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CSDP Turns 25: From Saint-Malo to Versailles

EU and Russia: A Tale of Sanction Regimes

Caught Between a Rock and a Hard Place: Did the Russia-Ukraine Conflict Strain EU-Turkey Relations?



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Introduction

2022: “The return of war in Europe”. This is not the title of a dystopian sci-fi movie, but the dramatic incipit of the European Union’s (EU) Strategic Compass. Just as the bloody Yugoslav breakup kick-started the Common Security and Defence Policy (CSDP) in Saint-Malo in 1998, Russia’s ruthless two-stroke invasion of Ukraine inspired advances in defence policy and revived the “*brain-dead*” NATO.²

Blessed by the European Council in Versailles, the Compass is arguably the EU’s most ambitious strategic document yet.³ In Brussels, hopes are that it will definitively enable the CSDP to leap from dominance of the “S” of security, to emphasis on the “D” of defence.⁴

This paper argues that despite significant advances in CSDP, the ambitions set out in its programmatic Saint-Malo manifesto have not been fulfilled. The article puts in context and examines the Strategic Compass, before discussing three major shortcomings in the field: the lack of

strategic convergence, scarce cooperation in operational and procurement matters, and capability shortfalls.⁵ The paper concludes by problematising the geopolitical vision underpinning the Compass and examining its implementation one year on.

Security or Defence?

From an institutional perspective, the Union’s defence policy lacks the most basic element: a Defence Minister. The High Representative heads both the foreign affairs and defence agenda, resulting in a functional subordination of the latter to the former.⁶ In fact, the CSDP arsenal is mostly used as a tool for foreign policy, prioritising stabilisation missions to project influence abroad. Overall, the absence of a common doctrine for action, common budget, and common army characterise a field better described as “*international military cooperation*”.⁷ All is left in states’ hands, and EU institutions can, at best, play the “*supporting act*” to boost operational and investment cooperation among them.⁸

- 1 Giovanni Luca is a postgraduate student of International Security Studies at the Sant’ Anna School of Advanced Studies, Pisa, and the University of Trento; from the latter, he also has an LLB in Comparative, European and International law. His main interests are US-European affairs, international law, the climate, and critical approaches to security and geopolitics.
- 2 Steven Erlanger, “Macron says NATO is experiencing ‘brain death’ because of Trump,” *The New York Times*, November 7, 2019, <https://www.nytimes.com/2019/11/07/world/europe/macron-nato-brain-death.html>.
- 3 European Union External Action Service. *A Strategic Compass for the EU*. Brussels, 2022.
- 4 Thierry Tardy, “Does European defence really matter? Fortunes and misfortunes of the Common Security and Defence Policy,” *European Security* 27, no. 2 (2018): 119-137.
- 5 Claudia Major and Christian Molling, “The EU’s military legacy,” in *CSDP in 2020*, ed. Daniel Fiott -EU Institute for Security Studies - (Luxembourg: Publications Office of the European Union, 2020), 38-49.
- 6 Luis Simón, “European strategic autonomy and defense after Ukraine,” *Royal Institute Elcano*, November 28, 2022, <https://www.realinstitutoelcano.org/en/analyses/european-strategic-autonomy-and-defence-after-ukraine/>.
- 7 Daniel Keohane, “Samuel Beckett’s European Army,” *Carnegie Europe*, December 16, 2016, <https://carnegieeurope.eu/strategieurope/66456>; Umberto Morelli, “La politica di potenza. L’Unione europea e il sistema internazionale [Power politics. The European Union and the international system],” *Il federalista*, LXII: 3 (2020): 162, <https://www.thefederalist.eu/site/index.php/it/saggi/2475-la-politica-di-potenza-l->.
- 8 Bastian Giegerich and Ester Sabatino, “The (sorry) state of EU defense cooperation,” *Carnegie Europe*, October 6, 2022, <https://>

The CSDP was born in an era of prosperity and optimism, which influenced the Union's first Security Strategy (ESS) in 2003.⁹ Its goal was to provide instruments to autonomously manage crises in-and-around Europe; its toolbox consisted of the comprehensive, liberal approach to security focusing on crisis management, peacekeeping, and reconstruction.¹⁰ Amidst numerous *critiques*, since 2003, thirty-seven civilian or military missions have been conducted.

In the late 1990s, with East-West relations rosier than ever, a division of labour ruled the Continent, whereby NATO would take care of the military pillar, and the EU the civilian one.¹¹ A pertinent example is Kosovo, where NATO established the KFOR mission to maintain peace and security following its armed intervention (Allied Force) while since 2008, the EULEX mission works to strengthen the rule of law.

The reignition of armed conflict around Europe, e.g., Libya and Crimea, in the first decades of the 21st century turned the optimistic tone of the ESS into a more gloomy outlook in the Global Strategy of 2016. Halfway between a liberal and a realist tone, it placed emphasis on a strengthened CSDP framework, global governance, and the resilience of partner states, whilst also bringing the concept of European strategic autonomy to centre stage.

A Strategic Leap Forward?

Today, the EU's arsenal includes mutual defence and solidarity clauses, a Coordinated Annual Review on Defence (CARD) drafted by the European Defence Agency (EDA), the European Defence Fund (EDF)-money earmarked for joint capability development coordinated through the Permanent Structured Cooperation (PESCO)-, the European Peace Facility (EPF) -funding partners' defence projects-, and more. Nevertheless, the Russian aggression on Ukraine dumbfounded the EU.

To turn powerlessness into political momentum, the Compass supplied more arrows to the CSDP's quiver. The headline goal is to create a 5000-troop Rapid Deployment Capacity (RDC) by 2025 to serve in crisis situations.¹² Yet, lest it be nothing more than re-christened Battlegroups, the RDC should be accompanied by streamlined decision-making procedures for activation. The Compass mentions recurring to coalitions of the willing under art. 44 Treaty of the European Union (TEU), but these operations must still be unanimously authorised by the Council, numbing their usefulness.¹³

To incentivise military cooperation, the Compass earmarks €8 billion to the EDF, €2 billion to the Defence Innovation Scheme, and €500 million to collaborative defence procurement, as well as a VAT exemption.¹⁴

carnegieeurope.eu/strategieurope/88104; Keohane, Samuel Beckett's European Army.

9 Council of the European Union. *European Security Strategy in a Better World*. Brussels, 2003.

10 Andrew Cottey, "The EU's common security and defence policy: institutions without strategy," in *EU Security Strategies*, ed. Spyros Economides and James Sperling (New York: Routledge, 2018): 125-142.

11 Simón, European strategic autonomy and defense after Ukraine.

12 EEAS. *A Strategic Compass for the EU*, 25.

13 Luigi Scazzieri, "Could EU-endorsed 'coalitions of the willing' strengthen EU security policy?," *Center for European Reform*, February 9, 2022, <https://www.cer.eu/insights/could-eu-endorsed-coalitions-willing>.

14 EU Institute for Security Studies. *After the Compass: EU action in security and defense in a new age of global powerplay*. Seminar factsheet. Brussels, 2022, <https://www.iss.europa.eu/content/after-compass-eu-action-security-and-defence-new-age-global-powerplay>.

Still, scepticism pervades the functionalist-incrementalist logic underpinning these projects, which did not withstand expectations in the past.¹⁵ Absent the political will, the EU risks *"marketing the process rather than the product"*.¹⁶

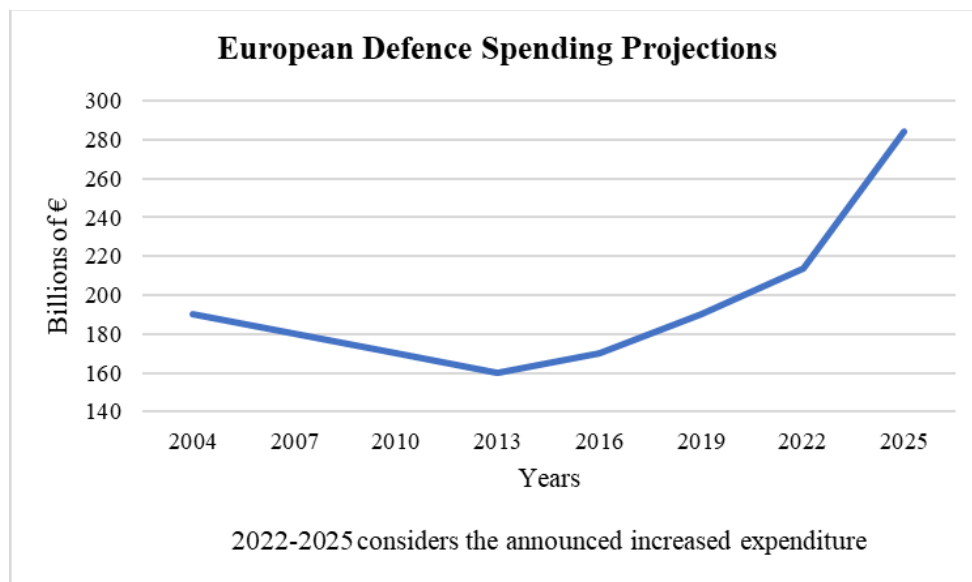
Stuck In The Middle with EU

Today, like at Saint-Malo, the EU's CSDP is vitiated by ancient problems. Cottey sees a threefold strategic deficit: disagreement over when to use force, the relationship with NATO, and the intergovernmentalism-supranationalism balance.¹⁷ One could add inefficient defence spending to this trinomial.¹⁸

Seeking to patch the strategic vision gap, the Compass includes the foundation for the bloc's first common threat analysis. Nonetheless, the divide between Euro-Atlanticists, advocates of the US defence umbrella, like Poland and the Baltic states, and Euro-Gaullists, champions of greater autonomy led by France and Belgium, still paralyzes action.¹⁹

Moreover, the EU lacks a well-oiled military command and control (C2) structure, making the deployment of executive operations cumbersome.²⁰ Even when the Military Planning and Conduct Capability (MPCC) will effectively become the operational headquarters for combat operations, as planned, its utility will still be neutralised by (1) intergovernmental decision-making and lengthy negotiations; and (2) budgetary rules only allowing civilian missions and limited common expenses of military operations to be funded with EU money.

Concerning defence capabilities, underspending has caused the EU to fall 30-80% below its 1999 ambitions, and the goal of a 60.000-troop rapid reaction force remains utopist.²¹ After a decade of underspending, in 2022, member states pledged to increase their defence expenditure by €70 billion by 2025, up from €214 billion.²²



Source: EDA, 2022²³

¹⁵ Cottey, *The EU's common security and defence policy: institutions without strategy*, 139.

¹⁶ Keohane, *Samuel Beckett's European Army*.

¹⁷ Cottey, *The EU's common security and defence policy: institutions without strategy*, 138.

¹⁸ Major and Molling, *The EU's military legacy*, 39.

¹⁹ Andrew Cottey, "The EU and the Europeanization of European security," in *Security in 21st century Europe*, ed. Andrew Cottey (New York: Palgrave MacMillan, 2013): 92-120.

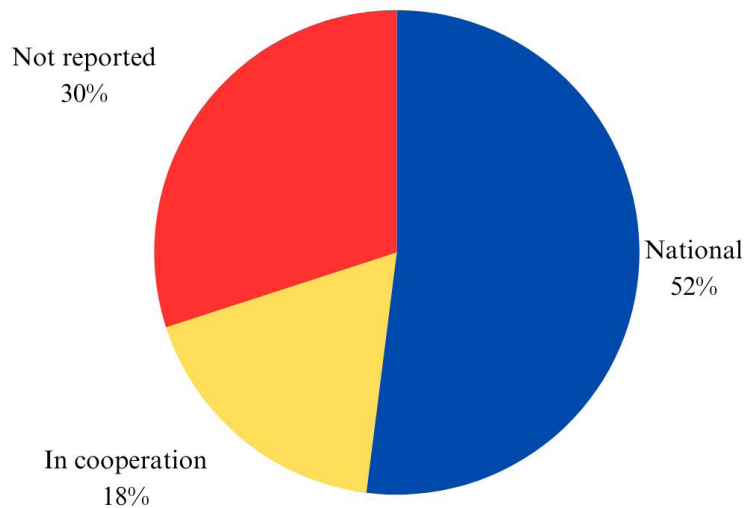
²⁰ Dylan Macchiarini Crosson, "After Afghanistan," *Center for European Policy Studies*, September 15, 2021, <https://www.ceps.eu/after-afghanistan/>.

²¹ Major and Molling, *The EU's military legacy*, 44.

²² European Defense Agency. *Coordinated Annual Review on Defense*. CARD 2022. Brussels, 2022.

²³ *Ibid.*

Breakdown of European defence programmes



Source:
EDA, 2022³⁰

While theoretically the second joint-military power in the world, the aggregate value of EU defence is much less than members' summed budgets. Quantity is not quality, and even pooling capacities, the Union lacks strategic enablers and next-generation technologies like unmanned aircrafts, AI, satellite communication, C2, intelligence and cyber capabilities, submarines, and more.²⁴

Spending much more on personnel than R&D, EU governments are forced to acquire off-the-shelf non-European technologies, further depleting the European Defence Technological and Industrial Base in a positive feedback loop.²⁵ Amidst a global technological race, investing in defence technology would benefit the Union for two reasons: (1) for dual-use technologies' spill-over effects on the civilian sphere, and (2) to make Europe indispensable to its Atlantic Allies, fulfilling the hedging strategy.²⁶

Defence spending in the EU usually follows national priorities to the costs of collective benefit.²⁷ Such fragmentation causes duplication of efforts, lack of economies of scale, technological dependence, and increased costs of at least €30 billion a year whilst still not achieving the required strategic enablers nor interoperability between the 178 different weapon systems among EU member states.²⁸ To add insult to injury, even when states coordinate, they use bilateral, extra-EU frameworks, more reassuring from the perspective of national sovereignty.²⁹

A major reason for that is the lack of a single market for defence spending, which is exempted from the Treaty's procurement rules by art. 346(b) TFEU.

Against this grim backdrop, states keep bickering over leadership, funding and technology supply of common projects. Reportedly, Germany is planning to spend

24 Morelli, La politica di potenza. L'UE e il sistema internazionale, 162.

25 Serrano, Truth and dare, 23; Judy Dempsey, "America's European Allies," *Carnegie Europe*, November 17, 2016, <https://carnegieeurope.eu/strategieurope/66178>.

26 Daniel Fiott, "Strategic autonomy: towards 'European sovereignty' in defence?," *EU Institute for Security Studies*, Brief 12, 2018.

27 Center for Strategic and International Studies, "Transforming European Defense," *Center for Strategic and International Studies*, August 18, 2022, <https://www.csis.org/analysis/transforming-european-defense>.

28 Dempsey, America's European Allies; Morelli, La politica di potenza. L'UE e il sistema internazionale, 162.

29 European Defense Agency. *Coordinated Annual Review on Defense*.

30 *Ibid.*

its €100 billion defence bonanza on American technology, shunning French alternatives.³¹ Paris was also excluded from Berlin's "European Sky Shield Initiative", a joint air defence project with fifteen NATO allies. This rift will likely doom two plans for jointly developed tanks and warplanes, while Italy develops a fighter jet with Japan and the United Kingdom.³²

Too often, national industrial and political interests lead defence policy and prevail over common strategic planning. In this context, talks about strategic autonomy and a European army are all but smoke and mirrors, as European states still need the US to conduct expeditionary missions.³³

A farcical epiphenomenon of this impotence is that, to escape it, self-styled leaders of a Defence Union like Macron have proposed multiple alternative avenues for military cooperation and information-sharing. Among these, is the "European Intervention Initiative" (EI2), whose added value is debatable beyond being a talking parlour.

Nonetheless, in civilian peace-support operations, the EU is a world leader, and we cannot demand a teleological climax of the EU into a Defence Union, as a supranational army has virtually never existed.³⁴ Therefore, as Ojanen notes, the CSDP shall not necessarily replicate

what other military alliances have already achieved. It can have an identity and legitimacy of its own, focusing more on human than on military security, and on "defence-abroad" rather than territorial defence.³⁵

Arguably, the success of peace-support operations conveys a positive image worldwide and should remain central to the EU's strategy. The legitimacy and amity gained are invaluable in a context of "*battle of narratives*", and soften Europe's new geo-political attitude.³⁶

A (Geo-)political Turn

The hummus for a common defence policy is a shared vision reconciling different strategic cultures. To move forward, even a post-sovereign space like the EU must craft a strategy based on strong assumptions of territory and power. Yet, what type of strategic outlook is chosen, matters. The Compass and further official statements therefore sought to provide a shared "*geo-political imaginary*" in embryo, according to which the EU must prepare for a dangerous world.³⁷ Allegedly, beyond our borders, reality is inhospitable and threatens to invade the Union with instability, conflicts, terrorism, and refugees. In response, walls must be buttressed, and if they cannot hold, Europe must leave its garden and domesticate the wilderness.³⁸

31 Gianandrea Gaiani, "European Sky Shield: colpo di grazia all'asse franco-tedesco e alla Difesa Europea? [European Sky Shield: coup de grace for the Franco-German axis and European Defense?]," *AnalisiDifesa*, October 28, 2022, <https://www.analisdifesa.it/2022/10/european-sky-shield-colpo-di-grazia-allasse-franco-tedesco-e-alla-difesa-europea/>.

32 Clea Caulcutt, Hans Von Der Burchard and Jacopo Barigazzi, "When will Europe learn to defend itself?," *Politico.eu*, September 27, 2022, <https://www.politico.eu/article/emmanuel-macron-olaf-scholz-defense-europe-strategic-autonomy-ukraine-war/>.

33 Hannah Ojanen, "Defence integration in the EU: from vision to business as usual," in *Key Controversies in European integration*, ed. Hubert Zimmerman and Andreas Dür (New York: Palgrave Macmillan, 2016): 227-233; Antonio Missiroli, *L'Europa come Potenza [Europe as a Power]* (Bologna: Il Mulino, 2022): 160.

34 Missiroli, *L'Europa come potenza*, 160.

35 Ojanen, "Defence integration in the EU: from vision to business as usual," 228.

36 EEAS. "European Diplomatic Academy: Opening remarks by High Representative Josep Borrell at the inauguration of the pilot programme," October 13, 2022, EEAS Press Team.

https://www.eeas.europa.eu/eeas/european-diplomatic-academy-opening-remarks-high-representative-josep-borrell-inauguration_en.

37 EEAS. *A Strategic Compass for the EU*, 17.

38 EEAS. "European Diplomatic Academy: Opening remarks by High Representative Josep Borrell at the inauguration of the pilot programme."

Apart from its racial and neo-colonial biases, what is most concerning about this discourse is its inherent whataboutism. Despite stigmatising the violent use of power and narratives by other actors, the Union is reproducing that same behaviour, because “*others started it*”.³⁹

Yet, it is not just about acts, but also about how they are narrated. Words can kill. Hence, the arguments and imaginaries used by European leaders not only reflect a reality, but contribute to creating it, and legitimating a certain worldview that may well be politically-biased. Speaking of garden and jungle creates a division between “*us and them*”, good and evil, which is rebuttable and dangerous, but also strategically inexpedient.⁴⁰

In this reading, the purpose of a stronger defence policy is merely to allow the Union to retrench within its supposedly idyllic frontiers, keeping everything else out, and creating new “*cartographies of danger*”, exclusion, and confrontation, legitimising its action.⁴¹

However, this paper contends that whilst an important objective, the Defence Union should not be marketed as a *panacea*, and the geo-political imaginary underpinning it should not reflect an antagonistic and isolationist stance that risks fanning the flames of escalation. A Defence Union is economically convenient, is a test for integration, and is a sound political choice for the security of European countries, but it is not a thaumaturgical life-buoy. Europe should therefore learn to use power without speaking its rawest language.

Credo Quia Absurdum

One year after the Compass, on March 20, the EEAS published its implementation report.⁴² Overall, the document is without infamy or praise, and more time is required for the most ambitious goals to truly progress.

Crucial questions remain unaddressed but require serious reflection. Foregoing any pretence of exhaustiveness, this paper mentions three as food for thought: a shift to qualified majority voting in CFSP and CSDP, coordination with France before UN Security Council meetings, and for sharing its nuclear umbrella.

In a rather unexciting recap of the achieved goals, the report shows that the Union is honing its capacities in the field it excels in, namely security assistance missions, by launching new ones in Armenia, Niger, and Ukraine. Importantly, the EU is catching up in fields where it was trudging, like the hybrid, cyber, and space domains -which deserve an analysis in their own right.

A new round of PESCO projects is starting, and operational scenarios for the RDC are being designed. Live RDC exercises will start in October, and a revised Action Plan on Military Mobility will ensure the fluid movement of troops and equipment across states. While discussions on common costs and coalitions of the willing are mentioned, no details are provided.

Rubberstamping the Compass, the report builds on February's Third Joint EU-NATO Declaration to reiterate the EU's

39 Roderick Parkes, “Protecting Eden, or the dark new geopolitics of ‘Fortress Europe’,” *International Politik Quarterly*, November 8, 2022, <https://ip-quarterly.com/en/protecting-eden-or-dark-new-geopolitics-fortress-europe>.

40 Luisa Bialasiewicz, “The unhealthy geopolitics of a sovereign Europe,” *Green European Journal* 22, Winter 2021.

41 *Ibid.*

42 EEAS. *Annual Progress Report on the Implementation of the Strategic Compass for Security and Defence*. Brussels, March 2023.

partnership with NATO.⁴³ Indeed, deeper cooperation with NATO's command-and-control structures and defence planning systems would benefit both.⁴⁴ For NATO, a stronger EU would be able to reach its Treaty-based targets and act as the first responder in its neighbourhood.⁴⁵ EU states, instead, would gain from better coordination on defence planning, innovation, and procurement with the Alliance, and bridge capability gaps.⁴⁶ Therefore, resources should be spent on joint projects identified by the Capability Development program of the EDA in conjunction with NATO's Defense Planning Process, *a fortiori* given their contemporaneous reassessment this year.⁴⁷

The historical moment is festering with opportunities to seize for the Union, which famously builds up integration post-crisis. In *Clausewitzian* terms, to make war, one requires the will and the means. Having exhausted means-based discussions, the Russian aggression can provide the impetus to shore up defence capacities and cooperation, compacted by a federative threat. This is already evident in some passages of the report, which mentions increased defence spending and €3.6 billion in military supplies to Ukraine.

