particularly emerging from the US-China trade war, and how they have impacted not only US-China and the US-EU relations bilaterally, but also EU and China trade-relations.

Then, the following section focuses on recent EU-China trade dynamics and geopolitical events that have made European stakeholders more sensitive towards China and its actions. Afterward, current debates on how the EU should respond to recent China's Trade Development are explored, while giving a brief overview of what path has already been undertaken.

Finally, the paper presents strategic avenues for the EU to potentially mitigate current trade threats emerging from China's dumping practices, which have increased in dimension due to the EU economy's continued exposure relative to that of the US.

2. Background

US Protectionist Policies Against China

US-China trade has long been a contested issue, with the last US administrations all engaging in protectionist measures targeting trade with China. Both the Bush and Obama administrations introduced quotas and high tariffs on textile imports from China to protect US industries (Guo et al., 2018). It was, however, under Trump's administration that US-China trade became an issue receiving international attention. During his election campaign, Trump strongly criticised Chinese economic practices and the US trade deficit with China, which reached €339.5 billion in 2015, the year before the 2016 Presidential Election (Woodard, 2017). The widespread rejection by economic experts of Trump's stance on imposing tariffs did not bar his administration from implementing them on €516 billion worth of Chinese goods during his tenure (Hass, 2024). Since the introduction of the first tariffs in January 2018, a veritable trade war has emerged between the US and China.

The Trump administration succeeded in bringing down the bilateral US trade deficit with China and breaking the longstanding trajectory of US-China trade relations: from its record high of €393 billion in 2018 the deficit plummeted to €291 billion in 2020 (Hass, 2024). However, the trade war is expected to have cost the US economy 300.000 jobs and American companies €1.6 trillion in stock value (Hass, 2024).

The Biden Administration opted to maintain tariffs set in place by the Trump Administration due to the tariffs' popularity among voters (Hass, 2024). In addition to tariffs, the Biden Administration asserted that a multilateral and holistic approach to strengthen domestic competitiveness and address security considerations was needed. To this end, the administration coordinated with and pressured international allies to limit exports of

security-relevant technology to China, as has happened in the case of Dutch chip exports (Shivakumar et al., 2024). Furthermore, the administration argued that a drastic increase in government spending to spur American innovation was the right approach to address trade concerns. This vision materialised through landmark legislation, including the Infrastructure and Jobs Act, the Chips Act, and the Inflation Reduction Act (IRA), resulting in the federal government investing over €1.88 trillion in clean energy, infrastructure, semiconductors, green mobility, and other sectors (Hass, 2024). This unprecedented subsidisation of critical industries can be seen as a protectionist continuation of Trump's trade war under the Biden administration.

US protectionism does not only concern imports from China. US trade policies in recent years have led to heightened tensions between the US and the EU. This has led to calls from European industries to adopt similar measures to protect their domestic economic interests, as American subsidies have already resulted in the EU losing investments to the US in critical sectors (Galgóczi, 2023).

Additionally, US protectionist policies reverberate beyond their direct impact on bilateral trade with the EU, China, or other nations, for they also influence the trade dynamics and bilateral relationships between the EU and China. Since the US market is essentially walled off for many key Chinese products, the EU has become the main target for Chinese exports and is subsequently feeling the brunt of China's dependence on exports for achieving its growth targets. The US is the largest market having been barred for products such as EVs or solar panels; however, it is not the only, as Turkey, India and Japan have also chosen to implement similar protectionist policies (Godement, 2023). The sheer size and relevance of the US market as a producer of global demand, however, means that its closure for certain products leads to their redirection towards open markets elsewhere, creating significant pressure on these markets through sudden strong supply increases not necessarily backed by local demand. Would European markets feel less pressure from Chinese exports if exports would be more evenly distributed among more destinations including the US? It seems certain. Between the EU's free market approach and states building up protectionist barriers, such as tariffs and value chain mandates, the EU will evidently be more vulnerable to Chinese dumping practices (Galgóczi, 2023).

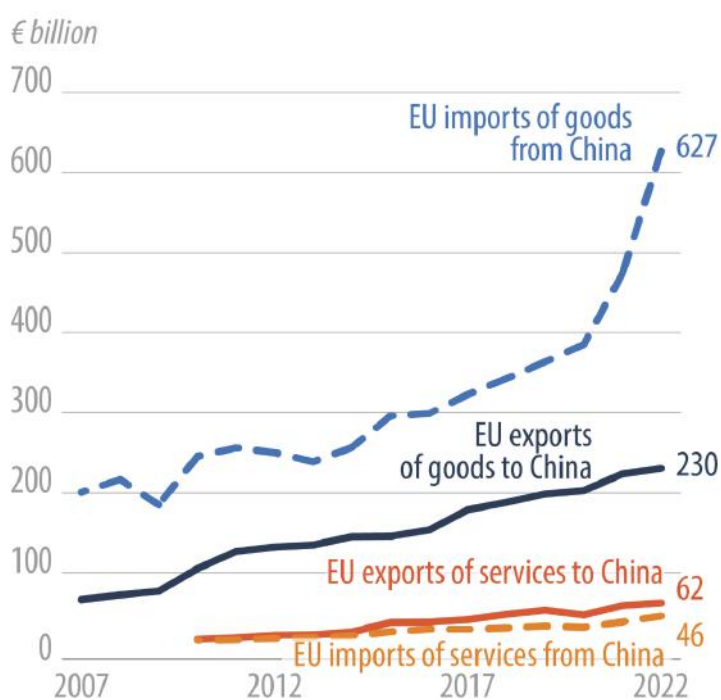
EU-China Relations and Trade Development

In recent years, Chinese trading practices have been increasingly scrutinised globally. In the EU, China has today metamorphosed from a preferred trading partner to being officially referred to as “partner – competitor – systemic rival” (Garcia Herrero, 2023), marking a significant shift in the EU's communication and engagement with China.

Trade with the People's Republic has historically been lucrative for European businesses. During the 2008 Financial Crisis, China became increasingly appealing to European investors following the surge of imports after the introduction of substantial stimulus programmes as part of the Chinese reaction to the crisis. Expanding trade between the EU and China during the 2010s led to economic interdependence and fuelled growth (Garcia Herrero, 2023). During these years, the EU managed to keep trade with China fairly balanced. Although a trade deficit was maintained, this deficit did not expand until the start of the pandemic (Garcia Herrero, 2023). It was during and after the pandemic that the deficit suddenly grew from €165 billion in 2019 to a record €396.8 billion in 2022 (Garcia Herrero, 2023). The deficit may have decreased to €291 billion in 2023, which still represents a significant increase over pre-pandemic levels (Eurostat, 2024).

Figure 1: EU Trade with China (2007–2022)

Figure 1: EU trade with China, 2007 to 2022



Data source: Eurostat ([goods](#), [services](#)); graphic by Giulio Sabbati, EPRS.

Source: Jochheim (2023).

Growth of Chinese imports of EU products has declined in 2023, which can be explained by China's heavy investment into its domestic industrial capacity over the last decade. This has increased the country's ability to compete in more economic sectors (Garcia Herrero, 2023), particularly those involving products with complex value chains and production processes. Chinese local demand has then become less dependent on imports due to China successfully

“home-shoring” strategic supply chains to reduce China’s strategic dependence on the West (Garcia Herrero, 2023; Moller-Nielsen, 2024). Nevertheless, China’s domestic economy is struggling and can be described as chronically weak (Matthes, 2024). Recent crises such as the implosion of the real estate developer Evergrande, in 2021, illustrate that China faces recurring bouts of financial instability (Paduano, 2021). In the face of domestic finance crises, China chooses to significantly increase investment in manufacturing, pushing resulting overcapacity into foreign markets to meet its growth targets (Matthes, 2024).

As such, Chinese exports to Europe have grown in value by 83% from 2018 to 2022 (Jochheim, 2023), contributing significantly to the growth of the EU’s trade deficit with China. When examining specific sectors, far more substantial increases in export quantities can be found. Chinese electric vehicles’ (EVs) are a prime example, as their exports to the EU in the first seven months of 2023 increased by 112% on the year, and 361% from 2021 (Jochheim, 2023). The growth of Chinese EVs exports can be attributed to their competitive price advantage due to China’s declaration of EVs as a “strategic emerging industry” and the subsequent flooding of the sector with subsidies (Xie, 2024). The common accusation of “overcapacity” from both the EU and the US is that China is not adjusting the subsidy level to domestic demand. As domestic demand in China does not cover production capacity, demand is being externalised and excess vehicles produced are exported to overseas markets (Cheng, 2024). Consequently, European products that can be replaced by Chinese-made alternatives are forced to lower their prices. The artificial price reductions create lower profit margins for European manufacturers, leading to cost-cutting measures such as workforce size reductions, compromises on product quality, or facility closures (Kenton, 2011).

Geopolitical Developments

In 2019, newly elected Commission President Ursula von der Leyen vowed to lead a “geopolitical commission” upon taking office. The 2019 change in communication towards China (as a “systemic rival”) falls within this context (European Commission, 2019). Since then, Chinese investments in European infrastructure ranging from telecommunications to transport sectors have been scrutinised and even prohibited, such as Huawei’s exclusion from the development of French 5G networks (Pinaud, 2023).

However, the geopolitical event strongly contributing to the deterioration of EU-China relations is Russia’s invasion of Ukraine from the 24th of February 2022. China’s rather ambiguous, if not supportive, role towards Russia has made European leaders become far more critical in their stance towards the People’s Republic and has unmasked vast ideological differences between the two actors. Russia’s invasion of Ukraine painfully exposed the dangers of supply chain dependency, especially in the energy sector, and finding alternative sources of Russian gas and oil came at a high economic and social cost for the EU. In line with

the intensification of global power competition and the rise of geoeconomic strategic thinking, European stakeholders became aware of the dangers posed by economic dependence (Haroche, 2022), and, consequently, of its reliance on China for imports crucial to its green energy transition.

The EU relies on China for critical products like solar panels, lithium batteries, and wind turbines, whose share of imports from China has reached 89%, 82%, and 64% respectively (Garcia Herrero, 2023). Chinese solar panel exports to the EU have faced much of the same criticism as well as an anti-subsidy probe as Chinese exports of EVs. They are even accused of having “obliterated” the market for European solar panels due to their overcapacity resulting from subsidies (Leahy, 2023). The evident dependencies on imports from China of strategically relevant products and rare earth metals are today seen far more critically, as EU stakeholders engage in multiple schemes to de-risk from China and diversify their supply chains. Escalating tensions, such as those in the Taiwan Strait, could create the necessity for economic decoupling from China before a potential conflict arises. This again illustrates how China is no longer merely seen as a trading partner – instead, far-reaching economic entanglement and dependencies are seen as a threat, and their mitigation has become a priority policy objective.

3. EU Response to Recent China Trade Policy Developments

With the World Trade Organization (WTO) arguably losing its function as an institution for trade conflict resolution, it is consequential for states to resort to protectionist measures to safeguard their economic and security interests and to retaliate against China’s allegedly excessive subsidisation of its industries and dumping practices (Godement, 2023). As such, political pressure is being placed on the EU to become more proactive in addressing the problems resulting from Chinese’s discriminatory policies.

Within the EU’s current political climate, China’s exporting practices are unsustainable: this was the message Commission President von der Leyen delivered to Chinese President Xi during the recent China-EU summit (Godement, 2023). As the anti-subsidy investigations show, the first steps have been taken for political action against the undesirably strong influx of Chinese products (Howey, 2023). This does not come as a surprise as both industrial stakeholders and state actors within the EU have called for measures to protect their business interests, although others however oppose such measures (Gusbeth et al., 2023).

Stakeholder’s positions correlate with their varying degree of interconnectedness with China and to what extent they may possess business interests in China itself. Considering the case of EVs, the French automotive industry strongly supports the imposition of tariffs, as their business case is threatened by cheaper imports from China (Gusbeth et al., 2023). The

German automotive industry, on the other hand, has recently emphasised its strong opposition to such measures (Zwick, 2024). This happens because, although German car manufacturers similarly face pressure from imported Chinese EVs, they possess very strong interest in the Chinese market. For example, every third car Volkswagen produces is sold in China (Hage et al., 2024). This illustrates that the German automotive industry is deeply connected and generates much of its revenue with its China business, other than its still domestically rooted French counterpart. As EU tariffs on Chinese EVs would almost certainly be met with retaliatory measures against European companies, Volkswagen fears the loss of a highly lucrative business segment. Other European industries find themselves in similar situations, with proponents of protectionism facing strong backlash from those profiting from business with China (Gusbeth et al., 2023).

In any case, it seems today to have become widespread consensus among EU-based analysts that continuously prosperous trade with China is not guaranteed in the near future and should not be included in long-term budget calculations. Since the beginning of increased geopolitical tensions and the commencement of the US-China trade war, “de-risking” has been the word of the hour, implying that enterprises should diversify their value chains to be less dependent on China. Some stakeholders, both in the US and in the EU, even go as far as to postulate a complete “decoupling” of Western economies with that of China, which would have far-reaching effects, including negatively impacting the competitiveness of European enterprises, a delay in EU carbon reduction due to missing but indispensable imports from China, and the unshackling of EU producer inflation (Godement, 2023).

Despite different views, today, the EU is aware of the threat posed by one-sided dependencies and the discourse is dominated by politicians and analysts alike citing the need to de-risk from China (Garcia Herrero, 2023). With deteriorating EU-China relations, China will also suffer multiple consequences, as the country may not be able to count on the continued openness of the EU market for much longer and which would, in turn, raise China's existential question of its dependence on exports as the primary driver of its economy.

4. Policy Options

The EU's evident dependency on Chinese exports and China's discriminatory trade policies is threatening European industrial competitiveness and agency in key sectors relevant for the accomplishment of EU goals such as the transition towards green energy. If the EU wants to prevent domestic enterprises from losing more of their current market share, it needs to strengthen its ability to compete with cheap imports from China. Additionally, if the EU also wants to maintain its agency in case of escalating conflict in the Taiwan Strait or elsewhere, its dependence on Chinese products for its green energy transition must be mitigated. In

pursuit of these goals, the EU possesses a range of strategic avenues and economic strategies it can employ.

Alternate Suppliers of Products

The dependency on Chinese imports arises from the competitive advantage China has in producing goods at low prices. This competitive advantage arises from factors like low wages, low taxes, weak regulatory compliance, availability of natural resources, economies of scale, and a large labour pool (Bian, 2005). However, other countries have emerged in Asia that offer similar economic prospects.

India possesses many of the competitive advantages of China, allowing the country to emerge as a strong competitor in the goods and services industry. With a population nearly equivalent to that of China, India possesses a large labour force and strong manufacturing industry that has exhibited a steady average annual growth rate of 6 percent year-on-year over the past two decades (Priya & Ghosh, 2023). The Indian government, via the “Make in India” campaign and “FutureSkills Prime 2021” initiative, has invested billions in developing the national economy, particularly in the manufacturing sector. These initiatives hope not only to see India’s manufacturing growth rate reach 12-14% per year, but also to create over 100 million jobs and educate the labour force in emerging technologies (Yadav, 2024). As a positive response to foreign and domestic investments, as well as the establishment of bilateral Free Trade Agreements (FTAs), Indian exports have risen 12% Year over Year (YoY) to €707 billion and are expected to reach €1 trillion by 2030 (Economic Times, 2022). Other countries like Indonesia and Vietnam, which also share many of the competitive advantages of China, have seen similar growth rates in their manufacturing industries due to increased foreign and domestic investment (Lai, 2023).

The establishment of FTAs between the EU and countries with large manufacturing production capacity allows the EU to effectively diversify its trade relations and reduce dependence on direct trade with China. These agreements would facilitate smoother trade channels that provide goods at similar prices to those of China. For example, in August of 2020, the EU signed a FTA and Investment Protection Agreement with Vietnam, which is crucial due to Vietnam’s significant manufacturing capabilities for a wide range of products, such as electronics, machinery, and textiles (European Commission, 2023). The EU is also currently undergoing FTA negotiations with India and Indonesia, who also have considerable manufacturing outputs and natural resources (European Commission, 2024).

This strategic approach not only safeguards against potential future disruptions in the global supply chain but also promotes sustainable economic growth and the further development of economic relationships with partner countries. For instance, the EU-South Korea FTA, signed in 2011, increases bilateral trade on average by 9.4% (Jung, 2022). This

agreement has also built a strategic trade relationship for the exchange of critical electronics such as semiconductors, which require a diversified supply chain to prevent potential disruptions like that seen during the lockdowns of the COVID-19 Pandemic (Bain et al., 2022). By expanding the EU's network of FTAs with countries that are able to manufacture products with similar competitive advantages as those from China, the EU is able to improve its resiliency to global supply chain shocks, support its green energy transition, and further build its international economic ties.

Internationally Coordinated Response

The EU can also focus its efforts on achieving multilateral cooperation to restore balance to global trade flows and mitigate the problems arriving through de-risking from China. Initiatives such as the G7's climate club could prove to be a step in this direction, as it was founded with the intention of providing a forum for states to cooperate on decarbonizing emissions-intensive industries (Kaufman et al., 2023). Similarly, extensive initiatives like the Critical Raw Materials Club ensure the availability of essential materials necessary for green transformations, the promotion of technology transfers to developing countries, and the manufacturing of relevant products (Findeisen, 2023). Essentially, such cooperation could lead to the formation of "alternative ecosystems", within which countries would not need to compete among themselves with protectionist measures (Garcia Herrero, 2023). Thereby, the burden of de-risking from China could be shared collectively and policy action to curb the Chinese domination of manufacturing could be coordinated. Such multilateral ecosystems without trade barriers are achievable through free-trade agreements, which promote equitable exchange while minimising restrictions and tariffs on goods.

Adoption of US Protectionist Policies

When it comes to reacting to the threat to EU economic interests by cheap Chinese exports, politicians and economic stakeholders alike have called for adopting a similar unilateral approach as the US. This might include Trump-style tariffs and an industrial policy subsidising domestic enterprises and products – as could be the case with the recently proposed "European Competitiveness Deal" (European Commission, 2024).

For such additional grand subsidisation schemes, significant funds are required. Despite initial hesitancy, support for such a scheme similar to US and Chinese industrial policy has recently gained traction among EU states (Petrequin, 2023). However, the case of the US subsidising almost exclusively American-made products raised serious concerns internationally and ignited tensions between the US and close allies (Garcia Herrero, 2023) – an effect the EU might prefer to avoid. Furthermore, the imposition of trade barriers on

inexpensive Chinese goods would also entail significant negative economic effects by raising consumer prices for critical goods (Godement, 2023).

US protectionism has more than raised an eyebrow in the EU and in the rest of world, triggering fears that US policies may be the first signs of a decade of protectionist walls being erected to shield domestic low-carbon industries (Kaufman et al., 2023). Consequently, EU stakeholders have called for customised measures to be adopted to protect their business interests from US protectionist economic policies. The Commission initially proposed the implementation of a “European Sovereignty Fund” for green industrial policy on top of existing green policy schemes.¹ The latter encompass measures to relax state aid rules and proposals like the Critical Raw Materials Act and the Net Zero Industry Act to promote the production of green technologies and the mining of rare earths (McFadden & Rasmussen, 2023). The EU Recovery and Resilience Facility, the instrument set up for post-pandemic recovery, as well as the EU’s latest budget, would allocate over €600 billion towards producing climate change-combatting technology (European Commission, n.d.). These contributions to the total investment into the clean energy transition allow the EU to remain substantially less reliant on nonrenewable energy than in the US, even in IRA economic conditions (Jack et al., 2023).

Continued Pressure on China

The EU should persist in trying to convince China that its current export practices will inevitably be stopped sooner rather than later, should its current practices of subsidising overcapacity and dumping do not cease. After subsequent excess production, it should be possible to reason with a regime that has understood it relies on exports to maintain their political status quo. By highlighting potential market restrictions, resulting in job losses in China due to retaliatory measures, a tarnished global image, and potential forfeiture of trade in profitable sectors, the EU can appeal to China's self-interest and its desire for continued economic prosperity (European Commission, 2024). This approach recognizes China's need for a stable international trade environment, even if its political system differs from the EU's. Persistence and clear communication can pave the way for a more balanced and sustainable trading relationship between the two parties.

¹The “European Sovereignty Fund” was repackaged as the Strategic Technologies for Europe Platform (STEP) program, which diverts resources from existing EU funds and is less ambitious in its social and environmental goals (Climate Action Europe Network, 2023).

5. Conclusion

Global trade dynamics have undergone significant changes in recent years, influenced by changing geopolitical conditions. We have come to understand that protectionist US policies directed mainly at China under the last two administrations have not just led to trade tensions between the EU and the US, but additionally influence trade between the EU and China. Because China depends on exports to maintain both its growth trajectory and the societal status quo, the EU has become the main target for exports of key products. Because large-scale subsidisation has led to significant overcapacity, Chinese sellers offer significantly lower prices than European competitors, creating fears EU industries are being pushed out of the market. The EU is already dependent on Chinese products in several areas relevant for the green energy transition or regarding pharmaceuticals (Garcia Herrero, 2023). EU stakeholders have identified these dependencies as posing a significant threat to the EU's agency in case of further geopolitical turmoil. As awareness of the problems arising through China's trade practices continues to rise and geopolitical tensions have not lessened, the EU commission has started taking measures by launching an anti-subsidy probe and by highlighting the unsustainability of current trade dynamics.

Protectionism is on the rise globally. For the EU, this means not only facing the threat of losing business to the US, whose subsidisation of low-carbon industries has reached historic levels but also causing the EU to become the main target for China's dumping practice of excess production. EU policymakers are already aware of the unsustainability of its current trade practices with China initiating measures to mitigate unfair trade practices. We have outlined possible strategic avenues for the EU to pursue in its attempt to curb the influx of products from China, which threatens EU companies' business cases and the strategic autonomy of the European Union as a whole. We suggest an approach that goes beyond adopting the US strategy of imposing tariffs and discriminatory subsidisation practices by coordinating with like-minded partners on a common response to Chinese practices and by finding alternate suppliers for key products.

As of June 2024, tensions continue to remain on the rise, as the US administration has increased its tariffs on Chinese EVs to 100%, while the European Commission has proposed increasing tariffs up to 48% as a preliminary conclusion of its anti-subsidy probe (Alvarez, 2024). While these tariffs remain a suggestion and have not yet been implemented, alleged backlash from the German federal administration showcases the EU's continued internal division over the matter (Alvarez, 2024). The last word on the matter has evidently not yet been spoken and changing geopolitical conditions including the upcoming US presidential election will continue to influence trade dynamics and discord between the EU and China while the bloc struggles to find its place between the two superpowers.

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Europe's future on the brink: Addressing the rising threat of anti-feminism and the political right amid the 2024 EU elections

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Abstract

With the EU elections in June this year and several national elections still to come, many questions have arisen about political parties, power struggles and democracy. This is even more important as right-wing populist parties are on the rise, often using anti-feminist narratives to legitimise not only the EU and its institutions, but also rule of law and equal rights. Given that the younger generation seems to be more and more divided in terms of political orientation, with women leaning towards more progressive and men towards more conservative ideas, the links between right-wing politics and gender equality are becoming increasingly important. The following article takes a closer look at this entanglement and tries to answer how women's rights are affected by it, who the key players in the European Union are and how emerging challenges can be addressed. It concludes with policy recommendations for future action and research in the light of the recent EU election results.

Keywords

EU elections, anti-feminism, gender equality, right-wing politics, democracy

Introduction

On March 29 this year, a 'cultural weekend' (Wheaton, 2024) took place in Cyprus, bringing together conservative thinkers from across Europe to discuss political issues. While several conservative parties from the political centre to the far right took part in the meeting, the European Conservatives and Reformists (ECR), as the largest political stakeholder and host, emphasised the need for a stronger European presence against external threats while advocating for less micromanagement from Brussels. The ECR also reaffirmed that it supports Christian values and traditional family models, which include restricting the rights of the LGBTQIA+ community and women. Although this is common ground with emerging far-right governments in Europe, the ECR has distanced itself from them. Instead, right-wing parties such as the Alternative for Germany (AfD), used the meeting to exchange strategies with like-minded parties and shift mainstream conservative politics towards more traditionalist, extremist ideals (Wheaton, 2024). In this context, the AfD was also recently strongly condemned in the German Bundestag, for example by Dirk Wiese from the Social

Democratic Party who said that it represents “a security risk for our country, a threat to our democracy, a threat to peace and security”¹ (Tagesschau, 2024).

Highlighting far-right parties as a threat is particularly important in 2024, given the unusual large number of elections taking place worldwide. It is therefore also seen by some experts as a ‘Make-or-Break’ year (Rajvanshi & Serhan, 2024) for democracy. In combination with the generally observed decline of liberal democracies, populist leaders who polarise societies and create growing distrust in democratic institutions present a major challenge for democratic forces (Rajvanshi & Serhan, 2024). This also applies to the European Union (EU), where people elected a new European Parliament (EP) in June, with elections for six national parliaments still to come later in the year (Wahls, 2024).

