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The Institute for a Greater Europe established the Greater European Journal is 2019 as a continuation to its work publishing articles for students and young professionals from across the world. Established in 2014, the Institute promotes European integration across the traditional borders of Europe and beyond. Papers were collected from a wide range of backgrounds and submitted through an anonymous peer-review process. This year we present our second edition of *The Greater European Journal*, which is to be published annually

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In order to select pieces for the Journal, our editors followed a rigorous process of submissions and revisions. Following a call for papers, all the submitted papers were read by our editorial team and those that reached a high quality were selected to be formally edited by our team. Following the editing and review from our editorial team the articles were then anonymised and sent to expert peer reviewers along with a form, who then gave their advice on the piece to the editorial team on the accompanied with an overall advice of Acceptance, Minor revision, Major revision, or Rejection. If not rejected, the authors were then sent the feedback, again anonymously, and told to make revisions. This process was repeated until the reviewer, authors, and editors are satisfied and the pieces are accepted by our Editor-in-Chief.

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EDITOR IN CHIEF'S NOTE

To say the year 2020 has been eventful would be a euphemism. For the first time in years, it has felt the planet, though locked at home for most of it, has been experiencing history together.

The year opened with the Hong Kong protests against China's central government, never-seen-in-scale bushfires in Australia and the assassination of Iranian general Qasem Suleymani that brought the U.S. to the brink of war with Iran. It was then followed by the escalation of Turkey's involvement in Syria and Libya aimed at countering, in both countries, opposing forces supported by Russia.

In March, as the world was already holding its breath, COVID-19, which had made its way out of Hubei, was declared a pandemic. It spread globally, pushing the world into lockdown, our post-Just-in-time global order shaken to its core.

Though things did slow down for a time, history did not seem willing to stop happening. In between of the arrest of a prominent backer of the Rwandan genocide in France and rock-throw skirmishes between Indian and Chinese troops in the Himalayas, the largest protest movement in recent North American history erupted in the United States after the assassination of George Floyd by Minneapolis police. It has now gone uninterrupted for more than 4 months.

It has also been an eventful year for Europe already. Badly hit by the pandemic, the European Union in particular has seen one of its pillars, free movement, rocked. At the time we put our journal to press, fighting has resumed between Armenia and Azerbaijan over the disputed territory of Nagorno-Karabakh. The values so dear to our think tank – peace, understanding, and cooperation beyond borders – are being challenged, and urge us to redouble our efforts.

And that we will, as 2020 has been a year of great steps forward for our institute. The Institute for a Greater Europe is now officially registered in Belgium, one of the many hearts of Europe. The Greater European Journal is now fully peer-reviewed by scholars and academics. The entire editorial team would like to warmly thank our dedicated team of peer-reviewers for their professionalism and their help on our quest to put out a high-quality publication.

We would also like to extend those thanks to our readers, who make all of efforts worth it, and encourage them to turn the page. We hope you will find a reading that exceeds your expectations.

Valentin M. Luntumbue

Editor-in-chief

WESTERN EUROPE AND ATLANTIC

INTRA-INSTITUTIONAL EUROPEANISATION IN ACTION: DG NEAR AND DG JUST SIDE-BY-SIDE FIGHT IN THE BATTLE FOR THE RULE OF LAW

By Martina Di Gaetano[1]

Abstract

Since 2014-2015, the EU has been facing increasing challenges in its efforts to deal with the Rule of Law (RoL), both among its Member States (MS) and in candidate countries. In fact, regarding the latter, the accession negotiations with the Western Balkan (WB) countries are characterised by the adoption of a new strategy, based on the 'fundamentals first' doctrine, which sees the recognition of a central role of Chapters 23 and 24, respectively focused on the judiciary and the respect of fundamental rights and on the issues related to justice, freedom and security. At the same time, the European Commission (EC) realised the limited effectiveness of the tools at its disposal to challenge violations of the RoL in the EU MS, and, more specifically, in Hungary and Poland. The blockage of the procedure under Article 7 TEU and the persistent non-compliance with the Court of Justice's rulings, declared in the context of the infringement proceeding, led to the development of new tools or to a different use of the existing ones. Following from the above, the present article argues that the evolutions occurred in the internal dimension of the EU's action regarding the RoL have been driven by the experience and the lessons learnt from the EC in the context of the negotiations for the accession of the WB countries. Accordingly, after an introductory part, the article analyses the evolutions occurred in the enlargement strategy and in the context of the EC's efforts to tackle RoL backsliding in Hungary and Poland. Finally, it concludes that, as demonstrated by the similarities in the chronology and in the thematic focus, the internal and external dimensions of the EU's action in the field of the Rule of Law have evolved simultaneously, thus leading to a sort of intra-institutional Europeanisation, which implies that the two Directorates-General (DG) involved in the field (notably DG NEAR and DG JUST) mutually learned from the experiences of the other and evolved together in the direction of strengthening the EC's role as a guardian of the Treaty in the field of the Rule of Law.