Nevertheless, March 20th will be remembered for another reason. Inspired

by the Commission's program for joint short-term procurement started in June 2022 and featured in the Compass, in its turn modelled after common vaccine-acquisitions during the pandemic, on that day, twenty-three countries announced a joint-procurement plan for ammunition, breaking a longstanding taboo.⁴⁸ The sense of urgency and *Sallustian metus hostilis* instilled by the invasion arguably prompted this trailblazing decision, which can light the way for greater political resolve in the future.

The main *critique*, however, is once more against the report's underlying geo-political vision, namely its equivocal understanding of the genealogy of a strategic culture. Mistaking producer and product, the drafters appear to believe that a mere functionalist exercise -enhancing and implementing the defence toolbox-will forge a distinct European strategic culture.⁴⁹ Yet, a strategic document can create a strategy, not a culture. *Au contraire*, it is the underpinning culture that informs a strategy -and the Union still lacks even a common political identity. The formation of a common strategic culture is an endeavour better left to ideational forces, like social norms, historical heritage, and values and practices shared over time, rather than technical documents and bureaucratic jargon.

43 EEAS, *A Strategic Compass for the EU*, 13.

44 Simón, European strategic autonomy and defense after Ukraine.

45 International Institute for Strategic Studies, "The coordination problem in European defense planning," IISS Strategic commentary 27, Comment 27, 2021, <https://www.iiss.org/publications/strategic-comments/2021/the-coordination-problem-in-european-defence-planning>.

46 Center for Strategic and International Studies, Transforming European Defense.

47 Paul Taylor, "How to spend Europe's defense bonanza intelligently," *Politico.eu*, September 2, 2022, <https://www.politico.eu/article/european-union-defense-russia-ukraine-invasion-intelligent-budget/>.

48 European Defence Agency, "EDA brings together 23 countries for Common Procurement of Ammunition," [eda.europa.eu](https://eda.europa.eu/news-and-events/news/2023/03/20/eda-brings-together-18-countries-for-common-procurement-of-ammunition), March 20, 2023, <https://eda.europa.eu/news-and-events/news/2023/03/20/eda-brings-together-18-countries-for-common-procurement-of-ammunition>.

49 EEAS, *Annual Progress Report on the Implementation of the Strategic Compass for Security and Defence*, 6.

Conclusion

Today, the original sins of the EU's military legacy remain, as the CSDP stays "*over-institutionalised, under-equipped and strategically-divided*", due to national sovereignty concerns, short-sightedness, and greed.⁵⁰

While an unimaginable evolution of the Economic Communities, it is likely that the Saint-Malo signatories would consider today's CSDP as still insufficient in light of their original goals.

Still, a common defence shall not be treated as a goal in and of itself, and its driver shall not be considered a geo-political necessity or inescapable anarchy.⁵¹ The way in which the endeavour is narrated and signalled will inevitably determine the tools employed and the reaction abroad. Far from being an apology for militarism, this paper asserts that military cooperation in the Union should serve the interest of optimising defence spending and having greater efficacy in case of need, and thus, overall, reducing the portion of national budgets spent on the armed forces. After all, every penny spent on the latter is diverted from other crucial policy fields: from health systems and social policy to the green transition.

The process remains *in fieri*, and the Ukraine war's fallout is yet to manifest fully, but 25 years, 400 km, and three strategic documents apart, the sandy beaches of Saint-Malo and the baroque architectures of Versailles do not seem so different after all.

⁵⁰ Major and Molling, The EU's military legacy, 38.

⁵¹ Robert Kaplan, "The Coming Anarchy," *Atlantic Monthly*, February 1994.



Introduction

SANCTIONS have long been the easy go-to when trying to keep or force a state in check. Recently, in the realm of the Common Foreign and Security Policy (CFSP), sanctions have indisputably become the instrument of choice. Even before the events of February 2022 and the Russian Invasion of Ukraine, most CFSP decisions concerned the imposition, renewal or updating of sanctions.²

Sanctions are viewed as a versatile tool, employed by the European Union (EU) as a response to a vast array of foreign policy challenges, including democratic backsliding, human rights violations, the proliferation of weapons of mass destruction, terrorism, the misappropriation of state assets, and human trafficking. In this effort, the introduction of horizontal, thematic sanction regimes has been added to the more “traditional” approach of vertical, state-centric regimes.³

Analogously to other controversial tools, the judgement and assessment of the

performance of a sanction regime usually comes with great scrutiny, referencing their impact on the local population. However, despite the growing reliance on sanctions, there is no universal way to assess the effectiveness of such measures. Nonetheless, for the EU, such assessment is particularly important, especially after the long package of sanctions it has imposed due to the invasion of Ukraine. The imposition of these sanctions comes as an addition to the already existing regimes that were established after the annexation of Crimea and the destabilisation of the Donbas region. 2014 has been a turning point in EU sanctions policy,⁴ and the sanctions imposed since February 2022 have been considered the ultimate revolution of the policy area for the EU.⁵

In most analyses, EU sanctions against Russia are considered unsuccessful based on the sole observation that the Russian foreign policy remains unchanged with the uninterrupted military action in Ukraine. In this article, this approach is deemed short-sighted as sanctions can be targeted, and may have delayed effects.

- 1 Antonia Koumpoti is the Editor in Chief of the European Studies Review Journal. She holds a BA in Social Policy and Political Science and Master's Degrees in International Relations and EU Law. She is also an Academic Scholar of the Konrad Adenauer Foundation and an intern at the Hellenic Foundation for European & Foreign Policy.
- 2 Ramses A. Wessel, Elias Anttila, Helena Obenheimer and Alexandru Ursu, “The future of EU foreign, security and defence policy: Assessing legal options for improvement,” *European Law Journal* 26, no. 5-6 (2021): 371-390.
- 3 Clara Portela, “Sanctions, conflict and democratic backsliding,” *EUISS*, Brief No 6, June 2022, <https://www.iss.europa.eu/content/sanctionsconflict-and-democratic-backsliding>.
- 4 Niklas Helwig, Juha Jokela and Clara Portela, “EU-Sanktionspolitik in geopolitischen Zeiten,” *Zeitschrift für Integration* 4, (2020): 278-94.
- 5 Yuliya Miadzvetskaya and Celia Challet, “Are EU restrictive measures really targeted, temporary and preventive? The case of Belarus,” *Europe and the World: a Law Review* 6, no. 1 (2022): 1-20.

EU and Russia: The Different Sanctions Regimes

As mentioned earlier, the EU first imposed sanctions on Russia due to the events of 2014. Those imposed after the invasion of Ukraine in 2022 came as an addition to the already existing regimes in three waves in the same year. The sanction package of 2014 included different types of measures: diplomatic sanctions, freezing of assets and travel bans on individuals, and economic and financial restrictions.⁶ The peculiar character of such sanctions is accounted for by three parallel but separate sanction regimes.

The first regime included a full export ban on the Crimean peninsula -a measure otherwise absent from EU sanctions policy- together with severe restrictions on exports and financial transactions, a prohibition for EU vessels to call at Crimean harbours, as well as asset freezes and visa bans on selected actors.⁷

The second regime supporting the territorial integrity of Ukraine addressed the Russian backing of separatist forces. As a response to the downing of Malaysia Airlines flight MH17 over Ukraine in July

2014, the EU sanctions impeded access to capital markets for some Russian banks and companies, prohibited trade in arms and dual-use goods, and limited access to some technologies and services for oil production and exploration.⁸

The third package concerned the misappropriation of state assets by the Ukrainian leadership ousted by the protests of 2014. Although more implicit in nature, the regime targeted the entourage of former Ukrainian President Yanukovich.⁹

After the imposition of those three sanction packages, the EU did not tighten the regime. Instead, it used its ingenuity and added Russian targets to its horizontal thematic regimes for cyber-attacks, chemical weapons, and human rights breaches. The aim of the horizontal regimes is to de-link persons and entities from their state of origin. Nonetheless, the common denominator of these horizontal regimes is the presence of Russian targets.¹⁰

As expected, after the Russian invasion of Ukraine launched on 24 February 2022, preceded by the Duma's recognition of

6 European Council, Timeline - EU restrictive measures against Russia over Ukraine, [Accessed April 20, 2023] <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/history-restrictive-measures-against-russia-over-ukraine/>.

7 Council of the European Union, EU adopts restrictive measures against actions threatening Ukraine's territorial integrity, Brussels, March 17, 2014, 7786/14; Council Implementing Decision 2014/151/CFSP of 21 March 2014 implementing Decision 2014/145/CFSP concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine, OJ L 86, March 21, 2014, 30–32; Council of the European Union, Council broadens EU sanctions regarding the situation in Ukraine, Brussels, May 12, 2014, 9687/14; Council of the European Union, EU prohibits imports of goods from Crimea and Sevastopol, Luxembourg, June 23, 2014, 11076/14; European Council, European Council conclusions on external relations (Ukraine and Gaza), Brussels, July 16, 2014, https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/ec/143990.pdf.

8 European Council, Foreign Affairs Council, 22 July 2014, <https://www.consilium.europa.eu/en/meetings/fac/2014/07/22/>; Council of the European Union, EU sanctions over situation in Eastern Ukraine strengthened, Brussels, July 25, 2014, ST 12204/14, PRESSE 432; Council of the European Union, Adoption of agreed EU restrictive measures over Crimea and Eastern Ukraine, Brussels, July 30, 2014, ST 12279/14, PRESSE 435; Council of the European Union, Adoption of agreed restrictive measures in view of Russia's role in Eastern Ukraine, Brussels, July 31, 2014, ST 12318/14, PRESSE 437; Council of the European Union, Reinforced restrictive measures against Russia, Brussels, September 11, 2014, ST 12944/14, PRESSE 460.

9 Council of the European Union, EU strengthens sanctions against separatists in Eastern Ukraine, Brussels, November 28, 2014, ST 16213/14, PRESSE 612; European Council, Council extends EU sanctions over misappropriation of Ukrainian state funds, Press release, March 5, 2015, <https://www.consilium.europa.eu/en/press/press-releases/2015/03/05/council-extends-eu-sanctions-over-misappropriation-ukrainian-state-funds/>; European Council, EU extends validity of sanctions over action against Ukraine's territorial integrity, Press release, March 13, 2015, <https://www.consilium.europa.eu/en/press/press-releases/2015/03/13/eu-extends-validity-sanctions-ukraine/>; European Council, Misappropriated Ukrainian state funds: Council extends asset freezes, Press release, June 5, 2015, <https://www.consilium.europa.eu/en/press/press-releases/2015/06/05/ukraine-state-funds/>.

10 SanctionsMap, EU Snctions Map, Last update 31.03.2023, <https://www.sanctionsmap.eu/#/main>.

the provinces of Donetsk and Luhansk as independent, the EU enforced several new waves of sanctions adopted in close succession, tightening the 2014 sanctions and introducing a new regime. More specifically, the EU banned the import of goods originating in the two provinces, unless granted a Ukrainian certificate of origin,¹¹ the trade of goods and technology, and services in the transport, telecommunications, tourism, energy, and mineral exploitation sectors. Moreover, the full suspension of the visa facilitation agreement with Russia in September 2022 was followed by further restrictions the following month,¹² including on technology exports.¹³

The resulting sanction regime is atypical in its set-up, as it is customary to add new goals as the situation evolves. The imposed sanctions on Russia comprise multiple regimes relating to the types of measures imposed. While the regime on Crimea enforces an economic embargo on the peninsula, the regime on Donetsk and Luhansk broadens the embargo to these territories. Lastly, the regime in support of Ukraine's sovereignty included the listing of individuals and entities responsible for military operations, holding an illegal referendum, and breaching international humanitarian law.¹⁴

The Inner Workings of Sanctions

Sanction success is usually measured by the degree of deprivation to which the target is subjected and the changes it entails in its political behaviour; these consist of two different parameters that need to be assessed separately and bear different levels of importance, as economic damage is considered a means to an end, which is behavioural change. Importantly, as Portela mentions, *"economic analyses of sanctions reveal no direct correlation between the magnitude of the economic hardship inflicted on the target and the success of sanctions"*,¹⁵ and even bans causing severe economic disruption may fail to effect compliance.¹⁶

The more challenging factor is the intended behavioural change of the actor. This effort is usually approached in one of two possible ways. The first, more "classic" approach targets the economy of the state in its entirety, where sanctions tend to generate and inflict maximum effects through economic deprivation to turn the population against the leaders, compelling them *"to comply with sender demands to restore wealth or face being unseated"*.¹⁷ Alternatively, the efforts can be aimed at altering the power balance within the targeted country by leveraging

11 Council Decision (CFSP) 2022/266 of 23 February 2022 *concerning restrictive measures in response to the recognition of the non-government controlled areas of the Donetsk and Luhansk oblasts of Ukraine and the ordering of Russian armed forces into those areas*, ST/6482/2022/INIT, OJ L 42I, February 23, 2022, 109–113.

12 Council of the EU, "Council adopts full suspension of visa facilitation with Russia," September 9, 2022, <https://www.consilium.europa.eu/en/press/press-releases/2022/09/09/council-adopts-full-suspension-of-visa-facilitation-with-russia/>.

13 Council Decision 2022/1907/CFSP of 6 October 2022 amending Decision 2014/145/CFSP *concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine*, ST/12767/2022/INIT, OJ L 259I, October 6, 2022, 98–117.

14 Clara Portela and Janis Kluge, "Slow-Acting Tools: Evaluating EU sanctions against Russia after the invasion of Ukraine," *EUISS*, Brief 11, November 2022, https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief_11_Sanctions_0.pdf.

15 *Ibid*, 3.

16 Peter van Bergeijk, *Economic Diplomacy and the Geography of International Trade* (Cheltenham: Edward Elgar, 2009).

17 Johan Galtung, "On the effects of international economic sanctions, with examples from the case of Rhodesia," *World Politics* 19, no. 3 (1967): 378–416.

and mobilising the elites to be *“receptive to sender demands, while disadvantaging the ruling regime and their associates, in a bid to sway the elites away from the ruling regime and towards the opposition”*.¹⁸

The common element of these two approaches is economic, relying on the idea that business, military, and religious elites back the ruling regime, benefitting from it politically and economically. The logic is simple: when the association with the regime stops being beneficial, the withdrawal of support from the leadership is imminent, as well as the transfer of allegiance. In this vein, sanctions are endeavours to discourage elites from supporting the ruling regime by making their association less lucrative and attractive.¹⁹ In parallel, they are endeavours to disadvantage the ruling regime by the reduction of revenue available to nurture elite support and loyalty, fund the repression of dissenting elements, and continue the policies condemned by the sender.

The Sanctions on Russia and EU Objectives

Policy effectiveness must be assessed against the intended goals of the measures. Thus, if the effectiveness of sanctions is in question, then their true objectives and intent must be established. Regarding the objectives of CFSP sanctions regimes, the justification for sanction imposition and the criteria determining the targets provide some insights, together with

statements by top decision-makers, such as High Representative for Foreign Affairs and Security Policy/Vice President (HR/VP) Josep Borrell and Commission President Ursula von der Leyen.

The sanctions regimes established after the annexation of Crimea and the destabilisation of Eastern Ukraine aimed to provoke the withdrawal of troops, access for international monitors, and negotiations between Ukraine and Russia, while the designation criteria targeted those *“responsible for actions which undermine or threaten the territorial integrity, sovereignty and independence of Ukraine”*.²⁰ The Donetsk and Luhansk sanctions regime was enacted after continuous warnings about *“massive consequences and severe costs, including a wide array of sectoral and individual restrictive measures”* in the case of further aggression against Ukraine.²¹

Referring to the recognition of Donetsk and Luhansk as a breach of international law, the Council urged Russia to *“reverse the recognition, uphold its commitments in finding a peaceful settlement to this conflict, abide by international law and return to the discussions within the Normandy format and the Trilateral Contact Group”*.²² Adding to that, the EU amended the designation criteria of the territorial integrity regime in order to be able to include individuals and entities *“supporting and benefiting from the Russian government”, “providing a substantial source of revenue to it”, or “associated with listed persons or entities”*.²³

18 Jonathan Kirshner, “The microfoundations of economic sanctions,” *Security Studies* 6, no 3 (1997): 32–64.

19 Clara Portela, Sanctions, conflict and democratic backsliding.

20 Council Decision 2014/145/CFSP of 17 March 2014 *concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine*, OJ L 78, March 17, 2014, 16–21.

21 Council of the European Union, “Council conclusions on the European security situation,” January 24, 2022, Brussels, 5591/22.

22 European Council, “Declaration by the High Representative on behalf of the European Union on the decisions of the Russian Federation further undermining Ukraine’s sovereignty and territorial integrity,” February 22, 2022, <https://www.consilium.europa.eu/en/press/press-releases/2022/02/22/ukraine-declaration-by-the-high-representative-on-behalf-of-the-european-union-on-the-decisions-of-the-russian-federation-further-undermining-ukraine-s-sovereignty-and-territorial-integrity/>.

23 Council Decision (CFSP) 2022/329 of 25 February 2022 amending Decision 2014/145/CFSP *concerning restrictive measures in respect of actions undermining or threatening the territorial integrity, sovereignty and independence of Ukraine*, ST/6557/2022/INIT, OJ L 50, February 25, 2022, 1–3.

When the sanctions against Russia were announced following the invasion of Ukraine, Ursula von der Leyen claimed they aimed to “cripple Putin’s ability to finance his war machine”.²⁴ The fourth package of sanctions was described as aiming “to further isolate Russia and drain the resources it uses to finance this barbaric war”, “stop the group close to Putin and the architects of his war”, and “hit a central sector of Russia’s system, deprive it of billions of export revenues and ensure that our citizens are not subsidising Putin’s war”.²⁵ Accordingly, HR/VP Borrell mentioned that the sanctions not only aim to restrict the economic resources of the target country, but are also meant to have the symbolic character of announcing the unacceptability of the country’s behaviour: “The political signal is now very strong: Europe is willing to take significant economic risks to coerce Russia for its invasion and to extend its political margin of manoeuvre vis-à-vis Moscow in the future”.²⁶

Even though the main attraction for sanctions consists in their capacity of promoting compliance with sender demands, this is not their only or even primary objective.²⁷ The normative function of sanctions, which is often neglected, is mainly directed at audiences beyond the targeted leadership.²⁸ In this normative setting, “sanctions can demonstrate to both a domestic audience and the international community the determination of the sender coalition’s to defend global norms”.²⁹ In contrast with compliance, the achievement of these

goals does not depend on the behaviour change, but can be accomplished with the mere imposition of sanctions.

In the European context, the joint imposition of sanctions under the CFSP enhances the EU’s presence on the world stage as an advocate of international law, democracy, and human rights, promoting its general normative agenda, and, thus, allowing it to portray itself as a unified entity: “the EU stands firmly with the brave people of Ukraine”.³⁰ At the same time, this discourse brings the EU closer and aligns it with its global allies in what is presented as a joint endeavour: “The EU and our partners in the G7 continue to work in lockstep to ramp up the economic pressure against the Kremlin”.³¹ The normative purpose of sanctions finds reflection in the EU discourse, as a price to pay for breaching internationally agreed principles: “Russia cannot grossly violate international law and, at the same time, expect to benefit from the privileges of being part of the international economic order”.³²

The Delayed Effect: Prolonged and Severe Consequences for Russia

The current sanctions against Russia have an atypical character given by the combination of two different logics: a traditional one with the objective of crumbling the economy and diminishing the revenue available to support the war effort, and a more selective logic targeting the elites in order to dissuade them from supporting the regime. This contrasts with

24 European Commission, “Statement by President von der Leyen on further measures to react to Russia’s invasion of Ukraine,” February 26, 2022 https://ec.europa.eu/commission/presscorner/detail/en/statement_22_1422.

25 European Commission, “Statement by President von der Leyen on the fourth package of restrictive measures against Russia,” March 11, 2022, https://ec.europa.eu/commission/presscorner/detail/es/statement_22_1724.

26 Josep Borrell, “Beyond sanctions: what future for Russia?,” *Instituto Complutense de Estudios Internacionales*, Working Paper 6/22, 2022. <https://www.ucm.es/icei/file/wp0622-1?ver>.

27 Kimberly Ann Elliott, “Assessing UN sanctions after the Cold War: new and evolving standards of measurement,” *International Journal* 65, no. 1 (2010): 85-97.

28 Margaret Doxey, “International Sanctions: A framework for analysis with special reference to the UN and Southern Africa,” *International Organization* 26, no. 3 (1972): 527-550.

29 James Barber, “Economic sanctions as a policy instrument,” *International Affairs* 55, no. 3 (1979): 367-384.

30 European Commission, Statement by President von der Leyen on further measures to react to Russia’s invasion of Ukraine.

31 *Ibid.*

32 *Ibid.*

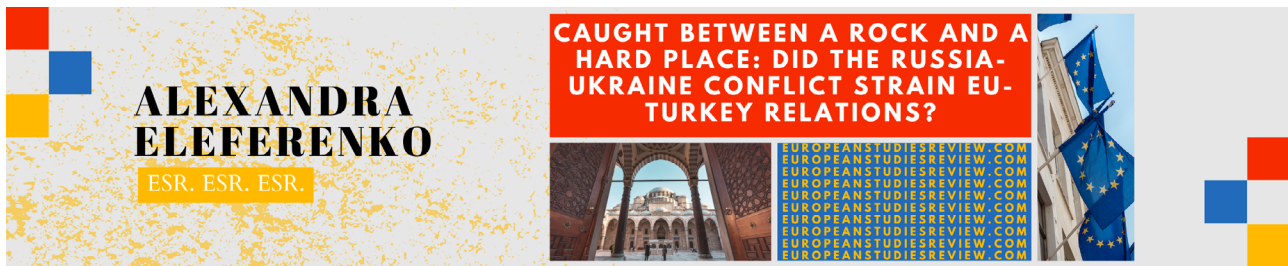
the EU's standard sanctioning practice, which only utilised either the selective or targeted approach in its sanction regimes.

As the economic effects of the sanctions are beginning to show, the political impact on key elites and the population is not (yet) observable. This, however, is not surprising, as the timeframe is limited to assess the effect of the sanctions. Historically, economic downturns are followed by a political crisis, which usually takes time to evolve. What is challenging about Russia, however, is that political resistance to already existing policies is often suppressed as the strengthening of political rivals is largely impeded by a repressive apparatus that threatens dissenting elites and citizenry alike with retribution. A powerful trigger for the popular contestation of the Kremlin's policies seemed to be the announcement of mobilisation, bringing the war 'home' to the Russian people, more so than the decline in prosperity.