One tool often used by right-wing political actors to spread authoritarian narratives is an anti-feminist agenda, fighting against existing feminist networks, laws, and progress (Seitenova et. Al., 2024). Although equal representation has been shown to strengthen the democratisation of political bodies and there are initiatives for gender equality within the EU (Buzmaniuk, 2024), it is particularly worrying that a growing ideological divergence between young men and women can be observed worldwide. While women tend to represent progressive political ideas, recent trends among young men show a clear shift to the right. In Germany, for example, the divide between men and women regarding their political orientation is around 30% (Burn-Murdoch, 2024). Against this background, it is important to analyse the impact of the connection between anti-feminism and the political right: How does a shift to the right affect the rights of women? What trends and players exist within the EU? And how can the emerging challenges be dealt with given the 2024 EU elections?

Brief overview: Anti-feminism and the political right

Overall, a resurgence of regressive gender politics can currently be observed. Contrary to what is often assumed, this is not a new phenomenon. Rather, it can be traced back to continuous anti-feminist efforts to uphold patriarchal norms and traditional gender roles (Khan et. Al., 2023). One example is the tightening of abortion laws, as has already happened in Poland when almost all access to abortion was banned by a court decision in 2021. According to the new rules, abortion is not legal anymore and only allowed if a pregnant woman's life is at risk or the pregnancy is resulting from a crime (Amnesty International, 2024). According to Euractiv, the new restrictive laws in Poland serve as an example for other conservative parties to once again question more liberal solutions, especially in Catholic-dominated nation-states

¹ Translated to English by the researcher.

such as Slovakia, Italy, or Spain (Brzozowski & Margaryan, 2020). As stated by the Centre for Feminist Foreign Policy (CFFP), these attitudes perpetuate social structures characterised by subjugation and violence, thus making it more difficult to implement democracy (Seitenova et. Al., 2024).

Against this background, anti-gender demands are often used to legitimise authoritarian political power. Gender, meaning the socially constructed roles assigned to people based on their gender, serves as the 'glue' (Seitenova et. Al., 2024) of politically conservative actors with different ideological convictions. Actors include, for example, right-wing nationalists, illiberal political parties, and conservative think tanks. Regardless of their specific ideologies, they generally portray gender as something unnatural, abnormal, and threatening to traditional gender norms. Accordingly, their arguments are based on the logic of the three Ns: Nature, Nation, and Normality. Nature refers to biological essentialism, which is closely linked to the role of women as mothers emphasising that there is a natural heterosexual family. National discourses, on the other hand, state that gender is a threat to the nation highlighting the need for protection and preservation of traditional civil society. And finally, this is followed by patriarchal gender roles as the norm, bringing harmony and order to society (Seitenova et. Al., 2024).

Overall, this logic leads to social guidelines that maintain gender hierarchies and support the systematic unequal distribution of power and resources (Khan et. Al. 2023). Based on this, anti-feminism is then also used as an effective tool for authoritarian political forces to justify exclusion and question the legitimacy of institutions by targeting deeply rooted social norms and prejudices that have existed for centuries in the traditional division of women and men (Seitenova et. Al., 2024). Nevertheless, today's manifestations of anti-feminist attitudes differ from historical opposition to feminism. They do not directly and completely reject feminism, but rather indirectly express it in gendered narratives that portray feminism as a form of radicalisation undermining the foundations of family and society (VPN & CFFP, 2021). Such exclusionary narrative also provides a strong breeding ground for both internal and external oppression. Nationally, this can for example be seen in the undermining of women's reproductive rights such as in Poland. In contrast, anti-feminist narratives on an international level often serve as a pretext for conflict by denying international standards and human rights agendas. These are usually based on a nationalist agenda referring to notions of ethnic purity and cultural superiority, closely linked to the logic of the three N's (Seitenova et. Al., 2024; Khan et. Al. 2023). In both cases, a sense of nostalgia for past male supremacy is shared, which supposedly can be restored through violence, manifesting itself for example in militarised or toxic forms of masculinity and violent extremism (VPN & CFFP, 2021). The extent to which anti-feminism and the political right are interconnected in the context of the EU is examined in more detail in the following.

The EU & (anti-)feminism: Parties, players and tendencies

The European Union declares to be based on values such as human dignity, human rights, and the rule of law, positioning itself as a global leader in democracy and gender equality (Berthet, 2023; Denkovski, 2022). However, as Damjan Denkovski points out, the two major pillars of gender equality and democracy are not anchored in concrete definitions or laws but are rather based on a shared cultural conviction of the people in the EU. This makes it difficult to legally enforce the values agreed on by the EU Member States in the Treaty of Lisbon. At the same time, Member States value their independence and competence, viewing attempts by the EU to enforce these values through binding directives as exceeding its competences. This has resulted in a debate about local and transnational political power, which creates 'blind spots' (Denkovski, 2022) that can be used by anti-feminist forces to reproduce traditional gender roles and systems of oppression and power (Denkovski, 2022).

A recent example is the new Directive on combating violence against women and domestic violence (EC, 2024). Although it is positive that the EU Member States have agreed on a legal instrument to combat violence against women for the first time, they have not succeeded in agreeing on and including a common definition of rape in the Directive. Germany and France in particular expressed legal concerns, as criminal law is the responsibility of the Member States. During the discussions, women's rights activists repeatedly feared that the entire directive could fail, which would hinder stronger efforts to combat sexual violence. Although this did not occur, the process has illustrated an ongoing dispute over the sovereignty of the Member States and the enforcement of the Union's values (EC, 2024; Jones, 2024).

The European Parliament, also involved in these processes, is the EU institution that promotes gender equality the most. One of the indicators of the EP's commitment in this regard is the proportion of female Members of the European Parliament (MEP). Since its foundation, the share of women has risen to around 40 % as of 2019 (Berthet, 2023). In addition, the Committee on Gender Equality and Women's Rights (FEMM Committee) was founded in 1984 to promote gender equality initiatives and monitor gender mainstreaming in the EP. The Committee's tasks include issuing opinions on legislative proposals and preparing reports. It has a total of 35 members from different political affiliations, including right-wing and conservative MEPs who are generally more opposed to gender equality. Furthermore, the EP has institutionalised gender mainstreaming and is one of the few parliaments worldwide that has officially committed to implementing it in its structures. At the same time, the Parliament also aims at involving civil society sufficiently in decision-making processes and therefore regularly invites grassroots organisations to public hearings on gender equality issues. Other initiatives include the High-Level Group on Gender Equality

and Diversity, the Gender Equality and Diversity Coordinators Group, and the Gender Equality and Diversity Unit in the Parliament administration (Berthet, 2023; Kantola & Lombardo, 2023).

Although most parliamentary work is organised in committees, the political groups, in which the MEPs sit according to their political affiliation, also have an influence on decision-making and the strategic guidelines of the EP (EP, n.d.). Ever since the 2014 European elections, a general trend towards conservatism and growing populism in the Parliament could have been observed (Kantola & Lombardo, 2023). Together with a parallel rise of anti-gender movements and extremist parties at the national level, this affects the legitimacy of the EP and leads to polarisation in plenary debates. In this context, gender shapes the practices of political groups as well as divides them. On the one hand, the centre-left and left-wing groups, including the S&D, Renew Europe and Greens/EFA, are generally in favour of gender equality, while conservative and right-wing groups such as the ECR and ID reject it. The centre-right EPP group, on the other hand, often avoids taking a clear position.

According to Valentine Berthet, this polarisation became especially evident on three specific occasions: the ratification of the Istanbul Convention in 2017, the development of a supranational right to abortion, and reported incidents of sexual harassment in the EP (Berthet, 2023). Taking a closer look, the Istanbul Convention is the most comprehensive international legally binding text that recognizes violence against women as a gender-specific form of violence based on discrimination and unequal power relations between women and men. As such, it was ratified by almost all EU Member States, except for Bulgaria, Czech Republic, Hungary, Latvia, Lithuania, and Slovakia (Berthet, 2023). During the ratification process, the FEMM Committee actively lobbied for approval in the EP. Nevertheless, while some political groups such as S&D or Greens/EFA and some EPP MEPs were in favour and pointed out the symbolic importance of the Convention, other groups such as ECR strongly opposed it. Their resistance ranged from delegitimising the document with Eurosceptic arguments to direct opposition, which manifested itself in anti-feminist and Christian discourses (Berthet, 2023).

In general, when opposing gender equality different strategies are used. They include, for example, the use of hate speech against women and other minorities in plenary debates where they are treated as enemies instead of legitimate political opponents, or directly questioning more controversial measures, such as equal pay. In contrast, indirect resistance often manifests itself in eurosceptic tendencies, for example when gender quotas are perceived as trespassing on national sovereignty (Berthet, 2023; Kantola & Lombardo, 2023; Wheaton, 2024). Against this background, women and feminist initiatives are presented as an immediate threat to the natural social order by these political actors. At the same time, right-wing movements and parties in Europe often strategically use widespread grievances

related to gender equality as connecting points for voters and new supporters, for example via online platforms and social media. In this way, people are gradually introduced to identitarian ideologies via gender which enables populist actors across Europe to increasingly bring their extremist ideas into mainstream political discourse (Berthet, 2023; Ebner, 2019). Whether these arguments and tendencies have impacted the recent EU elections is discussed below.

A lot at stake: Looking at the 2024 Elections and beyond

The last EU elections took place this year from 6 to 9 June. During this period, 705 members of the European Parliament from 27 member states were elected by around 51% of Europeans (EP, 2024). According to the European Parliament, before the elections, around 40% of Europeans believed that democracy is a value that must be defended (EP, 2023). Nevertheless, the European Council on Foreign Relations (ECFR) predicted a strong shift to the right. In this context, the ECFR supposed that EPP and S&D, which are the main political groups in the parliament, are likely to lose seats and the far-right group ID is likely to gain seats, becoming the third largest group (ECFR, 2024). As the election results show, this did not prove to be the case. According to the latest figures, the EPP remains the largest group in Parliament with 188 seats. Contrary to the forecasts, the S&D is in second place with 136 MEPs. In third place is the ECR, which has gained 83 seats and thus overtaken Renew Europe, which has moved into fourth place with 75 MEPs. Contrary to the ECFR's expectations before the elections, the far-right ID group only won 58 seats, making it the fifth-largest political group in Parliament (ECFR, 2024; EP, 2024).

However, conservative groups won a total of 329 seats, compared to the centre-left and left-wing groups, which won a total of 304 seats. This means that, as expected by ECFR, the political right represents a majority in the EP (EP, 2024). They predicted that right-wing forces would make up about 25% of the members of the European Parliament (ECFR, 2024). In this context, it is also worth mentioning that it is still unclear which political orientation the non-attached MEPs have, although it is assumed that the majority of them belong to the extreme right. This in turn suggests that majority coalitions of Christian Democrats, Conservatives and radical right-wing MEPs could be possible for the first time: "Populist voices, particularly on the radical right, are likely to be louder after the 2024 elections than at any point since the European Parliament was first directly elected in 1979" (ECFR, 2024).

In this context, the composition and majority formation of parliament, with the resulting political dynamics, will influence the discussion and handling of political issues such as equal rights. Since no political bloc has managed to achieve an absolute majority, the political factions are currently negotiating coalitions. The EPP, which won the most seats and is the leading faction, entered into talks with the Social Democrats and the Liberals to form a

majority and thus create a centrist, pro-European majority that opposes political extremism. If a coalition with the centre-left parties is formed, this would indicate a more gender-inclusive and pro-European direction, given that, as outlined above, the EPP has no clear position and can be influenced by the pro-gender stance of the other parties (Feingold & Torkington, 2024). In contrast, potential right-wing conservative majorities could promote the regulatory freedom of member states by rejecting EU-wide regulations (ECFR, 2024). This would be expected to lead to significant changes in the areas of civil liberties, justice and home affairs, the environment and the enforcement of the rule of law. As a result, efforts by centre-left MEPs to counter the erosion of democracy and human rights, particularly in member states already moving in an authoritarian direction, may be undermined (Cunningham et al., 2024).

Since there will also be six national elections in the EU Member States, it is especially important to consider the reciprocal effects of the EU election results on the national level. Although the results usually do not directly influence the governments of the Member States, they will stimulate public discourse and create further space and incentives for right-wing extremist parties. These may be able to achieve significant gains and thus further change the composition of other EU institutions such as the European Commission, which is composed of 27 national representatives of the EU member states (Cunningham, et. Al., 2024; EUR-Lex, n.d.). This is the case in France, for example, where the far-right Rassemblement National party won the most votes with 31.37% (EP, 2024), prompting Emmanuel Macron to dissolve the national parliament and call snap elections (Chemin & Trippenbach, 2024). In Germany, too, where 45% of the votes went to right-wing parties, the AfD was able to gain ground and overtake the ruling Social Democratic Party. As Andrew Caruana Galizia concludes, the EU elections reflect voters' opinions of national governments in EU member states and showed overall right-wing tendencies as well as "the real shocks emerging at the national level in Europe's two largest economies." (Feingold & Torkington, 2024).

Looking at the impact on gender equality, it is clear that the progress made over time, such as the ratification of the Istanbul Convention or the new Directive on gender-based violence, is at risk. Although far-right parties did not receive as many votes as expected, the gains they did make indicate that they will inevitably have more power in decision-making to oppose initiatives for gender equality. In this context, many politicians from the far-right parties have, for example, referred to restricting access to abortion, opposing the Istanbul Convention and defending the rights of the LGBTIQ+ community in their election campaigns. For example, Georgia Meloni, the current Italian Prime Minister, whose party is part of the ECR, stated: "I am a Giorgia, I am a mother, I am Christian, and you cannot take that away from me." (Wilson-McDonald, 2024). This is associated with the risk that right-wing extremist parties such as the AfD in Germany or the French Rassemblement National

Party will shift their oppressive narrative on gender equality issues to the regional level and, among other things, speak out against the financing of gender-based violence, access to reproductive health care and abortion, or undermine the investigation of the implementation of the provisions of the Istanbul Convention in EU Member States. Furthermore, as the European Parliament also denounces states that violate EU values and policies, the growing right-wing forces in the EU could prevent it from holding member states accountable and thus promoting gender equality and the protection of human rights (Wilson-McDonald, 2024).

Although these forecasts are rather sceptical in terms of gender, progress has been made over the years in terms of the representation of women in the European Parliament. Even though full gender parity, which has been shown to promote the democratisation of political bodies, is still a long way off, the representation of women in leadership positions within the EU institutions offers a positive outlook for the future (Buzmaniuk, 2024). Data on the 2024 European elections show that the proportion of female candidates was at least 30% (Europe Elects, 2024). However, since the highest proportion of female candidates was observed in France, at 49.78%, the question arises as to whether this really has an impact on voting behaviour and feminist representation and what can effectively help to combat the political right and anti-feminism. In this context, Stefanie Buzmaniuk suggests that a stronger mobilisation of female voters could have a greater impact on the election results, as they are generally less attracted to extremist, misogynistic parties. For example, in the 2023 parliamentary elections in Spain, 11% of men voted for the right-wing party VOX, while only 5% of women voted for it (Buzmaniuk, 2024). Whether this also applies to the most recent EU elections remains to be seen, as the latest data on the electorate has not yet been analysed. The following conclusion presents possible instruments for combating the challenge of right-wing extremism and anti-feminism in more detail.

Conclusion: tackling the threat of anti-feminism

All in all, the interplay between right-wing conservative forces and anti-feminist ideologies clearly demonstrates the central role of gender in today's politics. Once gender becomes a unifying factor for right-wing populist actors and legitimises the erosion of democracy, the instrumentalisation of women's rights ultimately leads to insecurity instead of the proclaimed security. Current events such as the 'cultural weekend' in Cyprus, the growing gender gap in the younger generation and the EU elections in June make it clear how urgent it is to break this entanglement and to fight it effectively at various levels.

To do this, the first step must be to acknowledge the links between antifeminism and the political right, as well as the resulting consequences for political actors within and outside the EU (VPN & CFFP, 2021). Given the invisibility of patriarchal norms and the increasing

conflation of anti-gender attitudes with other populist themes, more research needs to be conducted in this context to understand the intersections between anti-feminist and far-right ideologies and how these actors behave. This includes research on how these movements are financed, what strategies they pursue and in which spaces they mainly operate, for example through comparative studies on the role of antifeminism in different extremist groups, country-specific studies on antifeminism and authoritarianism, and research on the links between rather private forms of oppression, such as domestic violence, and state violence (VPN & CFFP, 2021). In this context, it must be further recognised that male supremacy operates not only independently but also in conjunction with other exclusionary ideologies. This is particularly evident in ethnocentric and Islamophobic narratives that, for example, see immigrants as a threat to the well-being of local women. Therefore research should also analyse the impact of anti-feminist narratives on other minorities by, for example, looking at stricter migration laws, or studying the impact on the rights of the LGBTIQ+ community (Khan et. Al., 2023; VPN & CFFP, 2021).

Against this background, explicit feminist knowledge production needs to be supported, especially through adequate funding (VPN & CFFP, 2021; CFFP, 2024). This would make it possible to collect differentiated quantitative and qualitative data on the rights of women and other minorities and to understand how feminist movements organise themselves, in order to then effectively support their networking. This knowledge could then also be integrated into policy-making as well as pedagogical and educational areas to counteract the spread of anti-feminist ideas. Considering the gender gap among young people, it will be crucial to create spaces for engaging with potential male allies in promoting gender equality (VNP & CFFP, 2021; Khan et. Al., 2023). In this context, projects should also be designed as hybrid or online projects to combat the online presence of anti-feminist networks, through which they mainly recruit new followers (VPN & CFFP, 2021).

Furthermore, in order to combat the threat of antifeminism, it is necessary to monitor anti-democratic tendencies that are intertwined with antifeminist discourses. This will help to identify the main frameworks of action used by actors who are opposed to gender equality at the national and European levels (Seitenova et. Al., 2024). To do so, coordinated action of democratic forces and political groups in the EU is required, to jointly advocate for gender equality as a non-negotiable democratic value (Berthet, 2023). In this context, gender mainstreaming needs yet to be more strongly implemented in all policy-making processes. In addition, strengthening cooperation with feminist civil society organisations and consulting them more frequently will help introduce alternative ideas into the public discourse (VNP & CFFP, 2021; Khan et. Al., 2023; Seitenova et. Al., 2024). The European Parliament should also introduce formal norms that counteract internal gender inequalities in the long term, such as providing training for its staff so that they can better recognise anti-

gender narratives as well as invest in digitalisation and the fight against online extremism. Both measures can be complemented by the development of practical tools to respond to the main narratives of anti-gender actors, for example in collaboration with feminist grassroots organisations (Kantola & Lombardo, 2023; Seitenova et. Al., 2024).

As the results of the 2024 European elections have shown, it is becoming increasingly important for progressive policymakers to take current trends in electoral behaviour seriously and to invest in understanding the growing importance of the far right in order to develop effective counter-strategies. This also includes their connection with anti-feminist narratives, as these fuel their anti-democratic and exclusionary narratives. With a view to the new term, it is therefore important that centre and left members of the European Parliament first prevent a right-wing majority. They then should work more closely with civil society to develop instruments that work within the EU and at the transnational level, as well as to identify the main drivers of the political right. Against this background, it is also important that MEPs argue from their own perspective and propose constructive political solutions instead of referring to the narratives of the extreme right, which are driven by the logic of exclusion and fear. To do so, feminist knowledge production and the orientation towards progressive interest groups such as women can be constructive in bringing about change and securing democracy. The snap elections in France will provide a first insight into the connection between the national and European levels, with further research on the entanglement of the political right with anti-feminist narratives being important in order to combat the threat of anti-feminism and the political right in the future (Ebner, 2019; Buzmaniuk, 2024; Cunningham et. Al., 2024).

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Unveiling the Significance of Cyberterrorism: Evaluating EU Perceptions and Responses Amidst Russia's War against Ukraine

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Abstract

Since 2022, Europe has faced frequent Russian cyberattacks aimed at instilling fear and destabilizing EU societies for political goals. Despite their severity, these attacks are often dismissed as "cyberattacks." This paper explores the surge in Russian-originated cyberattacks targeting EU countries since the onset of the large-scale war, examining why these incidents could be classified as cyberterrorism, how this concept has evolved in European security discussions, and the countermeasures being taken.

Academic discourse on cyberterrorism has historically focused on the U.S. and jihadist groups, creating a gap in addressing European threats from state actors. This paper rigorously examines the EU's policy measures to counter cyberattacks, focusing on Russian threats and terror acts. It explores the link between cyberattacks and cyberterrorism, recognizing that "cyberterrorism" typically refers to attacks causing severe disruption to critical infrastructure amid broader hybrid threats. This analysis contributes to a nuanced understanding of different cyber threats and appropriate responses within the EU's security framework.

Keywords

Cyberterrorism, Russian cyberattacks, EU security framework, counter-terrorism policies, critical infrastructure protection

Introduction

In light of the disruptive nature of Russia's severe cyber assaults on critical infrastructure, it becomes imperative to understand the EU's perception and awareness of cyberterrorism. Such comprehension can aid in assessing how the EU perceives the threat's severity and determining the necessary measures to counter it. Consequently, this paper posits that certain cyberattacks, classified as cyberterrorism activities originating from Russia, pose a critical threat to EU critical infrastructure due to several factors:

1. The EU's comprehensive policy measures aimed at countering all types of cyberthreats, in general;
2. The emphasis on enhancing cybersecurity readiness over identifying perpetrators;

3. The classification of some incidents as cyberterrorism perpetrated by Russia, further exacerbating the threat;
4. The EU's critical infrastructure becoming a primary target since the onset of Russia's full-scale war of aggression against Ukraine.

Comprehending these dynamics is paramount for both scholarly analysis and practical application in developing effective strategies to mitigate the risks posed by cyberterrorism and safeguard critical infrastructure within the EU.

Literature Review: Understanding the Complexity of Cyberterrorism

While examining literature that delves into the intricate evolution of the EU's perception of cyberterrorism, it becomes apparent that achieving a comprehensive understanding is challenging yet feasible. Only a few studies (Argomanis, 2015; Baker-Beall and Mott, 2022) have been identified that explore how the EU understands the cyberterrorism threat and what measures are envisioned to counter such terrorism.

Before analysing these studies, it is crucial to scrutinise the genesis of the EU's discourse on counterterrorism strategies. For instance, Bossong (2012) observes that terrorist incidents have played a pivotal role in shaping the EU's counterterrorism approach. He underscores that the September 11 attacks provided a "*window of opportunity*" for consensus building on various counterterrorism measures. Initially directed at addressing the external terrorist threat (European Commission, 2002), the first EU Counterterrorism Action Plan was endorsed in November 2001. Subsequently, in response to the terrorist attacks in Madrid in 2004 and London in 2005, the EU Counterterrorism Strategy was formulated (Baker-Beall and Mott, 2022, p1097). Furthermore, Kaunert (2010, p11) emphasises the substantial influence of "*policy entrepreneurs*," such as the European Commission and the Council Secretariat, in shaping the current contours of EU counterterrorism policy.

In addition to this literature aimed at exploring the emergence of terrorism in the EU's discourse, important from a practical point of view is a critical understanding of the issue of the emergence of counterterrorism practices themselves, which are also explained with the help of critical security theories, including the theory of securitisation. Wittendorp (2016) has made a significant contribution in this regard, using Michel Foucault's concept of "governmentality" to illustrate how the EU's approach to terrorism can be perceived as governance technologies that mobilise various actors to perpetuate a state of enduring insecurity. Drawing parallels with the insights of Didier Bigo (2000), a proponent of the Paris School of Security Studies, reveals striking similarities concerning the role of established "unease management" professionals in shaping EU security policy. Bigo identifies a spectrum of actors and institutions, termed security agents, encompassing politicians at both national and European levels, law enforcement and customs officers, military personnel,

media representatives, members of civil society, and security experts. These actors collaborate and contend with one another to establish their political authority in security (Bigo, 2000), where counterterrorism efforts constitute merely one facet within a broader spectrum of security concerns.

However, none of these studies specifically address the EU's cyber-terrorism response. This is mainly because there is currently no clear and unified definition of cyberterrorism, which is not defined in any of the primary EU security policy documents. Furthermore, this term remains ambiguous in international law, with different experts and agencies offering their interpretations. For instance, Barry Collin, an analyst for the Institute for Security and Intelligence, coined the term "cyberterrorism" in the 1980s, defining it as "*the intentional abuse of a digital information system, network, or component toward an end that supports or facilitates a terrorist campaign or action*" (Kenneth, 1998, p3). He also attempted to deconstruct the term cyberterrorism into its constituent parts: cyberspace, defined as "*that place in which computer program functions and data moves*" (Conway, 2003, p35), and terrorism, which Conway referred to the definition contained in Title 22 of the United States Code, defining it as "*premeditated, politically motivated violence perpetrated against non-combatant targets by sub-national groups or clandestine agents, usually intended to influence an audience.*" Combining these terms, Conway (2003, p36) defined cyberterrorism about 20 years ago as "*premeditated, politically motivated attacks by sub-national groups or clandestine agents against information, computer systems, computer programs, and data that result in violence against non-combatant targets.*"

The term "cyberterrorism" was subjected to a more thorough analysis by Denning (2000), who specified that for an attack to qualify as cyberterrorism, it must result in violence against persons or property or at least cause sufficient harm to instil fear. Acts targeting severe disruption of critical infrastructure qualify, while those with minor impacts on nonessential services do not meet the threshold for cyberterrorism. Denning (2006, p3) coined the term "hacktivism" to describe acts with minimal impact, more akin to activities one might expect from protesters rather than terrorists, reflecting the intersection of hacking with activism. Another challenge hindering the application of countermeasures against cyberterrorism is the presence of other definitions that intersect with cyberterrorism, including cyberwarfare. Denning (2006, p2) delineates the distinction between cyberterrorism and cyberwarfare, highlighting that the former involves actions by non-state entities, whereas the latter entails governmental involvement. Cyberwarfare typically consists of a nation's armed forces conducting cyber assaults against an adversary within a formally declared war.