Despite this, sanctions do not have a negligible effect. As the economic impact of sanctions intensifies, the war effort will be harder to maintain, together with the declining living standards. Even though sanctions take time to be felt, time always works in their favour and their effects are long-lasting and not easily reversed. Adding to that, the restriction on the supply of technology will have powerful ramifications across manufacturing industries, resembling export controls

more than a sanctions exercise. Lastly, the objective of EU sanctions is not about forcing a policy change. A unified stance was created by their collective use; one that demonstrated the EU's commitment to international norms such as state sovereignty and the inviolability of borders. After all, the normative importance and goal that the EU has portrayed through these sanctions go beyond merely achieving compliance: *"Even if sanctions will not change the Russian trajectory, this does not invalidate their usefulness. Without sanctions, Russia would have its cake and eat it"*.³³

³³ Borrell, Beyond sanctions: what future for Russia?.



Introduction

TURKEY plays an interesting role in the Russia-Ukraine conflict, yet little is said about the implications of Turkey's balancing policy on its bilateral relations with the European Union (EU). Instead of picking sides, Turkey prefers to maintain connections with both conflicting parties: it strengthens economic ties with Russia while selling Bayraktar TB2 drones to Ukraine.² Turkish President Recep Tayyip Erdoğan clearly wants to nurture good relations with the European Union as well as with Russian President Vladimir Putin.³ For instance, in 2022, Turkish imports from Russia were valued at US \$58.85 billion, rendering Russia their main source of imports.⁴ Interestingly, in 2022 the EU became Turkey's largest merchandise export and import partner: the country imported 26% of its goods from the EU and exported 41% of its goods to the EU.⁵ Thus, trade relations are a clear example of how Turkey is balancing its ties between the East and the West.

Nevertheless, Turkey faces pressure to pick a side in the context of the ongoing conflict in Ukraine.⁶ This paper argues that the Russia-Ukraine conflict creates tension in bilateral EU-Turkey relations and investigates why this is the case. The following topics are explored: first, EU criticism of Turkey's refusal to join European sanctions against Russia, second, how the EU reacts to increased economic cooperation between Russia and Turkey, and third, Turkey's criticism of the EU policy in the context of the Ukrainian conflict.

Pro-Ukrainian Yet Not Anti-Russian: Turkey's Balancing Policy and the EU's Perception

President Erdoğan's hybrid stance is pro-Ukrainian but not anti-Russian. For example, Turkey used the 1936 Montreux Convention to close access for Russian warships to the Black Sea while refusing to join anti-Russian sanctions imposed by the EU.⁷ Ankara was very transparent about

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- 2 Ilke Toygür, "Is There Any Place Strategic Ambiguity in Europe?," *Fair Observer*, March 8, 2022, <https://www.fairobserver.com/region/europe/ilke-toygur-turkey-ukraine-crisis-russia-invasion-nato-turkish-recep-tayyip-erdogan-39924/>.
- 3 Galip Dalay, "Deciphering Turkey's Geopolitical Balancing and Anti-Westernism in Its Relations with Russia," *Stiftung Wissenschaft und Politik (German Institute for International Security Affairs)*, May 20, 2022, <https://doi.org/10.18449/2022C35>.
- 4 Hamdi Firat Buyuk, "Turkey's Foreign Trade Deficit Spikes, Imports from Russia Double," *Balkan Insight*, February 3, 2023, <https://balkaninsight.com/2023/01/31/turkeys-foreign-trade-deficit-spikes-imports-from-russia-double/>.
- 5 European Commission, *EU trade relations with Türkiye. Facts, figures and latest developments*, Brussels, accessed April 14, 2023, https://policy.trade.ec.europa.eu/eu-trade-relationships-country-and-region/countries-and-regions/turkiye_en.
- 6 Jeffrey Mankoff, "Turkey's Balancing Act on Ukraine Is Becoming More Precarious," *Foreign Policy*, March 10, 2022, <https://foreignpolicy.com/2022/03/10/turkey-ukraine-russia-war-nato-erdogan/>.
- 7 Soner Cagaptay, "Unpacking Turkey's Non-Binary Ukraine War Policy," *The Washington Institute for Near East Policy*, March 7, 2023, <https://www.washingtoninstitute.org/policy-analysis/unpacking-turkeys-non-binary-ukraine-war-policy>.

its strategic stance and tries to remain as neutral as possible to present itself as a credible mediator.⁸ In addition, Turkey prefers to only implement the sanctions imposed by the United Nations (UN).⁹ This position is welcomed by Tacan Ildem, former Assistant Secretary General of the North Atlantic Treaty Organization (NATO) and former Permanent Representative of Turkey to NATO and the Organisation for Security and Cooperation in Europe (OSCE). He explains that Turkey prefers to only implement UN-mandated sanctions because the country *"has an approach of not adhering to sanctions adopted by a group of countries"* and that the EU should not expect Turkey to follow EU policy because it is only an EU candidate, not a Member State.¹⁰ Ildem describes Turkey's position in the Ukrainian conflict as misunderstood.¹¹

Not everyone is completely satisfied with Ankara's position. For example, the EU criticised Turkey's refusal to impose sanctions against Russia.¹² The EU appreciates that Turkey's EU accession is a *"strategic goal that is being pursued with determination,"*¹³ but the EU's High Representative for Foreign Affairs and Security Policy, Josep Borrell, stated that like any other EU candidate, Turkey

is expected to follow the EU's policy.¹⁴ Enlargement and Neighbourhood Commissioner Oliver Varhelyi later called on Ankara to cooperate with the EU in the effective implementation of anti-Russian sanctions,¹⁵ following the EU's criticism of Turkey's disengagement from the Union and its disruption of European unity.¹⁶ In December 2022, the European Council expressed concerns regarding Turkey's non-alignment with EU sanctions against Russia and called for Turkey to put restrictions as an utmost priority.¹⁷ As of August 2022, the alignment of Turkey with EU policies was only at the rate of 7%.¹⁸

Moreover, some members of the European Parliament (MEPs) expressed their concern about the unwillingness of Turkey to fully comply with EU policy. For example, on June 7, 2022, a number of MEPs highlighted that Turkey persistently moves further away from EU values and voted in favour of freezing negotiations over Turkey's EU membership.¹⁹ On October 12, 2022, the European Commission published an annual report on Turkey, where the institution expressed concerns that free trade with Russia *"created the risk of undermining EU restrictive measures against Russia,"* as well as decreased the trust in the Turkish-EU

8 Zenonas Tziarras, "The Ukraine War and Turkey as a "Third Pole " in a New International Order," *Peace Research Institute Oslo Cyprus Centre*, January 2022, <https://www.prio.org/download/publicationfile/2510/PB%252001%25202022.pdf&cd=1&hl=ru&ct=clnk&gl=es>.

9 Tacan Ildem, "A Balancing Act: Turkey's Misunderstood Position on Ukraine," *European Leadership Network*, November 9, 2022, <https://www.europeanleadershipnetwork.org/commentary/a-balancing-act-turkeys-misunderstood-position-on-ukraine/>.

10 *Ibid.*

11 *Ibid.*

12 Ogul Bolukbasi, "EU Officials Urged Türkiye to Join the Sanctions Against Russia, and Erdogan Hit Back: You Are Not Qualified to Talk About This," *İstanbul Tarihçisi*, March 29, 2023, <https://istanbulchronicler.com/world-news/eu-officials-urged-turkiye-to-join-the-sanctions-against-russia-and-erdogan-hit-back-you-are-not-qualified-to-talk-about-this/>.

13 Republic of Türkiye, Ministry of Foreign Affairs, Directorate for the EU Affairs, "Turkey's New European Union Strategy," accessed March 1, 2023, p.3, https://www.ab.gov.tr/files/pub/turkeys_new_eu_strategy.pdf.

14 Eylül Medya, "EU's Borell Warns Turkey to Comply with Sanctions against Russia," *Medya News*, December 12, 2022, <https://medyanews.net/eus-borell-warns-turkey-to-comply-with-sanctions-against-russia/>.

15 Daniel Stewart, "Brussels Urges Turkey to Work Together to Implement Sanctions against Russia «effectively»," *News 360*, October 26, 2022, <https://www.news360.es/australia/2022/10/26/brussels-urges-turkey-to-work-together-to-implement-sanctions-against-russia-effectively-4/>.

16 Selim Yenel, "Turkey's Disengagement from the European Union," *The German Marshall Fund of the United States*, February 02, 2023, <https://www.gmfus.org/news/turkeys-disengagement-european-union>.

17 *Ibid.*

18 European Commission, *Key findings of the 2022 Report on Türkiye*, Brussels, 2022, https://ec.europa.eu/commission/presscorner/detail/en/country_22_6088.

19 Tristan Vanheuckelom, "Report: Turkey Drifting Away From "EU Values and Standards", *The European Conservative*, June 11, 2022, <https://europeanconservative.com/articles/news/report-turkey-drifting-away-from-eu-values-and-standards/>.

customs union.²⁰ For Turkey, this customs union is very important: in 2021, the EU became the top trading partner for the country, representing 36% of Turkish trade.²¹ The EU is also the largest source of investments in Turkey.²² Furthermore, the report claimed that Turkey helps Russians to obtain Turkish citizenship and stated that this scheme poses risks *"in relation to security, money laundering, tax evasion, terrorist financing, corruption and infiltration by organised crime,"*²³ which undermines the EU's main objective of isolating Russia.²⁴ Turkey replied that owing to its unique mediation position, it was possible to sign the Grain Deal and facilitate the exchange of prisoners of war.²⁵ Therefore, different positions on how to deal with the Ukrainian crisis lead to misunderstandings between the two actors.

At the same time, relations between Turkey and the West also cannot be substituted with intensified Russia-Turkey relations. Turkey's relationship with Russia is not institutionalised unlike its ties with the EU and is heavily based on personal relationships between Putin and Erdoğan,

meaning that relations can significantly change when a new Turkish president is elected.²⁶ Thus, Russia-Turkey relations should not be seen as a threat to European unity and Turkey's interests need to be taken into consideration as the country is actively engaged in softening the impact of the Ukrainian conflict.

Turkey's balancing position is derived from its desire to not be exclusively tied to the EU.²⁷ In fact, German sociologist Günter Seufert believes that Erdoğan's good relationship with Putin brought him much closer to his goal of strategic autonomy from the West.²⁸ Although Erdoğan's Turkey appreciates cooperation with NATO partners and remains a traditional Western partner, the country tends to shift to a more Eurasian security structure rather than an exclusively Western one. In line with this, Turkish national interest would no longer be indexed to the interests of the West or the United States.²⁹ This orientation towards Eurasia is called Eurasianism.³⁰ Anti-Westernism and Eurasianism in Turkey are extensively promoted by the ruling party, AKP.³¹ There is little advocacy for the Western outlook

20 European Commission, *Commission Staff Working Document, Türkiye 2022 Report*, Brussels, 2022, <https://neighbourhood-enlargement.ec.europa.eu/system/files/2022-10/T%C3%BCrkiye%20Report%202022.pdf>.

21 Kadri Tastan, "The Challenge of Decarbonisation and EU-Turkey Trade Relations," *Stiftung Wissenschaft und Politik (German Institute for International Security Affairs)*, November 2022, <https://doi.org/10.18449/2022C66>.

22 *Ibid.*

23 European Commission, *Commission Staff Working Document, Türkiye 2022 Report*.

24 Jacopo Barigazzi, "EU moves toward new official Russia policy: Isolation," *POLITICO*, November 24, 2022, <https://www.politico.eu/article/russia-isolation-european-union-policy/>.

25 Nazlan Ertan, "EU Warns Turkey on Ties with Russia Ahead of Erdogan-Putin Meeting," *Al-Monitor: Independent, Trusted Coverage of the Middle East*, October 12, 2022, <https://www.al-monitor.com/originals/2022/10/eu-warns-turkey-ties-russia-ahead-erdogan-putin-meeting>.

26 Ioannis N. Grigoriadis, "Turkey's Pivot to Eurasia: The Effect of Russia's Invasion of Ukraine," *Hellenic Foundation for European & Foreign Policy*, policy brief 161/2022, April 2022, <https://www.eliamep.gr/wp-content/uploads/2022/04/Policy-brief-161-Grigoriadis-Final.pdf>.

27 Marc Pierini, "The Narrow Path forward between the European Union and Turkey," *European Institute of the Mediterranean*, October 2021, <https://www.iemed.org/wp-content/uploads/2021/10/European-Union-Turkey-Relation-MedYearbook2021.pdf>.

28 Günter Seufert, "Erdoğan's tightrope act: In the conflict on Ukraine, Turkey is moving cautiously toward the West," *Stiftung Wissenschaft und Politik (German Institute for International Security Affairs)*, March 9, 2022, <https://www.swp-berlin.org/publikation/erdogans-tightrope-act-in-the-conflict-on-ukraine-turkey-is-moving-cautiously-toward-the-west>.

29 Grigoriadis, Turkey's Pivot to Eurasia: The Effect of Russia's Invasion of Ukraine.

30 Enes Esen, Servet Akman, Ahmet Kalafat and Bahadır Güllü, "Eurasianists in Turkey and Their Media on the War in Ukraine," *InstituDE*, https://uploads-ssl.webflow.com/613204cb57e0dd9f56cd6a54/63fcd0b557b2a249d0b708a_Avrasyac%C4%B1l%C4%B1k%2026%20C5%9Fubat.pdf.

31 Ihsan Dağı, "Turkey's division between East and West," *IPS Journal*, April 25, 2022, <https://www.ips-journal.eu/topics/democracy-and-society/turkeys-divided-public-between-the-west-and-russia-5886/>.

in Turkey's foreign policy, and therefore the prospects of cooperation with the EU are unclear.³²

In the context of the Russo-Ukrainian conflict, Turkey seeks a greater role for itself rather than being attached to either the West or East.³³ At the same time, Turkish Eurasianism advocates for a stronger alliance between Turkey, Russia, China, and Iran, and it is backed by Erdoğan himself.³⁴ Besides, the tendency of Turkey to favour Eurasianism is seen in claims that the West had entered a "*serious and irreversible decline*".³⁵ In February 2022, Erdoğan accused NATO and the EU of failing to act on the situation in Ukraine since "*the EU and other pro-Western (bodies) have failed to take a serious and determined stance at the moment.*"³⁶ Therefore, the Western political and security structure is seen by Erdoğan as declining. Turkey has significant disagreements with the EU in areas of key foreign policy priorities of the country.³⁷

Turkey has also been called a "*black knight*", a term which refers to a state that helps a sanctioned country to soften the impact of restrictions.³⁸ However, calling Turkey a "*black knight*" is not quite right. Firstly, Turkey provides evidence to the EU that sanctions are not violated,³⁹ and

Turkey rejected a number of proposals made by Russia that could violate the Western sanctions policy while lamenting that the EU did not consult the country on the sanctions regime.⁴⁰

EU Pressure in Light of Turkey-Russia Cooperation

The EU puts greater pressure on Turkey to avoid expansion of cooperation with Russia. For instance, in September 2022 Turkey faced strong pressure from the EU because Turkish banks supported the Russian payment system *Mir* and there were fears that *Mir* would help Russia to evade financial sanctions.⁴¹ As a result, Turkey's state banks suspended the use of *Mir* because secondary sanctions that would arise from cooperation with Russia certainly generate risks for Turkish banks and companies.⁴² However, Russia and Turkey started to discuss the use of the Turkish national payment system *Troy* by Russian citizens.⁴³ Additionally, Russian-Turkish economic relations became stronger. The trade volume with Russia in 2021 was US \$34.73 billion and in 2022 the figure doubled to US \$68.19 billion.⁴⁴ Thus, the strengthening of economic ties between Turkey and Russia creates a problem in current EU-Turkey relations, since sanctions are mainly targeted at

32 *Ibid.*

33 Tziarras, The Ukraine War and Turkey as a "Third Pole" in a New International Order.

34 Dağı, Turkey's division between East and West.

35 Grigoriadis, Turkey's Pivot to Eurasia: The Effect of Russia's Invasion of Ukraine.

36 AFP, "Erdoğan accuses NATO, EU of failure to act over Ukraine," *Business Recorder*, <https://www.brecorder.com/news/40157149>.

37 Senem Aydın-Düzgüt and Gergana Noutcheva, "External Contestations of Europe: Russia and Turkey as Normative Challengers?," *Journal of Common Market Studies* 60, no. 6 (2022): 1815–1831.

38 Barbara Moens, Sarah Anne Aarup and Paola Tamma, "Erdoğan Walks a Fine Line as the Ukraine War's Double Agent," *POLITICO*, August 18, 2022, <https://www.politico.eu/article/turkey-recep-tayyip-erdogan-fine-line-ukraine-russia-war/>.

39 Daniel Stewart, "Borrell Says Turkey Not Helping Russia Circumvent EU Sanctions," *MSN*, November 22, 2022, <https://www.msn.com/en-xl/news/other/borrell-says-turkey-not-helping-russia-circumvent-eu-sanctions/ar-AA14qifB>.

40 Abdullah Bozkurt, "Russia turned to Turkey on land transportation to avoid Western sanctions," *Nordic Monitor*, December 19, 2022, <https://nordicmonitor.com/2022/12/russia-turned-to-turkey-on-land-transportation-to-avoid-western-sanctions/>.

41 Henry Foy, James Politi, Sam Fleming and Laura Pitel, "US and EU Step up Pressure on Turkey over Russia Sanctions," *Financial Times*, September 15, 2022. <https://www.ft.com/content/95243a73-22c8-447e-bbae-a10a206d7e9e>.

42 Can Sezer, "Turkey's State Banks Suspend Use of Russian Mir Payment System -Finance Minister," *Reuters*, September 29, 2022, <https://www.reuters.com/business/finance/turkeys-ziraat-bank-suspends-use-russian-mir-payment-system-ceo-2022-09-29/>.

43 Azərbaycan24, "Turkiye, Russia Discuss Using Troy Payment System Instead of Mir," AZƏRBAYCAN24, October 5, 2022, <https://www.azerbaycan24.com/en/turkiye-russia-discuss-using-troy-payment-system-instead-of-mir/>.

44 Levent Kenez, "Ukraine War Anniversary: Turkish-Russian Trade Skyrocketed despite Sanctions," *Nordic Monitor*, February 28, 2023, <https://nordicmonitor.com/2023/02/ukraine-war-anniversary-turkish-russian-trade-skyrocketed-despite-sanctions/>.

the Russian economy and Turkey, as aforementioned, has been accused of helping Russia to resist restrictive measures.

Cooperation between Erdoğan and Putin in the gas sector also worries Brussels. According to European Commission President Ursula von der Leyen, gas profits might be used by Putin to “*finance his atrocious war in Ukraine*”.⁴⁵ In October 2022, the EU warned Turkey against cooperation with Russia.⁴⁶ This statement followed Erdoğan’s agreement with the plan proposed by Putin to make Turkey a natural gas hub.⁴⁷ The Turkish President said that while the EU would desperately look for alternative gas suppliers, Turkey would not be confronted with gas shortages.⁴⁸ The hub could also help Europe in the energy crisis, and thus Erdoğan indirectly calls on the EU to realise Turkey’s strategic importance for the EU and cooperate instead of confronting it. It is necessary to remember that Turkey is one of the largest and most strategically located neighbourhood countries of the EU, a NATO ally, and an EU candidate state.⁴⁹ Suat Kınıklıoğlu, former member of the Turkish parliament, called EU-Turkey relations a “*necessary friendship*” because of these reasons.⁵⁰ The EU is concerned with democratic backsliding in Turkey,

however, Erdoğan handled the Ukrainian conflict rather well and makes the most out of his mediator role.⁵¹ Moreover, Turkey could provide Europe with enough gas coming from Russia, Azerbaijan, and Iran.⁵² Therefore, cooperation with Turkey, especially in the gas sector, is necessary and beneficial for the EU.

The EU also expressed concern that Russian gas could be transported to Europe through a Turkish gas hub. Russian state gas company Gazprom could sell that gas to the state oil company of the Republic of Azerbaijan (SOCAR) and then use Turkey as a conduit to the EU market.⁵³ If a gas hub were to be created, then the EU might find it difficult to diversify its gas sources and there would be fear of Gazprom’s regional monopoly.⁵⁴ Moreover, once on a grid, gas molecules are indistinguishable.⁵⁵ It would be almost impossible for the EU to check how much gas of Russian origin is coming to Europe, rendering it difficult to measure the impact of sanctions against Russian gas.

Challenging EU Policy

An additional complicating factor in EU-Turkey relations is Turkey’s desire for recognition by the EU regarding its importance in dealing with the Ukrainian

45 European Commission, *Statement by President von der Leyen on energy*, Brussels, 2022, https://ec.europa.eu/commission/presscorner/detail/en/speech_22_5389.

46 Ertan, EU Warns Turkey on Ties with Russia Ahead of Erdogan-Putin Meeting.

47 Agata Łoskot-Machota and Adam Michalski, “Turkey’s dream of a hub. Ankara’s wartime gas policy,” *Center for Eastern Studies*, March 10, 2023, <https://www.osw.waw.pl/en/publikacje/osw-commentary/2023-03-10/turkeys-dream-a-hub-ankaras-wartime-gas-policy>.

48 Dorian Jones, “Erdogan Agrees to Putin’s Plan for Turkey to Be Russian Gas Hub,” *VOA*, October 21, 2022, <https://www.voanews.com/a/erdogan-agrees-to-putin-s-plan-for-turkey-to-be-russian-gas-hub/6798604.html>.

49 Luigi Scazzieri, “The EU and Turkey after the elections The start of a new chapter?,” *Centre for European Reform*, March 29, 2023, https://www.cer.eu/sites/default/files/pbrief_LS_turkish_elections_29.3.23.pdf.

50 Suat Kınıklıoğlu, “Necessary friends: Turkey’s improving relationship with the West,” *European Council on Foreign Relations*, April 7, 2022, <https://ecfr.eu/article/necessary-friends-turkeys-improving-relationship-with-the-west/>.

51 *Ibid.*

52 Intellinews, “Can Russia sneak gas into the EU via a Turkish gas hub?,” *Intellinews.com*, December 6, 2022, <https://www.intellinews.com/can-russia-sneak-gas-into-the-eu-via-a-turkish-gas-hub-264445/>.

53 *Ibid.*

54 Aura Sabadus, “Beware of (Russian) Hubs Bearing Gifts,” *Center for European Policy Analysis*, December 14, 2022, <https://cepa.org/article/turkey-beware-of-russian-hubs-bearing-gifts/>.

55 Intellinews, Can Russia sneak gas into the EU via a Turkish gas hub?.

conflict. For example, Turkish Foreign Minister Mevlüt Çavuşoğlu criticised the EU for having “*strategic blindness*” for starting a new security assistance mission to Ukraine without consultations with Ankara.⁵⁶ Even though Turkey is an EU candidate, there is no perceived reciprocity in bilateral relations. For example, deteriorating EU-Turkey relations led to the country not being invited in August 2022 to join Ukraine, Moldova, and Georgia for an informal EU foreign affairs meeting in Prague to discuss the Ukrainian conflict.⁵⁷ The unequal treatment of Turkey compared to other aspiring EU candidate states is evident. Turkey aspires to not just belong to Europe’s periphery.⁵⁸ Instead, the country sees itself as an equal and strategically important partner of the EU. In order to improve their relations, Turkey and the EU should take key strategic decisions together. Moreover, Çavuşoğlu accused the EU of prioritising the individual interests of some member states.⁵⁹ Additionally, the Turkish Ministry of Foreign Affairs (MFA) criticised the EU for having “*a narrow-minded and biased approach*” against Turkey.⁶⁰ Conclusions drawn by the European Union “*neither contribute to Türkiye-EU relations nor promote a constructive agenda.*”⁶¹

Moreover, President Erdoğan expressed dissatisfaction with the current EU foreign policy and how it approaches Turkey by calling on the Union to treat Turkey like Ukraine.⁶² He meant that while the EU actively works on the accession process of Ukraine, Turkey has been an EU candidate since 1999. In September 2022, Erdoğan described EU policy towards Russia as a policy of provocations.⁶³ He stated that Russia should not be underestimated and that the West made a mistake.⁶⁴ For example, the EU did not think about alternative gas supplies before imposing sanctions. Therefore, Erdoğan points to the fact that EU policy might not always have positive effects. Furthermore, when Josep Borrell called on the Turkish president to join sanctions against Russia, Erdoğan criticised the High Representative for making “*a statement like that,*”⁶⁵ conveying a message that EU politicians should not attempt to intervene in Turkey’s internal affairs and its relations with other countries. Russia-Turkey relations are driven largely by necessity and not by shared identity, interest, and threat perceptions.⁶⁶ Therefore, calling Turkey a Russian ally or a safe haven to avoid Western sanctions would not be quite right. Turkey has economic and security

56 The Odessa Journal, “Turkey Criticizes EU for ‘Strategic Blindness’ towards Ukraine,” *The Odessa Journal*, November 29, 2022, <https://odessa-journal.com/turkey-criticizes-eu-for-strategic-blindness-towards-ukraine/>.

57 Yenel, Turkey’s Disengagement from the European Union.

58 The Economist Special Report, “Turkey has a newly confrontational foreign policy,” *The Economist*, January 16, 2023, <https://www.economist.com/special-report/2023/01/16/turkey-has-a-newly-confrontational-foreign-policy>.

59 The Odessa Journal, “Turkey Criticizes EU for ‘Strategic Blindness’ towards Ukraine,” *The Odessa Journal*, November 29, 2022, <https://odessa-journal.com/turkey-criticizes-eu-for-strategic-blindness-towards-ukraine/>.

60 Ministry of Foreign Affairs of the Republic of Türkiye, “Press Release Regarding EU General Affairs Council Conclusions Which Relate to Türkiye” (No: 378, December 14, 2022), https://www.mfa.gov.tr/no_-378_-avrupa-birligi-genel-isler-konseyi-nde-ulkemize-iliskin-alinan-karar-hk.en.mfa.

61 *Ibid.*

62 Turkish Minute, “‘Treat Turkey like Ukraine’: Erdoğan Tells EU,” *Turkish Minute*, March 2, 2022, <https://turkishminute.com/2022/03/02/eat-turkey-like-ukraine-erdogan-tells-eu/>.

63 Al Jazeera, “‘Provocations’: Erdogan Decries Western Policy towards Russia,” *Al Jazeera*, September 7, 2022, <https://www.aljazeera.com/news/2022/9/7/erdogan-says-western-nations-using-provocations-against-russia>.

64 Ragip Soylu, “Erdogan Blames Energy Crisis on Europe’s Provocations against Russia,” *Middle East Eye*, September 7, 2022, <https://www.middleeasteye.net/news/turkey-erdogan-energy-crisis-europe-provocations-russia>.

65 TASS, “Erdogan Criticises Borrell’s Call for Turkey to Join Sanctions on Russia,” *TASS Russian News Agency*, December 15, 2022, <https://tass.com/world/1551195>.

66 Grigoriadis, Turkey’s Pivot to Eurasia: The Effect of Russia’s Invasion of Ukraine.

justifications to avoid participating in anti-Russian sanctions, such as protecting its economy from recession, guaranteeing energy security, and fostering cooperation with Russia regarding the ongoing conflict in Syria.⁶⁷ The Turkish government expects understanding from the side of the EU, as despite having economic links with Russia, Turkey acts as a mediator and cooperates with NATO on ensuring the territorial integrity of Ukraine.⁶⁸

Conclusion

The Russia-Ukraine conflict strained EU-Turkey relations, mainly because both parties have distinct views on how to handle the crisis. When the EU decided to go into total opposition to Russia, then Turkey decided to maintain cooperation, mostly driven by necessity and, thus, preferred to protect national interests rather than adhere to EU values. The EU views Turkey's policy regarding the Ukrainian conflict as one that goes against EU foreign policy objectives, mainly because of Turkey's refusal to join anti-Russian sanctions. Nevertheless, Erdoğan still wants to maintain the much-needed economic cooperation with the EU. For the EU, it is difficult to understand how to treat Turkey: as a partner, as a mediator, or as a profit-seeker. Moreover, Turkey demands mutual respect and fair treatment from the Union. The absence of reciprocity in bilateral relations is evident. However, collective effort is needed to get the conflict under control. Instead of throwing mutual accusations against each other, the European Union and Turkey should work together on promoting diplomacy as the only way to bring an end to the Russia-Ukraine conflict.

⁶⁷ Sinem Adar, "Perceptions in Turkey about the war in Ukraine: implications for the future of EU-Turkey relations," *Stiftung Wissenschaft und Politik (German Institute for International Security Affairs)*, April 25, 2022, https://www.ssoar.info/ssoar/bitstream/handle/document/81665/ssoar-2022-adar-Perceptions_in_Turkey_about_the.pdf?sequence=1&isAllowed=y&lnkname=ssoar-2022-adar-Perceptions_in_Turkey_about_the.pdf.

⁶⁸ *Ibid.*



Introduction

One hundred years after the birth of the republic fathered by Atatürk, Turkey faces one of its most important elections. Indeed, throughout its 20 years of Adalet ve Kalkınma Partisi, (AKP) rule, Turkey has undergone a series of changes that have distanced it from the republic once founded by Atatürk.

Until January 2023, it seemed that Turkey had somewhat good omens for Erdoğan. That month, *the Economist* predicted the President to be re-elected (*albeit*, in his most challenging election yet) and the AKP to likely lose its majority in Parliament.² However, in the aftermath of Turkey's earthquake, Erdoğan's luck might have changed, with commentators starting to wonder whether the Erdoğan era is coming to an end.³ Doubts are fairly welcome as reporters highlight the uncanny resemblances that once accounted for Erdoğan's electoral success: the now President came to power in the midst of a financial crisis and riding a wave of public outrage toward the Ecevit's government

handling of a deadly earthquake.⁴ Now, *"months away from an election, Erdoğan's political future could hinge on how the public perceives his government's response to a similarly devastating natural disaster"*.⁵

Certainly, Erdoğan has branded himself as an efficient figure, capable of guiding Turkey through hardships. Nonetheless, his handling of the earthquake might tell another story, with some arguing that the government was missing in action and the earthquake revealed how weak the country's institutions are.⁶ At present, the figures speak for themselves: around 30.000 deaths, 80.000 injured, and millions displaced.⁷ Needless to say, scholars have already pointed out that the President will come under scrutiny for his government's slow and uncoordinated response to the earthquake, as well as for the alleged corruption in the national construction boom that marked his tenure in power.⁸

This article intends to shed light, first, on what is at stake in the elections, and second, on whether to expect a fair and clean electoral day and campaign. Finally,

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2 The Economist Intelligence Unit, "Turkish and Spanish elections among key votes to watch in 2023," *The Economist Intelligence Unit*, January 5, 2023, <https://www.eiu.com/n/turkish-and-spanish-elections-among-key-votes-to-watch-in-2023/>.

3 Elçin Poyrazlar, "It's 50-50: Erdoğan risks defeat in Turkey's knife-edge election," *Politico*, March 24, 2023, <https://www.politico.eu/article/turkey-2023-election-erdogan-close-call-republican-peoples-party-turkey-sweden-akp-chp-kilicdaroglu-fahrettin-altun/>.

4 Suzan Fraser and Zeynep Bilginsoy, "Earthquake compounds Turkish leader's woes as election nears," *Associated Press News*, February 11, 2023, <https://apnews.com/article/politics-turkey-government-recep-tayyip-erdogan-7271a2f750c3f9fadd689c44d35b4d49>.

5 *Ibid.*

6 Soli Özel, "Will Turkey's earthquakes create shock waves on election day?," *Institut Moutaigne*, March 20, 2023, <https://www.institutmoutaigne.org/en/analysis/will-turkeys-earthquakes-create-shock-waves-election-day>.

7 Soner Cagaptay, "How Will Turkey's Earthquake Affect the Current Election Cycle?," *The Washington Institute*, February 14, 2023, <https://www.washingtoninstitute.org/policy-analysis/how-will-turkeys-earthquake-affect-current-election-cycle>.

8 *Ibid.*

the article will analyse the possibilities of the opposition being successful in the elections.

What Is at Stake?

The AKP rose to power in 2002, with promises of democratisation and reforms on the judiciary power, human and minority rights, economy, and foreign policy, many of them necessary to comply with the European Union (EU) membership requisites.⁹ The reforms and liberal policies enacted, however, allowed Erdoğan to weaken the sediments of the *"Kemalist-secular hegemonic status quo (military-judicial- bureaucratic establishment) and create his own circles and investment groups"*.¹⁰ In this sense, analysts have pointed out that Erdoğan and the AKP began to gradually show authoritarian tendencies that resulted from the amendments to the constitution, the change of the political system to a presidential one, and the purge of critical civil society voices and opposition politicians. Indeed, the AKP, as some have put it, has presided over a hollowing-out of state capacity.¹¹ Furthermore, throughout the years, and especially after the 2016 failed coup, the party has been successful in purging thousands of civil servants at the cost of undermining the institutions through which it is supposed to govern. Some alarmist voices have

thus warned that time may be running out to stop Turkey from turning into a permanent one-man show.¹² Similarly, scholars highlight the importance of the forthcoming elections in that they will determine Turkey's state of democracy, financial crisis, and immigration policy.¹³

From legal reforms to foreign policy recalculations and new economic policies, the opposition coalition seeks to reverse Erdoğan's signature policies. In 2014, Erdoğan promised a new era for Turkey, pledging, throughout his electoral campaign, to introduce a new constitution and presidential system. Said system was marketed as a provider of increased efficiency and better governance, but its existence might be short-lived in an opposition-win scenario.¹⁴ That is, the main promise of the opposition is to return to a parliamentary system stronger than the one in place before the country switched to the current presidential system in 2018.¹⁵ Moreover, they have pledged to restore the prime minister position –abolished through a referendum in 2017– and invest it with political responsibility. In contrast, the role of the President would be an impartial one, without such competence.¹⁶

In the economic realm, experts assert that Erdoğan's calls for low-interest rates sent inflation soaring to a 24-year high of 85% last year, and the lira slumping to

9 Sezer İdil Göğüş, "The 2023 Elections in Turkey. Can the Opposition Challenge Erdoğan and the AKP?," *Peace Research Institute Frankfurt*, September 28, 2022, <https://blog.prif.org/2022/09/28/the-2023-elections-in-turkey-can-the-opposition-challenge-erdogan-and-the-akp/>.

10 Umit Nazmi Hazır, "Anti-Westernism in Turkey's Neo-Ottomanist Foreign Policy under Erdoğan," *Russia in Global Affairs* 20, no.2 (2022): 164–83..

11 Murtaza Hussain, "Turkey's next elections could be the country's last real democratic vote," *The Intercept*, January 22, 2023, <https://theintercept.com/2023/01/22/turkey-election-erdogan/>.

12 *Ibid.*

13 Göğüş, "The 2023 Elections in Turkey. Can the Opposition Challenge Erdoğan and the AKP?."

14 Aslı Aydıntaşbaş and Adrianna Pita, "What's at stake in Turkey's elections?," *Brookings Institution*, March 10, 2023, <https://www.brookings.edu/podcast-episode/whats-at-stake-in-turkeys-elections/>.

15 Huseyin Hayatsever and Ali Kucukgocmen, "Factbox: Turkey's anti-Erdogan bloc vows to reverse his legacy," *Reuters*, March 7, 2023, <https://www.reuters.com/world/middle-east/turkeys-anti-erdogan-bloc-vows-reverse-his-legacy-2023-03-06/>.

16 *Ibid*; the opposition has pledged to abolish the president's right to veto legislation and issue decrees.

one-tenth of its value against the dollar over the last decade.¹⁷ In contrast to the President's unorthodox economic policies, the "Six Table" alliance (the opposition coalition) has vowed to restore independence to the central bank and to end policies that interfere with a floating exchange rate, including a government scheme that protects lira deposits against currency depreciation.¹⁸ Finally, the opposition also seeks to reverse Erdoğan's legacy concerning the rule of law. The opposition alliance has promised to work towards ensuring the independence of the judiciary, reforming the Board of Judges and Prosecutors, and the structure and elections processes for higher courts.¹⁹

The only sphere in which Erdoğan's legacy seems to persist in the opposition's idiosyncrasy is in that of foreign policy. A first look would signal a comeback to a Kemalist and Western-oriented foreign policy,²⁰ with several items figuring in the opposition's plan signalling this: adoption of the "Peace at Home, Peace in the World" approach, working to complete the accession process for EU membership, establishing closer relations with the United States, and returning to the F-35 fighter jet programme.²¹ A closer observation, however, denotes a willingness to continue the assertiveness that marked Erdoğan's foreign policy, with the opposition vowing to review the EU-Turkey refugee deal of 2016 and expressing its willingness to maintain relations with Russia.²² Such

an approach is in line with the AKP-era foreign policy formulation and discourse: an assertive foreign policy based on the self-perception of Turkey as having a central position that demands a more active role. In this sense, it is likely that, if electorally successful, the opposition will opt for a foreign policy similar to the 2010-decade Turkish foreign policy, when vestiges of Kemalism coexisted with the new assertiveness introduced by the AKP government.

Furthermore, if successful, Turkish opposition might serve as a blueprint to counter populism. Scholars have argued that its pluralism strategy (with campaign strategies such as "radical love" in the 2019 municipal elections) might be effective for countering polarisation and populist discourses.²³ That is, engaging with pluralism allowed the opposition to attract diverse voters and focus on its electoral programme and projects, avoiding the pitfalls of polarisation (i.e., targeting Erdoğan and responding to AKP accusations).²⁴ Therefore, as it has been suggested, *"non-populist alternatives are essential to counterbalance the negative effects of populism on democratic norms, social cohesion, and the rule of law. By advocating for an inclusive and diverse approach to politics, non-populist movements can restore public trust in democratic institutions and foster a collaborative decision-making process"*.²⁵

17 Reuters, "Explainer: What's at stake in Turkey's upcoming elections?," *Reuters*, March 7, 2023, <https://www.reuters.com/world/middle-east/whats-stake-turkeys-upcoming-elections-2023-03-07/>.

18 *Ibid.*; Hayatsever and Kucukgocmen, Factbox: Turkey's anti-Erdogan bloc vows to reverse his legacy.

19 Hayatsever and Kucukgocmen, Factbox: Turkey's anti-Erdogan bloc vows to reverse his legacy.

20 "Peace at Home, Peace in the World" was the cornerstone of Kemalist foreign policy. Until 2002, Turkish foreign policy was based on Kemalism. During these decades, due to the intrinsic pro-Western stance that emanated from the Western identity intrinsic to Kemalism, Turkey pursued a foreign policy aimed at defending Western interests.

21 Hayatsever and Kucukgocmen, Factbox: Turkey's anti-Erdogan bloc vows to reverse his legacy.

22 *Ibid.*

23 Guney Yildiz, "Why The Turkish Opposition Could Offer A Blueprint To Counter Populism," *Forbes*, March 29, 2023, <https://www.forbes.com/sites/guneyyildiz/2023/03/29/turkish-elections-at-the-crossroads-of-populism/?sh=1e4ecb682524>.

24 Seren Korkmaz, "The Strategies and Struggles of the Turkish Opposition under Autocratization," *Middle East Institute*, October 4, 2022, <https://www.mei.edu/publications/strategies-and-struggles-turkish-opposition-under-autocratization>.

25 Yildiz, Why The Turkish Opposition Could Offer A Blueprint To Counter Populism.

Overall, Turkey's May elections will have determinant consequences for the country's democracy, rule of law, economy, and its relations with the EU and the United States.

Competitive but Unfair

As previously noted, in the 20 years of AKP rule, Turkey has witnessed a process of concentration of power around Erdoğan and the AKP. Such a phenomenon accounts for the uneven and unfair scenario in which the elections will unfold.

Ünlühisarcıklı notes that Erdoğan and the AKP have clear advantages in the forthcoming elections.²⁶ Among these, public broadcasting is almost completely monopolised by Erdoğan, with a large majority of the media also being controlled by businessmen close to him. To this argument, Baydar and Bureau add that not only 90% of Turkish media is under the control of the President, but this also extends to the Supreme Council of Radio and Television.²⁷ They argue that the Council will likely stand in the way of the opposition, and while it is *"meant to act as a media watchdog, [it] will be intent on keeping a tight grip on opposition news outlets"*.²⁸ Another institution that the President controls is the Supreme Electoral Council, which, during Erdoğan's rule, has lost its autonomy.²⁹ In this sense, Ünlühisarcıklı asserts that the recent

amendments to the electoral laws have made election monitoring more difficult for the opposition.³⁰

Other circumstances that make the playing field uneven is that Erdoğan controls two key departments through his loyal ministers, namely, the Interior and Justice ministries.³¹ Indeed, on one hand, controlling the Interior Ministry allows the President to exert power over the police and the security displayed at voting polls. On the other hand, his influence over the judicial power has resulted in legislation such as amendments in electoral law and the disinformation bill, which created further advantages for the government to increase its control over the electoral process.³² Moreover, the President has a governing record and *"the advantage of a consolidated voter base and a disciplined party organi[s]ation, while the other candidates will need to bring together ideologically diverse voters to succeed"*.³³

Moreover, Erdoğan's access to public resources, granted by his capacity as President, is another advantage he will enjoy. Nevertheless, Erdoğan does not possess access to the kind of resources he would need to be able to ignore the results of an election in which he loses.³⁴ Such resources, Kirişçi and Esen argue, are financial assets, enjoyment of the full loyalty of their security apparatus, and secured diplomatic allies. Indeed,

26 Özgür Ünlühisarcıklı, "Upcoming Elections in Turkey: Unfair but Real and Competitive," *German Marshall Fund*, accessed April 2, 2023, <https://www.gmfus.org/news/upcoming-elections-turkey-unfair-real-and-competitive>.

27 Yavuz Baydar and Syndication Bureau "Turkish Elections: A final referendum on Erdogan's republic," *Euractiv*, January 27, 2023, <https://www.euractiv.com/section/global-europe/opinion/turkish-elections-a-final-referendum-on-erdogans-republic/>.

28 *Ibid.*

29 *Ibid.*

30 Özgür Ünlühisarcıklı, Upcoming Elections in Turkey: Unfair but Real and Competitive.

31 Yavuz Baydar and Syndication Bureau, Turkish Elections: A final referendum on Erdogan's republic.

32 Pelin Musil, "What can we expect from the 2023 presidential and parliamentary elections in Turkey?," *Institute of International Relations Prague*, November 22, 2022, <https://www.iir.cz/what-can-we-expect-from-the-2023-presidential-and-parliamentary-elections-in-turkey>.

33 Ünlühisarcıklı, Upcoming Elections in Turkey: Unfair but Real and Competitive.

34 Kemal Kirişçi and Berk Esen, "Might the Turkish Electorate Be Ready to Say Goodbye to Erdoğan After Two Decades in Power?," *Just Security*, November 22, 2021, <https://www.justsecurity.org/79306/might-the-turkish-electorate-be-ready-to-say-goodbye-to-erdogan-after-two-decades-in-power/>.

scholars have already pointed out that *"it is not certain that Erdoğan enjoys the full support of the security apparatus, whose unquestioned loyalty would be vital to put down popular protests in the aftermath of the election"*.³⁵ The argument goes that, while the police forces are believed to be a partisan body under the tight control of the Ministry of Interior,³⁶ military support, on the contrary, is not guaranteed in the face of a massive crackdown.³⁷ As a result, even though Erdoğan has been compared to a figure of democracy's global decline by some, the President differs from other authoritarian figures who have engaged in fraud –such as Venezuela's Nicolás Maduro or Aleksander Lukashenko in Belarus– in that it does not possess the resources needed to maintain himself in power.³⁸

As election day approaches, however, suspicions of electoral fraud have filled the air. Critic voices have asserted that what will come out of the ballot box will be very different from what goes in, or that, even if defeated, President Erdoğan will not leave office.³⁹ Nevertheless, some experts seem to coincide in that the chances of electoral fraud are rather slim. Kirişci and Esen highlight that Turkey has a long record of holding elections that have been reasonably fair and free since 1950 (although with some instances of irregularities and vote manipulation in rural and isolated areas).⁴⁰ Likewise, Aydıntaşbaş notes that voting is relatively

free and transparent, as is accounting.⁴¹ The existence of relatively transparent and fraud-free elections, thus, would be another feature that sets Turkey apart from the aforementioned electoral autocracies.⁴²

Finally, committing fraud might just not be rewarding enough in a cost-benefit calculation. Kirişci and Esen observed that considering Turkey's history of flirting with electoral manipulation, there is a chance that the Government will feel tempted to engage in such an activity.⁴³ Nonetheless, the authors highlight that *"pollsters privately note that such a manipulation would not significantly improve the prospects of Erdoğan and AKP's votes –for example, by more than 2-3 points nationally. This would fall short of disrupting an outcome that [favours] the opposition by 8-9 points"*.⁴⁴ Moreover, conducting irregularities might prove challenging in the Western parts of the country, where most of the electorate is located, and where the opposition and civil society are likely to be organised to protect the security ballots and prevent irregularities from occurring.⁴⁵

Does the Opposition Stand a Chance?