In addition to these definitions, numerous EU Member States have formulated their interpretations, many of which align closely with Denning's definition. Pavel and Stancu

(2023, p14), synthesising definitions from EU member states, dictionaries, governmental and international agencies, as well as researchers, concluded that “*cyberterrorism refers to a cyber-attack resulting in damage, disruption, or destruction of information and operational technology, inducing fear and potentially causing harm or casualties to compel states or organisations to enact political, social, or religious changes*”.

Returning to the absence of a clear definition of cyberterrorism in primary EU security policy documents, it is noteworthy that the term “cyberterrorism” was absent from the list of terrorist offences outlined in the original EU Framework Decision on combating terrorism, 2002. However, the threat of cyberterrorism served as the impetus for developing the Framework Decision on Attacks on Information Systems, established in 2002 (Baker-Beall and Mott, 2022, p1093). Concerted efforts within the EU to propose a more precise definition of cyberterrorism commenced around 2010, primarily catalysed by events such as the 2007 cyberattacks on Estonia. Recognising the absence of a clear definition of cyberterrorism within the EU and the necessity to establish a common understanding of this threat, the Transatlantic Working Party (TWP) proposed a glossary of cyber attack terms in 2011. This glossary contained the sole definitive definition of cyberterrorism put forth by the EU thus far: “a terrorist offence as defined in the Council Framework Decision 2002/475/JHA committed in cyberspace,” with cyberspace delimited to the “*digital world of information processing and exchange generated by information and communication technology systems, which includes all aspects of online activity*” (Council of the European Union, 2011, cited in Baker-Beall and Mott, 2022, p1094).

Furthermore, when the TWP emphasised the necessity for more consistent terminology concerning cyberterrorism, it was striking that the concept was once again conspicuously absent from the 2013 EU Cyber Security Strategy. Cyberterrorism received only fleeting mention, and no subsequent action was taken to heed the TWP’s recommendation for developing a definition to guide Member States’ responses to this issue (Baker-Beall and Mott, 2022, p1095).

This approach can be attributed to the European Security Agenda’s primary focus on “cybercrime,” relegating cyberterrorism to a brief discussion as a subset of cybercrime. In contrast, the Cybersecurity Act of 2019 favours terminology such as “cyber threat” or “cyber attack,” encompassing a broader spectrum of cybercrime (Baker-Beall and Mott, 2022, p1095), including activities currently attributed to Russia. This is a significant contention, as many articles addressing cyberterrorism often associate it with Islamist Jihad and its evolving symbiotic relationship with cyberspace, which serves as a platform to propagate terrorist actions transcending geographical limitations (Kapsokoli, 2023). However, this perspective contradicts other studies suggesting that terrorist organisations lack the capability to

orchestrate large-scale cyber attacks capable of threatening critical infrastructure (Baldassarre, 2023), a crucial criterion for labelling it as cyberterrorism.

This highlights the frequent confusion between cyberterrorism and the broader issue of terrorists using the Internet. Expanding on this notion, Argomanis' analysis revealed that, for the EU, the primary concern lies in the cyber attack itself rather than the specific identity of the perpetrator, which is crucial for understanding the nature of the attack. It is significant to note that Argomaniz acknowledges the distinction between developing EU policies to counter the administrative use of the Internet by terrorists and other more general cyberterrorism policies to combat cybercrime (Argomaniz, 2015).

Cyberterrorism in the context of the EU Security Discourse

To understand the significance of cyber threats within the EU's security framework, it is essential to recognise the EU's evolving role as a security actor, particularly in cybersecurity policy. This evolution was catalysed by events such as the 2014 Russian invasion of Ukraine and the annexation of Crimea, which introduced a new dimension of warfare characterised by hybrid tactics blending psychological, economic, political, and cyber elements alongside traditional military actions (Koppa, 2022, p112). Pioneering this form of hybrid warfare, Russia demonstrated the potency of cyberattacks as tools of aggression, targeting not only military installations but also vital infrastructure, political systems, and even healthcare facilities across various countries (Dickinson, 2021). The ripple effects of these attacks extended into the EU, with member states like Lithuania, Latvia, Estonia, and Sweden reporting instances of Russian disinformation campaigns aimed at sowing discord and undermining state institutions (Masters, 2020).

Classifying such attacks as cyberterrorism or cyberwarfare is nuanced and depends on the destruction and disruption caused. However, distinguishing between the two is challenging, given the difficulty in attributing attacks to specific actors, whether nation-states or terrorist groups (Sampanis et al., 2023, p13). For the EU, the distinction is less critical than recognising the threat posed by cyberattacks. Therefore, constructivism is crucial in shaping perceptions of cyber activity within the EU. It determines whether a cyber incident is labelled as cyberterrorism or cyberwarfare, highlighting the importance of understanding the context and motivations behind such actions (Jarvis et al., 2014, p37). In essence, the focus lies not on categorisation but on addressing the inherent risks posed by cyber threats to the EU's security and stability.

When examining the perception of cyberterrorism within the EU, it is essential to consider the EU's extensive bilateral cyber partnerships with external powers, which have elevated its role as a significant interlocutor in the cyber domain. Through initiatives such as the Working Group on Cybersecurity and Cybercrime and the EU-US-Canada Expert Meeting

on Critical Infrastructure Protection, the EU has established networks of dialogues, joint statements, and common initiatives, with the EU serving as the central hub (Renard, 2018). The EU's engagement in cybersecurity extends globally, exemplified by its pivotal role in crafting the Council of Europe's Budapest Convention, recognised as the sole binding international agreement on cybersecurity. This convention is open for signing by other nations and has garnered ratification and signatures from significant players such as the USA, Canada, and Japan (Renard, 2018). Notably, Japan stands out as a strategic partner with whom the EU has formed agreements, including an Agreement on extradition and mutual legal assistance (MLA), essential for facilitating cooperation in cybercrime investigations (Renard, 2018). The EU's role as a significant interlocutor in the cyber domain is a testament to its global engagement in cybersecurity.

Historically, the EU's collaboration with Russia in addressing cyberterrorism was also notable, including Russia's involvement in Europol's "Check the Web" initiative, aimed at monitoring terrorist websites. Additionally, cooperation extended to combating cybercrime, with information exchange on malicious viruses used by cybercriminals. However, such collaboration was limited, primarily focused on confidence-building measures, given Russia's perceived role as a significant source of cyberattacks in Europe (Renard, 2018). In this realm, Russia's longstanding proposal for a regime to regulate cyberspace, rejected by both the EU and the United States, underscores this dynamic. Concerns arose over the potential for such a code to legitimise efforts by certain countries to suppress free speech and dissent, leading to its rejection (Sakwa, 2022).

The Western refusal to adopt such a regime was multifaceted. Firstly, there was a belief that Russia was engaging in aggressive cyber operations against the US and EU, extending beyond normal peacetime intelligence activities. This was exemplified by US intelligence reports indicating Russian hacking of political parties and infrastructure in both the United States and Europe. (Sakwa, 2022, p139). Secondly, the definition of "interference" and related cyber activities remains subject to broad interpretation, influenced by various constructs (Sakwa, 2022, p139). Nowadays, these ambiguities provide fertile ground for Russia's disruptive actions in cyberspace, including activities that could be deemed cyberterrorism. Despite challenges in implementing cyberterrorism preparedness policies, the EU stands out as a regional and global leader in cybersecurity matters, offering a holistic approach unmatched by any equivalent organisation (Pawlak, 2019). This underscores the EU's resilience and commitment to addressing cyber threats, even as it navigates complex geopolitical dynamics, a testament to its leadership in cybersecurity matters.

Enhancing Cyberterrorism Countermeasures within the EU Cybersecurity Framework

When analysing policies against cyberterrorism, it becomes evident that cyberterrorism is viewed only as one among several hybrid security threats challenging EU member states. Europol, for instance, has cautioned against the convergence of cyberterrorism with physical attacks, highlighting the potential amplification of actual attacks through cyber means. This underscores the notion that a cyber attack, combined with a physical assault, can significantly magnify its impact, exemplified by the disruption of critical infrastructure like bridges or essential public services (Europol, 2018). Europol plays a pivotal role as a security initiative, prioritising identifying and mitigating threats posed by international organised crime, with defending against cyberattacks being a top priority. Furthermore, within Europol, establishing a dedicated European cybercrime centre is instrumental in aiding member states' efforts to dismantle criminal networks and conduct online investigations (European Council and Council of the EU, 2023). Thus, the significance of Europol as an institution lies in its assertion that cyberterrorism represents a new and escalating threat transcending borders, posing a substantial risk to democracy. It underscores the imperative for member states to acknowledge cyberterrorism's "new modus operandi," wherein terrorists can operate remotely while minimising the risk of detection (Baker-Beall and Mott, 2022, p1096).

Similarly, debates within the European Parliament reflected these concerns. In 2015, MEP Gomes highlighted the evolving nature of cyberterrorism, emphasising that it is becoming "*more sophisticated, cheaper, and easier to execute*" (Baker-Beall and Mott, 2022, p1096). This sentiment was reinforced by a 2015 European Parliament resolution, which underscored the importance of anti-terrorism measures in safeguarding the fundamental values of freedom, democracy, and human rights while emphasising the need to uphold international law. The resolution recognized the role of cyberspace in enabling terrorist groups to establish and maintain connections across borders, transcending physical barriers (Baker-Beall and Mott, 2022, p1096).

In 2016, Europol highlighted the growing threat of cyber terrorism, warning that the potential for future attacks with a "stronger cyber dimension" is now a palpable reality. Europol stressed the adaptability of terrorists and their commitment to enhancing technical skills (Baker-Beall and Mott, 2022, p1096). This foresight has materialised in present times. However, a positive outcome of these warnings is the EU's proactive stance in addressing the evolving cyber threat landscape. This proactive approach is closely tied to the shifting security dynamics following Russia's full-scale invasion of Ukraine.

In March 2024, the European Parliament and the Council of the EU reached a preliminary agreement on the European Commission's proposal for the Cyber Solidarity Act (European Commission, 2023). This legislation addresses coordination among member countries in three key areas:

1. It establishes a European early warning system, incorporating national and cross-border cyber hubs with cutting-edge technology, including artificial intelligence and advanced database analysis capabilities.
2. It introduces an emergency cyber mechanism to enhance preparedness for significant cyber incidents.
3. It facilitates mutual financial support among EU members in the event of severe cyber incidents, and offers technical assistance to affected countries.

Consequently, this legislation stands as a crucial EU measure to counter cyberterrorism.

The evolving nature of Russian cyberattacks

It is crucial to examine the evolving dynamics of Russian cyberattacks, which reflect a historical progression characterised by strategic transformations and heightened aggression. This evolution prompted the European Union to respond, particularly during critical incidents when Russian cyber operations targeted states, resulting in severe disruptions to the infrastructure of EU member states.

Initially, the Kremlin employed these attacks as tools in its long-term competition with rivals, reflecting characteristics akin to cyber warfare. Before 2014, Moscow's cyberattacks predominantly focused on political warfare and espionage, exemplified by the notable cyber attacks in Estonia in 2007. These attacks were a direct response to Estonia's relocation of a Russian monument, known as the Bronze Soldier, marking the first instance of a foreign entity employing cyber operations to threaten another nation's security and political freedom (Sampanis, 2023, p10).

The year 2014 marked a significant shift in Moscow's cyber tactics, coinciding with its military campaign to destabilise Ukraine's critical infrastructure. In addition to conventional military manoeuvres, Moscow used cyber operations to target Kyiv's energy supplies. Notably, advanced persistent threat (APT) groups such as Sandworm were implicated in the 2015 BlackEnergy campaign aimed to disrupt Ukrainian electricity production and distribution. Despite their limited impact, these cyberattacks signalled a dangerous escalation (Mueller et al., 2023). By 2017, Russian-linked groups launched more audacious cyberattacks, exemplified by the NotPetya campaign. This malicious operation had far-reaching consequences, extending beyond its intended targets in Ukraine to disrupt global logistics networks. With ramifications felt in 65 countries and an estimated 50,000 systems affected, including major European and American companies such as FedEx, Maersk, and Merck, the damage inflicted exceeded US\$10 billion (Cerulus, 2022).

The situation evolved significantly following Russia's full-scale invasion of Ukraine in 2022. Research conducted by the CSIS team revealed that Russia's cyber activities during wartime shifted towards a more destructive nature, consistent with its historical patterns.

Simultaneously, Moscow prioritised subversive activities and cyber espionage campaigns as its preferred objectives. In the initial months of the 2022 invasion, incidents causing network disruptions accounted for 57.4 per cent of total incidents, followed by espionage activities at 21.3 per cent. These findings are based on data collected from Ukrainian government sources, specifically related to cyber attacks on Ukraine (Mueller et al., 2023). Expanding the scope beyond Ukraine, hackers have targeted additional countries since 2022, including Poland, the Baltic countries, Northern Europe, and Germany. According to the Thales Cyber Threat Intelligence Team (2023), the proportion of cyber attacks targeting EU countries surged from approximately 10% in the first quarter of 2022 to nearly 50% in 2023.

Amidst these hackers, Russia has been implicated in suspected sabotage against Europe's critical infrastructure, with several concerning incidents occurring in EU countries over the past two years. However, conclusive evidence remains elusive, mainly due to the clandestine nature of cyber attacks and the challenges associated with attributing them to specific actors. For instance, in March 2023, multiple aircraft in Finland experienced unusual GPS disruptions that hindered their ability to land at Savonlinna Airport near the Russian border. Jukka Savolainen from the European Center of Excellence for Countering Hybrid Threats suggested that these incidents were likely part of Russia's hybrid strategy (YLE, 2023). Similarly, in August 2022, Estonian authorities reported facing their "largest cyber attack" since 2007, when several Estonian websites, including those of the parliament, newspapers, banks, and government ministries, were subjected to extensive disruptions. The pro-Russia hacker group Killnet, known for conducting denial-of-service attacks against government and private company websites in support of Ukraine during the Russian full-scale War in Ukraine, claimed responsibility for the attack in August 2022. They asserted they had blocked access to over 200 public and private institutions. However, Estonian officials downplayed the event's severity, stating that it caused only minor disruptions (Davies, 2022).

Later, in October 2022, northern Germany experienced significant disruptions to its railways following the cutting of critical communication cables in two separate incidents. Green Party MP Anton Hofreiter suggested that the Kremlin might be behind the sabotage, hinting at a potential "warning" to Germany due to its support for Ukraine (France24, 2022). Furthermore, Russia's interference with European rail networks persists as part of a broader campaign to destabilise the EU and undermine critical infrastructure. Consequently, the EU Cybersecurity Agency released its inaugural report on transportation threats in March 2023. The report highlighted a surge in cyber attacks targeting railway companies, attributing the escalation primarily to Russia's invasion of Ukraine. Notable incidents included significant cyber attacks by "pro-Russian hacker groups" on railway companies in Latvia, Lithuania, Romania, and Estonia (Hancock, 2024). Europe's energy network remains a prime target for cyber attacks, raising concerns among industry leaders about the adequacy of protective

measures for the continent's highly interconnected energy grid. Leonard Birnbaum, chief executive of E.ON, expressed apprehension over the insufficient efforts to safeguard Europe's energy infrastructure (Jack, 2023). This acknowledges the EU's heightened concern over ongoing cyber attacks, particularly since 2022, prompted by Russia's revised strategy to intensify disruptive actions in EU cyberspace. The evolving nature of protective measures underscores the need for enhanced defences against the escalating frequency and severity of cyber terrorism.

Enhancing Cybersecurity to Mitigate Cyberterrorism Risks and Safeguard Critical Infrastructure

Although specific incidents linking Russia to cyberterrorism remain unconfirmed, there is a consensus among experts that any cyber attack by terrorist groups would likely target critical infrastructure (Denning, 2000, 2006). While previous cyber incidents in EU member states caused limited disruption, European leaders are increasingly apprehensive about the potential for more severe cyber assaults organised by Russia. Ylva Johansson emphasised the need for heightened vigilance, stating, *"We must acknowledge the threat posed by this war to the European Union and take proactive measures to bolster our defences"* (Zsiros, 2022). Strengthening legislation and preparation efforts is paramount to combat this evolving threat landscape effectively.

While there are no publicly documented instances of sanctioned terrorists employing malware to dismantle infrastructure physically, the association between "cyberterrorism" and the perceived susceptibility of critical infrastructure is a central theme in EU discussions. For instance, the EU Cyber Security Strategy for the Digital Decade underscores the imperative to forestall terrorists from exploiting cyber resources for planning and executing attacks, aligning closely with the goals of the EU Counter-Terrorism Programme (Baker-Beall and Mott, 2022, p. 1096).

Examples of critical infrastructure vulnerable to potential cyberterrorism incidents include financial systems, energy networks, water supplies, and transportation systems. The "Denning approach" to defining cyberterrorism underscores the need to differentiate between minor inconveniences, like temporary damage to a website, and acts of terrorism. The possibility of terrorists executing successful cyberattacks on critical infrastructure within EU Member States or their partners is a proactive risk that aligns with existing or evolving systems. The threat of cyberterrorism highlights broader concerns about the need to strengthen and standardise pan-European strategies for protecting critical systems. This urgency is heightened by the increasing cyber-attacks on EU nations by pro-Russian hackers during Russia's full-scale war. The EU, at critical junctures, introduces new frameworks and initiatives, initially tailored to combat cybercrime or manifestations of cyberwarfare, but can

serve as crucial measures for fortifying the security of critical infrastructure and preventing future attacks that meet the criteria for cyberterrorism. For instance, following the sabotage of the Nord Stream gas pipeline in September 2023, the European Commission promptly proposed a Recommendation to the Council to expedite efforts to protect critical infrastructure. The recommendation advocates for strengthening coordination in responding to incidents and crises through the Critical Infrastructure Blueprint (European Commission, 2023).

Conclusion

This paper underscores the escalating threat posed by Russian cyber attacks on the EU, potentially leading to the designation of Russia as the world's first cyberterrorist state. It clarifies how cyberterrorism is intertwined with a spectrum of threats within the EU security framework, necessitating the validation of existing and future strategies to safeguard critical infrastructure. While counter-terrorism policies in the cyber realm primarily focus on identifying vulnerabilities and bolstering overall cyber resilience, the classification and attribution of cyber threats as terrorism take a secondary role compared to the protection of infrastructure itself.

The surge in Russian cyber assaults targeting EU critical infrastructure has raised alarms among European leaders, compelling them to prioritise the strengthening of defences against cyber interference. This heightened concern has not only spurred EU institutions but also underscores the urgent need for a more comprehensive approach to enhancing the resilience of critical infrastructure, a task that requires the collective effort of all stakeholders.

Furthermore, while this research paper has aimed to dissect the conceptualisations of this threat, it becomes evident that although the EU has not conclusively defined cyberterrorism, it catalyses legitimising security measures in the cyber domain. The imperative to implement high-security standards for critical infrastructure across the EU and its Member States underscores the significance attributed to this threat and emphasises the necessity of cohesive security practices.

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Balancing Act: Germany's Multifaceted Approach to Cybersecurity in the EU Space Domain

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Abstract

This article examines cybersecurity within the European Union's Space Programme, with a focus on Germany's proactive approach. As space-based assets become increasingly vital for essential services, cybersecurity in space has emerged as a universal imperative. The central research question addressed is: "What strategies does Germany employ to enhance cybersecurity in the EU space sector, and how do these strategies balance national and collective security interests?". Germany's strategies in cybersecurity, public-private collaboration, and supply chain security are analysed, highlighting its efforts to fortify cosmic frontiers and enhance European cyber resilience.

Germany's Federal Space Strategy demonstrates the country's commitment to balancing national autonomy with collective security, while technical initiatives led by the Federal Office for Information Security (BSI) showcase adaptability in addressing evolving cyber threats. In this context, the article also discusses the challenges and potentials of a coordinated EU-wide approach versus individual member state strategies in enhancing space cybersecurity.

Through a balanced discussion, the article explores how Germany's approach offers insights for shaping future cybersecurity policies for the space sector at both national and EU-wide levels. By navigating the complexities of space cybersecurity while balancing autonomy and cooperation, Germany emerges as a pivotal case study, offering valuable lessons for addressing global vulnerabilities and shaping the future of space security.

Keywords

Space Security, Cybersecurity, European Union, Germany, Public-Private Collaboration, Supply Chain Security, Cyber Resilience

Introduction: Safeguarding Cosmic Frontiers

Nowadays, space-based assets are indispensable in our daily lives, supporting communication networks, navigation systems, and Earth observation for various services like telecommunications, transportation, and national security (see Table 1). With the rise of the digital age, the challenge of cybersecurity has gained prominence in the space community, affecting not only major space actors but becoming a universal imperative for all

states and non-state entities. This paper explores the complexities of this challenge within the European Union's (EU) Space Programme, focusing on Germany's proactive and risk-based approach. The central research question guiding this analysis is: "What strategies does Germany employ to enhance cybersecurity in the EU space sector, and how do these strategies balance national and collective security interests?". By examining Germany's strategies in cybersecurity, public-private collaboration, and supply chain security, the paper aims to shed light on the measures taken by Germany to fortify its cosmic frontiers and enhance European cyber resilience in the space domain.

Table 1: Essential Services & Activities Relying on Space-Based Assets & Infrastructure

| <i>Type</i> | <i>Definition/Explanation</i> |
|--------------------------|--|
| <i>Communications</i> | Satellite-based communication networks are used for voice, data, and video transmission in various sectors, such as telecommunications, broadcasting, aviation, maritime, and emergency services. |
| <i>Navigation</i> | Satellite-based positioning, navigation, and timing (PNT) systems, such as GPS, GLONASS, and Galileo, are used for location-based services, such as transportation, logistics, agriculture, and surveying. |
| <i>Earth Observation</i> | Satellite-based remote sensing systems are used for environmental monitoring, weather forecasting, disaster management, and resource management. |
| <i>National Security</i> | Satellite-based surveillance, reconnaissance, and early warning systems are used for military, intelligence, and homeland security purposes. |

Navigating Cyber Challenges in the European Union's Space Programme

The European Union's Space Programme faces a myriad of cyber threats and vulnerabilities that pose significant challenges to its integrity, security, and overall success. This section explores key cyber vulnerabilities in space infrastructures, the necessity for public-private collaboration, and the European regulatory framework governing cybersecurity in space.

Vulnerabilities and the Need for Public-Private Collaboration

Space assets, including satellites and ground stations among others, are vulnerable to cyberattacks (see Table 2 for examples), posing substantial security concerns at national, regional, and international levels. The transition of space assets from analogue to digital devices has added complexity, reflecting broader technological shifts. However, the evolution

of space technology lagged in adopting cybersecurity measures. This lag is partly due to a perception that advanced systems, like the Iridium satellite constellation, were immune to hacking. Additionally, resistance to adopting security measures can, however, also be attributed to lower profit margins and resource constraints. Moreover, the open-source nature of data published by space agencies contributes to a lack of clarity regarding proprietary information to secure (Livingstone & Lewis, 2016, pp. 3-4, 14, 30; Cappelletti & Papakonstantinou, 2023; Falco, 2018, pp. 46, 10-14).

Table 2: Examples of Cyber Attacks on Satellites

| <i>Attack Type</i> | <i>Definition/Explanation</i> | <i>Types of Consequences for Ground-Based Critical Infrastructure</i> | <i>Definition / Explanation</i> |
|--------------------------------|---|---|---|
| <i>Data Theft</i> | Unauthorised access to sensitive or confidential information stored on satellites or transmitted through space-based communication networks. | | |
| <i>Cyber Jamming</i> | Deliberate interference with satellite signals or communication links, which can disrupt or disable navigation, communication, or surveillance systems. | <i>Disruption of Services</i> | If satellite-based communication or navigation systems are disrupted or disabled, it can affect the availability, reliability, and quality of services that depend on them, such as phone calls, internet access, air traffic control, shipping, or emergency response. |
| <i>Hostile Cyber Hijacking</i> | Unauthorised access to or control of satellites or other space assets, which can enable attackers to | <i>Physical Damage or Loss</i> | If satellite-based assets or infrastructure are hijacked or destroyed, it can cause physical harm, |

| | | | |
|------------------------|--|--|--|
| | manipulate or sabotage critical functions, such as orbit, attitude, power, or payload. | | environmental damage, or loss of life, such as by colliding with other satellites, falling to Earth, or releasing hazardous materials. |
| <i>Data Corruption</i> | Intentional or unintentional alteration of data stored on satellites or transmitted through space-based communication networks, which can lead to errors, malfunctions, or false readings, | <i>Misinformation / Disinformation</i> | If satellite-based data or signals are manipulated or spoofed, it can lead to incorrect or misleading information being used for decision-making, such as navigation, weather forecasting, or disaster response. |
| <i>Cyber Spoofing</i> | Creation of false signals or data that mimic legitimate satellite signals or data, which can mislead or deceive users of navigation, communication, or surveillance systems. | | |

In recent years, relevant vulnerabilities (see Table 3) are further magnified by an extensive, international supply chain, particularly vulnerable to cyberattacks due to the increasingly interconnected nature of space segments, diverse vendors, collaborations with research centres, and operational and financial responsibilities distributed across stakeholders. The institutional design of space system organisations poses additional challenges in this regard, as cybersecurity experts may lack specialisation in the unique characteristics of relevant space systems. With threat actors ranging from state-sponsored hackers to lone individuals exploiting such vulnerabilities, the subsequent risks extend beyond economic losses to potential physical harm and loss of life (Livingstone & Lewis, 2016, pp. 3-4, 14, 30; Cappelletti & Papakonstantinou, 2023; Falco, 2018, pp. 46, 10-14).

Table 3: Overview of Threat Pathways / Vulnerabilities Enabling Cyberattacks

| |
|--|
| Increasing numbers of individual satellites and constellations providing an ever-increasing number of entry points; |
| Increasing connectedness through communications paths, and increasing connectedness of satellites while in orbit (including IoT devices utilising satellite communications); |
| Autonomous communications paths to billions of devices with little opportunity for humans to intervene; |
| The imperatives of speed to market, forcing designers and manufacturers to skip or pay only passing attention to important security controls; |
| Security costs that are disproportionate to the costs of manufacture of smaller and cheaper satellites; |
| Back-door holes in encryption and otherwise secure control systems; |
| Unencrypted Data; |
| Human Errors; |
| Earth-Bound entry points connected to the internet; |
| Weak long-term telemetry; |
| Insecure protocols; |
| Software bugs; |

To mitigate both vulnerabilities and risks, it is crucial to develop cybersecurity measures and policies tailored to the unique challenges of space-based systems. Additionally, ensuring resilience and redundancy in ground-based critical infrastructure is essential. Public-private collaboration is indispensable for securing relevant supply chains. This collaboration is vital given the private sector’s critical role in establishing standards, sharing threat intelligence, and incentivising cybersecurity investments (Livingstone & Lewis, 2016, pp. 3-4, 14, 30; Cappelletti & Papakonstantinou, 2023; Oakley, 2020, pp. 94-97).

A European Regulatory Framework for Space Cybersecurity?

For this reason, the absence of a comprehensive European regulatory framework tailored to the unique nature of space systems poses significant challenges vis à vis the pressing need for (i) the efficient implementation of cybersecurity measures, (ii) an international response, and

(iii) a flexible space cybersecurity regime to adapt to evolving security challenges (Livingstone & Lewis, 2016, pp. 26, 32; Cappelletti & Papakonstantinou, 2023, p. 4).

In the realm of cybersecurity, the EU operates within shared competence between the EU as a whole and individual member states. While member states retain responsibilities for security, law enforcement, and critical infrastructure, the EU has taken a more prominent role due to the cross-border nature of cyber risks impacting the single market and the broader economy. The EU's inherent focus on harmonisation in this regard is reflected in the adoption of the NIS Directive, which aims to create uniform standards for cybersecurity across the EU (European Commission, 2013). This directive mandates member states to adopt a national cybersecurity strategy ensuring a high level of security for network and information systems deemed essential (European Commission, 2013). Further, it involves governance frameworks and measures to manage risks, striking a balance between public and private interests (European Commission, 2013). Additionally, the directive envisions the creation of Computer Emergency Response Teams (CERTs) in each EU member state to facilitate cooperation and information exchange (European Commission, 2013). However, it lacks specific provisions for information-sharing related to the space domain.

Still, by drawing parallels between cyber and space domains, the EU increasingly emphasises the importance of establishing norms and standards for enhancing security and promoting global cooperation at the nexus of cyber and space security and diplomacy. As such, the EU proposed an International Code of Conduct for Outer Space Activities and supports existing legal norms in the cyber sphere, aiming to enhance interoperability, openness, reliability, and security in both domains. Moreover, it promotes the continuous evaluation and updating of strategic legislative procedures to address the sector's distinct challenges (Baylon, 2014, pp. 42-44; Cappelletti & Papakonstantinou, 2023, p. 4).

Although the overall approach of the EU and its member states is constantly evolving, challenges persist in implementing controls throughout the entire supply chain. Although no longer part of the EU, the UK's policy is representative of other European space-enabled nations in this regard by being characterised by high-level information-exchange groups with limited reach into the supply chain (Livingstone & Lewis, 2016, p. 7).

German Contributions to Cybersecurity Within the European Space Programme

Against this backdrop, the following section delves into Germany's policy for ensuring cybersecurity in space, primarily its recently updated Space Strategy and more technical initiatives led by the Federal Office for Information Security (BSI). As will become evident, the German approach is centred around two core themes – public-private partnership and international collaboration. Based on this assessment, it is possible to examine how Germany

has sought to combine these themes by means of a technical and risk-based approach, focussing on relevant value chains.

Public-Private Collaboration

Germany places a strong emphasis on public-private collaboration in its Federal Space Strategy. Recognising the increasing importance of cybersecurity within the space domain, the strategy advocates leveraging private sector expertise, innovation, and resources (Federal Ministry for Economic Affairs and Climate Action, 2023). It does so by not only focussing on how to improve framework conditions for business and research but also embracing synergy-based dual-use approaches, acknowledging the importance of civil-military collaboration in developing new space technologies (Federal Ministry for Economic Affairs and Climate Action, 2023). In that vein, the National Programme for Space and Innovation, with specific provisions for cybersecurity, is integral to Germany's Space Strategy. The relevant provisions play a critical role in ensuring the availability of space-based services and safeguarding the security of the German Space Programme, both on the ground and in space. Further, by identifying critical space infrastructure and expanding the space-technology base through private sector advances in space security capabilities, Germany aims to reduce dependencies (Federal Ministry for Economic Affairs and Climate Action, 2023). Overall, this collaborative model aims to fortify cybersecurity resilience, protect critical technologies, and advance the European Space Programme at a national and international level.

International Collaboration and Standards

Germany's commitment extends to international collaboration and standards development. Actively participating in global efforts, its Federal Space Strategy focuses on creating an international inventory of vulnerabilities of space-based systems (Federal Ministry for Economic Affairs and Climate Action, 2023). Further, it emphasises the importance of maintaining alternatives to space-based data links and rapidly replacing failed systems to guarantee continuous functionality, even in the event of disruptions or cyberattacks (Federal Ministry for Economic Affairs and Climate Action, 2023). This demonstrates Germany's dedication to contributing to global initiatives aimed at fortifying space security against cyber threats and attacks.

Technical and Risk-Based Approach

The BSI plays a pivotal role in aligning relevant strategic imperatives and goals from both the Federal Cybersecurity Strategy and Federal Space Strategy (Federal Office for Information Security, 2023; Federal Office for Information Security, 2022). As such, it seeks to fortify the

cybersecurity of German space infrastructures by incorporating the already identified focus on public-private partnerships and international collaboration into its established IT-Basic-Protection methodology (de: IT-Grundschutz). This specific risk management approach systematically identifies and addresses relevant security risks, providing a rigorous foundation for cybersecurity measures. As the methodology's flexibility enables customisation for state and company-specific needs, it allows for the systematic development and implementation of tailored measures, ensuring a comprehensive and adaptable approach to cybersecurity for space infrastructures. With that, Germany employs a rather unique strategy, that is envisioned to further underscore its commitment to improving the security of satellite infrastructures, emphasising resilience at all stages of the life cycle.

Cross-Agency Working Group

While the relevant BSI documents do not explicitly refer to European approaches, they highlight overarching collaborations and cross-agency efforts for securing relevant infrastructure that convene regularly to address the challenges of cybersecurity in space (Federal Office for Information Security, 2022, p. 13). This includes a joint working group, composed of experts from OHB Digital Connect, Airbus Defence and Space, and the German Space Agency. This collaboration, essential for addressing cybersecurity challenges along the supply chain, led to the development of a dedicated IT-Basic-Protection Profile for space infrastructures (Federal Office for Information Security, 2023). Outlining primary security objectives for relevant entities, e.g. ensuring the availability of space-related services, and protecting the integrity and authenticity of satellite communication (Federal Office for Information Security, 2023), the profile offers guidance for implementing a robust security concept. As such it contributes to the overall cybersecurity resilience of space infrastructures and their providers. Moreover, this profile not only offers a reference architecture for coordinated efforts but also acknowledges the complementarity of national competencies in the public and private sectors (Federal Office for Information Security, 2023), fostering close exchanges with experts from both realms. Again, this signifies the essential role of public-private partnerships in Germany's approach to cybersecurity in the space domain.

In essence, Germany's approach to space cybersecurity is relatively multifaceted. As we transition to the discussion, the paper hence seeks to answer whether this can position the country as a key player in shaping future space cybersecurity policies at both national and EU-wide levels.

Discussion: Balancing National Strengths and EU-wide Collaboration

In light of the existing cyber threats and vulnerabilities detailed in the background and context section, it is crucial to weigh the strengths and weaknesses of both a coordinated EU-wide approach and individual member state approaches when evaluating the effectiveness of relevant strategies and methodologies seeking to enhance cybersecurity within the European Space Programme.

Starting with the former, building upon the EU's emphasis on international norms and standards in the space domain, a coordinated EU-wide approach ensures a unified response to cyber threats in the space domain, fostering interoperability across member states (Livingstone & Lewis, 2016). Germany, in its Federal Space Strategy, supports shared standards to enhance cybersecurity resilience, pooling resources at the EU level for cutting-edge technologies, and emphasising public-private collaboration (Federal Ministry for Economic Affairs and Climate Action, 2023, pp. 23, 39, 42). This addresses challenges in the international supply chain and interconnected space segments while enhancing collective cyber resilience by ensuring collective capabilities beyond what individual member states might be able to achieve individually.

In contrast, however, the EU's complex decision-making processes may slow responses to emerging threats at the cyberspace nexus, and ensuring compliance across the diverse cybersecurity maturity levels across member states poses challenges (Federal Ministry for Economic Affairs and Climate Action, 2023, pp. 39, 42, 60). In this light, Germany's space infrastructure IT-Basic-Protection Profile emphasises the importance of tailored approaches and swift action, recognising unique circumstances and differences within member states (Federal Office for Information Security, 2022; Federal Office for Information Security, 2023). As such, Germany's commitment to public-private collaboration reflects the strength of individual member state approaches, emphasising synergistic dual-use approaches, prioritising national capabilities, and promoting healthy competition.

The potential for fragmentation in cybersecurity standards this approach may introduce poses vulnerabilities itself. This is particularly true for smaller member states that may face limitations in achieving comprehensive cybersecurity readiness. The Federal Space Strategy recognises the importance of reducing critical dependencies through public-private collaboration and acknowledging the private sector's role in advancing space security capabilities. However, it also emphasises the need for European collaboration to expand the space-technology base and address resource disparities (Federal Ministry for Economic Affairs and Climate Action, 2023, pp. 39, 42, 60). The BSI particularly underscores the need for unified cybersecurity standards for space within the European single market in this regard (Federal Office for Information Security, 2022).

Overall, Germany's approach thus not only balances national strengths and EU-wide benefits but also autonomy and collective security, acknowledging shared responsibilities for space security. By leveraging private sector expertise and participating in global initiatives, Germany aims to reduce dependencies and enhance collective cyber readiness in the sector (Federal Ministry for Economic Affairs and Climate Action, 2023, p. 41; Federal Office for Information Security, 2023). Still, whether this dual approach will allow Germany to contribute to the cyber resilience of the European Space Programme while also addressing its specific security needs is largely dependent on the country's ability to effectively integrate national efforts with EU-wide initiatives and ensure alignment with broader European cybersecurity strategies.

On that note, challenges persist, such as Germany's continued struggle to meet NATO security and defence spending targets, the need for more proactive measures, and balancing security and economic viability (Mölling & Schütz, 2023). Against this backdrop, the decision to shift cybersecurity responsibility for space infrastructures from the Ministry for Economic Affairs and Climate to the BSI is most interesting. This is as the BSI's methodology offers a comprehensive but solely voluntary approach (Federal Office for Information Security, 2023). Critics argue that the lack of legal requirements in this approach is symptomatic of EU-wide debates about the enforceability and efficacy of cybersecurity measures against emerging threats (Cappelletti & Papakonstantinou, 2023). Balancing flexibility with enforceability is crucial for the cybersecurity resilience of space infrastructures. However, the effectiveness of the German approach depends on the voluntary compliance of individual space system operators, underscoring the need for continuous evaluation and adaptation to stay ahead of evolving cyber challenges.

Conclusion: Germany's Strategic Path

In exploring the nexus of cybersecurity and space, Germany emerges as a proactive force in the European Union's Space Programme. This analysis highlights Germany's strategic emphasis on public-private collaboration, international cooperation, and robust supply chain security.

The Federal Space Strategy illustrates Germany's commitment to harmonising national autonomy with collective security in the European Space Programme. Recognising the private sector's role and embracing shared standards in cybersecurity resilience, Germany positions itself as a significant contributor to European space security.

Aligned with EU-wide initiatives, Germany's more technical approach, though critiqued for lacking legal requirements, showcases adaptability. Entrusting the BSI with cybersecurity responsibilities underscores a commitment to navigating the evolving cyber threats in the space domain.

Addressing the research question “What strategies does Germany employ to enhance cybersecurity in the EU space sector, and how do these strategies balance national and collective security interests?”, the paper finds that Germany's multifaceted approach, balancing autonomy and cooperation, and emphasising public-private partnerships, offers valuable insights for shaping future cybersecurity policies at both national and EU-wide levels.

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Driving Towards a Greener Future: Navigating Challenges and Opportunities in Cooperative Autonomous Vehicles

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Abstract

This paper discusses the evolution of automation regarding connected automated vehicles (CAVs) and their implications for sustainable development. It explores the history and future of human-automation interactions, highlighting significant public concerns about safety, privacy, and data security in CAVs. This paper underscores the importance of addressing cybersecurity and privacy threats in electric vehicles to ensure both human and environmental sustainability. Additionally, it discusses the potential of solid-state batteries to advance CAV technology, improving efficiency, safety, and environmental friendliness. Through this comprehensive analysis, this paper aims to provide a nuanced understanding of the challenges and opportunities presented by CAVs. It advocates for increased research to develop better energy solutions, which are essential for promoting sustainable development in the era of advanced automation.

Keywords

Automation, Connected Automated Vehicles, Privacy, General Data Protection Regulation, Data Security, Cybersecurity, Electric Vehicles, Sustainability and Public Trust

Introduction

Automation traces its origins back to the 1970s, with significant research focused on automated psychological tests. Since the 1990s and the 2000s, there has been a notable shift from static systems for specific domains (psychological tests, or factory automation) towards more dynamic systems capable of performing tasks, such as robotics (Janssen et al., 2019 p.100-101). There has also been a shift in who uses such automation. Shifting from researchers and professionals to non-professional users due to the gradual ease of use facilitated by the rise of access to technologies in the digital era. Looking forward, research reflects that the future of human automation lies in military drones, automated cars and the robot vacuum (Janssen et al., 2019 p.101-102). Historically, during the early stages of autonomous vehicle (AV) development, the emphasis was on essential technologies such as environment detection, pedestrian detection, path planning, motion control, and vehicle cybersecurity (Omamode H et al., 2024 p.46).

This paper will focus on a key area of future automation: automated mobility. Specifically, it will examine connected automated vehicles (CAVs), which are expected to be

used on a near-daily basis in the European Union (EU). The use of CAVs is expected to grow worldwide and in the EU for years to come. The number of CAVs in use globally was 236.54 million in 2021 and is projected to reach 863.17 million by 2035 (Zhiyuan Y and Kexin C, 2022). In the EU, only about 24% of cars are connected, but this is forecasted to change by 2035 when 93% of cars in the EU are projected to be connected (Statistica, 2024). This growth is facilitated by the EU's large potential for connected services due to its growing and highly developed telecommunication system (European Commission, n.d).

This paper aims to outline some of the benefits and drawbacks of CAV in the EU, namely those related to cybersecurity and data protection, current public interest and sustainability.

Cooperative Automated Mobility

The European Union's Green Deal is at the forefront of its policy agenda for the upcoming years. With this Deal, the EU aims to become carbon neutral by 2050 and cut its emissions by 90% (European Commission, 2020a). To achieve this, the EU is rolling out and supporting automated vehicles for both public and private transport. Automated vehicles are similar to electric vehicles in the sense that a significant number of electric vehicles (EV) are automatic and a significant number of automated vehicles (AV) are electric. The EU plays a role in the development of CAV technology to pave its way into our future. It does so through 4 aspects. Firstly, through policy initiatives, the Commission develops policies, roadmaps and strategies. Secondly, it develops standards at the European level. Thirdly it co-funds research and innovation projects, (European Commission, 2020b) supports actions and infrastructure pilots and. Fourth and finally, it develops legislation at EU level (European Commission, 2020a). At the forefront of the EU's funding for CAM is the 'Cooperative, Connected and Automated Mobility' also known as CCAM. This goes further than CAV as it allows for cars to communicate with road infrastructure and allows road users and traffic managers to share information to use and coordinate their actions (European Commission, 2021a).

CAVs refer to autonomous/connected vehicles or self-driving cars (vehicles that can guide themselves without human intervention) (European Commission, 2020a). They are equipped with automated driving systems and use communication network systems that monitor other road users (road conditions, road signs, traffic etc) and can connect with distant sources (Lee D. and Hess D, 2022). CAVs are autonomous in the sense that they will not require a driver to be present for the car to function and drive to the passenger's destinations. Currently, partial CAV technology is already present in cars from companies such as Tesla, Waymo, Ford and BMW. Whilst self-driving cars still require the driver to be present during the entirety of the journey, they can largely navigate to the driver's inputted location with minimal assistance (Lee D. and Hess D, 2022).

Regarding automation, there exist different levels according to the Society of Automotive Engineers (SAE), which is the industry's most cited source for defining and labelling the different degrees of automation (Blumenthal M and Csernatoni M, 2022). Their classification has 5 different levels of automation (0 to 5) (SAE, 2016):

1. Level 0 is the lowest level with no driving automation (full manual driving).
2. Level 1 offers driving assistance such as cruise control;
3. Level 2: partial driving assistance with hands-off driving in certain conditions;
4. Level 3: conditional automation, allowing temporary driver disengagement;
5. Level 4: High automation limited to specific conditions or areas and;
6. Level 5: Full automation enabling complete driver disengagement.

As of now, most modern cars fall under level 2 and the future of CAVs would explore a higher level of automation such as level 4 or 5.

Connected and automated mobility offers several potential benefits for our society, including increased safety, accessibility for disabled and elderly individuals (who do not require a driver's license), and enhanced sustainability (Raposo M. et al., 2021). These advancements could lead to safer roads, a reduction in car accidents, pollution and congestion, support for the ageing population and making transport more inclusive. Research on the topic of CAVs has been expanding over the years, with growing efforts to identify and address the challenges associated with these technologies (Zhiyuan Y and Kexin C, 2022).

Despite CAVs potential benefits, research reflects that there are a number of drawbacks regarding public concerns about safety, privacy, data security, (Lee D. and Hess D, 2022) liability, ethics, traffic (Francois J. et al., 2020) legislation, as well as emerging cybersecurity threats, liability concerns and ethical concerns (Muhamed Z et al., 2023). Therefore, the question is, how is Europe and more specifically, the EU, tackling this challenge that is halting the deployment of the solution to help tackle climate change and other environmental concerns? To narrow down on a few of these CAV topics, the subsequent sections will focus on the topics of data protection and cybersecurity, public interest and lastly, sustainability.

Data Protection & Cybersecurity Concerns

The following section will outline and analyse the data protection and cybersecurity concerns stemming from CAVs. Following this, a proposed solution of adding new rules to existing EU privacy legislation will be outlined.

Data Protection

The first topic that will be discussed is the issue related to the protection of data in the context of CAVs. CAVs can receive, produce, process and transmit large amounts of data (OECD, 2023). The data created is in relation to in-vehicle data, data sent from other vehicles to infrastructure, traffic and infrastructure data sent from public authorities and data which is imported and produced from the driver and passengers (Andrasko J, Hamulak O, Mesarcik M, 2021). The sensors inside the cars collect various information, mainly for the purpose of driving optimisation, but other data is bulked in with this collection. Notably, this includes passenger-sensitive information collected via the CAVs sensors such as their identification, location data, the person's voice, text messages, contact list, email accounts, financial details and even videos and photos (Muhammed Z et al., 2023).

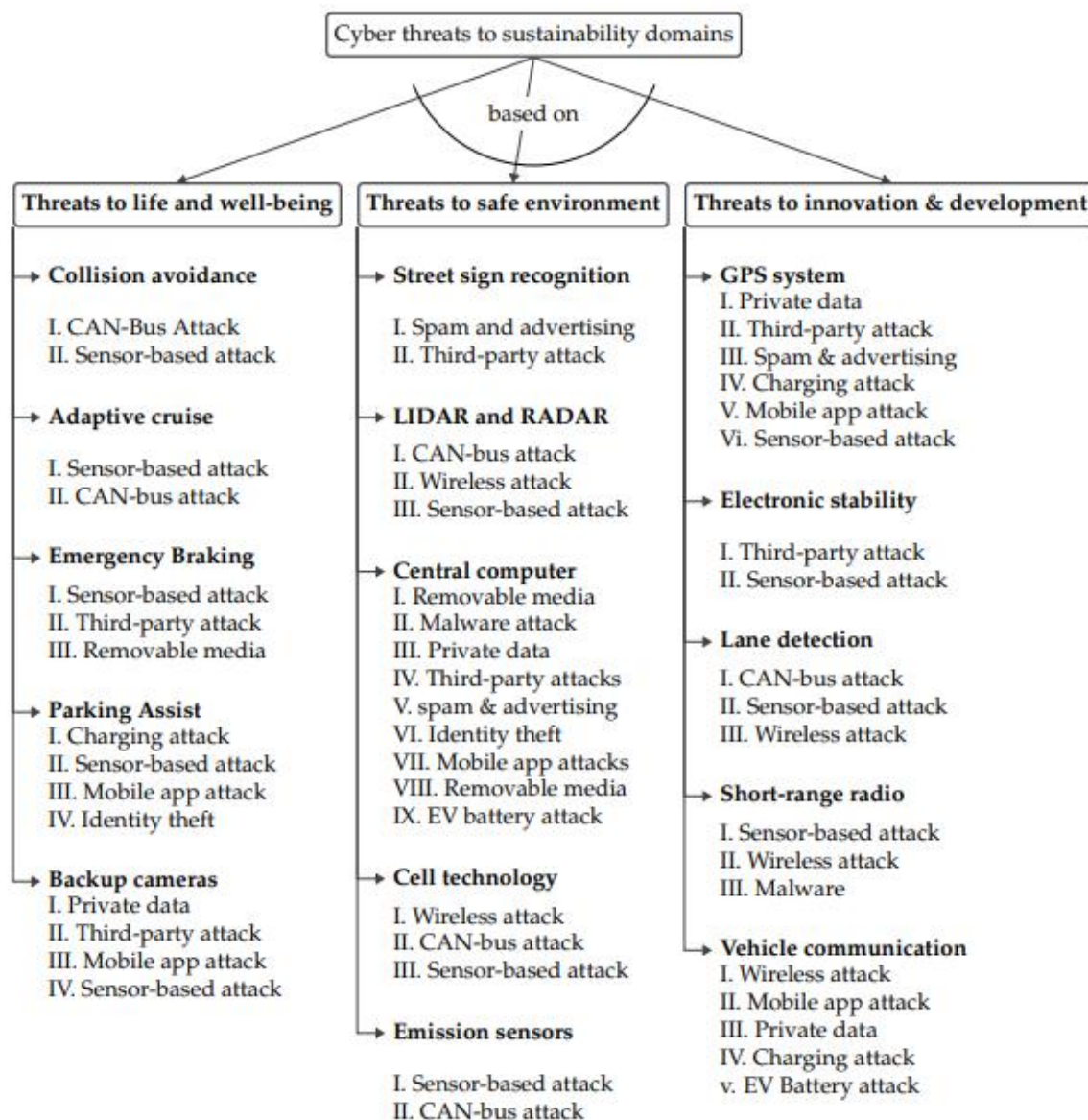
Relating back to the topic at hand, Mulder T. and Vellinga N. explore the idea that a user who utilises the benefits of an automated vehicle, by focusing on other tasks such as texting or calling, should be informed of the purpose as to why that data is being collected. This monitoring may be carried out to ensure that a user is still present at the wheel, but this data may not be necessary to carry out the function of driving for the automated vehicle. To this, one notable provision of the GDPR, is the principle of data minimisation (General Data Protection Regulation, 2016). Data minimisation, as contained in article 5(1)(c), states that 'personal data shall be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed'. This entails that data relating to the purpose of collection can be stored, but if the data collected does not contribute to the purpose of collection (amongst other things) it cannot be stored and should not be collected in the first place. Consequently, as CAVs are developed, these provisions should be upheld throughout all stages of development and rollout. Throughout the development of these CAVs, to ensure that these privacy rules are upheld, the technology should be made transparent. The software of the technology itself does not need to be made available to the public, but the way these technologies are used, what data is stored and used should be made public.