The Turkish opposition faces its best chance yet to secure an electoral victory. The President's popularity has eroded because of the cost-of-living crisis, with inflation levels causing dissatisfaction across segments of society. Indeed,

35 Berk Esen, "Post-2023 Election Scenarios in Turkey," *German Institute for International and Security Affairs*, September 22, 2022, <https://www.swp-berlin.org/en/publication/post-2023-election-scenarios-in-turkey>.

36 The Minister of Interior, Süleyman Soyulu faces allegations of close ties to organised crime groups. Soyulu, thus, is believed to have a strong incentive to oppose a government turnover, which could pave the way for his prosecution.

37 While post-coup purges have brought the armed forces under tighter civilian control, the Turkish military, as a conscription force, may refrain from clashing directly with citizens; *Ibid.*

38 *Ibid.*

39 Esen, Post-2023 Election Scenarios in Turkey.

40 Kirişci and Esen, Might the Turkish Electorate Be Ready to Say Goodbye to Erdoğan After Two Decades in Power?.

41 Aydıntaşbaş and Pita, What's at stake in Turkey's elections?.

42 Despite these annotations, Turkey has features that distance the country from a fully democratic system. For instance, in the run-up to the elections, Istanbul Mayor Ekrem İmamoğlu, viewed as Erdoğan's most formidable challenger, was banned from politics and sentenced to two years in prison. His arrest comes after the Government's efforts to criminalise contents deemed as "disinformation" and the increase in censorship towards the Government's critics and opponents.

43 Kirişci and Esen, Might the Turkish Electorate Be Ready to Say Goodbye to Erdoğan After Two Decades in Power?.

44 *Ibid.*

45 *Ibid.*

scholars have highlighted that the financial situation provides opportunities for the opposition: the current economic situation is similar to that which made the AKP's victory possible in 2002, following the 2001 financial crisis in Turkey.⁴⁶ Unsurprisingly, these developments have taken a toll on Erdoğan's and the AKP standing in the polls: *"nearly 81 percent of individuals polled in October [2022] supported the view that the Turkish economy was being badly managed, with 61 percent of AKP voters falling into this category"*.⁴⁷ Moreover, the refugee crisis and the earthquake have only added pressure on the Government, as news outlets report that victims of the earthquake are reconsidering their loyalty in previous AKP strongholds.⁴⁸ Considering this, the opposition stands between a series of opportunities, but also challenges.

If polls are to be trusted, they paint a rather optimistic picture for the opposition. In March 2023, polls showed *"the Turkish opposition's presidential candidate, Kemal [Kılıçdaroğlu], leading against President Tayyip Erdoğan by more than 10 percentage points ahead"*.⁴⁹ Additionally, the opposition could benefit from the weakening of Erdoğan's ability to set the agenda and silence the opposition as well as the defections from the ranks of the President's entourage and growing rifts within the AKP, which altogether create the image of a sinking ship.⁵⁰ Moreover, Erdoğan fails to rally his electoral base on the basis of polarising and divisive political narratives. In contrast, scholars highlight

the opposition's energy, organisation, and capacity to shape the day-to-day agenda. An additional opportunity comes from the opposition coalition's programme itself; its promise to return to a parliamentary system might be one of its main advantages in the forthcoming elections, with *"support for the current presidential system down to an all-time low at 34 percent, while 57.7 percent [favour] a return to the parliamentary system."*⁵¹ As the *Economist* put it, even AKP voters discontented with the presidential system and the economy could support the opposition's programme.⁵² Finally, the "diverse" nature of the opposition alliance could be an asset, with each prominent figure within the alliance having the potential to appeal to a different segment of Turkey.⁵³

Nevertheless, despite these opportunities, challenges also stand in its way to victory. First, the "diverse" nature of the opposition coalition might translate into challenges. As Esen notes, *"while cooperating against the ruling alliance, they are also in competition with each other for popular support and influence"*.⁵⁴ Moreover, other related challenges are the unclear durability of the alliance and its survival depending on a delicate political balance.

Second, the opposition might have to spend an extraordinary effort to mobilise the undecided and protest voters.⁵⁵ Kirişçi and Esen assert that one of the opposition's challenges will arise from *"the fact that there is a large pool of undecided voters, many of whom supported AKP and MHP in*

46 Göğüş, The 2023 Elections in Turkey. Can the Opposition Challenge Erdoğan and the AKP?.

47 Kirişçi and Esen, Might the Turkish Electorate Be Ready to Say Goodbye to Erdoğan After Two Decades in Power?.

48 Jonathan Spicer and Ece Toksabay, "Polls show Erdogan lags opposition by more than 10 points ahead of May vote," *Reuters*, March 13, 2023, <https://www.reuters.com/world/middle-east/polls-show-erdogan-lags-opposition-by-more-than-10-points-ahead-may-vote-2023-03-13/>.

49 *Ibid.*

50 Kirişçi and Esen, Might the Turkish Electorate Be Ready to Say Goodbye to Erdoğan After Two Decades in Power?.

51 *Ibid.*

52 The Economist, "The Turkish opposition faces big obstacles to winning the election," *The Economist*, January 16, 2023, <https://www.economist.com/special-report/2023/01/16/the-turkish-opposition-faces-big-obstacles-to-winning-the-election>.

53 Spicer and Toksabay, Polls show Erdogan lags opposition by more than 10 points ahead of May vote.

54 Esen, Post-2023 Election Scenarios in Turkey.

55 Pelin Musil, "What can we expect from the 2023 presidential and parliamentary elections in Turkey?," *Institute of International Relations Prague*, November 22, 2022, <https://www.iir.cz/what-can-we-expect-from-the-2023-presidential-and-parliamentary-elections-in-turkey>.

the past".⁵⁶ The authors argue that despite the dissatisfaction with the economy and the government's limited social assistance during the pandemic, the opposition has not yet secured their support.⁵⁷

Third, the opposition will have to face a polarising and divisive climate facilitated by Erdoğan. Korkmaz states that in *"the midst of a deep economic crisis, Erdoğan and his party have struggled to appeal to their voters; hence they will stick to polarisation strategies to divide the opposition"*.⁵⁸ This makes it imperative for the opposition to engage with a positive and inclusive campaign that may not completely satisfy its own base.⁵⁹ More worryingly, the Government might also attempt to divide the opposition by targeting Kurds and potentially including the Halkların Demokratik Partisi (HDP) closure case on its election agenda.⁶⁰ Such a strategy would make it difficult for the opposition to openly engage with the HDP. Likewise, others have noted that in a country that is heavily polarised and impacted by Erdoğan's narratives emphasising Sunni Islam, Kılıçdaroğlu's Alevi⁶¹ faith makes him a questionable candidate for conservative Sunnis.

Fourth, from journalists to scholars, many have asserted that the Kurdish vote will be the kingmakers of the election.⁶² As Tol observed, *"from a simple maths point of view, if the opposition coalition manages to appeal to the Kurdish population, they will*

likely win the elections, whereas if they don't have that support, it will be very difficult, if not impossible".⁶³ Indeed, as it has been suggested, the HDP's decision to support Cumhuriyet Halk Partisi (CHP) candidates in the major metropolitan areas in the 2019 local elections was a major factor contributing to their electoral victory.⁶⁴ Nonetheless, at present, the opposition coalition finds its biggest weakness in where they stand on the Kurdish question and in their lack of a more active approach to engage with the HDP. In this sense, Tol emphasised that the traditional opposition's failure to join up with the Kurds reflects a fear of alienating nationalist segments of their own base.⁶⁵ Similarly, Esen argued that the nationalist İyi Parti (İYİ) has refused to have any contact with the HDP, complicating the CHP's efforts to communicate with the HDP without alienating İYİ voters.⁶⁶

Conclusion

Amid economic decline and the aftermath of a deadly earthquake, Erdoğan finds himself in the circumstances that once allowed him to access power. Turkey's forthcoming elections represent a choice on future governance (return to a parliamentary system) and economy (return to "orthodox" economic policies), both major concerns of voters. Yet, the power accumulation process orchestrated by Erdoğan in the last 20 years allows him and the AKP party to play in a competitive

56 Kirişçi and Esen, Might the Turkish Electorate Be Ready to Say Goodbye to Erdoğan After Two Decades in Power?.

57 *Ibid.*

58 Korkmaz, The Strategies and Struggles of the Turkish Opposition under Autocratization.

59 *Ibid.*

60 Since increasing its nationalist tone by collaborating with the ultranationalist Milliyetçi Hareket Partisi (MHP), the AKP has targeted the pro-Kurdish HDP and attempted to associate the party with terrorism; *Ibid.*

61 Alevi is considered a heterodox Islamic tradition; Kirişçi and Esen, Might the Turkish Electorate Be Ready to Say Goodbye to Erdoğan After Two Decades in Power?.

62 Evangelos Areteos and Ekrem Güzeldere, "Turkey's Kurds: Kingmakers in the upcoming elections?," Hellenic Foundation for European and Foreign Policy, January 2023, <https://www.eliamep.gr/wp-content/uploads/2023/01/Policy-paper-124-Areteos-Guzeldere-.pdf>; Cyrielle Cabot, "Turkish opposition unites against 'weaker than ever' Erdogan ahead of elections," *France24*, March 10, 2023, <https://www.france24.com/en/middle-east/20230310-turkish-opposition-unites-against-weaker-than-ever-erdogan-ahead-of-elections>.

63 Hussain, Turkey's next elections could be the country's last real democratic vote.

64 Esen, Post-2023 Election Scenarios in Turkey.

65 Hussain, Turkey's next elections could be the country's last real democratic vote.

66 Esen, Post-2023 Election Scenarios in Turkey.

but uneven field. In such a scenario, some commentators bet on the re-election of Erdoğan, while others profess optimism for the opposition. Without the benefit of hindsight, what is certain is that these elections represent the best opportunity yet for the opposition to defeat Erdoğan.

On one hand, in the case of an opposition victory, we can expect recalculations in Turkey's economy, migration, and foreign policies, as well as other domestic changes such as a return to a parliamentary system and the strengthening of the rule of law. On the other hand, an opposition defeat will likely further the autocratic turn of present-day Turkey, consolidating the image of Erdoğan as an invincible leader. Furthermore, the defeat may lead to a major disillusionment among the opposition parties', considering that the opposition faces its best chance yet to secure an electoral victory, with polls predicting such an outcome.⁶⁷

⁶⁷ Korkmaz, *The Strategies and Struggles of the Turkish Opposition under Autocratization*.



Introduction

FROM the very beginning of the accession process of the Western Balkans, the EU has pursued multiple objectives simultaneously in its enlargement policy. This was due to the very nature of the region, lying at the juncture of peace-/state-building, and democracy promotion. The different character of these objectives did not automatically mean they were mutually exclusive; rather, scholars have underlined the complementarity of stability and democracy objectives for a truly comprehensive EU approach.² However, in practice, the EU's promotion of democracy and stability in the region did not go hand in hand. Looking back at Brussels' enlargement policy, the literature has clearly identified the emergence of a "stability-democracy dilemma".³ What scholars have noted is that not only has the mere presence of two objectives undermined the effectiveness of the

instrument of political conditionality, but also that security concerns have always prevailed over the promotion of democracy. As a result, the EU's preference for stability over democracy has led to the emergence of a new type of political trend that scholars have named "stabilitocracy".⁴

This article investigates the goals of the EU in its approach to the Western Balkans in an effort to analyse the emergence and development of the stability-democracy dilemma. To this aim, European Council conclusions have been selected as the primary sources where the priorities of the EU could emerge. Indeed, this institution "define[s] the general political directions and priorities" of the Union,⁵ and thus its meetings' conclusions give an idea of what issues are on top of the EU leaders' agenda. Conclusions were analysed starting from the 2003 Thessaloniki Summit, where the European perspective of the region's countries was first formally established.⁶

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2 Yannis A. Stivachtis, "Democracy Promotion as a Security Strategy: The Case of the European Union," in *Democracy and Civil Society in a Global Era*, eds. Scott Nicholas Romaniuk and Marguerite Marlin (New York: Routledge, 2016), 32-48.

3 Solveig Richter, "Two at One Blow? The EU and Its Quest for Security and Democracy by Political Conditionality in the Western Balkans," *Democratization* 19, no. 3 (2012): 507-534; Nicholas Ross Smith, Nina Markovic Khaze and Maja Kovacevic, "The EU's Stability-Democracy Dilemma in the Context of the Problematic Accession of the Western Balkan States," *Journal of Contemporary European Studies* 29, no. 2 (2021): 169-183.

4 Srđa Pavlović, "West is Best: How 'Stabilitocracy' Undermines Democracy Building in the Balkans," *LSE EUROPP Blog*, May 5, 2017, <https://blogs.lse.ac.uk/europpblog/2017/05/05/west-is-best-how-stabilitocracy-undermines-democracy-building-in-the-balkans/>.

5 Art. 15(1) TEU.

6 European Commission, "EU-Western Balkans Summit Thessaloniki," *European Commission*, June 21, 2003, https://ec.europa.eu/commission/presscorner/detail/en/PRES_03_163.

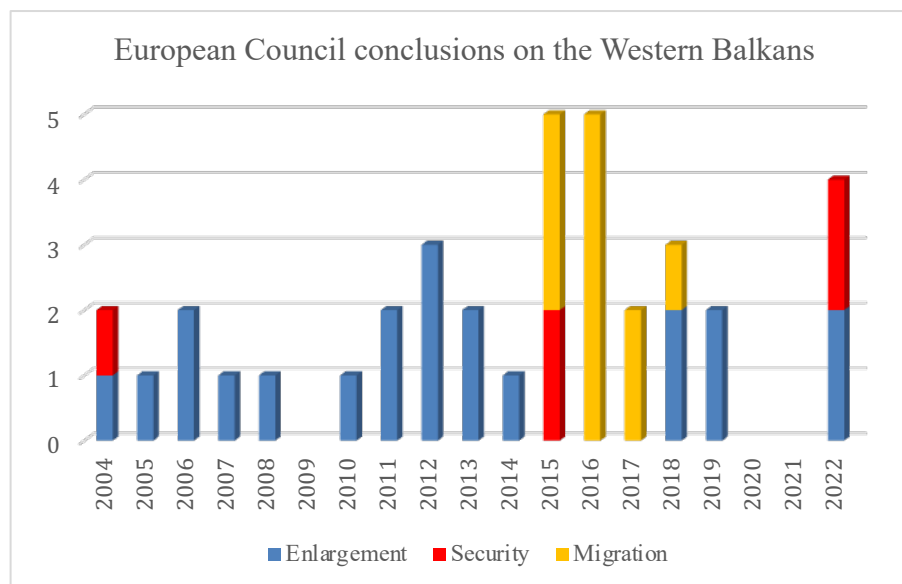


Figure 1: European Council conclusions on the Western Balkans since the Thessaloniki Summit grouped by topic. Source: own work. Data from: consilium.europa.eu.

By analysing the European Council summits where Western Balkan issues were discussed, three macro-topics tended to emerge: enlargement-related, security-related, and migration-related issues. Each conclusion has been assigned to one of these three dimensions depending on the main focus tackled by EU leaders. Figure 1 summarises the main findings and gives an overview of how the attention of the EU has shifted from one issue to the other over the years.

Overall, three main phases can be identified. The first phase –from Thessaloniki to mid-2014– was characterised by a strong focus on enlargement and rule-of-law reforms. During the second phase, between 2014 and mid-2018, European leaders stopped discussing the region’s accession and democratic status and turned their attention to the new challenges on the rise: the return of foreign fighters and the sudden inflow of migrants through the Balkan Route. During the last phase, starting from 2018, European Council debates returned to a normal state, focusing primarily on enlargement-related

reforms–however, coupled with secondary stability concerns. The next section traces back the historical conditions that determined the evolution of the stability–democracy dilemma across these three phases. The subsequent section discusses the re-emergence of competing objectives on the EU agenda in the past months in the wake of the Russian invasion of Ukraine. The final section draws conclusions from the analysis.

The Three Phases of the EU’s Agenda in the Western Balkans

During the first phase, from the Thessaloniki summit until 2014, the topics of enlargement and domestic reforms were discussed regularly at European Council meetings. Apart from the March 2004 summit –where the incidents of the 2004 Kosovo Unrest were discussed– all the conclusions focused on the political reforms implemented by the region’s countries. This momentum of the EU’s focus on enlargement peaked around 2012-2013, when several significant developments took place. In 2012, Serbia

was granted official candidate status, while Montenegro opened accession negotiations. In 2013, after the signing of the landmark Brussels agreement between Belgrade and Pristina, the EU-Serbia Stabilisation and Association Agreement (SAA) entered into force, whereas the negotiations for the EU-Kosovo SAA were launched. Above all, on July 1, 2013, Croatia became the 28th Member State, being the first country of those invited to Thessaloniki to attain the goal. At the same time, the achievement of these highly visible political successes marked the end of the EU's enlargement-centred approach to the region. Negotiations continued at a technical level, while the European Council shifted its focus to other issues. Moreover, scholars started detecting a certain degree of "*enlargement fatigue*" among Member States.⁷ Indeed, EU leaders had grown increasingly weary of the accession of new countries as a result of the economic crisis, the rising internal Euroscepticism, and the clearly fading transformative power of the "*external incentives model*".⁸ The end of this first phase was finally marked by the election of the Juncker Commission when the newly elected president announced that "*the EU needs to take a break from enlargement*".⁹

The second phase lasted from Juncker's announcement up until mid-2018. In these years, the enlargement topic ceased appearing on the European Council's agenda, which shifted its attention to the

new challenges on the rise in the region. Indeed, counterterrorism came back high on the EU agenda due to the increasing number of foreign fighters returning to the Balkans, an issue that pushed for enhanced security cooperation and the implementation of stricter policy measures to contain extremism.¹⁰ More importantly, the 2015 migration crisis suddenly brought over 1.5 million people to the European continent to request asylum.¹¹ Since most of these people came from the Middle East, the Balkan Route became the main entry point into the EU. Furthermore, border closures by EU Member States created a bottleneck in the two Balkan countries at the centre of the route: Serbia and North Macedonia. The tension put increased pressure on these countries to change their asylum policies, which often led to pushbacks and the illegal use of force by national authorities.¹² Amid the so-called "*migration crisis*", EU leaders actively supported Balkan strongmen to help them tackle the challenge through funds as well as public endorsements –often turning a blind eye to their domestic democratic deficiencies. Most famously, then-Austrian foreign minister Sebastian Kurz showed up at a rally in North Macedonia to support the ruling party, despite the government being in the midst of a worrying wiretapping scandal.¹³ The decision was harshly criticised by democracy groups, as it perfectly exemplified the preference of EU leaders for stability over civil rights.

7 John O'Brennan, "On the Slow Train to Nowhere? The European Union, Enlargement Fatigue and the Western Balkans," *European Foreign Affairs Review* 19, no. 2 (2014): 221–242.

8 Frank Schimmelfennig and Ulrich Sedelmeier, "Governance by Conditionality: EU Rule Transfer to the Candidate Countries of Central and Eastern Europe," *Journal of European Public Policy* 11, no. 4 (2004): 661–679.

9 Jean-Claude Juncker, "A New Start for Europe: My Agenda for Jobs, Growth, Fairness, and Democratic Change," *European Commission*, July 15, 2014, https://commission.europa.eu/system/files/2019-09/juncker-political-guidelines-speech_en.pdf.

10 Jelena Beslin and Marija Ignjatijevic, "Balkan Foreign Fighters: From Syria to Ukraine," *European Union Institute for Security Studies* 20, no. 1 (2017), 1–4.

11 Bodo Weber, "The EU-Turkey Refugee Deal and the Not Quite Closed Balkan Route," *Friedrich-Ebert-Stiftung Dialogue Southeast Europe*, 2017 <https://library.fes.de/pdf-files/bueros/sarajevo/13436.pdf>.

12 *Ibid.*

13 Sinisa Jakov Marusic, "Austrian FM Defends Decision to Back Macedonia Ruling Party," *Balkan Insight*, November 28, 2016, <https://balkaninsight.com/2016/11/28/critics-slam-kurz-s-support-for-macedonia-s-ruling-party-11-28-2016/>.

A clear turning point in the second phase was the adoption of the EU-Turkey Statement in March 2016, where Ankara agreed to increase border security and stop irregular border crossings into the EU.¹⁴ The deal helped lift some pressure from both the EU Member States and the Western Balkans, and allowed for the normalisation of the debates on the region. This development is evident when looking at the conclusions of the European Council: whereas between 2015 and 2016 the topic of migration was always present in the debates of EU leaders, from 2017 onwards business-as-usual issues started to reappear. In 2017, it became clear that focusing exclusively on stability and enlargement was not sustainable for either the EU or the Western Balkans. In his State of the Union address on September 13, Commission President Juncker affirmed that the region needed “*a credible enlargement perspective*”, putting the rule of law and fundamental rights reforms back at the forefront.¹⁵

The third phase officially began in mid-2018, when the European Council resumed discussing enlargement at its June summit. Already in May 2018, at the EU-Western Balkans meeting in Sofia, the primacy of democracy was back in the foreground, accompanied, however, by stability-driven issues such as the fight

against foreign terrorists and migration.¹⁶ Moreover, the new Commission strategy “A Credible Enlargement Perspective” was adopted in August 2018, which revived the enlargement-focused approach coupled with a reinforced engagement on security and migration.¹⁷

Several factors allowed the shift of the EU’s attention and the normalisation of its approach to the Western Balkans. Firstly, the EU-Turkey Statement was a decisive factor in easing the refugee pressure on EU borders and in the Western Balkans, helping to bring the discussion back to a state of normality. Secondly, the resolution of the political crisis in North Macedonia and the subsequent signing of the 2018 Prespa Agreement made it possible to rediscuss the opening of accession negotiations, which had been stalled for years due to the Greek veto.¹⁸ Last, the adoption of the Joint Action Plan on Counter-Terrorism for the Western Balkans in October 2018 set the course for boosting counter-terrorism cooperation and relegated the topic to a more technical and less political sphere.¹⁹ In sum, between 2018 and 2019, the newly inaugurated phase appeared as a Hegelian synthesis of the previous two: the focus on enlargement and democracy reforms had returned to the European Council agenda, however along with stability concerns and issues.

14 European Council, “EU-Turkey Statement,” *European Council*, March 18, 2016, <https://www.consilium.europa.eu/en/press/press-releases/2016/03/18/eu-turkey-statement/>.