To protect this personal data, in Europe, various privacy legislations ensure the protection of personal data such as the General Data Protection Regulation (GDPR), the Austrian Datenschutzgesetz (DSG), the United Kingdom's GDPR (UK GDPR), the Swiss Federal Act on Data Protection (nFADP) to name a few. The GDPR is to this day, the strongest set of laws in the world which harmonises data protection laws (European Council, 2023). It has been applied across the EU since its introduction in 2016 and enforcement in 2018. This regulation is the most relevant piece of legislation in this context given that it protects personal data in the EU and would apply to CAVs which process data. A concern highlighted by academics is the relevance of consent in light of automated vehicles (Pattinson J, Haibo C and Subhajt 2020; Gaeta M, 2019). Keeping in mind that automated vehicles may collect sensitive data (email addresses, identification of passengers and contact details), the

companies which operate these vehicles will need to collect explicit consent for the processing of special categories of data (art 9 GDPR), for automated decision making and profiling (art 22 GDPR), and for the transfer of personal data (art 49(1) GDPR) (Gaeta M, 2019). Consequently, there needs to be an adequate framework where each passenger (data subject) can fully understand and consent to the processing of their personal data.

Cybersecurity

In the context of CAVs, the potential loss of data is a very real concern. This is due to the fact that CAVs are more vulnerable to cybersecurity threats than traditional manual vehicles (Karuppiah K, et al., 2023). This is primarily due to the fact that as vehicles become more intertwined with technology, they become more vulnerable to cybersecurity attacks that affect the car's capabilities and potentially the passengers in the vehicle at the time (Karuppiah K, et al., 2023). This occurs because automated cars have more technology integrated in them and are more prone to vulnerabilities and data exploitation than any previous generation of cars (Liu N, Nikitas A and Parkinson S, 2020, p. 66-67). The main way data can be lost is from cybersecurity threats from third parties (Muhammed Z et al., 2023) or from the car's app (Privacy First, 2023a). Cybersecurity threats target the CAVs technology (sensors, Bluetooth, Wi-Fi signal etc) and these threats are (partially) why millions of cars are recalled every year. One of the biggest cybersecurity threats is the use of third-party software which can lead to third-party attacks. Muhammed Z, et al. have developed a taxonomy which maps out the security threats to electric vehicle sensors displayed below:



Muhamad Z et al. P.12

This taxonomy illustrates the extensive and varied nature of cybersecurity threats, categorising the identified attacks into three main categories, 15 sub-categories, and 53 further subdivisions. Numerous scholars have identified cybersecurity attacks targeting sensors in electric vehicles; however, the taxonomy developed by Muhamad Z et al. provides one of the most comprehensive overviews of these threats. The sensors are susceptible to a wide range of cybersecurity risks, including malware such as ransomware that targets major manufacturers like Tesla and Honda. These incidents underscore the growing complexity and frequency of cyber threats within the automotive industry. Electric vehicles (EVs) collect substantial personal data, rendering them prime targets for hackers seeking financial gains through data breaches or the exploitation of vulnerabilities in third-party software libraries.

Significant vulnerabilities also exist in wireless communication protocols, charging infrastructure, and vehicle systems such as the Controller Area Network (CAN-Bus) and sensor-based technologies, posing considerable threats to EV security and user safety. Furthermore, mobile applications associated with EVs have been identified as having security flaws that allow attackers unauthorised access to vehicles and sensitive personal data (Muhamad Z et al., 2023, pp. 13-16).

A Risk Mitigation Solution

A resilient cybersecurity framework is one which is continuously assessed to identify risks, threats and vulnerabilities of a system in order to mitigate and reduce risk (John B and Thomas B, 2019). It is important to ensure that risk is mitigated and lowered wherever possible, especially when it comes to the possible risk of personal data being hacked or leaked to third parties. This is because it is important to ensure that our fundamental rights contained in Article 8(1) of the Charter of Fundamental Rights and Article 16(1) of the TFEU are upheld.

Some scholars have developed and proposed risk management frameworks to ensure the protection of data for CAVs. Karuppiah K et al., analysed various strategies to establish a cybersecurity framework for connected and automated vehicles and concluded that the critical components of ensuring robust cybersecurity include data storage, in-vehicle network attacks, data storage assessments, and the vehicle-to-everything network. (Karuppiah K, et al., 2023). Data storage practices and secure communication protocols are essential for maintaining data integrity. It is imperative that data storage assessments are conducted to ensure robust data security. Furthermore, vehicle-to-everything communications must safeguard the exchange between vehicles and surrounding infrastructure, preventing risks to communication channels during data transfer. These elements are crucial and should be incorporated into any framework developed to mitigate cybersecurity risks.

Apart from the number of risk and cybersecurity management frameworks for CAVs proposed by scholars, there exists the current cybersecurity management system developed by the UN which applies to the UNs member states, to which the EU has transposed and will soon begin enforcing this Regulation (Blumenthal M and Csernatoni M, 2022). UN Regulation No.155 is a cyber security and cyber security management system (United Nations, 2021) which applies to automated vehicles. Once the risk assessment has been conducted, manufacturers receive a certificate of conformity which is valid for three years (unless it is withdrawn). This legislation affects all vehicle types from July 2022 and will be mandatory for all vehicles produced from July 2024.

Despite this UN Regulation, ENISA (the European Union agency for Cybersecurity), in their report on the Recommendations for the Security of CAM recommend to 'define a risk management process enabling risk assessment, treatment decision and ownership over the product/service lifecycle' (ENISA, 2021). They also stated that the current EU landscape of standards related to cooperative automated mobility cybersecurity is broad, they overlap and are limited to certain areas. They suggest to harmonise these efforts on the regulatory environment for the complete cooperative automated mobility ecosystem.

The UN's Regulation is specifically intended to be a cybersecurity risk management and has many explicit provisions which cover a number of factors such as, a list of threats and corresponding mitigations. Despite the vast coverage to mitigate risk, the protection of personal data is not covered as well. The Regulation does make reference to the unauthorised disclosure of data (United Nations, 2021) the CIA triad (data confidentiality and integrity breach, as well as a loss of data availability) but there is no mention of the amount of data which will be collected. As pointed out in this paper, one of the data privacy concerns associated with CAVs stems from the amount of data which is bulked together and collected such as personal data (emails, calls, messages, ID, etc) through the sensors and other means.

Therefore, despite this Regulation and its inadvertent drawbacks concerning the protection of personal data, the EU has room to go further to protect our fundamental rights. The EU has the strongest data protection legislation in the world, the GDPR. However, this legislation does not explicitly mention CAV as its scope and purpose is broader.

One way in which the EU could enhance the protection of personal data in light of the UN's new Regulation could be to add new rules to the GDPR. The GDPR governs the protection of personal data and enforces data protection rules in the EU. Similar to how a cybersecurity risk management system is continuous in nature due to the fact that it is impossible to guarantee absolute security of a system (Pascale F, et al., 2021), the GDPR needs to be an evolving legislation where rules can be added to strengthen our fundamental rights. This paper does not suggest opening up and amending the Articles of the GDPR as this is not recommended (European Federation of Data Protection Officers, 2024), but rather, it recommends adding new rules to the legislation. The GDPR has already seen improvement in some areas of data protection with new rules regarding cross-border enforcement of data protection authority cases (European Commission, 2023a). Adding new rules could be beneficial as the data privacy issues with CAVs could be tackled with the GDPRs articles, specifically those related to its principles contained in article 5 (GDPR, 2016). As part of the Regulation, it has principles which must be upheld when processing personal data (GDPR, 2016). These are the following;

- Lawful processing of data in a fair and transparent manner;
- The data must be collected for specific, explicit and legitimate purpose;

- Adequate, relevant and limited to the purpose of processing;
- Accurate and up to date;
- Kept in a reusable format and processed in a secured manner.

As previously mentioned, CAV technology collects data in bulk, there is no filtering or limitations on what is being retrieved from the car's sensors. It is this paper's view that the data collection, transfer and processing do not respect the principles laid out in Article 5 of the GDPR. Namely, the processing is not transparent as users are not informed of what data is collected. Additionally, despite the vast amounts of data collected (Privacy First, 2023b), it should be limited to what is necessary for processing and collected only for specific purposes. Therefore, there needs to be new and explicit rules governing the collection, transmission, use, storage, access and deletion of CAV passenger data added to the GDPR.

Public Trust

Public trust is important and plays a crucial role in the public adoption of automated vehicles (Praveena P et al., 2023). This is because of the logical perception that the public play a role in the adoption of any type of technology. Therefore, because social acceptability is crucial, measuring and understanding public trust is important to be able to track public opinion.

Regarding the current measure of public trust of AV-related technology, public trust is lacking. Many studies have been conducted on the matter by various scholars. Zhiyuan Y and Kexin C, state the lack of public trust is mainly due to user's awareness of privacy risks surrounding the technology and user's view of the risks has a significant detrimental effect on trust, amongst other factors (Zhiyuan Y and Kexin C, 2022). Further, a study conducted on media articles reveals the public's overall negative sentiment towards connected and autonomous vehicles (Praveena P et al., 2023). This worldwide trend is also present in Europe and is one of the major challenges CAVs face. Whilst studies have shown that public trust, acceptance and beliefs towards automated vehicles vary, in the EU, trust is low (Foundation for Traffic Safety, 2021, p.1). According to a 2019 Eurobarometer survey, 'barely any respondents say they will purchase one (automated vehicle) as soon as they are available (2%)' (Eurobarometer, 2020). Moreover, this survey found that people would not buy a connected vehicle if they had the opportunity to do so. An analysis of the Eurobarometer reveals that Europeans are not ready to transition from the use of manual (or low-level automated) cars to the use of autonomous cars. Additionally, this analysis further revealed that the vast majority of the Eurobarometer's respondents do not feel comfortable with the presence of AVs on the road (Santos F et al., 2022). Moreover, according to research investigating public opinion towards the use of automated vehicles, public concern regarding automated vehicle technology decreases as the level of automation increases (Foundation for

Traffic Safety, 2021, p.2). Despite the fact that public interest and confidence in CAVs are low, policy changes to deploy CAVs are mostly positive (Santos F et al., 2022).

One way to change the current negative public interest sentiment is to understand why the public is not trusting these technologies and tackle the concerns. The first step is a continuous one, similar to cybersecurity, where research (studies and reports) needs to be carried out to understand public sentiment (Lee D. and Hess D, 2022). This may be challenging given the consensus of use of AVs is quite low. However, this change needs to manifest itself if the EU wishes to move forward with the deployment of CAV technology. To influence public trust, the EU has developed the new Vehicle General Safety Regulation which introduces mandatory advanced driver assistance systems and a legal framework for automated vehicles, aiming to save lives and reduce serious injuries across the EU (European Commission, 2022). Additionally, the EU has funded a number of projects to combat this challenge such as Drive2TheFuture (budget 3.99 Mil), PAsCAL (budget 3.97 Mil), SUaaVE (budget 3.89 Mil), Trustonomy (budget 3.92 Mil) and TRUSTVEHICLE (budget 3.9 Mil) (SUaaVE Project n.d).

¹ These EU funded projects are aimed at conducting research and raising safety, trust and acceptance of automated vehicles by investigating, setting up and testing relevant technologies. To increase public trust for CAVs the EU needs to continue to invest into projects such as these.

Sustainability Challenges

Apart from the aforementioned benefits of CAV outlined in the introduction of this paper, there are also a number of sustainability benefits which arise from the use of CAV. One of the notable benefits of the rise of CAV technology is that it leads to a decrease in fossil fuel dependency. The EU claims that CAM can reduce congestion and help lower gas emissions (European Commission, 2023b). The European Environmental Agency's view is that electric vehicles are a way to reduce some of the negative impacts of road transport on the environment and climate (European Environment Agency, 2018).

Despite the sustainability benefits associated with CAV, AV and EV which scholars have stated (Raposo M. et al., 2021, Taiebat M et al., 2018, Papa E, Ferreira A, 2018), there are a number of drawbacks in the area of sustainability. Scholars claim that with the development of these technologies, there will be less air pollution as less Co2 is emitted into the

¹ To give an example outside of the EU where CAV technology is being promoted on a national level, the United Kingdom has encouraged the development of CAV technology through its 2016–2021 National Infrastructure Delivery Plan (Liu N, Nikitas A and Parkinson S, 2020).

atmosphere. Considering the fact that these vehicles utilise lithium-ion batteries instead of petrol or diesel, there is indeed less pollution emitted by cars in Europe. However, these scholars do not touch upon the fact that the EU and Europe do not source the lithium necessary for these batteries from Europe, but rather from other countries.

Currently, the mining of lithium-ion batteries necessary to meet the demands of present and future needs for CAVs are not sourced within Europe. Europe currently imports its lithium-ion batteries from China (Carreno B, 2023). Other countries have significant potential to supply lithium batteries given their untapped natural resources such as the Democratic Republic of Congo (DCR). The DRC supplies the world with almost 70% of its cobalt as this finite source is seen as ‘the blood diamond of batteries’ (Ritchie H, 2023). This is why the situation in the DCR is described as ‘modern-day slavery’ to be able to power the rechargeable battery economy (Gross T, 2023) and European countries, unfortunately, source most of their cobalt from the country (Cobalt Institute, 2022).

Further, given that Europe is aiming to transition from a petrol and diesel motorised transport system to an electric one, the demand for electric vehicles and its components (lithium-ion batteries) will increase as well. Given that the EU does not produce enough of its own lithium batteries (Krantz P, 2023) and its only mine which processes lithium is under heavy protesting action (Shaw A, 2023), how will Europe sustain this ambitious electric transition without importing and engaging in the alleged slave trade.

European countries will need to ensure strong diplomatic ties with countries which have these resources in abundance. This is due to the aforementioned explanation that Europe does not source its own resources to produce these lithium-ion batteries and would rely on non-European countries for the resources. This is important because Europe has already had to previously cut ties with their major gas and oil supplier, Russia (Carreno B, 2023). Given the recent Russo-Ukraine war, ties with Russia have ceased to exist in order to sanction Russia’s invasion of Ukraine. This has proven to create a dire situation where oil and gas imports ceased from Russia to Europe (Carreno B, 2023).

Moreover, politics play an important role in trade (Gowa J and Mansfield E, 1993). If political ties between European countries and the resource-rich countries they depend on were to worsen or cease (similar to Russia) the import of resources necessary to produce these CAVs would also decrease. Once Europe becomes dependent on these materials, if imports cease as suddenly as Russia’s oil and gas imports, then the EU would be faced with a colossal loss over its needed supply of the resource. Therefore, if Europe and the EU is to depend on other countries for their abundant natural resources, they need to ensure that once they are dependent, they ensure that diplomatic ties do not cease to exist. However, this is not a feasible guarantee as diplomatic ties may cease for a number of reasons (F.ex: EU sanctions placed on Russia) (Nikolaos Z, 2022).

Given that diplomatic ties cannot be guaranteed, alternatives to this dependence must be explored. Another way Europe can ensure to not be dependent on other countries such as China and not perpetuate modern-day slavery in the DRC, is to invest in innovation and find alternative solutions. A number of alternatives to lithium-ion batteries have been researched by academics and car manufacturers. These solutions require years to research and a lot of upfront and continuous financing. So far, a number of alternatives have been researched. These are the following (Calvin W, 2024);

- Sodium-ion batteries (similar to lithium-ion and abundant, but larger in size);
- Lithium-sulphur batteries (uses cobalt which is difficult to source and has a fast degradation rate);
- solid-state batteries (stores well and manufacturers are researching it);
- Hydrogen fuels (environmentally friendly, but it requires expensive hydrogen fuels stations everywhere);
- Aqueous magnesium batteries (abundant, but underdeveloped technology and incompatible with current materials) and;
- Graphene batteries (good storage but very high costs).

Academics have also researched and developed their own solutions to lithium-ion batteries. Researchers at TU Delft have invented the Battolyser, based on 'old-fashioned' nickel-ion batteries, this is the first integrated battery electrolysis system. It has the potential to store and supply electricity very efficiently which is necessary for cars and other vehicles (TU Delft. N.d). This research has also been funded by the European Investment Bank, with EUR 40 million, the goal is to scale up the technology to be able to produce affordable green hydrogen (European Commission, 2023c).

One of the promising developments in this field are solid state batteries. Leading car industry giant Toyota are investing in this alternative. Solid state batteries are 20% cheaper than current batteries, are fast charging with the potential for a full charge to take 20 minutes or less, an increase in durability and they are smaller in size (Clemens K, 2023).

The future of CAV technology is not necessarily tied to lithium-ion batteries. As this research indicates, there are several alternative solutions that outperform the current standard.

Conclusion

In conclusion, the deployment of CAVs presents both opportunities and challenges for Europe. While CAVs offer potential benefits such as improved safety and accessibility in

transportation, concerns remain regarding data protection, cybersecurity, public trust and long-term sustainability.

Cybersecurity vulnerabilities in wireless protocols, charging infrastructure and vehicle systems highlight the need for robust cybersecurity in CAV technology. Data protection concerns from extensive data collection necessitate adherence to privacy laws such as the GDPR. Public trust in CAVs is low, with negative media sentiment and surveys showing reluctance among Europeans. Building trust is crucial, and initiatives like the Vehicle General Safety Regulation aim to improve road safety and enhance confidence in driverless vehicles.

To combat this, the EU, through policy initiatives, standards development, research funding and legislative measures, seeks to address these challenges and ensure that CAV technologies adhere to data protection regulations. By investing in innovation, promoting transparency, and prioritising public safety, the EU paves the way for the widespread adoption of cooperative automated mobility. Policy changes and regulatory frameworks must align with data protection principles and cybersecurity measures to mitigate risks and build public confidence in automated mobility.

Another challenge Europe will face is the ethics of sourcing materials necessary for the development of lithium-ion batteries and the potential geopolitical challenges affecting Europe's current lithium-ion supply. While these technologies reduce air pollution, concerns arise over ethical issues related to cobalt sourcing, described as 'modern-day slavery' in the DRC. Europe's transition to electric vehicles faces hurdles due to insufficient lithium battery production. As Europe strives to meet its environmental goals and reduce carbon emissions through the adoption of CAV technology, it is essential to balance technological advancements with societal concerns.

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Migration at the heart of demographic engineering: The case of the French overseas territory of Mayotte as a “microcosm” of the European migration crisis

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Abstract

Recent policies in the French overseas department of Mayotte, imposed by Metropolitan France, points to population ordering processes heavily influenced by the question of migration and citizenship. Yet awareness on the matter remains relatively bleak. Analyzing these developments through the lens of demographic engineering, this paper considers the various historical, legal, geopolitical and sociological dimensions of the Mahorese case to understand France's European agenda on the Comoran archipelago. The findings suggest that processes of demographic engineering capitalize on the inherent sovereignty of States and manifest in symbolic and material violence for the Mahorese population and its neighboring Comorans alike. These point to bigger issues on the securitization of tangible borders, and bigger questions of “Othering” anchored in social boundary production.

Keywords

Mayotte, France, overseas territory, DOM, migration, demographic engineering

Introduction

Located in the Mozambique Channel and the Indian Ocean, more than 7,800 kilometres from mainland France, Mayotte today constitutes the most recent addition to the list of French overseas departments (DOM). At the end of April 2023, Paris launched its Operation “Wuambushu” in Mayotte, and it has since been followed by Operation Wuambushu 2 in April earlier this year. Optimistically named after the Maore Comorian word meaning “recover” or “take the initiative” (Roinsard, 2023), the military-police operation aimed to destroy 1,000 shanty towns in two months, to expel 10,000 migrants and to tackle the problem of delinquency. The decision to proceed with these blatant transgressions, in clear violation of international law, was met with much criticism and raised serious concerns among several national and international actors that, in turn, urged the government to reassess the project (ECRE, 2023). However, it was clear that these efforts represented only a fraction of the broader ambitions of the French authorities to manage, or even control, Mayotte's population growth under the guise of solving its widespread problems: informal and illegal housing, social insecurity, economic issues and, above all, irregular migration.

The ubiquity of social, political and economic unrest in the region transcends the problem of irregular migration itself raises the question as to why the political will of the French government is mainly channelled towards these two axes: the creation of systematic practices aimed at exercising tighter control over Mayotte's external borders, on the one hand, and mass expulsions of foreigners, on the other. These efforts demonstrate a policy of demographic engineering.

To this end, this study seeks to answer the following question: *To what extent does the concept of demographic engineering help understand the policies implemented by the French government in Mayotte?* To address this issue, it is essential to address the historical, legal, geopolitical and sociological dimensions, which are linked by default to population ordering processes. However, while doing so, it is equally important to note that the parameters between these dimensions are quite nebulous. Therefore, this discussion is structured as follows: First, it examines the colonial roots that underlie Mayotte's most pressing contemporary issues, and where the rationale for demographic engineering initiatives comes from. The second part addresses how the law is used in the service of a migration policy which targets three specific groups namely migrants in general, in particular those coming from the Comoros Islands, foreigners, and “undocumented” individuals. This section will likewise explore how “placing Mayotte outside republican legality (serves) to better affirm its belonging to the Republic,” as explained by Héran (2023). Third, the study investigates how the migratory situation is strongly linked to the anti-natalist agenda supported by representatives of the French government in the Overseas Territories. Finally, the conclusion focuses on the specificity of Mayotte through the prism of demographic engineering and its implications for broader French and, by extension, European migration policy.

I. A Retrospective take on Mayotte and the roots of its demographic engineering policy

Mayotte as a « heuristic field » to examine postcolonial imaginaries in France

The colonial trajectory of Mayotte reflects the essence and sensitivity of the diplomatic tensions that persist between France and the Comoros to date. Mayotte came into the purview of French administration in the 19th century, after being ceded to France in 1843. It became the first French colony among the other islands of Anjouan, Grandes Comores and Mohéli, for which the historical specificity colonization did not end until 1912. In 1946, the Comoros archipelago became a unified French overseas territory. From the start, it was already clear that these former colonies did not constitute an entirely homogeneous group.

Over the course of the next three decades, the Comoros progressively took steps toward political emancipation. In his book, Lambek (2018) describes how the Mahorais (inhabitants of Mayotte) considered themselves in a weak position compared to the

inhabitants of the other islands, who were more stratified and more densely populated. In addition, the inhabitants of neighbouring islands had a more educated elite who dominated the late colonial system. The multiplicity of these factors pushed the elite of Mayotte to demand its departmentalisation in 1958 (Roinsard, 2023). The case of Mayotte has, therefore, been described as a “political anomaly” (p.4) among political scientists (Cole and Cabestan, 2024), as residents rejected two referendums calling for independence in 1974 and again in 1976. By appealing to French interests, Mayotte managed to consolidate its position, subsequently finding itself under the administrative powers of France.

Although fractures in political organisation between the four islands defined the outcome of later historical events, much of the literature produced by ethnographers and historians emphasises that the majority of migrants to Mayotte were linked to the Mahorais by ties of kinship (Lambek, 2018; Roinsard, 2023). From a cultural point of view, broader immaterial and material ties as well as a shared but not identical experience of colonialism bring Mayotte closer to its neighbours rather than to France.

Demographic engineering: More than a question of traditional borders

In the meantime, the political demarcations separating Mayotte from the country of Comoros were instated in 1975. The norm of demarcating new national entities based on ethno-cultural factors had to be better adapted to the African context, characterised by the complexity of mobilities ethno-linguistics. Post-colonial borders and configurations were normally well negotiated during the period of occupation as was the case for most of post-colonial Africa, with Mayotte being an easily identifiable exception (Blanchard, 2019).

However, it was not until the introduction of the “Balladur visa” in 1995 that these demarcations materialised into physical borders with serious consequences for inter-island mobility (Roinsard, 2023). With the exception of medical necessity, the new procedure virtually cancelled existing legal pathways for Comorians to enter Mayotte. The beginnings of demographic engineering can be traced to this point in Mayotte’s history. Defined as strategies that aim to ensure the “presence, persistence and proliferation” (p.4) of a group (Morland, 2014), these are methods designed to resolve ethnic conflicts. According to Bookman (2002), there is a real interest among states in “manipulating population figures” (p.25) because of the stakes in relation to the political and economic power it represents.

It should be noted that, strictly according to the typology of demographic engineering policies proposed by researchers (Bookman, 2002; Morland, 2014), securing external borders is not considered a strategy in itself. However, we can analyse it according to one of the categories established by Bookman (2002): the manipulation of existing boundaries. However, given the particularity of the case of Mayotte as a DOM, this manipulation is neither secessionist nor irredentist but rather seems to be a self-irredentist logic according to which

it was the conscious decision of Mayotte (or at least, of the majority of its population) to separate from the rest of the Comoros and join France.

The hardening of its borders resulted in present changes both for internal life in the Mahorais terrain and for the geographical area in the more general sense. This could be the link that is being discussed by Fassin (2011, p. 214) who states that the difficulties encountered by migrants highlight the complex interaction between two inseparable phenomena: intensive surveillance of *borders* as “external territorial borders” on the one hand, and the production of *boundaries* as “internal social categorisations” on the other hand.

Demographic engineering is traditionally seen as an action or set of actions that states deliberately carry out. However, a more in-depth examination of *boundaries* allows us to understand the reasons why, in the context of Mayotte, indirect forms of civic participation in the demographic engineering orchestrated by the French state can be observed. This process of othering is reflected in particular by the support of the majority of the Mahorese population with regard to “décasage” operations which intend to dislodge migrants with the ultimate aim of their eventual expulsion.

Furthermore, as explained by several more recent studies on the effect of restrictive migration policies (e.g. Ambrosini, 2016), the new visa system was inadequate in preventing new arrivals from the neighbouring islands. Instead, one of its rather predictable consequences was that it significantly slowed down “legal” arrivals in Mayotte. The new visa requirements caused an increase in arrivals by “kwassa-kwassa” boats. By crossing the 70 km of water in order to settle there, an alternative but not very secure way to get to Mayotte from Anjouan. It goes without saying that it only exacerbated the number of deaths recorded, as evidenced in official state reports, in the already perilous waters between the archipelagic territories. Currently, operations to intercept these transfers continue in the territory in the form of mass destruction of these fishing boats, increased maritime surveillance and reinforced border security measures. The government regularly publishes reports summarising the “success” of these operations in terms of figures.

Taking the two examples of “decasuation” and the hunt for kwassa-kwassas, we can affirm that at the heart of demographic engineering strategies is the creation of precariousness directed towards undesirable and already weakened groups. More than a simple question of strategies and calculations, demographic engineering is a violent game that arises directly from the sovereignty of States.

II. Demographic interests enshrined in legislative instruments and public policies: double standards for the metropolis and for its 101st department

The unfavourable statistics laying the foundation for the politicisation of immigration

Data published by the French National Institute of Statistics and Economic Studies (INSEE) in 2017 reveal that 77% and almost half (42%) of the population of Mayotte live below the poverty line based on national (compared to the rest of the French territory) and local (including Mayotte) thresholds respectively. More than a quarter (30%) of the population has no access to water or electricity (Cole and Cabestan, 2024). More recent data, from 2020 (Breton et al., 2021), shows that Mayotte also has the highest unemployment rate, with more than a quarter (27%) of the population aged 20 to 64 unemployed. Although having the lowest number of inhabitants among the overseas departments, Mayotte is also the most densely populated with 747 residents per square kilometre, more than six times more than in mainland France (119 inhabitants/km²) and approximately double per square kilometre compared to Reunion island (343 inhabitants/km²). These facts in terms of figures are often the foundations of the discursive construction of the problems of Mayotte and of the problem as itself of the French State which is the situation of its department. By extension, the politicisation of immigration as a “social problem” is largely based on these unfavourable statistics (Hachimi Alaoui et al., 2013).

The socio-demographic indicators of Mayotte are also characterised by a young population, with the median age being around 18 years in 2020 (Breton et al., 2021) and 23 years according to updated data (INSEE, 2023). However, among young people, many individuals aged 15 to 24 and born in Mayotte emigrate to France or elsewhere in France. Indeed, data dating from 2018 demonstrate the reversal of migratory balances linked to these departures (Marie et al., 2018). While in recent years, Mayotte has experienced a positive migratory balance, the reversal of the migratory balance in 2018 reminds us that a migratory balance characterised by the presence of a large immigrant population can be linked to emigration and not exclusively to immigration.

Furthermore, while the personal desire of young Mahorais to emigrate in search of better education or better job opportunities is worth emphasising, the existence of public policies that support and shape these aspirations is just as deserving of attention. For example, L'Agence de l'Outre-Mer pour la Mobilité (LADOM) mobility aids constitute a form of demographic engineering for two main reasons: In addition to the fact that it is a state-sponsored and funded initiative that encourages the movement of natives of French overseas territories, it also testifies to the selectivity of the State, which is capable of separating desirable groups from undesirable groups.

The hypocrisy of States

In the context of the 21st century, where the era of free trade agreements is ironically marked by increased hostility towards the free movement of people, government actions aimed at punishing undesirable groups expose the hypocrisy of States that are capable of producing

and imposing illegality on certain migrants, while carrying out illegal acts and not respecting their own laws (Fassin, 2011).

The “renewed” or administrative “transfers” to Mayotte illustrate this reality. With more than 26,000 people on an annual average passing through the administrative detention centres (CRAs) and almost as many deportees, one wonders if these figures represent justified expulsions or if they are rather emblematic of forced population transfers. The answer to this question is crucial because, given the benefit of the doubt, it could only be the demonstration of France's right to self-determination. If this is not the case (which is likely), it constitutes one of the necessary ingredients in the preparation of a crime against humanity (see, French Penal Code, art. 212-1-4).

In any case, we can safely say that these mass expulsions, when associated with reinforced border controls, fit perfectly into the topos of demographic engineering. In addition, the weakness of the legislative frameworks in force in Mayotte constitutes the ideal context to allow the demographic engineering efforts of the French government to flourish.

Confusion of the foreigner, the immigrant and the undocumented

In addition to mass expulsions, tightening borders and restrictive visa policies, another element completes the pieces of the puzzle: citizenship. In Mayotte, the big question of nationality fuels the debate on categories of the foreigner, the immigrant and the irregular migrant given that the Mahorais privilege themselves to be French and European, at least in the eyes of the law. According to INSEE, approximately one in two inhabitants in Mayotte do not have French nationality (2019). This mainly concerns the Comorian population which also characterises the dynamism of the population of Mayotte.

First of all, it should be noted that these three categories come from political production in Mayotte. By extension, they are not mutually exclusive. For example, illegal immigrants, that is to say, migrants entering a territory or staying in a territory irregularly/without documents, are also immigrants. On the other hand, not all foreigners are immigrants. Strictly observing statistics, nearly a third of residents without French nationality in Mayotte were born on Mahorais soil and have potentially never crossed a border in their lives (INSEE, 2019). Contrary to the claims of the far right according to which illegal immigrants represent 80% of the total population of Mayotte (Deszpot, 2023), the factual percentage rises to 12% of the foreign population (Roinsard, 2023).

In a way, the conflation of these terms seems entirely intentional. According to Bookman (2022, p. 28):

The least intrusive method of changing the relative numbers is to change the way the population is defined and measured. The census, which is universally the primary measure of population size, lends itself to this type of manipulation, primarily through definitional

changes that result in *de jure* a change in the ethnic population, even if they do not modify *de facto* this size.

To these ends, the decision of the French administration dating from the 1st of March 2019 stems from the logic of this very non-intrusive demographic engineering, but not without dramatic consequences. By revising the conditions relating to *jus soli*, a child born in Mayotte can only obtain French nationality as an adult if at least one of his parents has legally resided in France for at least three months before the birth of the child (Roinsard, 2023). From a sociological point of view, temporality in relation to nationality plays a more important role in the population of Mayotte because the foreignness of the Comorian population in the region is determined firstly by the length of stay and secondly place through social integration (Roinsard, 2023). The revised land law legislation completely ignores this reality and imposes the importance of legal status even on the descendants of migrants.

Capitalising on pre-existing demographic indicators of foreign presence, this new restriction reveals three reflections on the situation in Mayotte. First of all, it confirms the instrumentalisation of the law in order to carry out human sorting. Then, the alienation of Mayotte from the rest of France through legal measures. Finally, the selectivity attached to the request for citizenship in Mayotte because the value inherent in belonging to France, or even to Europe, takes on great importance for the image of the French authorities and for the construction of the Mahorese identity. All these elements come together and reflect “a microcosm of the Africa-Europe migration crisis” (Fabricius, 2023).

III. The Missing Link: Biopolitical Control of Women's Bodies

A key element of Mayotte's demographic context that has not been mentioned before is its total fertility index of 4.7 births per woman (INSEE, 2023), which not only exceeds the rate for all of the French overseas departments but also that of mainland France. Alongside the French government's desire to manage migration within the framework of population planning, the Regional Health Agency has made "controlling women's stomachs" (Delannaey, 2023) a priority on its political agenda.

Most of the population engineering literature focuses on how states have defended the tradition of pro-natalist policies given the positive relationship between ethnic size and the promotion of a group's political interests. The philosophy of “power in numbers” does not apply to the case of the Mahorais.

What motivates then the interest of the Mayotte Regional Health Agency in pursuing an anti-natalist policy? The answer is quite simple: the ethics of demographic engineering in the case of Mayotte are not only interested in solving problems for the benefit of the Mahorese population. Rather, it is about promoting the interests of the state from a more national perspective. Behind this, we can deduce that there is a hierarchy of desirability in terms of

ethnic differences, as in the case between Comorians and Mahorais where questions of post-colonial loyalties materialise into questions of nationality and legal status. But from an even broader perspective, there is another hierarchy between French nationals from mainland France and those from overseas territories that is impossible to deny.

Furthermore, what is the link between Mayotte's anti-natalist policy and its migration policies? The answer is a little less obvious and more complex: on the one hand, these anti-natalist policies are part of a context where marriages between Comorians and Mahorais are still common at 30% (Roinsard, 2023). On the other hand, norms drawn from Islam, including the practice of polygamy continue to permeate family life in Mahorese society. Despite banning polygamy in official legislation when France granted Mayotte departmental status in 2011, its post-accession effects continue to linger as much as the post-colonial burden of ethnic tensions.

Conclusion

The case of Mayotte receives relatively little attention from the media and academics. However, Mayotte constitutes an interesting case from the angle of demographic engineering. The particularity of its DOM status extends the debate on the population distribution strategies traditionally deployed by States.

Through the lens of demographic engineering, ethnic tensions rooted in deep colonial legacies can be highlighted. Furthermore, if the creation of tangible and physical borders and its consequences for a given population with multiple common ties are visible to the naked eye, the production of social boundaries is not.

Demographic engineering is therefore specific to the context in which it operates. However, it is necessary to stop analysing the situation in the context of ethnic conflict alone without taking into account issues of race, religion, and gender. One of the advantages of exploring the case of Mayotte and its approach to migration through demographic engineering is to highlight the contradictions and ambiguities between the local context within the limits of its territory and the national context of the fact of its attachment to France. This helped highlight unique aspects of how population engineering works in the region, including residents' indirect participation in government population control projects.

Unlike France, Guadeloupe, French Guiana, Martinique or its neighbouring department, La Réunion, located just on the opposite coast of Madagascar, nowhere in French territory lies a space where material, bureaucratic and symbolic violence, rooted in deep postcolonial imaginaries, culminates in the destabilisation of the region, than in Mayotte. Moving beyond the scope of nation-states, the case of Mayotte has greater, not to mention more serious implications on the direction of future migration policy. In many ways, it brings into question the very definition of *European-ness* and opens up discussions on *intra-*

European Othering. The reality of Mayotte, in addition to problems specific to the region such as natural disasters and the harmful consequences of climate change, and worse, the extent of underinvestment in the area, has made the overseas territory the “poorest department in France” (Vérove et al., 2023). Paradoxically, the violence in Mayotte is the origin and likewise the result of demographic engineering operations. Examining the social, political and demographic conditions under which these acts of violence thrive could provide better insights into how migration policies interact with other areas, especially when it comes to education, employment, and health, among others.

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Russia's invasion of Ukraine: a shift towards supranationalism in defence policy? A Foreign Policy Analysis of the European Union's institutional challenges

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Abstract

Right from its creation, the European Union (EU) expressed its ambition to create a common security and defence policy. Yet, facing reluctances from Member States to give up their sovereignty, the Union's political aspirations were set aside. The Russian invasion of Ukraine in 2022 constitutes one of the factors that contributed to revive past efforts towards more coordination in defence policy. Added to internal aspects that created favourable pre-conditions, it led power balances between EU institutions to be challenged. This paper, taking on a foreign policy analysis approach, investigates to what extent such a reshuffle of institutional dynamics constitutes a shift towards more supranationalism. By looking at both internal and external dimensions, and going beyond the divide between International Relations and Comparative Politics perspectives, it assesses the current and prospective advancement of the Commission's political agenda in the field of security and defence, as well as the potential for the European Union to act as an international security provider.

Keywords

Supranationalism, intergovernmentalism, security and defence policy, European Commission

Introduction

Ambitions for a European Political Community were evoked at the very early stages of the Union. In the tense context of the Cold War, the idea of a single military placed under European authority was appealing to a majority of Western member states, and highly encouraged by the United States eager to have a powerful partner in its struggle against the spread of communism (Chachko and Linos, 2022, p. 778). But France, hesitant to the rearmament of West Germany after the Second World War and unwilling to let its sovereignty get pooled, objected to the organisation of a European defence on a supranational basis (CVCE, n.d.). Had France not refused to ratify the treaty establishing a European Defense Community, the European Union would have been shaped much differently. Instead, Member States chose the path of economic integration, leading the initial political ambitions to be temporarily disregarded, or at least constrained by the intergovernmental nature of political

matters' governance (Fabbrini, 2016, p. 144). Although efforts to create a common defence policy were not per se paralyzed during the years that followed, the lack of a perception of a common threat led to immobility (Håkansson, 2023).

In such a context, the Russian invasion of Ukraine in 2022 marks a turning point (OSW Center for Eastern Studies, 2023). Witnessing war at its own borders, the European Union seized this opportunity to increase coordination in the field of security and defence. The Commission, often marginalised due to the intergovernmental nature of this domain's governance, has ever since sought to expand its role (Håkansson, 2023). Benefitting from Member States' increasing need to rely on and delegate responsibilities to the EU institutions, the Commission saw this crisis as a way to advance its political agenda and legitimise the EU's role as an international security provider (Håkansson, 2023). Hence, the war in Ukraine undoubtedly challenged the institutional dynamics of the Union, creating the potential for power balances between intergovernmental and supranational institutions to be reshuffled.

While this external shock spurred on the revival of old political ambitions, domestic aspects also played a role in shaping the institutional challenges that the Union has faced in recent years. Indeed, the Commission resorted to specific tactics to circumvent the lack of supranational competences in the field of security and defence, for instance through the use of non-budget instruments such as the European Peace Facility (Chachko and Linos, 2022, p. 779). Despite its absence of expertise and authority in this area, the Commission's tactics allowed it to take initiatives, otherwise constrained by the dominant role of the European Council (Håkansson, 2023).

Hence, this paper argues that both external and internal factors play a part in re-shaping intra-European institutional dynamics, which can potentially enable the EU to overcome its structural and organisational weaknesses in the field of foreign and security policy. In that view, this paper resorts to a Foreign Policy Analysis perspective that allows to study the role played by the interaction between the domestic and international dimensions in swaying this institutional change. Furthermore, the present framework provides useful tools to bridge the gap between the theories of International Relations and Comparative Politics and go beyond such a divide to better grasp the institutional challenges at stake. Consequently, using a Foreign Policy Analysis approach, this paper investigates to what extent the Russian invasion of Ukraine, doubled by favourable internal preconditions, has facilitated the beginning of a shift towards more supranationalism in the European Union's defence policy. It does so by first looking at the institutional vulnerabilities of the European defence policy. Then, it analyses whether or not the EU, in the context of the war in Ukraine, is witnessing a clear passage from intergovernmentalism to supranationalism in the said policy domain. Finally, it critically evaluates the prospects for increased supranational

governance in security and defence, concluding on the potential for the EU to act, on the global scene, as a security provider.

Theoretical Framework

Foreign policy analysis can provide useful tools to better grasp Europe's changing political scenario. Indeed, evaluating the current institutional developments within the Union in conjunction with international events requires an analysis of both domestic and international aspects, which such a method can provide (Hill, 2003, p. 32). Foreign policy analysis is all the more relevant as it aims to fill the gap between International Relations and Comparative Politics perspectives (Hill, 2003, p. 30). While the former focuses on principal-agent relations between institutions and Member States, the latter goes beyond such a divide by looking instead at the relations between intergovernmental and supranational institutions (Fabbrini, 2015, p. 127). In the context studied in this paper, these two perspectives are, if used on their own, respectively too limited to successfully assess the implications of the changing institutional dynamics in the field of security and defence. By bridging these two theoretical strands, foreign policy analysis can thus offer a comprehensive analytical framework for the institutional challenges occurring within the European Union.

European Defence Policy: Institutional Weaknesses

While in the early stages of European Integration, France rejected the proposal for a European Defense Community (Bran, 2023, p.170), its position changed significantly throughout history. The country played a major role in shaping the EU's military capabilities, and became, in the last decades, a fervent advocate for European Strategic Autonomy (Martin, 2023). The establishment of a Common Foreign and Security Policy (CFSP), introduced in 1992 by the Treaty of Maastricht, marks a turning point in the path towards greater EU defence integration. Under such a framework, the EU later adopted a Common Security and Defense Policy, established by the Treaty of Lisbon in 2009 as forming an integral part of the CFSP and aimed at enabling the EU to endorse a role as a global security actor (EEAS, n.d.). While such instruments lay the grounds for the expansion of the EU's influence in the domain, Member States' reluctance to give up their sovereignty in this area still remains an obstacle (Håkansson, 2023). Indeed, as stated in the Treaty of the European Union (TEU), the European Council is the institution in charge of common defence decisions (Chachko and Linos, 2022, p. 779). The adoption of such decisions requires a unanimous vote, and is therefore highly dependent on Member States' expressed collective consent (Håkansson, 2023). Argued by Fabbrini (2016, p. 144), this intergovernmental approach is in part responsible for the "structural and institutional weakness of the EU's foreign policy-making system."

Yet, the degree of Member States' reluctance to give up part of their sovereignty has consequently evolved throughout history, to the point where the process of governing became shared between supranational, state and non-state actors (Brack et al., 2019, p. 7). Indeed, older theories of intergovernmentalism used to stress the role of nation-states, acting as the primary agents of European Integration over which they retained significant control. Hoffmann firmly believed that national interests and sovereignty were driving states' decisions, and that integration was only feasible when in alignment with such considerations, and as long as states could maintain their influence over the pace and direction of the process (Verdun, 2020, p.4). The empty chair crisis in 1965, and other instances where former French President Charles de Gaulle showed resistance to supranationalism, exemplify such a view (Verdun, 2020, p.2). Yet, theories of intergovernmentalism have evolved, as European Integration gained increasing support throughout the years. In the post-Maastricht era, scholars highlighted a paradox, giving rise to a new intergovernmentalist approach: "while basic constitutional features of the European Union have remained stable, EU activity has expanded to an unprecedented degree" (Bickerton et al., 2015, p. 703).

Bickerton et al., (2015, p. 703) however argued that while the process of integration had deepened, the expected level of supranationalism was not reached. Still after the adoption of the Lisbon Treaty, the Union's potential to become an important player in the resolution of crises appeared to be undermined by the intergovernmental path chosen (Fabbrini, 2016, p. 144). Moreover, the large gap in Member States's defence spending further entrenched the EU's structural challenges (Fabbrini, 2016, p. 150). While the Baltic states, Poland, Portugal and Greece exhibit the highest level of expenditure, many European countries, despite France and its large industry, dedicate less than 2% of their GDP to defence (Cepparulo et al., 2024, p. 8). This wide disparity clashes with Member States' commitments under NATO, which requires their defence spending to be above the 2% threshold, but also as part of the Permanent Structured Cooperation (PESCO) under which they agreed to regularly increase their defence budget (Cepparulo et al., 2024, p. 9). Unable to prevent its Member States from "free riding" (Fabbrini, 2016, p. 150), the Union seemed unlikely to further expand its influence in the field. Hence, as the Europeanization of security and defence policies was contingent upon the safeguarding of Member States' sovereignty, (Fabbrini, 2016, p. 144), a supranational integration in this domain seemed very unlikely (Håkansson, 2023).

Nevertheless, with the recent developments and inter-institutional dynamics that emerged since the war broke out in Ukraine, one might wonder whether states' willingness to rely on supranational actors in the drivers' seat might be increasing. Against all odds, the European Commission indeed appears to have recently expanded its influence in the field of defence (Håkansson, 2023). While certain pre-existing initiatives laid the grounds for such an evolution, other external factors also played a role in shaping this shift (Håkansson, 2023).

In that view, foreign policy analysis provides a comprehensive theoretical framework to study the institutional challenges occurring.

A shift from intergovernmentalism to supranationalism under the lens of inter-institutional dynamics

A recent, and particularly relevant, external shock that impacted the EU's institutional dynamics in the field of security and defence was the Russian invasion of Ukraine in 2022. Perceived as a common threat by Member States and thus requiring a coordinated collective response, it constituted a favourable context for the Commission to participate in the efforts to strengthen the Common Security and Defence Policy (OSW Center for Eastern Studies, 2023). In that view, the Commission adopted three instruments: the European Peace Facility (EPF), the Act in Support of Ammunition Production (ASAP), and the European Defense Industry Reinforcement through Common Procurement Act (EDIRPA) (Håkansson, 2023). Aimed at enhancing the EU's role as a global security provider, the establishment of such mechanisms reveals that Member States tend to increasingly rely on European institutions in times of crisis (Håkansson, 2023). This tendency seems to confirm Schmitter's theory on crises serving as catalysts for deeper integration (Lefkofridi, 2015, p. 3), and greatly echoes Jean Monnet's initial prediction that "Europe will be forged in crisis, and will be the sum of the solutions adopted for those crises." (European Commission, 2011). While this trend in policymaking appears symptomatic of a progressive shift towards more supranational integration, some more nuanced claims yet emphasise the temporary, "Ukraine-specific" character, of such measures (Chachko and Linos, 2022, p. 778). Additionally, on top of being short-term, these instruments have a rather limited budget due to the financial constraints resulting from the Covid-19 pandemic expenses (Håkansson, 2023).

In order to fill this gap, looking at domestic aspects can provide a deeper and complementary insight of this evolution (Hill, 2003, p. 32). Indeed, certain internal factors also contribute to shaping the EU's shifting institutional dynamics in the security and defence field. Such aspects include calls for greater involvement and scrutiny of the European Parliament (European Parliament, 2023), but also specific tactics used by the Commission to further expand its role in security and defence by using the expertise and authority that it already holds in other fields (Håkansson, 2023). Hence, while the Treaty on the European Union prohibits the use of the EU's budget for defence (Chachko and Linos, 2022, p. 779), the Commission finds ways to bypass such a hindrance. For instance, it uses off-budget instruments, such as the European Peace Facility, as "financial workarounds" (Chachko and Linos, 2022, p. 779). Furthermore, it resorts to its economic competences by linking them to defence issues, for example by stressing the industrial nature of the European Defense Fund to legitimise the need for supranational governance in this field (London School of

Economics, 2019). Consequently, it can be argued that internal aspects also contribute to highlighting a potential shift towards increasing reliance on supranational actors in the area of security and defence, with an increasingly involved European Parliament, and a Commission seeking to push its political agenda forward (Håkansson, 2023).

There is, therefore, an undeniable move beyond intergovernmental cooperation in security and defence (Håkansson, 2023). However, whether or not this change in institutional dynamics reflects a clear shift towards more supranationalism remains debatable. This can be better explained through the lens of foreign policy analysis. Indeed, while the Commission is expanding its influence, developments in security and defence policy continue to be constrained by the role of the European Council as they are directed by – and subjected to the expressed consent of – Member States (Håkansson, 2023). Yet, the field of security and defence is increasingly governed by the interaction between these Member States and the Commission. Therefore, while the role of the former as *principals* is crucial, the relations between intergovernmental and supranational institutions are also highly relevant. In that view, foreign policy analysis allows us to bridge these two perspectives – International Relations and Comparative Politics – by providing an alternative way of looking at the institutional challenges in the European Union. Indeed, rather than constituting a clear-cut shift from intergovernmentalism to supranationalism, it can be argued that the outcomes of both the Russian invasion of Ukraine and internal dynamics can better be grasped as a “back and forth process between the supranational and intergovernmental level” (Håkansson, 2023).

Towards more supranationalism...

Although inter-institutional dynamics constitute an insightful way to consider the institutional challenges faced by the Union (Håkansson, 2023), the current trend towards more supranationalism is undeniable. Some proponents of supranationalism even argue that the only acceptable scenario for the future of the Union is one where supranational actors constitute the main drivers of integration (Schmidt, 2016, p.5).

Moreover, the latest Eurobarometer highlights steady support for increased coordination in defence and security policies among Member States over the years (European Commission, 2023). Considering the favourable context created by the internal and external factors previously mentioned, the increasingly important role played by the Commission seems to suggest that such coordination might, this time, be achieved through a more supranational path. Indeed, although criticised by the Member States for the pro-Israeli stance she took during her visit to the United States amid recent developments in the Israel-Hamas conflict, Ursula von Der Leyen, often qualified as “hyper-president,” seems determined to continue advancing the Commission’s political agenda (Malingre, 2023). The

trend towards increasingly centralised power in the Union is thus becoming clearer and clearer. Additionally, it is argued that the EU's recent initiatives in the field of security and defence could constitute the basis for potential joint action in future scenarios, serving as "a model for the collective exercise of military and defence powers that Member States previously only exercised on their own" (Chachko and Linos, 2022, p. 780).