15 Jean-Claude Juncker, “President Jean-Claude Juncker’s State of the Union Address 2017,” *European Commission*, September 13, 2017, https://ec.europa.eu/commission/presscorner/detail/en/SPEECH_17_3165.

16 European Council, “EU-Western Balkans Summit in Sofia,” *European Council*, May 17, 2018, <https://www.consilium.europa.eu/en/meetings/international-summit/2018/05/17/>.

17 Directorate-General for Communication (European Commission), “A Credible Enlargement Perspective for and Enhanced EU Engagement with the Western Balkans: Six New Flagship Initiatives to Support the Transformation of the Western Balkans,” *European Commission*, 2018, <https://op.europa.eu/en/publication-detail/-/publication/e3f0797b-28cb-11e8-b5fe-01aa75ed71a1/language-en>.

18 Matthew Nimetz, “The Macedonian ‘Name’ Dispute: The Macedonian Question - Resolved?,” *Nationalities Papers* 48, no.2 (2020): 205-214.

19 Directorate-General for Migration and Home Affairs (European Commission), “Joint Action Plan on Counter-Terrorism for the Western Balkans,” *European Commission*, October 15, 2018, https://home-affairs.ec.europa.eu/system/files/2018-10/20181005_joint-action-plan-counter-terrorism-western-balkans.pdf.

The Return of the Stability-Democracy Dilemma?

Today, however, two new crises seem to have opened a new phase for the EU goals in the region. Between 2020-2021, the response to the Covid-19 pandemic has completely overtaken the efforts and attentions of EU leaders, while the outbreak of the Russian invasion of Ukraine in February 2022 has again appeared as a new challenge to the EU's security. Nonetheless, while the first crisis has made the enlargement topic completely disappear from European Council conclusions between 2020-2021, the second one has brought the region back to the centre of the EU focus. On the one hand, the war in Ukraine has highlighted the importance for the EU to draw its neighbourhood closer to its orbit, thus prompting a renewed emphasis on the enlargement process. This revival of enlargement culminated in the official opening of accession negotiations with Albania and North Macedonia on July 19, 2022,²⁰ and the granting of candidate status to Bosnia and Herzegovina on December 15.²¹ On the other hand, the conflict has brought the EU's attention to the Balkans as a region at risk of insidious interference by Russia. Therefore, security

has re-emerged in European Council debates, focusing on monitoring the impact of the war on the Western Balkans and increasing resilience against hybrid threats.²²

Moreover, EU leaders focused much attention on the enhancement of energy security in the region, deciding to extend the common purchase platform to the Western Balkan states and to promote energy cooperation as a means to break away from the region's dependence on Russian supplies.²³ Furthermore, the year 2022 has seen migration issues resurface again at European Council summits. Indeed, the number of arrivals increased by 152% compared to the previous year, the highest number registered since the peak of the migration crisis in 2015.²⁴ The reasons adduced for this surge can be several. According to Frontex, this pressure is due to the repeated crossing attempts of migrants already present in the region; moreover, the reduction of Covid-related restrictions and the tightening of controls on other routes have also played a role.²⁵ Therefore, the migration issue took the centre stage at the December 2022 EU-Western Balkans summit and even led to the adoption of the EU Action Plan on the Western Balkans to tackle the new border challenges.²⁶

20 Directorate-General for Neighbourhood and Enlargement Negotiations (European Commission), "First Intergovernmental Conferences with Albania and North Macedonia to kick-start the accession negotiation," *European Commission*, July 19, 2022, https://neighbourhood-enlargement.ec.europa.eu/news/first-intergovernmental-conferences-albania-and-north-macedonia-kick-start-accession-negotiation-2022-07-19_en.

21 European Council, "European Council conclusions, 15 December 2022" (EUCO 34/22, Brussels, December 15, 2022), 8, <https://www.consilium.europa.eu/media/60872/2022-12-15-euco-conclusions-en.pdf>.

22 European Council, "EU-Western Balkans leaders' meeting, 23 June 2022," *European Council*, June 23, 2022, <https://www.consilium.europa.eu/en/meetings/international-summit/2022/06/23/>.

23 Giulia Cretti, Ardita Abazi Imeri and Stefan Ristovski, "A Berlin Process for the Energy Security of the Western Balkans," *Clingendael Institute*, November 17, 2022, https://www.clingendael.org/sites/default/files/2022-11/Alert_Berlin_Process_for_the_energy_security_of_the_Western_Balkans_0.pdf.

24 Frontex, "EU External Borders in November: Western Balkans Route Most Active," *Frontex*, December 12, 2022, <https://frontex.europa.eu/media-centre/news/news-release/eu-external-borders-in-november-western-balkans-route-most-active-ULSsa7>.

25 Tiffany Fillon, "Why Has the Balkan Migrant Route Become More Active Again?," *InfoMigrants*, October 6, 2022, <https://www.infomigrants.net/en/post/43691/why-has-the-balkan-migrant-route-become-more-active-again>.

26 Directorate-General for Migration and Home Affairs (European Commission), "EU Action Plan on the Western Balkans," *European Commission*, December 5, 2022, https://home-affairs.ec.europa.eu/system/files/2022-12/Western%20Balkans_en.pdf.

Conclusion

The year 2022 has witnessed a resurface of stability-related concerns on the EU agenda for the Western Balkans. In the face of the Ukraine war, EU leaders have now turned their attention to increasing the security resilience of the region. What is more, a new “*migration wave*” has brought the Balkan Route back to the forefront of European Council meetings. Nevertheless, these developments present a silver lining for the Enlargement policy: they reignited the EU interest in the region after being left for two years in oblivion by political leaders. Although this rapprochement has brought positive developments in the relations between the two sides, its close tightness with security concerns carries several risks.

The resurfacing of the stability-democracy dilemma risks strengthening the grip on Balkan stabilitocracies by semi-authoritarian politicians, as was the case for Serbian leader Vučić during the 2015 migration crisis.²⁷ Moreover, the presence of competing objectives on the EU agenda remains one of the main factors undermining the EU’s leverage in the region, as famously argued by Levitsky and Way.²⁸ The role of the EU in the next months is to ensure the region’s security without losing sight of the goals of democracy consolidation and enlargement reforms. Managing to walk this thin line should be the utmost priority for the EU in the Western Balkans, as the risk of irreparably losing its credibility appears very much real.

²⁷ Florian Bieber, *The Rise of Authoritarianism in the Western Balkans* (Cham: Palgrave Macmillan, 2020), 42.

²⁸ Steven Levitsky and Lucan A. Way, “Linkage versus Leverage. Rethinking the International Dimension of Regime Change,” *Comparative Politics* 38, no. 4 (2006): 379-400.



Introduction

EUROPE braced for a bitter winter as Russia's recent military attack on Ukraine's sovereignty in February 2022 caused a tightening of natural gas shipments. With fears of an energy shortage mounting, markets have been jittery about the severe economic and political implications that loom over the continent.

One fear was the potential for downplaying European resilience against Russia and public support towards Ukraine, causing predictions that European solidarity could wilt.² Rising wholesale energy costs reached European customers, with real average residential gas and electricity costs being affected by an increase of 144 and 78 percent, respectively, above past figures from 2000 to 2019.³ Since a rise in energy prices is associated with an increase in deaths as has been argued and illustrated by a recent statistical model published in *The Economist*, Putin's energy weapon had the potential to lead to direct lethal effects outside of Ukraine's borders.⁴

Yet, European gas reserves reached 90 percent filling levels in October 2022, even surpassing a Council resolution in June 2022 regulating a minimum capacity of 80 percent before the winter of 2022–2023.⁵ In January 2023, the European Union gas storage filling level remained above the set minimum capacity.⁶ Compared to a 50 percent filling the previous year, it does not only imply that the EU increased its supply capacity for Europeans, but that the Member States were able to mitigate a severe crisis.⁷ With the end of the cold season coming closer each day, one could argue that Putin's plan of cutting gas supplies to leave Europeans freezing was not successful. Considering the past predictions of a cold European winter, one might raise the following: *Given the dire predictions a few months ago, how has the EU managed to avoid an energy crisis this winter even as it buys less energy from Russia and market prices rise?* In order to provide a sufficient answer to the European energy puzzle, this work raises the following main argument and will structurally elaborate on each point: *Despite fears of a cold winter*

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2 Christina Lu, "Putin's Energy War Is Crushing Europe," *Foreign Policy*, September 20, 2022, <https://foreignpolicy.com/2022/09/20/europe-energy-crisis-economy-emergency-russia-war-ukraine/>.

3 The Economist, "Russia is using energy as a weapon," *The Economist*, November 26, 2022, <https://www.economist.com/interactive/graphic-detail/2022/11/26/high-fuel-prices-could-kill-more-europeans-than-fighting-in-ukraine-has>.

4 *Ibid.*

5 European Council, "Infographic - How much gas have the EU countries stored?," January 26, 2023, <https://www.consilium.europa.eu/en/infographics/gas-storage-capacity/>.

6 *Ibid.*

7 *Ibid.*

in Europe due to over-reliance on Russian gas, the EU has avoided a severe crisis situation due to its swift diversification of gas suppliers, shift to LNG, reliance on traditional non-climate friendly solutions in the wake of a crisis, as well as the (lucky) a return of weather-based economics. While Europe was able to manage the crisis, it should not act overconfident as each of its crisis instruments comes with individual risks.

The following part of this work will answer the posed question by breaking down these arguments for Europe's surprising "success" in the energy domain to the core of its two-string empirically observable answer: long- and short-term energy diversification and the (fortunate but non-predictable) return of weather-based economics. Due to the inseparable connection between energy security and climate change, recent developments will not only be assessed on their contribution to bringing Europe through the winter. Instead, they will be put in the context of the EU's efforts to become an environmentally friendly role model. Besides explaining Europe's "success" this winter, this work will thus provide an outlook on the effects of the ongoing crisis, elaborate on the pitfalls of contemporary EU energy policies, as well as provide policy recommendations based on the contemporary situation.

Europe's Mild Winter – Diversification Upheld by Weather Economics

Despite many unheeded warnings long before February 2022, particularly from Central Europeans, energy dependence became an instrument of the Kremlin to weaken Europe. Immediate plans to

address the non-neglectable dependence on Russian fossil fuel imports to fill the energy gap and to outbalance the related costs of the energy crisis triggered various measures. While Russia used to provide around 40-50 percent of European energy imports, its share dropped to less than 10 percent towards the end of 2022.⁸ In order to fulfil the emerging demand in supply, European companies shifted to liquefied natural gas (LNG), importing 96.3 million tonnes in 2022, an increase of over 70 percent from 56.3 million tonnes in 2021.⁹ To replace its dependence on Russia, energy alliances with Qatar, Egypt, Azerbaijan, and the United States as the main suppliers have come to the fore. While decreasing dependence on Russia, they could lead to increasing political risks, particularly in the case of countries that are involved in conflicts such as Azerbaijan.¹⁰

Future LNG import capacity in the EU and the United Kingdom is estimated to increase by 34 percent by 2024, according to the International Group of Liquefied Natural Gas Importers.¹¹ Ongoing measures to increase energy diversification include the reactivation of previously dormant projects and the development of new LNG terminals. New projects can be developed rather quickly through the utilisation of Floating Storage and Regasification Units coupled with the construction of pipelines to facilitate the transfer of regasified natural gas to connecting pipelines onshore. Completed and ongoing construction projects in Germany, Poland, France, Finland, Estonia, Italy, and Greece showcase the importance of LNG for energy security in Europe.¹² While LNG terminals support the EU in balancing out energy demands, there is

⁸ Aura Sabadus, "Russia is losing the energy war as Putin's winter gas attack backfires," *Atlantic Council*, January 27, 2023, <https://www.atlanticcouncil.org/blogs/ukrainealert/russia-is-losing-the-energy-war-as-putins-winter-gas-attack-backfires/>.

⁹ *Ibid.*

¹⁰ Kenneth Rapoza, "Europe Didn't Escape An Energy Crisis Just Yet," *Forbes*, February 1, 2023, <https://www.forbes.com/sites/kenrapoza/2023/02/01/europe-didnt-escape-an-energy-crisis-just-yet/>.

¹¹ International Group of Liquefied Natural Gas Importers, "Europe's LNG import capacity set to expand by one-third by end of 2024," November 28, 2022, <https://www.eia.gov/todayinenergy/detail.php?id=54780>.

¹² *Ibid.*

a significant risk of a mismatch between future LNG demand and capacity as has been argued in a recent report of the Institute for Energy Economics and Financial Analysis.¹³ Europe may face an oversupply of LNG capacity by 2030 due to the growing utilisation of renewable energy sources, energy efficiency policies, and shifting energy consumption trends. Consequently, a significant proportion of LNG infrastructure assets may remain idle, leading to stranded infrastructural assets and financial losses for the industry in the near future.

The sharp turn away from inexpensive Russian supplies as well as storage shortages triggered natural gas price spikes of over €300/MWh in the third quarter of 2022, leading to increased public expenditure and debt to protect consumers from the ongoing volatility in the global gas market.¹⁴ Yet, prices steadily decreased after reaching their peak in August 2022. Natural gas prices notably dropped to around €64/MWh in early 2023, which cannot only be explained by the filled gas storage levels of over 80 percent as of January 1, but simultaneously by increasing temperatures.¹⁵

Increasing temperatures during limited times of supply were able to influence the demand for energy to Europe's benefit. Although Europeans are willing to wrap up warm to resist the cold instead of relying too early on traditional heating systems, the linear relationship between the temperature and gas demand is historically evident.¹⁶ While record-warm

temperatures across Europe this winter kept demand and supply balanced and supported the aversion of a political power crisis, one should not forget that next winter might not play to Europe's set of cards. Risks for the future persist beyond the scope of weather economics as the increased reliance on LNG could lead to supply issues and international competition in the markets, particularly with China. Following almost three years of self-isolation, China's LNG demand is set to rebound, and its zero-Covid policy made the filling of European gas reserves less costly than it would have been with an economically open China.¹⁷ While diversifying energy through LNG imports curbs Europe's dependency, one should not neglect that LNG prices are significantly higher than piped natural gas. Europe bought LNG mostly at on-the-spot market prices which are much higher than those negotiated under long-term deals. Analysts indicated that Europe's share in global spot market trades was more than one-third in 2022, a significant increase from around 13 percent in 2021.¹⁸ Hence, EU companies are increasingly vulnerable to the ups and downs of the turbulent global LNG market in addition to pricey infrastructural expenditure and transportation costs. European buyers of LNG are concerned with committing to long-term less expensive contracts that would lead to committed supply beyond the 2030 climate goals. As has been argued by Eurasia Group's Managing Director for Energy, Climate and Sustainability, Raad Alkadiri, Europe will not be able to lock

13 Institute for Energy Economics and Financial Analysis, "Over half of Europe's LNG infrastructure assets could be left unused by 2030," March 21, 2023, <https://ieefa.org/articles/over-half-europes-lng-infrastructure-assets-could-be-left-unused-2030>.

14 Katarina Maaskant and Tim Bogaert, "Weathering the Storm: EU Responses to the 2022 Energy Crisis," *Teneo*, January 18, 2023, <https://www.teneo.com/weathering-the-storm-eu-responses-to-the-2022-energy-crisis/>.

15 *Ibid.*

16 The Economist, "Weather is again determining economic outcomes," *The Economist*, November 24, 2022, <https://www.economist.com/finance-and-economics/2022/11/24/weather-is-again-determining-economic-outcomes>.

17 The Economist, "How China's reopening will disrupt the world economy," *The Economist*, January 5, 2023, <https://www.economist.com/leaders/2023/01/05/how-chinas-reopening-will-disrupt-the-world-economy>.

18 Marwa Rashad and Ron Bousso, "Analysis: Europe facing costly winter without enough long-term LNG deals," *Reuters*, April 6, 2023, <https://www.reuters.com/business/energy/europe-facing-costly-winter-without-enough-long-term-lng-deals-2023-04-06/>.

in LNG as a replacement for Russian gas as long as the EU views it as a transition fuel.¹⁹

Europe finds itself in a position of being dependent on market prices without the security of long-term agreements due to environmental goals. At the same time, Europe is undertaking expensive long-term investments into LNG infrastructure which will lead to an oversupply of capacity by 2030. The necessity of averting an energy crisis led to Europe overlooking high market prices, but cost-cutting will have to take place alongside the debate of energy diversification, particularly bearing in mind the subsidisation of energy prices to shield consumers.

Energy Diversification and Its Price for Environmentalism

While the EU is pursuing a variety of measures to achieve energy diversification, they can undermine past environmental efforts. For instance, Europe's leading economy, Germany, is shifting some of its power plants back to coal, a decision which has been described as "*bitter but indispensable*" by Germany's economy minister Robert Habeck due to Berlin's urgent objective of ending all Russian gas imports by mid-2024.²⁰ Similar crisis decisions that are seen as non-sustainable solutions, such as the continuation and increase in the number of nuclear power plants, are observable in several European countries and could be regarded as unpopular but necessary steps in the new era of energy insecurity. While new energy alliances

are crucial to Europe's long-term energy diversification strategy, investing in new natural gas infrastructure such as a recent deal with Azerbaijan could disincentivize the switch to renewables.²¹ At the same time, Putin's energy war has served as a catalyst for ongoing sustainable project developments. The Council of the EU formally adopted a temporary framework to accelerate the permit-granting process and the deployment of renewable energy projects, showcasing that the EU is acting to reduce the demand for fossil fuels in an environmentally friendly manner.²²

While the EU and its Member States have clearly taken important decisions to overcome dependence on Russia, the recent move of the Dutch government underlining its commitment to close Europe's largest natural gas field in Groningen shows the failure to capitalise on all possible options. The Groningen gas field is the largest in the European Union, and one of the 10 largest in the world. Its available reserves of about 450 billion cubic metres could meet all of the EU's needs for one year, if kept active. During a severe energy crisis, the gas field could be a precious economic resource that does not require investment in new infrastructure such as LNG terminals. Yet, minimum production and closure plans show how domestic low-level issues such as the possible damage to 22,000 houses hinder necessary solutions in the domain of high politics.²³ While this may have significant consequences for the Netherlands, one should not forget that war has returned to Europe and

¹⁹ Ibid.

²⁰ Jacqueline Jedrych, "The EU Needs Alternatives to Russian Energy. Here's the Plan," *Council on Foreign Relations*, December 13, 2022, <https://www.cfr.org/in-brief/eu-needs-alternatives-russian-energy-heres-plan>.

²¹ Ibid.

²² Council of the European Union, "EU to speed up permitting process for renewable energy projects," November 24, 2022, <https://www.consilium.europa.eu/en/press/press-releases/2022/11/24/eu-to-speed-up-permitting-process-for-renewable-energy-projects/>.

²³ The Economist, "Europe is growing complacent about its energy crisis," *The Economist*, October 13, 2022, <https://www.economist.com/leaders/2022/10/13/europe-is-growing-complacent-about-its-energy-crisis>.

that crisis situations require hard trade-offs. Closing operations in Groningen might be justified if the Kremlin had not invaded Ukraine, as earthquake risks and environmental damage cannot be ignored and require costly compensation of the local population. However, Pulitzer Prize-winning historian and energy expert Dr. Daniel Yergin summed it up concisely to the *New York Times*: “Guess what, this is an emergency.”²⁴ The immediate emergency situation for Europe’s energy security implies that the energy shortage should not be treated as a one-winter affair that can be handled by handing out subsidies or hoping for a second mild winter. Supply and demand must be brought into balance by taking advantage of all feasible domestic and international solutions, even if they come at a price for low-level politics.

Conclusion

For Europe, the war in Ukraine has showcased the limitations of economic interdependence as an instrument for security guarantees. It has illustrated the urgent need for an energy system that can sustain itself independently of Russia’s oil and gas exports, a business soaked in blood as it has financed the weaponry and manpower now killing Ukrainians on their sovereign soil. Accelerated plans to shift away from now-toxic Russian energy were supported and out-balanced by energy diversification as well as a warm winter. Although Europe is showcasing resilience and successfully reduced its Russian dependency, it should not act

overconfident. Energy prices remain high and an increasing Chinese demand for LNG could lead to higher prices for Europeans on the international gas market. While LNG is one of the tracks the EU should continue to pursue for its goal of energy diversification, it has to come up with a more precise plan on the shift towards LNG to reduce dependency on unpredictable market prices due to long-term commitment issues paired with a future mismatch of demand and capacity in context of its 2030 environmental goals. While reliance on traditional energy sources might not be in line with sustainability goals, the EU should act cautiously and not refrain from utilising all its possibilities too early. The energy market is likely to remain highly volatile and expensive for Europe, particularly due to China’s economic re-opening and short-term LNG contracts. Ukrainians will continue their successful fight against the Russian aggressor, a struggle going beyond territorial integrity. Their struggle for the defence of European values will depend upon Western support and requires decisions of policymakers to uphold popular support. Increasing energy prices and a cold winter of 2023–24 could undermine public support and solidarity with Ukraine, thus putting Europe’s order at risk.

²⁴ Stanley Reed, “At Davos, a Sense of ‘High Urgency’ About Energy Security,” *New York Times*, May 21, 2022, <https://www.nytimes.com/2022/05/21/business/energy-environment/daniel-yergin-agenda-davos.html>.



Introduction

THE Next Generation EU plans are poised to alter the fundamentals of European economic governance in the coming years. However, scrutinising the adoption process and the legal basis of the reform's programmes reveals a lack of parliamentary involvement and democratic accountability. This, in turn, highlights structural challenges for this imposing economic manoeuvre. As such, this paper investigates the role of the European Parliament in the context of the Next Generation EU and the need for greater accountability.

"No taxation without representation" has been a powerful political message since the late 1700s. In essence, it entails the need for effective democratic representation to ensure that taxation is appropriate and proportionate. The aftermath of the Covid recovery, as well as the ongoing energy and environmental crisis, have made the subject of taxation particularly contentious today, making it ever more significant in the context of the EU.² As the Union responded to these challenges with

unprecedented fiscal measures, such as the Next Generation EU (NGEU), we are witnessing a series of structural reforms to the EU budget and taxation.³ These manoeuvres, however, are indissolubly linked to the growing need for a stronger democratic legitimacy, and call for a scrutinisation of the democratic legitimacy and transparency of the European fiscal plans.

In recent years, the EU's ability to govern responsibly by addressing people's concerns and allowing access to policy-making has often been contested.⁴ Indeed, the technocratic functioning of the European Union often strides with the democratic principles upon which it is supposed to be funded. As such, the European Parliament (EP) is supposed to act as guarantor of legitimacy and transparency in the legislative process.⁵ The directly elected body of the Union is meant to personify the preferences of voters, to closely address the needs and requests of Europeans, and to ensure democratic scrutiny in the legislative process.⁶ Given the importance of legitimacy and representation in taxation,

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2 European Commission, *Taxation in Support of Green Transition* Directorate-General for Taxation and Customs Union and ECORYS, November 2020, <https://op.europa.eu/en/publication-detail/-/publication/1840d9df-5162-11eb-b59f-01aa75ed71a1>.

3 Federico Fabbrini, "The Legal Architecture of the Economic Responses to COVID-19: EMU beyond the Pandemic," *JCMS: Journal of Common Market Studies* 60, no. 1 (2022): 186–203.

4 European Commission, *The Eurozone Crisis of Democratic Legitimacy: can the EU rebuild public trust and support?*, Fellowship Initiative Growth, Innovation and Structural Convergence Revisited, Discussion Paper 015 (2015).

5 Diane Fromage and Ton van den Brink, "Democratic legitimization of EU economic governance: challenges and opportunities for European Legislatures," *Journal of European Integration* 40, no. 3 (2018): 235–248.

6 Directorate-General for Internal Policies, "Democratic Control and Legitimacy in the Evolving EU Economic Governance Framework," *Economic Governance and EMU Scrutiny Unit (EGOV)*, 2023, [https://www.europarl.europa.eu/RegData/etudes/STUD/2023/733742/IPOL_STU\(2023\)733742_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2023/733742/IPOL_STU(2023)733742_EN.pdf).

it would follow that the Parliament were to be given an instrumental role in the negotiation and implementation of the Next Generation EU.

Instead, this paper will highlight quite the contrary, and evaluate the marginal role played by the EP in the recovery strategy of the Union. By first providing an overview of the structure and functioning of the NGEU, and investigating the role of the European Parliament in the negotiation and implementation process, it will emerge how the Parliament's decision-making power was reduced in favour of a more streamlined procedure. While this has allowed for a sudden crisis-response from the Union, by drawing a short comparison with the Eurozone crisis, we can see recurring trends which should worry European policy makers. The conclusion of this paper will point out how enhancing the democratic legitimacy of the NGEU through greater parliamentary involvement is instrumental to avoid any further political tensions in the realms of economic governance, since a widening divide between democratic legitimacy and accountability could further alienate European citizens, thereby negatively affecting the EU's recovery strategy.

What Is the The Next Generation EU?

In July 2020, the Next Generation EU was announced: an EU-wide investment and reform programme following the Covid-19 pandemic. This was more than just a simple instrument for recovery: the over €800 billion issued by the EU are meant to both repair the immediate economic and social damages of the pandemic and pave the way for a more resilient Europe in the future.⁷ In a nutshell, the NGEU is

structured on a series of EU programmes to foster economic recovery and growth, by periodically allocating funds upon the reaching of relevant milestones by the Member States.

The centrepiece of this reform package is the Recovery and Resilience Facility (RRF): an instrument that provides grants and loans to support reforms and investments in the Member States and holds the majority of the funds. To access the RRF, Member States have prepared National Recovery and Resilience Plans (NRRPs) outlining how they are going to invest these funds and fulfil relevant milestones which have been outlined and reviewed by the European Commission.⁸ Thus, the RRF regulates the issuance of EU loans and grants to Member States, based on a series of requirements and conditions set by the Union to ensure their proper investment. This system of centralised allocation of funds from the Union makes the NGEU a milestone in the evolution of economic governance and taxation, and a strong move towards a more federalist approach to crisis response.⁹

The Role of the European Parliament

Given the crucial role of the NGEU for the future of the European Union, it is imperative to assess its democratic legitimacy, in particular by analysing the role played by the European Parliament. To begin with, it is important to state that the political nature of the EP has often posed logistical challenges whenever extraordinary economic policy was necessary. As a matter of fact, this seems to be the very reason many believe to have led to the (initial) marginalisation of the Parliament already during the Eurozone

⁷ European Commission, *EU's next long term budget & Next Generation EU: facts and figures*, November 2020, https://commission.europa.eu/system/files/2020-11/mff_factsheet_agreement_en_web_20.11.pdf.

⁸ Regulation (EU) 2021/241 of the European Parliament and of the Council of 12 February 2021 *establishing the Recovery and Resilience Facility*, OJ L 57, February 18, 2021, 17–75.

⁹ Federico Fabbrini, "Next Generation EU: Legal Structure and Constitutional Consequences," *Cambridge Yearbook of European Legal Studies*, 2022, 1–22, 19.

crisis.¹⁰ This trend seems to have been repeated and further exacerbated in the adoption of the NGEU:¹¹ as in this time of crisis-policy making, the European Council was the central decision-making body while the European Commission was given the bulk of the implementing tasks. Meanwhile, the EP's legislative capacity was formally limited to working under the "urgent procedure" in accordance with Article 163 of its Rule of Procedure, and its decision-making authority on matters of budget was severely undermined.¹²

This limited role for the EP was apparent since the early economic response. In fact, the first measures adopted by the EU during the pandemic did not feature any intervention on behalf of the Parliament.¹³ This was due partially to the lack of the EP's competences *vis-à-vis* relaxation of state aid or the Stability and Growth Pact, and for the choice of legal basis -Article 122 TFEU- of the SURE Regulation to support short-term work schemes.¹⁴ Nevertheless, the lack of formal powers for the EP does not entirely justify the complete absence of parliamentary involvement in the negotiation and implementation of the SURE Regulation. Rather, it highlights the spectator role of the EP in times of economic crisis.

Furthermore, while the European Parliament was engaged in negotiations for the NGEU, its relevance and input were severely diluted in favour of a more

streamlined procedure. Although the Parliament endorsed the RRF, the final resolution before the legislative process showcased a series of concerns.¹⁵ In the initial proposal, the scrutiny and approval of the NRRPs did not appear to be a matter of budget which would concern the Parliament, but rather a decision on allocation of funds.¹⁶ Even from a constitutional perspective, this raised a series of issues. Indeed, the approval of and execution of NRRPs, which is inextricably linked to EU budget and spending, would have been carried out without the involvement of the Parliament as the other budgetary authority.¹⁷ Under the proposed framework, the NRRPs would be adopted by the Council with the EP involved only as a recipient of the Commission's assessment of their implementation.

This led to the Parliament asking for a greater involvement for democratic scrutiny, as well as a role in the verification of the NRRPs, to ensure full transparency between the Union and Member States, and to uphold its role as the second budgetary authority in the Union.¹⁸ Nonetheless, despite the concerns raised on the democratic sustainability of the NGEU, the majority of issues raised by the Parliament were not addressed. In the final Regulation, only the information rights of the EP were enhanced. Instead, the approval mechanism of the NRRPS through implementing acts remained a

10 Nicolai von Ondarza, "The European Parliament's Involvement in the EU Response to the Corona Pandemic," *Stiftung Wissenschaft und Politik SWP*, no 45, October 2022, https://www.swp-berlin.org/publications/products/comments/2020C45_EuropeanParliament.pdf.

11 Cristina Fasone, "Fighting Back? The Role of the European Parliament in the Adoption of Next Generation EU," *The Journal of Legislative Studies* 28, no 3 (2022): 368-384.

12 European Parliament, *Improving Urgency Procedures and Crisis Preparedness within the European Parliament and EU Institutions*, Directorate General for Internal Policies 189, AFCE Committee, March 2021.

13 Paul Dermine, "The EU's Response to the COVID-19 Crisis and the Trajectory of Fiscal Integration in Europe: Between Continuity and Rupture," *Legal Issues of Economic Integration* 47, no. 4 (2020): 337-358.

14 Yannis Papadopoulos, "Political accountability in EU multi-level governance: the glass half-full," *Swedish Institute for European Policy Studies*, no. 4 (2020), https://www.sieps.se/globalassets/publikationer/2021/sieps_2021_4.pdf?.

15 European Parliament resolution of 23 July 2020 on the conclusions of the extraordinary European Council meeting of 17-21 July 2020 (2020/2732(RSP)), July 23, 2020, Brussels.

16 von Ondarza, *The European Parliament's Involvement in the EU Response to the Corona Pandemic*.

17 Sonja Bekker, "The EU Recovery and Resilience Facility: A Next Phase in EU Socioeconomic Governance?," *Politics and Governance* 9, no. 3 (2021): 175-185.

18 European Parliament resolution of 23 July 2020 on the conclusions of the extraordinary European Council meeting of 17-21 July 2020.

competence of the Council, thus limiting the Parliament's mandate of democratic scrutiny.¹⁹

It is apparent that in the final shape of the NGEU, the European Parliament renounced most of its decision-making power, in favour of a more streamlined procedure. While it can be argued that the EP limited its "agenda" to ensure a swift and effective implementation of the NGEU,²⁰ it remains that the formal limitation to the Parliament's power poses a series of questions of democratic legitimacy with regard to the aforementioned instrument, and on how closely it can address the needs of European citizens. While democratic scrutiny would not appear as a priority in a moment of crisis-policy-making, recent history points to the importance of accountability and representation in economic governance.

Lack of Legitimacy: A Comparison with the Eurozone Crisis.

To better understand how reducing the Parliament's decision-making power and scrutiny might negatively affect the NGEU, it is appropriate to draw comparison with the Eurozone crisis and how the lack of parliamentary involvement at the time led to loss of legitimacy. While several differences ought to be pointed out,²¹ the Union-wide recessions in the 2008-2016 period is still the living reminder of the complexity of EU economic governance. During the Eurozone crisis, the Union response was a sort of "executive federalism," based on the deepening of common frameworks for financial and

economic control under the EU.²² This led to an executive-dominated system which left little room for parliamentary scrutiny and debate.

For example, the European Financial Stabilisation Mechanism (EFSM) -established to provide financial assistance to EU countries- was adopted without the involvement of the Parliament. Moreover, the subsequent Eurozone rescue instruments, such as the European Financial Stability Facility (EFSF) and the European Stability Mechanism (ESM) to raise funds for financial assistance, were formed outside the institutional framework, consequently not involving the EP as a budgetary authority.²³ This approach disregarded procedural principles of transparency in favour of more technocratic governance and contributed to increasing asymmetries between the EU and its Member States.

This, in turn, led to a crisis of democratic legitimacy, where public trust in EU institutions drastically decreased together with the support for European economic integration.²⁴ The European citizens perceived the EU as remote and technocratic, and this allowed anti-European sentiments to rise. Ultimately, this lack of parliamentary involvement resulted in wider scepticism as to whether the EU could address issues close to the interests and concerns of its citizens.²⁵ This goes to show how, even in a situation of economic crisis, the European Union cannot derogate from the European Parliament as the guarantor of legitimacy at the institutional level.

19 Christina Dias, "European Parliament Involvement in Scrutinising the Recovery and Resilience Facility," *Directorate-General for Internal Policies*, PE 659.627, October 2022, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659627/IPOL_BRI\(2021\)659627_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/659627/IPOL_BRI(2021)659627_EN.pdf).

20 Karolina Borońska-Hryniewiecka and Diane Fromage, "Democratic Accountability in the EU Economic Governance Post-Crises: Its Many Faces and Potential Outstanding Gaps," *The Journal of Legislative Studies* 28, no. 3 (2022): 299-312.

21 Rebecca Forman and Elias Mossialos, "The EU Response to COVID-19: From Reactive Policies to Strategic Decision Making," *JCMS* 59, no. S1 (2021): 56-69.

22 Ben Crum, "Saving the Euro at the Cost of Democracy?," *JCMS* 51, no. 4 (2013): 614-630.

23 von Ondarza, The European Parliament's Involvement in the EU Response to the Corona Pandemic.

24 European Commission, *The Eurozone Crisis of Democratic Legitimacy: can the EU rebuild public trust and support?*.

25 Hanspeter Kriesi and Takis S. Pappas, "European Populism in the Shadow of the Great Recession," *Acta Polit* 51, (2016): 400-402.

Yet again, however, the EU adopted a technocratic and executive-focused approach, which in the past has already exacerbated crises rather than allowing for solutions.²⁶ Granted, there are a series of relevant differences between the Eurozone crisis and the NGEU, especially regarding the symmetric approach to the recovery strategy and the indiscriminate effect of the pandemic.²⁷ Nonetheless, common traits remain, such as the EP's limited role which precluded parliamentary debate to amend and/or legitimise policies.

Conclusion

This essay has explored the role of the Parliament in the NGEU, and how its limitation could lead to a loss of legitimacy. The question remains as to whether the NGEU is at risk of creating a similar crisis to the Eurozone one. So far, it has emerged how the functioning of the NGEU makes it difficult to attribute responsibility for decisions on NRRPs and prevents the European Parliament from properly holding executive decision-makers accountable.²⁸ This similarly extends to the national level, where parliaments were rarely involved or consulted in the drafting of recovery plans. While it is fair to assume that the process of allocating NGEU funds relates to the technocratic sphere rather than the political one, this article has explored at length the importance of accountability and transparency in economic governance.

Consequently, given the redistributive effects of the NGEU for Europe, the Union must ensure more thorough democratic scrutiny to its recovery plan. What we can assess for now, given the constant developments on this topic, is the need for greater parliamentary involvement to scrutinise and influence the NGEU. This would not only enhance the legitimacy of the NRRPs, but also prevent the EU from being perceived as the detached and technocratic entity it was during the Eurozone crisis. To do so, the Parliament must become a forum for national decision-makers to discuss and compare their Recovery Plans.²⁹ Of course, this presents its own set of issues: a side-effect of strengthening parliamentary involvement in the NGEU could result in a more politicised economic strategy. Yet, this would allow for a closer attention to citizens' preferences and a better understanding on where to focus NGEU investments. The unprecedented actions by the EU have opened the gate for a revolution to European economic governance, and the future for EU spending after the NGEU is indissolubly linked to a need for stronger democratic legitimacy.³⁰

The funds raised at the EU level to repay the debt from the NGEU will inevitably derive from a higher level of taxation. Thus, the EU must ensure a stronger legitimacy to its recovery strategy to prevent political backlash against future fiscal measures. While the political tensions when it comes to economic governance are inevitable,

26 Hans Kundnani, "Technocracy and Populism After the Coronavirus - How the Coronavirus Tests European Democracy," *Carnegie Europe*, June 23, 2020, <https://carnegieeurope.eu/2020/06/23/technocracy-and-populism-after-coronavirus-pub-82113>.

27 Pepijn Bergsen, Alice Billon-Galland, Hans Kundnani, Vassilis Ntousas and Thomas Raines, "Europe After Coronavirus: The EU and a New Political Economy," *Chatham House*, June 2020, https://www.chathamhouse.org/sites/default/files/2020-06-08-europe-after-coronavirus-bergsen-et-al_0.pdf.

28 Valentin Kreiling, "Next Generation EU and National Parliaments: Taxation without sufficient representation?," in *Making EU Representative Democracy Fit for the Future*, eds. Göran von Sydow and Valentin Kreiling, Swedish Institute for European Policy Studies, June 2022, 45-59.

https://www.sieps.se/globalassets/publikationer/2022/sieps-2022_2op-eng-webb.pdf.

29 Ben Crum, "How to provide political guidance to the Recovery and Resilience Facility?," *Directorate-General for Internal Policies*, PE 651.371, October 2020, [https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/651371/IPOL_IDA\(2020\)651371_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/IDAN/2020/651371/IPOL_IDA(2020)651371_EN.pdf).

30 Kreiling, Next Generation EU and National Parliaments: Taxation without sufficient representation?.

the Union should strive to enhance its legitimacy to demonstrate through practical action how it values the voice of its people. In that sense, enhancing citizens' representation and access to EU fiscal strategies would go a long way in strengthening their legitimacy and transparency.

In conclusion, the principle of "*No Taxation Without Representation*" should be held as a reminder of the importance of democratic legitimacy in the field of taxation: one that should not be derogated from, especially in times of crisis. As the Next Generation EU continues, the Union should find ways to enhance parliamentary involvement to protect itself and the functioning of its recovery instrument, and to guarantee the fulfilment of this ambitious economic and fiscal strategy going forward.



Introduction

There has always been a lot of talk about a common defence in Europe, and the topic seems to be back in the spotlight due to the recent war in Ukraine. Nonetheless, the problem with European security has been one of the main topics of the member states since the Brussels Pact was created in 1948. It evolved with the Western European Union in 1954 after the failed attempt of the European Defence Community project. With the Lisbon Treaty, European defence is entrusted to the Common Security Defence Policy (CSDP). But how does the CSDP work? This article analyses the legal framework within which the CSDP operates and considers the European missions ongoing in Asia, Africa, and Europe. Then, it traces a common thread in the EU defence action and eventually analyses the possible evolutions of the CSDP.

Legal Framework

The Common Security and Defence Policy focuses on crisis management, peacekeeping, and peacebuilding missions and it constitutes a specific aspect of the

EU Common Foreign and Security Policy (CFSP). The relationship between the two is one of interdependence. On one hand, the CFSP, first established in 1993, and now described in title V of the TEU (articles 21 to 46), provides the overall strategic direction for the EU's foreign policy on topics such as preserving peace, strengthening international security, and promoting international cooperation.² On the other hand, the CSDP provides the operational tools to implement missions using a combination of military and civilian capabilities and is guided by the principles of the EU. Previously called the "European Security and Defence Policy" (ESPD), the CSDP was renamed under the Lisbon Treaty. The workings of the CSDP are explained in section 2 –Provisions on the Common Security and Defence Policy– Chapter 2 of Title V TEU, which includes five articles: from 42 to 46.³ Moreover, the CSDP is further described in amendments to the Treaty of Lisbon, namely in protocols number 1, 10, 11 and 13.⁴

The CSDP, and more broadly the CFSP, is characterised by intergovernmental decision-making procedures as opposed to community decision-making procedures

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² European Parliament, "Foreign policy: aims, instruments and achievements," accessed March 31, 2023 <https://www.europarl.europa.eu/factsheets/en/sheet/158/foreign-policy-aims-instruments-and-achievements>; European Commission, "Common foreign and security policy," accessed March 31, 2023, https://fpi.ec.europa.eu/what-we-do/common-foreign-and-security-policy_en.

³ European Parliament, "Common security and defence policy," accessed March 31, 2023, <https://www.europarl.europa.eu/factsheets/en/sheet/159/common-security-and-defence-policy>.

⁴ *Ibid.*

where the European Parliament and the Commission play a pivotal role.⁵ Because of this, the European Council and the Council of the European Union are the main actors in the decision-making process for both the CSDP and CFSP, and they vote by qualified majority or unanimity.⁶ Moreover, articles 24 TEU and 275 TFEU state that the Court of Justice of the European Union does not have jurisdiction regarding provisions relating to the Common Foreign and Security Policy, nor concerning acts adopted based on those provisions.⁷

Ongoing CSDP Operations and Missions

Since its first intervention in the Western Balkans in 2003, the EU has launched 37 operations and missions.⁸ As of March 2023, there are 22 ongoing CSDP missions and operations, and about 4.000 EU military and civilian staff currently deployed in Africa, Europe, and Asia.⁹ In this subsection, some of the main EU missions will be analysed to define a common thread in EU external action. First and foremost, one must consider that the CSDP employs military and civilian means to support the EU's foreign and security policy objectives. On one hand, military operations are authorised to use combat force and have an executive mandate to address conflicts, such as monitoring ceasefires or peace agreements, establishing and keeping

order, stabilising situations, protecting civilians, administering humanitarian aid, and engaging in humanitarian and rescue tasks.¹⁰ They may also undertake "soft" military tasks, such as training and sector reforms.¹¹ On the other hand, civilian missions deploy civilian personnel from civilian institutions and countries which contribute to the mission to address non-military issues.¹² Their main tasks include monitoring, assistance, strategic and legal advice, reform support, sector development, administration, capacity-building, and training.¹³

Most EU missions and operations are operating in post-settlement scenarios to undertake peacebuilding tasks rather than peace-enforcement ones. On one side, peace-enforcement operations may be used by international organisations such as the EU and require the approval of the UN Security Council as Article 53 of the UN Charter states, unless the EU is operating under the principle of collective self-defence or with the consent of the concerned country.¹⁴ They are used to restore international peace and security through coercive measures, including the use of military force. On the other side, peacebuilding principally aims at reducing the risk of lapsing or relapsing into conflict by enhancing the capacity of the State to effectively and legitimately carry out its core functions.¹⁵ Among the actions

5 European Parliament, "Intergovernmental decision-making procedures," last updated March 31, 2023, <https://www.europarl.europa.eu/factsheets/en/sheet/9/le-procedure-decisionali-di-natura-intergovernativa>.

6 European Parliament, Common security and defence policy.

7 Luigi Daniele, *European Union Law* (Giuffrè Francis Lefebvre, 2020), 357.

8 European Union and External Action, "EU Missions and Operations," March 20, 2023, https://www.eeas.europa.eu/eeas/eu-missions-and-operations_en.

9 European Union and External Action, "What Do We Do: Policies and Actions," last updated March 25, 2023, https://www.eeas.europa.eu/eeas/missions-and-operations_en.

10 Vladimir Kmec, *EU Missions and Peacebuilding: Building Peace through the Common Security and Defence Policy* (London: Routledge, 2021), 55.