Consequently, while preconditions had already set the basis for the development of a new "European political scenario", the invasion of Ukraine came to accelerate, if not revitalise, this work in progress (Håkansson, 2023). It thereby revealed the need for renewed EU Actorness (Costa and Barbé, 2023, p. 431), and led the Union to take initiatives for shared defence actions (Chachko and Linos, 2022, p. 780). The focus now lies on the potential for this new context to enable the European Union to further pursue its goal of strategic autonomy. The new mechanisms adopted, and the progressive shift towards more supranationalism in the field of defence and security, should allow the EU to fulfil its commitment to "take more responsibility for its own security and increase its capacity to act autonomously" (European Parliament, 2022). Hence, it remains to be seen whether or not Member States, if future threats emerge, will make use of the resources and platforms that such collective mechanisms have to offer (Chachko and Linos, 2022, p. 780).

...and a common defence platform?

While the idea of collective defence has been a topic of discussion since the earliest stages of the European project, the reluctance to have a political union prevented it from being concretized (CVCE, n.d.). The invasion of Ukraine, by bringing back war on the continent, came to challenge the peace project that the EU initially aimed to embody. Even Germany, despite adopting a more pacifist culture since the end of the Second World War (Vohra, 2023), came to rethink its model, while France started to gradually adopt a more aggressive position as a response to Russia's threats of escalation (Rose, 2024).

These current challenges have highlighted the limits of Europe's normative power against the backdrop of increasing geopolitical tensions in neighbouring regions. In this context, debates around the ambition for European Strategic Autonomy reemerged (Pirozzi, 2023). Adding on to the degradation of the relations between Russia and the West, the uncertainty surrounding the United States' commitment to helping Europe raises concerns with regards to the EU's capacity to respond, on its own, to the current crises (Snegaroff, 2024). European Member States' failure to comply with alliance's defence spending guidelines strains NATO's credibility (Snegaroff, 2024). Simultaneously, Trumps' repeated isolationist and provocative threats regain momentum as he considers running for a second mandate (Colvin, 2024). With the risk of a reduction of US commitments, the possibility of a defence with less America has largely been studied. Diverse scenarios have

been considered, including the eventuality of a “dormant NATO” that would imply a total withdrawal of the US, and an end to the alliance’s expansion. Taking these potential evolutions into consideration, European countries have taken multiple initiatives to bolster their defence capacities, notably by increasing the ammunition production in support of Ukraine and expanding the allocation of the EU budget dedicated to defence (Grand, 2024).

Consequently, diverse external actors have contributed to the reemergence of the debates around a potential common European defence. There is a gradual evolution in the EU’s strategy compared to the previous century, as Member States slowly but surely realise that Europe’s pacifism cannot preclude its need to be adequately armed and prepared for rising threats (Snegaroff, 2024). While the feasibility of full European Strategic Autonomy in security and defence remains debatable, many argue that efforts should mainly be geared towards restoring a balance within the alliance, which still remains Europe’s main security provider (Snegaroff, 2024). These evolutions seem to suggest that a stronger European role within NATO, and a deeper EU-NATO cooperation, are the only way forward (Grand, 2024).

Conclusion

In conclusion, this paper has sought to investigate to what extent the Russian invasion of Ukraine, along with favourable internal conditions, has catalysed a move towards greater supranationalism in the European Union’s defence policy. Showing that international relations and comparative politics theories are individually insufficient to unpack such institutional challenges, the present paper sought to bridge the gaps through a consolidated foreign policy analytical approach.

This paper first assessed the institutional weaknesses of the EU’s defence policy, arguing that failed efforts to coordinate defence policies in the past have been further constrained by the intergovernmental path pursued by the Union in the said field. Then, using a foreign policy analysis approach, it looked at both the external and internal aspects that played a role in shaping the EU’s institutional dynamics. In that view, it argued that the Russian invasion of Ukraine constituted a turning point as it revived past ambitions for more supranationalism in the field of security and defence. Spurred on by Member States’ increased willingness - if not need - to give up part of their sovereignty as a condition to be better protected against common threats, the European Commission, usually marginalised, benefitted from such a crisis. Indeed, it managed to further advance its political agenda, and take initiatives in a field usually governed by intergovernmentalism where the European Council plays a major, if not exclusive, role. Then, the favourable context for the expansion of the Commission’s role created by the Ukrainian crisis was partly made possible by the use of specific tactics to increase its room for manoeuvre in defence. The Commission indeed linked

this domain to others in which it enjoys expert authority and made use of its economic competences to circumvent its lack of power and legitimise initiatives in defence policy.

However, the foreign policy analysis conducted allows to conclude that such challenges do not constitute per se a clear shift from intergovernmentalism to supranationalism in the field of security and defence. Instead, it constitutes a move beyond purely intergovernmental governance, which can be better understood in terms of the back-and-forth interaction between the Member States - who still enjoy wide discretion in the field - and the Commission, who benefits from their willingness to delegate certain powers in times of crisis.

Finally, this paper evaluated whether or not this shift was permanent. It concluded by stating that, while there seems to be a clear trend in this direction and that the mechanisms recently adopted lay the grounds for increased coordination in future scenarios, such prospects will depend on Member States' willingness to make use of the new resources and platforms put at their disposal. Despite a clear shift in the EU's approach to defence, recent developments still seem to indicate that efforts towards the strengthening of the transatlantic alliance seem more likely than the prospect of reaching full European Strategic Autonomy.

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An Analysis by the EST's MENA Observatory: Unpacking a 'De-Neighbourhood' EU Governance in the Mediterranean

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The Observatory on EU-MENA Relations is the EST's branch dedicated to highlighting the importance of the relations between the EU and the Middle East and North Africa region. The Observatory conducts thorough, multidisciplinary research on EU-MENA affairs, facilitates dialogue on topical issues, and brings people together to exchange ideas and develop initiatives. In addition to providing a platform for young scholars and professionals, the Observatory aims to facilitate a deeper understanding of the importance of relations between the EU and the MENA sphere, through different channels.

Abstract

This paper aims to analyse key policy changes of the EU's external approach to the Mediterranean by investigating the evolution of the European Neighbourhood Policy (ENP) – the EU's main regional policy framework designed in response to the 2004 enlargement and aimed at fostering cooperation and strengthening ties between the EU and its southern neighbours. If the ENP has been subject to three main revisions in the last 20 years, this article argues that the approach following a "more-for-more" logic has remained almost unaltered. However, the nature of the EU's external action's priorities in the region has largely changed by following a security-stability trajectory while moving away from the original goals of the ENP. In addition, the EU's vehicles for influence have also expanded by including non-traditional means of engagement and new financing instruments that have moved the neighbourhood framework to the background. Accordingly, this paper posits that these changes indicate a "de-neighbourisation" of EU-MENA relations, reflecting a strategic shift in the EU's foreign policy both in its agenda and tools.

Keywords

EU Southern Neighbourhood, Foreign Policy, EU, Normative Power

Introduction

The EU doesn't believe in imposing reform, but we do want to do all we can to support the region's own reforms quite simply because we believe that democracy, good governance, rule of law, and gender equality are essential for stability and prosperity. This has always been an objective of the Barcelona process and it is the cornerstone of the Neighbourhood Policy. (Ferrero-Waldner, 2007)

The launch of the European Neighbourhood Policy (ENP) in the light of the 2004 enlargement represents a crucial step in the evolution of the role of the European Union (EU) beyond its borders. The ENP has been originally conceived as a tool to avoid “new dividing lines between the enlarged EU and its neighbours” and to promote cooperation and strengthen relations “on mutual commitment to common values” (European Commission, 2004, p. 3). Described as a recasting rather than a replacement of the previous Euro-Mediterranean Partnership (EMP), the ENP implied a combination of expansive power projection and norms diffusion that have placed the ENP space in-between enlargement structures and EU foreign policy by adopting a more-for-more approach on shared values and shared priorities with its southern neighbours. Given the emergence of new crises, challenges and threats, the ENP has undergone three main reviews since 2004 (2011, *A New Response to a Changing Neighbourhood*; 2015, *Review of the ENP*; 2021, *A Renewed Partnership with the Southern Neighbourhood*).

This paper aims to investigate the changing elements of the EU’s approach to the Middle East and North Africa (MENA) by focusing on its main policy framework, namely the ENP. Despite several revisions, we argue that the approach still follows a “more for more” logic, but that the nature of priorities, as well as the main vehicles for exerting influence have changed. Concretely, we posit that the nature of priorities has followed a security-stability trajectory, thus moving away from the original goals of the ENP, while the EU’s vehicles for influence have expanded including non-traditional means of engagement and financing instruments. This leads us to argue and lay the primary foundations for theorising the idea of de-neighbourisation of EU-MENA relations as a response to emerging threats and new challenges.

Accordingly, the roadmap for this article is as follows: we first offer a brief literature review of the role of the EU in the international arena, while also covering the ENP scholarship. theoretical framework, highlighting the main discrepancies in terms of EU foreign policy, second we delve into the analysis, touching upon (1) the more for more approach, (2) the nature of EU foreign policy towards its southern neighbourhood and (3) the vehicles for this foreign policy influence. It is hoped that this study will be of interest to scholars of international relations and European studies, particularly those focusing on the development of economic, political and diplomatic relations between North Africa and the EU.

Theoretical Framework

The role of the EU in the international arena has garnered vast academic interest from EU scholars, but theorising its external posture has always been highly problematic (Nicolaidis, 2015, p. 283). Although its external action has indeed nailed down a long-lasting debate over

the EU's features and characteristics in the international arena as Civilian Power Europe (CPE) or *Europe puissance* (see Bull, 1978; Duchêne, 1972, 1973; Galtung, 1973), the notion of CPE – which targeted diffusion of norms, inner values and democratic standards as a means to enhance the scope of the European process (Orbie, 2006) – laid the foundations for further research on the conceptualisation of the EU pointing to its normative and ethical power (Aggestam, 2008; Diez, 2005; Manners, 2002), and marking a “conceptual shift” from what the EU is to what the EU does (Aggestam, 2008, p. 1), and what the EU pursues.

The construction and development of the EU as a normative power traces thus its roots back in the normative dimension of Duchêne's work which marked a fundamental step in the conception of the EU beyond its borders. Manners (2002, p. 236; 2008, p. 45) pushed it further by arguing that the EU has the ability to shape conceptions of “normal” and set “norms, standards and prescriptions” in world politics. Without going into the details of his work, it is here worth noticing how Manners' Normative Power Europe (NPE) has sparked an ever-active debate that has led to the rejecting, counter-arguing and recasting of the NPE in a 20-years' time frame. If some have emphasised the EU's value-driven external action (Sjursen & Smith, 2004), others, including Manners, have reshaped the NPE concept as key analytical element in the understanding of the EU's role in global and planetary politics (above all, Aggestam, 2008; Bicchi, 2007; Diez & Pace, 2011; Forsberg, 2011; Manners, 2008, 2013, 2023). The NPE has also attracted many critiques, leading authors to question whether the EU was actually “playing normative”. Some have pointed to the EU's primary interests by depicting the EU as a realist actor in normative clothing, claiming that democratisation was not a top priority for the EU (Cavatorta et al., 2008; Hollis, 2012; Seeberg, 2009). Differently, Del Sarto (2015) places the critics to the EU on a different level by adopting an interest-oriented focus but through a constructivist perspective to argue how the EU pursues its security and economic interests but in a normative manner, therefore translating the NPE to Europe as a Normative Empire.

Here, the EU's normative power is placed at a different level and represents a source of self-construction of the EU's identity. This is clear by posing attention to the constitutive, founding norms of the EU. Examples can be given by looking at the Consolidated Version of the Treaty of the European Union (TEU), articles 2 and 3 state the normative posture of the EU by identifying its values and objectives in the promotion of freedom, democracy and human rights, while article 6 states the adoption of the Charter of Fundamental Rights of the European Union. The latter defines the EU as “founded in the universal values of human dignity, freedom, equality and solidarity” and “based on the principles of democracy and the rule of law” (Charter of Fundamental Rights of the European Union, 2012, p. 391). EU norms and values properly constitute the EU, and this is shown in how accession to the EU is conditional upon such values (art. 49, TEU). The EU's normative character also crosses EU

borders and informs foreign and development policies. Thus, the EU seems to be embedded within its norms and rules by paving the way towards a self-reinforcing process of integration, and therefore of identity formation (Christiansen, et al., 1999).

This is also the case of the European Neighbourhood Policy (ENP) which marked a milestone in the evolution of the European Union's (EU) external action in the Middle East and North Africa (MENA), and thus of its *beyond-borders* identity.

While the role of the EU in the international arena has garnered vast academic interest, it is not surprising that scholars have also largely focused on the ENP. Authors have primarily directed their attention to the roots and origins of the ENP, pointing out its conceptual bonds with the enlargement policy (Bechev and Nicolaïdis, 2010; Kelley 2006; Smith, 2005). The emphasis has been placed on the relation between enlargement and the ENP. The latter has been indeed conceived as an alternative or a response to the enlargement's exhaustion trap (Lavenex, 2004; Lavenex and Schimmelfennig, 2011; Lavenex and Uçarer, 2002, 2004). Theorising the ENP as a mode of external governance allowed to account for the process of rule expansion and policy transfer beyond formal membership. This approach provides the ENP with more flexibility moving from hierarchical settings to horizontal forms of interaction (Lavenex 2004; Lavenex and Schimmelfennig, 2011, p. 794-796). Scholars have also focused on the EU's actorness and its external posture identifying and constructing the EU as a normative power capable of setting norms, standards and prescriptions (Manners, 2002, 2008, 2013; Manners and Whitman, 2003). Others have criticised the concept of NPE through a constructivist approach, arguing the EU builds and shapes its own identity through internal norms and values "against an outside world" (Diez, 2005, p. 614; Laidi, 2005). These perspectives are reflected in the way the EU engages with and defines "the others", including the MENA (Cebeci, 2022). One of the most ambitious critics to the NPE has been produced by Raffaella Del Sarto (2015, 2021) who applies a realist-constructivist analysis, tracing it as a neo-colonial bordering practice whereby the EU subjugates its periphery (Del Sarto, 2021). Post-colonial arguments have also been adopted by Nora Fisher-Onar (2022) who has claimed the necessity to re-"co-constitute" the relations between the EU and "the Others", while feminist and queer perspectives have criticised how the EU enacts sex, gender and civil rights in the MENA as instrumental for stability and security (Ansorg and Haastrup, 2018; Muehlenhoff, 2022). Research work on the ENP has widely focused on the evolution of the EU policy in the Southern Neighbourhood and its relations with other EU's instruments and initiatives (Baracani, 2006; Bouris & Schumacher, 2016; Holden, 2008, 2020; Lehne, 2014). Authors have pointed to the EMP as a failing mechanism, conceiving the ENP as a recasting of old wine in new bottles (Del Sarto & Schumacher, 2005; Tocci & Colombo, 2012). Another vast flow of works has been produced on the EU security-stability nexus informing the ENP before and after the Arab uprisings (Badarin & Wildeman, 2022; Dandashly, 2018; Durac,

2018; Lounnas, 2022). Authors have identified it as a “master frame” to be operationalised in a dialogical and interactional manner with the region, introducing a more decentred perspective to the study and evolution of the ENP (Roccu & Voltolini, 2018, p. 2).

This large amount of academic work represents only a partial frame of the ENP scholarship developed in the last 20 years. This shows how the ENP has largely dominated the analysis and grasp of the EU in the MENA region, taking a central stage in academia, but also in policymaking. The next session will therefore move from the former to latter dimension by pointing to the evolution of the ENP priorities and means of engagement.

From 2004 onwards: normative power, security, and moving beyond the ENP

The ENP represents a milestone in the evolution of the EU’s external action in the MENA area, depicted as an attempt of recasting the European engagement with the southern shore of the Mediterranean, while aimed at overcoming “new dividing lines between the enlarged EU and its neighbours” (European Commission, 2004, p. 3). The ENP has dominated the EU’s approach to the region, becoming the EU’s principal policy and institutional framework through which interaction has been structured.

Formally launched in 2004, the ENP was aimed at promoting “democracy, rule of law, respect for human rights, and social cohesion” at EU borders (European Commission, 2004), and responded to a series of events that have irreversibly muted the EU’s approach beyond its borders more consistently and systematically, above all the 2004 enlargement that would have significantly modified European borders. It is thus unsurprising that the new policy framework towards the Mediterranean, Eastern Europe, the Caucasus and Central Asia was drafted and negotiated together with the development of the new CFSP and on the side of the Constitutional process, failed later. The original goals of the ENP included alignment with EU democratic and humanitarian standards, for example through political (e.g., free and fair elections) and economic reforms through the instrument of conditionality (Lavenex & Schimmelfennig, 2011). The 2004 Commission’s Strategy Paper (p. 3) set that “privileged relationship with neighbours will build on mutual commitment to common values principally within the fields of the rule of law, good governance, [and] the respect for human rights”, while the degree of cooperation and interaction “will take into account the extent to which these values are effectively shared”, including therefore an inner more-for-more approach since the very beginning.

Common values and priorities, including political reform and dialogue, were pursued through joint Annual Action Plans (AAPs), coupled with technical instruments such as Twinning (institutional collaboration between EU and ENP countries), TAIEX (Technical Assistance and Information Exchange instrument) or SIGMA (Support for Improvement in Governance and Management). Israel, Jordan, Morocco, the Palestinian Authority, and

Tunisia were the first partners to join the Southern ENP framework (Wesselink & Boschma, 2016). Libya and Syria were required to pursue internal political reform to meet the requirements for signing Association Agreements (AAs) or Partnership and Cooperation Agreements (PCAs), while Algeria and Egypt joined only at a later stage.

More than one wave of crises have obliged the EU to relaunch and revise the policy strategy in 2011, 2015 and 2021. This article claims that the “more for more” approach, despite the occurrence of multiple crises, has remained largely unaltered, but the rise of new challenges have obliged the EU to adopt new instruments and engage through non-traditional means of engagement that lead us to argue identify a de-neighbourisation of the EU approach towards the region, thus moving beyond the ENP framework. Our analysis moves through three key points: the “more-for-more” approach, the nature of the EU’s approach, and the vehicles for EU influence. This section analyses the three parts of this claim and concludes with some interpretations of the EU approach to foreign policy in the Mediterranean.

More-for-more and Policy Securitisation

The Arab uprisings marked a turning point for the ENP and its evolution, leading to its revision only seven years after its launch, three since its implementation starting from 2007, and not even completed the mid-term review of the 2007–2013 Multiannual Financial Framework (MFF).

The revised framework, “A New Response to a Changing Neighbourhood” stressed the importance of “deep democracy” tied with the concept of “inclusive growth” by strengthening the “more-for-more” approach that would have allowed the EU to adopt a more flexible and differentiated strategy. The new approach would indeed have involved “a much higher level of differentiation allowing each partner country to develop its links with the EU as far as its own aspirations, needs and capacities allow” (European Commission, 2011). Moving from a regional to a differentiated bilateral framework, the text strongly emphasises the new strategy as a tool to address the evolving nature and needs of the EU’s southern partners, and to develop and formulate better tailored-policies. But if greater flexibility seemed to have prompted the EU to develop a more accentuated tailor-made approach per country and per sector, the ENP’s understanding of security has broadened across all sectors (Roccu & Voltolini, 2018). A comparison between the European Neighbourhood and Partnership Instrument (ENPI) and newly launched European Neighbourhood Instrument (ENI) - the EU external financial instruments for the MFF 2007–2013 and the MFF 2014–2020 respectively - strongly confirms it by showing a steep increase of the use of the term “security” in the latter. An analysis of the ENPI and the ENI texts reveals that the word “security” has more than doubled, while “migration” has almost tripled

(Saviolo, 2021). Please, note that observations were weighted proportionally by dividing by the number of pages of each text, and only those indirectly or directly referring to the Neighbourhood were included. At the same time, it is interesting to note how references to democracy steeply grew in line with the adoption of a “more-for-more” approach which is supposed to financially and politically reward those countries that perform more successfully in satisfying the EU’s demands (Völkel, 2014).

While the 2011 ENP review formally codified the need to follow a rewarding policy strategy, thus implementing the “more-for-more” approach, a new revision was adopted in 2015 given the emergence of new security challenges, such as terrorism, migration and regional instability: “conflict, rising extremism and terrorism, human rights violations and other challenges to international law, and economic upheaval have resulted in major refugee flows [...] with the aftermath of the Arab Uprisings and the rise of ISIL/Da'esh” (European Commission, 2015, p. 1). By looking at the ENP documents, it is possible to observe how the “more-for-more” approach remained unaltered, as “not all partners aspire to EU rules and standards” (ibid.) and an incentive-based strategy has proven successful (p. 5). If the new policy would account for a greater space for non-EU countries, it placed the principles of differentiation and mutual ownership at the core of the new ENP, while codifying security and stability as key priorities. Although democracy, good governance, rule of law and economic development and growth remain on the EU agenda, their role appears to be quite different. If previous formulations depicted these as goals per se, the new revision clearly subordinated them to other primary targets, notably stability and security. While “economic and social development should be at the heart of the EU’s contribution to stabilising the neighbourhood and building partnerships” (p. 7), security challenges are said to “lie outside the security domain alone” (p. 3). A securitised narrative is indeed applied throughout the whole text which contains 48 references to “security” in 21 pages, while a security dimension takes a central stage in all the identified priorities for joint cooperation (economic development for stabilisation, security, migration and mobility).

Once again, the occurrence of a new wave of crisis and emerging challenges led the EU and its southern neighbours to renew their partnership in light of the Covid-19 pandemic and the larger prominence taken by climate change and digital transition. While it does not come as a surprise that the rupture of the pandemic crisis, coupled with an increasing number of extreme weather phenomena, and the role of digital technologies, have stimulated a third review of the relations between the EU and its neighbours in less than 15 years, it is worth grasping how this new revision does not directly address the ENP but the Southern neighbourhood, albeit still within the ENP framework. The new partnership altered the foundational assumptions the policy has been based on. In the early 2000s, the ENP was heavily influenced and attached to the recent EU enlargements and the accession policy

framework (Delcour, 2015), with a strong reliance on conditionality, monitoring and benchmarking, and the widespread adoption of EU rules and standards. Although a set of different objectives, the framework maintained a strong focus on security and stability, while combining them with a greater attention to climate and digital transition, and energy resources. The new strategy still adopts a more-for-more approach, strengthening the concept of joint ownership, in continuity with the ENP framework. In contrast, the renewed partnership expands the policy focus beyond the Neighbourhood, stressing the need to interlink the Mediterranean with interconnected areas, such as the Gulf, the Red Sea and the Sahel. This adds to the adoption of new tools, such as the Economic and Investment Plan or the adoption of the Team Europe Approach, that represent two main innovations of the new framework, still mainly focused on security and stability while promoting a more-for-more approach.

New Vehicles for EU Influence

The EU's approach to exerting external influence in the Neighbourhood has notably changed, decreasing the norm diffusion dimension while reinforcing its emphasis on security and stability. The multiple revisions of the ENP has not, however, changed Brussels' more-for-more approach, but had a strong impact on the EU's vehicles for influence in the Southern region, moving from the ENP traditional tools to less traditional and new instruments. This section sheds light on the adoption of new means of engagement and financing instruments to argue that the EU is de-neighbourising its action in the MENA.

I. Means of Engagement

With respect to engagement, the shift from Annual Action Plans (AAPs) to Memorandums of Understanding (MoUs) represents a significant change in the framework for international cooperation and aid disbursement. As mentioned above, the AAPs represent the main instrument within the ENP framework and through which EU policies and programmes are negotiated, formulated and implemented. Differently, MoUs do not fall within the ENP domain, and are historically less likely to characterise the EU's engagement with the neighbourhood. Such a shift has important implications for the interaction between the EU and the southern shore of the Mediterranean.

First, AAPs required deeper and larger interaction with regional stakeholders, including civil society organisations. This extensive engagement ensured that a diverse range of perspectives was incorporated into the planning and implementation phases, fostering a more inclusive and representative approach to regional development (European External Action Service, 2015). Additionally, AAPs mandated that specific criteria and performance

benchmarks be met for the disbursement of funds. This performance-based approach ensured accountability and encouraged the effective use of resources by linking financial support to measurable outcomes and progress indicators (*ibid.*). In contrast, MoUs, such as the ones signed with Tunisia, Egypt and Lebanon, primarily involve state-to-state interactions, limiting the involvement of non-governmental actors, notably of civil society. This state-centric approach can streamline decision-making processes, but may overlook the contributions and concerns of local stakeholders. Furthermore, MoUs offer greater flexibility in terms of funding allocation, with most of the financial assistance provided as budget support aid. This flexibility grants recipient states more discretion in utilising the funds, allowing them to address immediate needs and priorities more effectively (García Andrade & Frasca, 2024). Given that MoUs are non-binding by nature, this approach may lead to more lenient accountability measures compared to the performance-based criteria of AAPs.