11 *Ibid.*

12 *Ibid.*

13 *Ibid.*

14 Natalino Ronzitti, *International Law* (Giappichelli, 2019), 498.

15 United Nations Peacekeeping, "What is peacekeeping?," accessed March 30, 2023, <https://peacekeeping.un.org/en/what-is-peacekeeping>; United Nations Peacekeeping, "terminology," accessed March 30, 2023, <https://peacekeeping.un.org/en/terminology>.

included in these missions are those aimed at reforming and assisting local security forces.¹⁶ For example, in Africa -where thirteen EU missions are currently deployed- the EU has launched the EUCAP Somalia to support Somalia's maritime security sector, and EUTM Somalia, which brings training and advice to the Somali National Army.¹⁷ In addition, in the Central African Republic, there are two European missions: EUTM RCA and EUAM RCA. These two missions are complementary in their objectives to enhance the country's security, with the EUTM RCA furnishing the necessary training and advice to improve the capacity of the Central African Armed Forces, and EUAM RCA assisting in the overall reform of the security sector.¹⁸ Even in Asia, where five missions are currently deployed (EUBAM Rafah, EUMM Georgia, EUAM Iraq, and EUM Armenia), there are operations aimed at supporting local security forces. For example, EUPOL COPPS/Palestinian Territories is a civilian mission established in 2006 to support the Palestinian Authority in building and reforming its police system.¹⁹ Furthermore, EUAM Iraq is a civilian mission intended to support the Iraqi authorities in their efforts to reform the civilian security sector.²⁰ The mission provides strategic advice and training to the Iraqi police, border guards, and judicial authorities.²¹

Other peacebuilding missions include actions to establish functioning domestic institutions which can prevent the recurrence of violence and ensure long-lasting peace. The importance of institutions has been emphasised by many economists.²² For example, Acemoglu and Robinson claimed that the stability of a country usually relies on its institutions.²³ These economists argue that to craft inclusive economic institutions, it is crucial to forge inclusive political institutions in advance.²⁴ These must guarantee respect for the rule of law and the right of property.²⁵ Some examples of EU missions aimed at strengthening institutions can be found in the European continent, where the EU is currently deploying four missions: EUFOR ALTHEA, EULEX Kosovo, EUAM Ukraine, and EUMAM Ukraine. Between them, EUFOR ALTHEA is a military mission of 2004 aimed at contributing to the maintenance of a safe and secure environment in Bosnia and Herzegovina by enhancing Bosnian institutions.²⁶ Moreover, EULEX Kosovo is a civilian mission established in 2008 purposing to support the rule of law and the reform of the justice sector in Kosovo.²⁷

The reasons why European states favour peacebuilding missions are manifold and will not be the object of this analysis.

16 Kmec, *EU Missions and Peacebuilding: Building Peace through the Common Security and Defence Policy*, 150.

17 European Union External Action, "About EUCAP Somalia," accessed March 26, 2023, https://www.eeas.europa.eu/eucap-som/about-eucap-somalia_en?s=332; European Union External Action, "EUTM SOMALIA IN FIGURES", accessed March 26, 2023, <https://www.eutm-somalia.eu/>.

18 European External Action Service, "About the Military Training mission in the Central African Republic (EUTM RCA)," accessed March 26, 2023, https://www.eeas.europa.eu/eutm-rca/about-military-training-mission-central-african-republic-eutm-rca_en?s=334; European External Action Service, "About EU Advisory Mission in the Central African Republic (EUAM RCA)," accessed March 26, 2023, https://www.eeas.europa.eu/euam-rca/about-eu-advisory-mission-central-african-republic-euam-rca_en?s=3344.

19 EUPOL COOPS, "The Mission," accessed March 26, 2023, <https://eupolcopps.eu/page/mission/en>.

20 European Union Advisory Mission In Iraq, "About EUAM Iraq," accessed March 26, 2023, <https://www.euam-iraq.eu/en/about>.

21 *Ibid.*

22 Daron Acemoglu and James A. Robinson, "Rents and economic development: the perspective of Why Nations Fail," *Public Choice*, 2019, <https://doi.org/10.1007/s11127-019-00645-z>.

23 *Ibid.*

24 *Ibid.*

25 *Ibid.*

26 European External Action Service, "EUFOR BOSNIA-HERZEGOVINA Military Operation ALTHEA," accessed March 26, 2023, https://www.eeas.europa.eu/eufor-althea/eufor-bosnia-herzegovina-military-operation-althea_en?s=324.

27 EULEX, "What is Eulex?," accessed March 26, 2023, <https://eulex-kosovo.eu/?page=2,16>.

However, it could be underlined that some recent studies have placed particular emphasis on the concerns and constraints of the EU foreign policy.²⁸ Indeed, most member states do not see themselves in the position of possessing adequate capabilities to engage in combat operations.²⁹ Moreover, agreeing on peacebuilding tasks with relatively secure conditions is easier than on operations that require military forces in an open conflict.³⁰ These are some reasons why post-settlement peacebuilding often remains the only option for the EU if it wants to contribute and be seen as a credible actor.

A Possible Legal Framework Evolution of CFSP and CSDP

Coordinating the action of 27 member states through intergovernmental decision-making procedures can be a difficult feat for the EU. This is because member states have different foreign policy objectives and the decision-making system regarding CFSP and CSDP favours a broad consensus between the parties that can be very difficult to achieve. However, there are some factors, both internal and external, that could push member states to change the EU decision-making procedures. These factors include the evolution of the EU Court of Justice jurisprudence and the growing tensions in the international community.

As mentioned above, the jurisdiction of the Court of Justice of the European Union (CJEU) is excluded concerning the CFSP provisions of the Treaties and derived acts. However, the second paragraph of Article 275 TFEU introduced an exception.³¹ According to this provision, the CJEU may rule on the legality of CFSP acts concerning "*decisions providing for restrictive measures against natural or legal persons adopted by the Council based on...*" CFSP.³² This exception has been interpreted in a broader sense by the CJEU to extend its jurisdiction. In its judgement of March 28, 2017 (*Rosneft Case C77/15*), the Court declared itself competent to assess the legality of a CFSP act involving restrictive measures, also in the context of the preliminary reference for validity procedure.³³ In addition, the CJEU stated in its judgement of June 24, 2014 (*Case C-658/11*) that the limitation of its jurisdiction in the CFSP sphere constitutes an exception to the general rule on the Court's jurisdiction laid down by Article 19 TEU and that these rules must therefore be interpreted restrictively.³⁴

Moreover, the growing tensions in the international community, particularly related to Russia's and China's foreign policy, are putting pressure on European states to develop more cohesive CFSP and CSDP. On one hand, the EU has imposed sanctions on Russia in response to its annexation of Crimea, and the ongoing

28 Kmec, *EU Missions and Peacebuilding: Building Peace through the Common Security and Defence Policy*, 150.

29 *Ibid.*

30 *Ibid.*

31 Luigi, *European Union Law*, 357.

32 *Ibid.*

33 *Ibid.*

34 *Ibid.*, 358.

war in Ukraine has stimulated discussions among European leaders on achieving more cohesion on Common Security and Defence Policy.³⁵ Nonetheless, progress is likely to be slow because there is still a lack of consensus on key foreign policy issues among EU member states. However, one must consider that the political will of member states regarding the use of CSDP instruments seems to be evolving in the recent period. Thanks to the latest agreement by member states on practical modalities of Article 44 TEU, European states have agreed to make the establishment of European missions and operations more flexible.³⁶ In particular, it will now be possible for a small group of states to organise an operation abroad within the EU framework.³⁷ On the other hand, the more assertive China's role on the global stage also poses several challenges to European foreign policy.³⁸ Differences in treatment between the head of the European Commission and French President Macron during their last visit to Beijing underline how China is willing to tighten relations with EU countries rather than with European institutions.³⁹ A more cohesive European approach could increase integration and cooperation to avoid the individualism of member states. If China says it is ready to react to Western

provocations, as Xi said at the last Chinese communist party meeting in March 2023, the Europeans must respond in unison to prevent hypothetical crises.⁴⁰

Conclusion

In conclusion, this analysis suggests that the EU mainly carries out peacebuilding missions and that the EU's competence in this sector, historically subject to intergovernmental decision-making procedures, is now subject to a series of pressures that give hope that one day the community method will be deployed also in the CFSP decision-making process. In the end, although peace enforcement missions remain a distant goal for the EU, the peacebuilding missions that the EU has implemented have become a distinctive tool of the EU's international conflict management. The peacebuilding orientation of the CSDP has indeed shaped the perception of the European Union as a peacebuilding rather than a crisis management actor.⁴¹

35 European Council, "Timeline - EU restrictive measures against Russia over Ukraine," accessed March 31, 2023, <https://www.consilium.europa.eu/en/policies/sanctions/restrictive-measures-against-russia-over-ukraine/history-restrictive-measures-against-russia-over-ukraine/>; European Council, "Council approves conclusions calling for a renewed impetus towards the civilian Common Security and Defence Policy," *Press Release*, December 12, 2023, <https://www.consilium.europa.eu/en/press/press-releases/2022/12/12/council-approves-conclusions-calling-for-a-renewed-impetus-towards-the-civilian-common-security-and-defence-policy/>.

36 European Union External Action, Annual Progress Report on the Implementation of the Strategic Compass for Security and Defence, March 2023, https://www.eeas.europa.eu/sites/default/files/documents/2023/StrategicCompass_1stYear_Report.pdf.

37 *Ibid.*

38 Ian Johnson, "How to Read Xi's Muscular Message on China's Global Role," *Council on Foreign Relations*, March 17, 2023, <https://www.cfr.org/article/how-read-xis-muscular-message-chinas-global-role>.

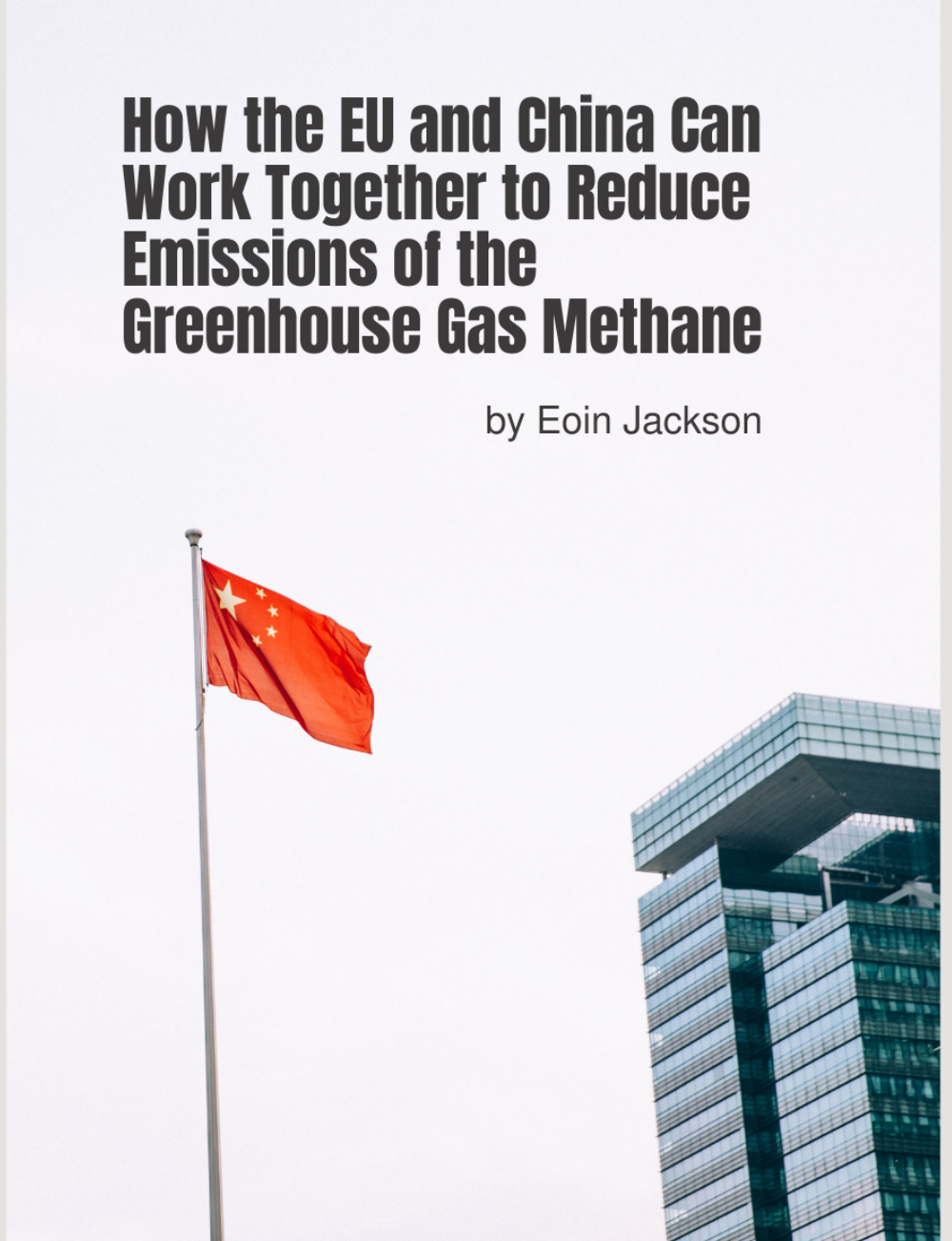
39 Clea Caulcutt, Jamil Anderlini, Suzanne Lynch and Stuart Lau, "The warm embrace and the cold shoulder: China mines Europe's fractures during joint visit," *Politico*, April 6, 2023, <https://www.politico.eu/article/china-divide-rule-eu-france-unity-ursula-von-der-leyen-emmanuel-macron-xi-jinping/>.

40 European Council, "Council approves conclusions calling for a renewed impetus towards the civilian Common Security and Defence Policy," *Press Release*, December 12, 2023, <https://www.consilium.europa.eu/en/press/press-releases/2022/12/12/council-approves-conclusions-calling-for-a-renewed-impetus-towards-the-civilian-common-security-and-defence-policy/>.

41 Kmec, *EU Missions and Peacebuilding: Building Peace through the Common Security and Defence Policy*, 151.

How the EU and China Can Work Together to Reduce Emissions of the Greenhouse Gas Methane

by Eoin Jackson



**EUROPEAN
POLICY
COMPETITION
WINNER**

Introduction

This policy memo proposes a framework for how the European Union (EU) and China can work together to reduce emissions of the greenhouse gas methane.

The Issue

Methane is responsible for around 30 percent of all greenhouse gas emissions.² It is a much more powerful greenhouse gas than carbon dioxide but only stays in the atmosphere for around 12 years.³ This means that reducing methane emissions is one of the most effective

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2 United Nations Environmental Program and the Climate and Clean Air Coalition, "Global Methane Assessment," *United Nations Environmental Program*, 2021, <https://www.unep.org/resources/report/global-methane-assessment-benefits-and-costs-mitigating-methane-emissions>.

3 *Ibid.*

ways to rapidly reduce greenhouse gas emissions.⁴ In order to do this, states need to focus on reforming the primary sectors responsible for methane emission production. These are the energy sector, which releases methane primarily during fossil fuel production and the agricultural sector, where methane is primarily released during the raising of livestock.⁵

The EU has signed the Global Methane Pledge, which sees the bloc, along with other leading economies like the United States (US), pledge to reduce global methane emissions by 30 percent by 2030.⁶ In this context, the EU has already been criticised for failing to develop appropriate policies, particularly surrounding livestock,⁷ to meet this pledge. A recent report shows that, under the current policy, the EU will merely achieve a 23% reduction in methane emission production by 2030.⁸

China has not signed the Pledge. However, at COP 27, it announced that it was formulating its own plan to reduce methane emissions.⁹ This plan includes an intention to focus on the energy and agricultural sectors.¹⁰

Methane emission reduction is in the interest of both the EU and China and both parties are already formulating policy initiatives designed to tackle methane reductions. Ensuring these policies align

is therefore in line with the broader objective.

Proposal for Cooperation on Methane Emission Reduction

Cooperation on methane emission reduction could occur in two ways:

1. Working together to reduce methane emissions in the energy sector.
2. Working together to reduce methane emissions in the agriculture sector.

For energy, it is recommended that the EU and China adopt mutual transparency standards for the reporting and verification of methane emissions connected to the energy sector. The EU has already proposed a high verification standard in its Methane Emission Reduction Proposal,¹¹ and China expressed an interest in "common ground" due diligence through the creation of a project on common Taxonomy.¹² Having both entities adopt the same verification and disclosure standards is merely an extension of this project. It also does nothing to inhibit trade between the countries, as it would merely assist actors with understanding the extent to which their energy purchases will contribute to methane emissions. Nevertheless, greater transparency would help generate mutual incentives to combat methane leakage

4 Xiaopu Sun, Pu Wang, Tad Ferris, Hui Lin, Gabrielle Dreyfus, Bai-He Gu, Durwood Zaelke and Yi Wang, "Fast action on short-lived climate pollutants and nature-based solutions to help countries meet carbon neutrality goals," *Advances in Climate Change Research* 13, no. 4 (2022): 564-577.

5 *Ibid.*

6 European Commission and United States of America, "Global Methane Pledge," *Climate & Clean Air Coalition*, 2021, <https://www.ccacoalition.org/en/resources/global-methane-pledge>.

7 *Ibid.*

8 Changing Markets Foundation, "High Steaks: Taking methane from animal farming out of its blindspot," *Changing Markets Foundation*, October 2022, <http://changingmarkets.org/wp-content/uploads/2022/10/CM-Report-ENG-Web-High-Stakes-02-October-2022-Final.pdf>.

9 David Stanway, "China announces plan to curb rising methane emissions but challenges await," *Reuters*, November 9, 2022, <https://www.reuters.com/business/cop/china-announces-plan-curb-rising-methane-emissions-challenges-await-2022-11-09/>.

10 John Aigner, "China Has Plan to Curb Methane Emissions in Sign of Progress," *Bloomberg*, November 17, 2022, <https://www.bloomberg.com/news/articles/2022-11-17/china-has-plan-to-curb-methane-emissions-in-sign-of-progress?leadSource=uverify%20wall>.

11 European Commission, *Proposal For A Regulation Of The European Parliament And Of The Council On Methane Emissions Reduction In The Energy Sector And Amending Regulation (EU) 2019/942*, December 15, 2021, COM(2021) 805 final, 2021/0423(COD), 1-48.

12 European Commission, *Common Ground Taxonomy*, 2021, 1-43.

in this sector, while encouraging energy firms that they should possess some form of methane reduction plan if they wish to expand into the EU and Chinese markets.¹³

For agriculture, it is recommended that the EU and China create a joint initiative designed to share information and technological resources pertaining to the use of feed additives designed to reduce the methane emissions of livestock. These additives already exist, but many need to become market viable.¹⁴ The EU and China could offer grants to research firms who agree to pursue joint ventures with their Chinese counterparts, or subsidise -subject to state aid rules- companies who engage in joint ventures to increase the scale of methane-reducing additive production. This policy could be adopted in line with the efforts to produce a Joint Roadmap for Science and Technology Cooperation.¹⁵ Agriculture has previously been cited as one example of an area where the EU and China can work together in this context,¹⁶ rendering the proposed methane reduction initiatives a logical extension of this Dialogue.

Both of these proposals could be the beginning of a bilateral agreement on methane emission reduction. However, given current tensions and fears over China's human rights record, it is recommended to focus on proposals like

the ones above which can be incorporated into existing policies.

Risks and Opportunities

Cooperation will help set a market trend favourable to the private sector using methane emission reducing production methods, particularly in the agricultural sector. By showing a mutual desire for the use of additives and other measures, the EU and China set a soft regulatory framework which can be adopted by those seeking to enter the market.¹⁷ It would also improve the coherence of the broader effort to create a "common ground" taxonomy through aligning an overlooked aspect of climate mitigation to the wider project.¹⁸

By sharing research, the EU could also reduce existing tensions over the potentially protectionist effect of EU-initiatives like the Carbon Border Adjustment Mechanism.¹⁹ In seeking to equalise the additive market, the EU ensures that European and Chinese farmers do not feel like they are being unfairly penalised if the introduction of methane reducing additives becomes mandatory. In focusing solely on research and technology, the EU avoids concerns associated with more radical efforts to standardise the methane sector while speeding up the rate at which feed additives become market viable across

13 Robert S. Hegarty, Rodrigo A. C. Passetti, Kyle M. Dittmer, Yuxi Wang, Sadie Shelton, Jeremy Emmet-Booth, Eva Wollenberg, Tim McAllister, Sinead Leahy, Karen Beachemin and Noel Gurwick, "An evaluation of evidence for efficacy and applicability of methane inhibiting feed additives for livestock," *Global Research Alliance*, November 2021, <https://globalresearchalliance.org/wp-content/uploads/2021/12/An-evaluation-of-evidence-for-efficacy-and-applicability-of-methane-inhibiting-feed-additives-for-livestock-FINAL.pdf>.

14 *Ibid.*; Andy Reisinger, Harry Clark, Annette L. Cowie, Jeremy Emmet-Booth, Carlos Gonzalez Fischer, Mario Herrero, Mark Howden and Sinead Leahy, "How necessary and feasible are reductions of methane emissions from livestock to support stringent temperature goals?," *Philosophical Transactions of the Royal Society* 379 (2021): 1-18.

15 European Commission, *Roadmap for EU-China S&T cooperation*, (2021).

16 European Commission, *Joint declaration on EU-China innovation cooperation dialogue*, (2021).

17 Paulo Alfonse Duarte, "The Soft Power of China and the European Union in the context of the Belt and Road Initiative and Global Strategy," *Journal of Contemporary European Studies* 30, no. 4 (2022): 593-607.

18 Cecilia Liu, "The Common Ground Taxonomy: A Path to Global Green Finance Standards?," *International Shareholder Services*, April 13, 2022, <https://insights.issgovernance.com/posts/the-common-ground-taxonomy-a-path-to-global-green-finance-standards/>.

19 Chris Busch, Hu Min and Chen Meian, "China and the European Union's Carbon Border Adjustment Mechanism: Cultivating Mutual Benefits for the EU and China," *Energy Innovation*, April 2022, <https://energyinnovation.org/wp-content/uploads/2022/04/China-and-the-EUs-Carbon-Border-Adjustment-Mechanism.pdf>.

both economies.

There may be a risk that cooperation with China could strain relations further between the EU and the fellow Methane Pledge leader: the US. This risk is offset by the pressure it places on the US to follow suit with its own verification standards, as well as the fact that the US has already signalled a willingness to work with China on methane, through the appearance of the Chinese climate envoy alongside John Kerry at COP 27.²⁰

There is also a concern that ethical standards for research could be compromised where there appears to be a financial impetus to achieve results quickly.²¹ However, appropriate oversight of joint research, through, for example, the allowance of mutual inspections would alleviate these concerns.

Conclusion

This memo has identified how the EU and China can cooperate on methane emission reduction policy. It has proposed:

1. Mutual transparency and verification standards for methane emissions in the energy sector.
2. A joint initiative designed to share research and technological resources which would help methane-reducing feed additives become viable on both markets.

20 Max Bearak, "After Months of Silence, Chinese and U.S. Climate Envoys Briefly Speak," *New York Times*, November 11, 2022, <https://www.nytimes.com/2022/11/09/climate/john-kerry-xie-zhenhua-cop27.html>.

21 Eva Xiao, "Red Flags Raised Over Chinese Research Published in Global Journals," *Wall Street Journal*, June 5, 2020, <https://www.wsj.com/articles/chinese-research-papers-raise-doubts-fueling-global-questions-about-scientific-integrity-11593939600>.

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