In summary, while MoUs provide a more flexible and state-focused mechanism for international cooperation, they may lack the inclusivity and rigorous accountability that characterised AAPs, reflecting a trade-off between adaptability and comprehensive stakeholder engagement, which effectively reduces the normative handle of the EU on its neighbourhood, thereby supporting the claim that the EU is engaging in de-neighbouring regarding the Mediterranean region.

II. Financing Instruments

In addition to the EU's means of engagement, Brussels' action is also shaped by its financial dimension, namely the EU's external financing instruments. The recent structural changes to the financing framework of EU foreign policy have led to a clear de-neighbouring of the Mediterranean region, reducing some of the emphasis that was initially placed on the Southern Neighbourhood as a result of the enlargement policy. Particularly notable is the shift from the European Neighbourhood Instrument (ENI), which applied from 2014 to 2020, to the Neighbourhood, Development and International Cooperation Instrument (NDICI) – 'Global Europe', which will be the leading framework until 2027.

The ENI specifically targeted the ENP countries, encompassing nations in Eastern Europe, the Southern Caucasus, and the Southern Mediterranean (EurLex, 2023). In contrast, the NDICI has a much broader scope. It combines several existing instruments, including the ENI, the Development Cooperation Instrument (DCI), the European Development Fund (EDF), and the Instrument contributing to Stability and Peace (IcSP), into one comprehensive framework (European Commission, 2023). This integrated approach covers all countries and regions, such as Sub-Saharan Africa, Asia, the Americas, and the Pacific, in addition to the Neighbourhood. This switch from the regional to the global undermines the importance of

the Neighbourhood and underscores the EU's strategic priorities in enhancing security and influence, potentially overshadowing its traditional emphasis on norm diffusion.

Changes are also evident in the budgetary allocation of both frameworks. The ENI had a budget of approximately €15.4 billion for 2014–2020 (EurLex, 2023), devoted specifically to neighbourhood countries based on bilateral and regional programs. This budgetary focus allowed for targeted interventions in the EU's immediate vicinity. On the other hand, the NDICI boasts a significantly larger budget of around €79.5 billion for 2021–2027, divided into geographic programs, thematic programs, rapid response actions, and an additional flexibility cushion for unforeseen events. This structure not only provides more substantial financial resources, but also ensures the EU can respond swiftly and effectively to crises and emerging priorities, since the NDICI allows funds to be reallocated to urgent priorities without lengthy procedural delays (European Commission, 2023). This increased flexibility and comprehensive budgetary framework reduce the emphasis placed on the Neighbourhood and reduce the support for de democratisation and other dynamics that would have followed from the original ENP, heavily focused on norms diffusion. Additionally, the NDICI shows strengthened support for a faster and more direct route to securing the EU's external policy objectives, which is additional evidence to our claim that the EU's neighbourhood is no longer a normative playing field.

Conclusion

The evolution of the European Neighbourhood Policy (ENP) reflects numerous shifts in the EU's approach to the MENA region. Initially conceived as a vehicle for fostering cooperation with neighbouring states and promoting a normative alignment on shared values and priorities, the ENP has undergone significant transformations over the years that are worth analysing to make sense of the current geopolitical landscape surrounding relations with the EU's southern partners.

The ENP's trajectory underscores the EU's dual role as both a normative power and a pragmatic actor in international relations, which has been largely picked up by the research work. Scholars have long debated whether the EU's external actions truly reflect its professed norms and values, or whether they primarily serve strategic interests in stability and security. This tension between norm diffusion and strategic realism has been particularly evident in the policy's shifts towards a more securitized approach, triggered by the emergence of new threats and challenges that have led the EU to recast its regional policy more than three times in less than 20 years. This has shown how the different revisions have not altered the inner more-for-more approach that has been at the core of the ENP since its creation. This notwithstanding, the article has shed light on a process of retreat of the ENP in the EU's approach to the region, namely de-neighbouring its engagement with its partners.

The research work has shown how the process of de-neighbouring is marked by the displacement of democratisation as a mediator of security and the change in vehicles for EU external influence from traditional to non-traditional and informal means. Regarding the latter, both the engagement with multiple stakeholders and the financing frameworks, which represented the foundations of the ENP, have been subject to changes throughout the past years. The EU's current preference for MoUs showcases reduced engagement with civil society and stakeholders in the region, marking a departure from the AAPs as principal tools. Financially, the shift from the ENI to the NDICI underscores the preference for a global approach that softens the focus on the neighbourhood and allows for direct, swift and effective action in cases of crisis or emergency.

Looking ahead, the prospects for EU external action in the Mediterranean region appear increasingly shaped by pragmatic security imperatives rather than normative aspirations. Different waves of diverse crises and the emergence of new threats and challenges have led the EU to operationalise a policy shift that have moved the ENP to the background. This paper aims to lay the foundations for charting such a process of de-neighbouring that is expected to affect the whole EU's approach to the region. Mapping this process will be crucial to understand the new challenges and opportunities that may derive from it, but also to grasp and comprehend how this will impact on the EU's engagement with the neighbours of its neighbours.

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Strengthening EU Influence in the Sahel: Leveraging Integrity Pacts for Greater Impact

European Policy Prize 2024 Winning Paper

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Abstract

This policy brief navigates the complexities of the Sahel region, scrutinising the European Union's (EU) strategic goals and synergies in the context of its New Sahel Strategy. Identifying historical gaps in Civil Society Organization (CSO) participation and local ownership, the brief assesses the risks of supporting detrimental structures. It introduces the concept of Integrity Pacts (IPs) as a solution, emphasising their ease of integration, cost-effectiveness, and capacity-building benefits. The brief evaluates the EU's response under the Neighbourhood, Development, and International Cooperation Instrument (NDICI) and underscores the shift towards governance and economic transformations. Despite positive changes, the EU's engagement still leaves room for improvement. The brief concludes by emphasising the transformative potential of IPs and providing policy recommendations to ensure their effective implementation, coherence, and societal impact.

Keywords

EU-Sahel Cooperation, Integrity Pacts, NDICI-Global Europe

Table 1. Abbreviations

| Abbreviation | Full Term |
|--------------|---|
| CSO | Civil Society Organization |
| EC | European Commission |
| EDF | European Development Fund |
| EU | European Union |
| G5 Sahel | Group of Five for the Sahel (Burkina Faso, Chad, Mali, Mauritania, Niger) |
| IP | Integrity Pact |
| NDICI | Neighbourhood, Development, and International Cooperation Instrument |
| OECD | Organisation for Economic Co-operation and Development |
| SME | Small and Medium-sized Enterprise |
| SSR | Security Sector Reform |

I. Introduction

The Sahel region grapples with instability, environmental challenges, and governance issues, prompting the European Union (EU) to launch its New Sahel Strategy in 2021. This policy brief assesses the complexities of the Sahel's situation and evaluates the EU's strategic goals, emphasising gaps and risks, and offering a cost-efficient solution for enhanced civil society participation and local ownership. With the help of Integrity Pacts (IPs), the EU can enhance oversight and monitoring, reduce administrative burdens, and build local capacity for good governance. In the end, IPs are cost-efficient tools to prevent the negative externalities of EU intervention, promote social justice, and fight systems of fraud and corruption. Thus, they allow the EU to improve the efficiency and effectiveness of its international cooperation in the Sahel. The following sections will briefly discuss the complexities of the Sahel and the EU's strategic response. Through a short empirical section and the identification of shortcomings, this policy brief is able to propose concrete and attainable solutions to improve the EU's impact: the implementation of Integrity Pacts in its international cooperation.

II. The Situation in the Sahel and the EU's New Sahel Strategy

The situation in the Sahel is characterised by growing instability, especially following the recent series of military coups. However, the fragility of Sahelian states is also the result of multiple structural dynamics, ranging from food insecurity over militarised terrorism to contested statehood (Bøås & Strazzari, 2020). As a result of climate change, water and land have already become scarce resources, sparking local conflict (Singh, 2022). Through lacking administrative capacities, corrupt and repressive practices, and minimal economic resources, Sahelian states and their external partners have not been able to effectively contribute to long-term peace-building. Instead, external support often favours repressive regimes that are perceived as illegitimate by local populations, with some even pursuing an agenda of illiberal state-building (Osland & Erstad, 2020).

Through supporting and cooperating with these regimes, external actors active in the region are losing credibility (Baldaro, 2021; Venturi & Toure, 2020). This is nonetheless also the case because of external geopolitical space-making to curtail migration (Zardo, 2022). Through enforcing borders in the region and curtailing cross-border flows of people and goods, external interventions hamper local coping mechanisms and survival strategies such as cross-border smuggling and migration (Baldaro, 2021; Osland & Erstad, 2020). As a result, recent actions have arguably further decreased local resilience in the face of growing environmental degradation, population growth, and militarised groups active in the Sahel.

However, the presence of militarised groups is not only contesting the state's monopoly of power but also the state's already damaged status as a provider of public goods and human security. Through supplying water, food, order, and sometimes economic support, militarised groups are able to uphold alternative social structures, particularly, in areas with an already weak state presence (Bøås & Strazzari, 2020; Lecocq, 2023).

In 2021, the EU responded with a New Sahel Strategy to better address local challenges. This strategy rebalances the EU's engagement with the Sahel G5¹, with its key novelty of a closer political cooperation based on accountability, good governance, and human rights (Pichon & Betant-Rasmussen, 2021, p. 2). The European goal of this shift in strategy is to reinforce the state's legitimacy and instil a new social contract between the state and its people (Council of the EU, 2021, p. 3). To achieve this, the new Sahel strategy awards the newly created Neighbourhood, Development, and International Cooperation Instrument (NDICI) key relevance.

III. Current EU Involvement: How has the EU's Response already changed?

When analysing the 2021–2024 NDICI programming for the G5 Sahel countries, it becomes clear that they overall reflect the strategic shift articulated by the EU's New Sahel Strategy. Compared to the programming of 11th European Development Fund (EDF), the programming of the NDICI supports less capacity building for security forces and security sector reforms (SSR). These interventions seek to reinforce the capacity of the state to fight terrorism, organised crime, and secure its borders. Following the OECD, SSRs should engage all security actors and increase their cooperation, respecting principles of good governance and human rights (Venturi & Toure, 2020, p. 55). However, in practice, these interventions typically neglect the SSR's normative components for the benefit of short-term security achievements, leading to security structures that repress local populations and are not centred around human rights (Charbonneau, 2021; Venturi & Toure, 2020).

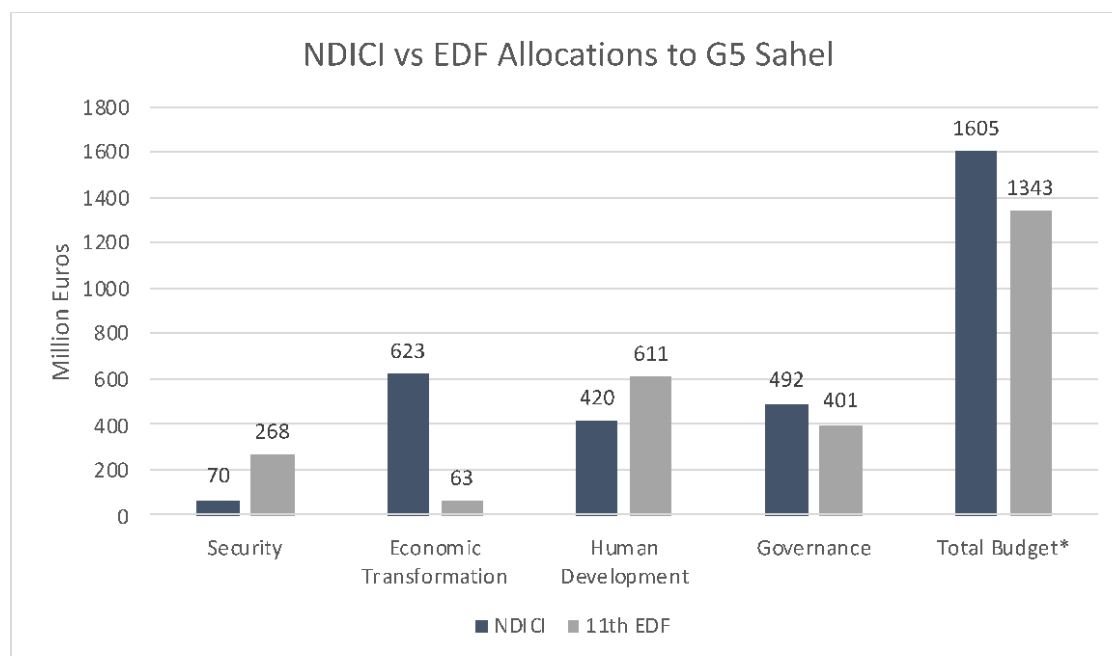
At the same time, the NDICI puts comparatively less emphasis on supplying public goods and supporting human development. This means that the NDICI programming is on track to allocate fewer resources to the functioning of, and access to, health and education systems. Additionally, the NDICI programming allocates less money to improve food security, access to water, and the design of social protection mechanisms.

Instead, NDICI programming allocated more funding to governance and rights-based support. These types of interventions seek to improve the functioning and outreach of the state's structures. In particular, the goal is to improve local access to justice systems and consolidate state structures. In addition, interventions aimed at improving governance systems take into account the country-specific needs, such as the EU's support for decentralisation in Mali. Here, the EU's interventions seek to build up the capacity of local

administrations so that they can effectively carry the additional responsibilities stemming from decentralisation.

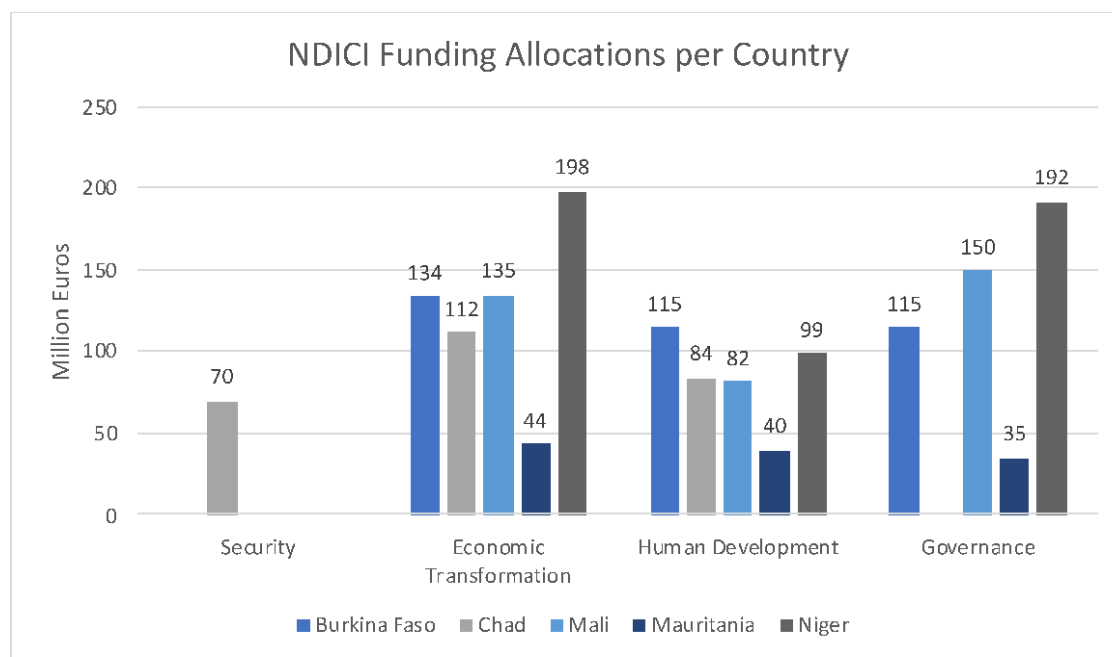
The biggest change under the NDICI is the new emphasis on supporting economic transformations in partner countries. Through these interventions, the EU seeks to support a functioning private sector and improve the overall business and investment climate, usually with an emphasis on better access to financing. Again, the programming of the NDICI foresees local priorities such as (export-based) entrepreneurship in Mali, local value chain development in Chad and Niger, or support for a circular, fisheries-based food economy in Mauritania. To this end, the NDICI programming is committed to supporting the construction of infrastructure in certain partner countries to create jobs and economic momentum. This ranges from road-based infrastructure in Niger to renewable energy in Chad and Mauritania.

Figure 1. Comparing Thematic Allocations



Note: Based on own analysis of bilateral cooperation programmes. For reasons of comparability, the EDF budget is represented as an average over four years' time.

Figure 2. Thematic Allocations per G5 Country



Note: NDICI thematic interventions with corresponding budget in million Euros over the programmed period of 2021-2024, based on own analysis.

The apparent shift in the EU's financial support already aligns well with the integrated intervention set out in the EU's New Sahel Strategy. Most of the planned interventions seek to improve local populations' socio-economic situation within increasingly reachable, responsible, and accountable state structures. This shift is a good first step in supporting long-term stability and fighting the dynamics of radicalisation. Nonetheless, certain risks and shortcomings remain and threaten to undermine the success and impact of EU interventions.

The EU's commitment to infrastructure projects and commercial development risks to feed into and nurture existing systems of corruption (Nelson et al., 2021; Oghuvbu, 2021). For many local SMEs, corruption is simply a cost of doing business and thus is also recognised by the EU as a major obstacle in its bilateral cooperation programmes. What makes the fight against corruption so challenging, is that corruption cannot be understood as an isolated act but rather as a systemic structure (Frolova et al., 2019). Additionally, supported private actors might counteract other EU objectives such as gender equality or the EU's do-no-harm principle (Sabourin & Jones, 2023, p. 23). Without proper and systematic monitoring, the EU is potentially increasing the risk of negative externalities, fraud and misuse of EU money, something that the Commission vowed to fight (European Commission, 2023).

Additionally, the emphasis on local ownership and CSO participation in the implementation of projects is not new. This has already been a prominent feature in the EDF programming. However, in the end, these previous commitments were not very successful in

engaging CSOs. The reasons for this mismatch often comes down to the EU's complex selection process and procedural requirements for CSO cooperation (Goxho & Diallo, 2023). In the end, much of the CSO cooperation takes place through interlocutors and the awarding lump-sum support, leading to CSO's struggle with strategic development of EU-supported projects (Roach et al., 2023). However, civil society actors are crucial partners for an impactful implementation of EU policy, since they have experience and insight into local dynamics (Singh, 2022, p. 100).

As a solution to the outlined dilemma, this policy brief suggests the inclusion of Integrity Pacts. Integrity Pacts are civil society-organised oversight and monitoring mechanisms to effectively fight fraud and corruption. The great advantage of including IPs in the EU's cooperation with the Sahel is that they build up local capacity for good governance, reduce the administrative burden on strained public administrations, and that the EU already has experience with IPs in its structural and cohesion policy. Therefore, IPs are an ideal addition to the EU's international cooperation, complementing interventions through mobilising and empowering local civil society (Transparency International, n.d.-b). If implemented, the EU will be able to finally follow through on its ambition to effectively engage CSOs and create locally owned dynamics to keep the state and its partners accountable. As a result, Integrity Pacts directly contribute to practices of good governance. These experiences will go a long way in reconnecting states with their populations and supporting the development of a new social contract.

IV. The Idea of Integrity Pacts and Their Advantages

Integrity Pacts are agreements between governments, project implementers, and civil society organisations, aimed at preventing corruption and ensuring transparency in public projects (Transparency International, n.d.-b). IPs entail commitments from all stakeholders to adhere to a set of ethical principles, facilitate independent monitoring, and impose sanctions for non-compliance. This outsourcing of monitoring can also reduce a project's administrative burden on the state while keeping itself accountable.

As a result, the introduction of Integrity Pacts strengthens accountability among all stakeholders involved in cooperation projects. IPs ensure that governments, project implementers, and civil society organisations are held accountable for their actions. This promotes a culture of transparency and ethical conduct, reducing the risk of corrupt practices and ensuring that resources are utilised effectively (Transparency International, n.d.-a).

IPs also play a pivotal role in fostering sustainable development outcomes. By ensuring the efficient and effective use of resources, IPs maximise impact while challenging systems of corruption and building societal resilience. Transparent and accountable

processes promote fair competition, innovation, and the inclusion of social and environmental considerations (Transparency International, n.d.-b).

The implementation of IPs builds trust among stakeholders, including local communities, by ensuring fairness, transparency, and integrity in cooperation projects (Schöberlein & Jenkins, 2019). When communities see that projects are implemented without bias or favouritism because of corruption, trust can grow and expectations towards corrupt systems can change (Cragg et al., 2016). This increased trust leads to better cooperation, increased participation, and positive perceptions of the state, laying the foundation for a renewed social contract.

V. Implementing Integrity Pacts: Policy Recommendations

To ensure the effective implementation of IPs, the EU needs to actively involve and engage all relevant stakeholders. These include governments, project implementers, civil society organisations, and local communities and they should be included in the design and implementation process. This inclusive approach ensures ownership, legitimacy, and buy-in from key actors, leading to more effective and sustainable outcomes. The EU delegations on the ground need to take a stronger role in organising this process.

The EU should also allocate resources to support capacity-building initiatives aimed at enhancing the institutional capabilities of stakeholders involved in common projects. This includes providing training and technical assistance on anti-corruption measures, procurement processes, and financial management (Transparency International, n.d.-b). Strengthening institutional capacity empowers stakeholders to understand and comply with the requirements of IPs, ensuring their successful implementation. The NDICI's Technical Cooperation Facility would be an ideal channel to finance this support.

As part of its capacity-building efforts, the EU should facilitate knowledge sharing and learning among stakeholders to foster a culture of transparency and integrity. Platforms for exchanging experiences, best practices, and lessons learned should be established. This can include workshops, conferences, or other kinds of substantial dialogues between CSOs and local populations. By facilitating knowledge exchange, the EU strengthens the collective understanding of IPs and encourages innovation and improvement in their implementation, while building a local network against corruption and for good governance.

Additionally, the EU should consider providing financial incentives and assistance to countries and projects that demonstrate a commitment to implementing IPs. This can include access to funding mechanisms, preferential treatment in project selection processes, or technical assistance grants. These incentives encourage stakeholders to prioritise the implementation of IPs and support capacity-building efforts.

Figure 3. Overview of Integrity Pacts



VI. Conclusion

The Sahel region is emblematic of complex challenges, marked by instability, environmental degradation, and weak governance structures (Pichon & Betant-Rasmussen, 2021). The EU's New Sahel Strategy reflects a recognition of these complexities and a strategic shift towards enhancing accountability, good governance, and human rights.

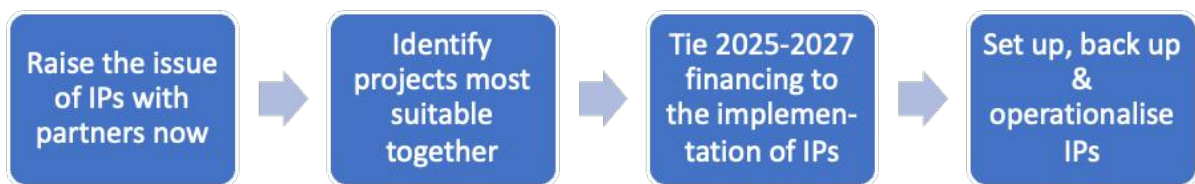
However, the EU's commitment to large-scale infrastructure projects and commercial development to contribute to local economic growth risks inadvertently fueling corruption and counteracting other EU interests (Qureshi et al., 2021; Sabourin & Jones, 2023). At the same time, the emphasis on local ownership and CSO participation is not new but has struggled to materialise, an issue also due to the EU's complex selection procedures for CSO cooperation (Goxho & Diallo, 2023).

This policy brief proposes the inclusion of Integrity Pacts as a solution to the outlined dilemmas. IPs, agreements between governments, project implementers, and CSOs, provide a robust framework for preventing corruption and ensuring transparency in public projects. The advantages of IPs are manifold, offering a cost-effective means of societal capacity building, reducing administrative burdens, and providing a mechanism for independent monitoring.

The policy recommendations underscore the need for explicit mandates for IPs in international cooperation, active involvement of all stakeholders, and capacity-building initiatives. The establishment of independent monitoring mechanisms and the facilitation of knowledge sharing are pivotal for the successful implementation of IPs. Financial incentives and assistance can further encourage commitment to IPs, ensuring that they become integral to the cooperation process.

IPs offer a transformative approach, building trust, fostering transparency, and promoting locally owned good governance. Through fighting corruption and impunity, IPs support the dynamics of social justice. The EU's emphasis on economic transformations and infrastructure provides the EU with a bargaining position to enable robust civil society monitoring, thereby empowering local actors in the long run. Additionally, IPs enable the Commission to fight fraud and misuse of EU money (García Aceves, 2021).

Next Steps



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11th EDF (Programming Documents)

- Union Européenne – Burkina Faso Programme Indicatif National 2014–2020
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- Mauritanie – Union Européenne Programme Indicatif National 2014–2020 République du Niger – Union Européenne Programme Indicatif National 2014–2020

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