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Introduction

In the last decade, EU scholars and policymakers deeply examined the Rule of Law (RoL) backsliding in some of the EU Member States (MS). This phenomenon has been accompanied by the growing importance recognised to RoL in the accession negotiations of the Western Balkan (WB) countries. These parallel circumstances show that, at least chronologically, there has been a theoretical development of the role played by the RoL in the action of the EU, which happened at the level of both internal and external policies.

On the one side, in the past years, the European Commission (EC) has been developing new tools to address the democratic backsliding in countries such as Poland and Hungary, which were considered to have met the democratic conditions, as determined before the reform of the enlargement policy (Kochenov, 2008). The issue has been addressed primarily through infringement proceedings and the newly launched RoL Framework. Those instruments have been designed considering that the accession conditionality would have been sufficient to consolidate democracy and the RoL in the new MS. Therefore, they mainly tackle 'involuntary' RoL backsliding. Conversely, the current crises are characterised by the willingness of politicians to elaborate strategies against the previous democratic transition (Pishchikova & Youngs, 2013).

On the other side, regarding candidate countries, the EC's 'fundamentals first' approach highlights the pivotal role recognised to RoL-related issues in the context of the accession process (Dzankic, et al., 2019). However, also in the context of the enlargement policy, which has been considered as the most powerful tool of the EU as a transformative power (Grabbe, 2006), concerns have raised on the lack of effectiveness in addressing properly RoL-related reforms (Dzankic, et al., 2019).

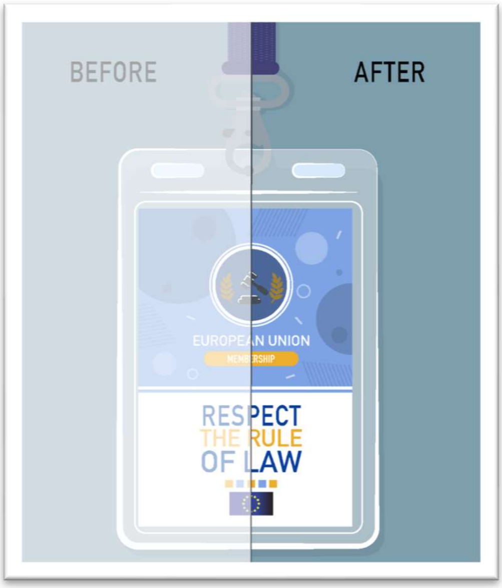
The described problem has consequences that overcome the traditional separation between the pre-accession and post-accession stages. Indeed, as shown by the RoL backsliding in some MS, which were supposed to have achieved a level of democratisation ranging from political elites to the societal level, there is the need to develop a comprehensive approach that encompasses the traditional separation between the internal and external dimensions of the EU's action when it comes to strengthening the RoL.

The present article aims at assessing to what extent the EC's approaches in stabilising the RoL in the MS and in candidate countries are interlinked. In order to answer the research question, a theoretical section will present the traditional literature and debate on the concept of Europeanisation, introducing the idea of a new intra-institutional Europeanisation. Subsequently, the paragraph will focus on the recent developments in the enlargement strategy. Following this, the new practice adopted by the EC towards the MS will be considered, stressing the combined use of judicial and political procedures. Finally, the last paragraph will analyse the simultaneous evolution of the two dimensions. The article will conclude that the two Directorates-General involved, notably Directorate-General (DG) NEAR and DG JUST, have modified their approach in this field by influencing each other and creating a sort of intra-institutional Europeanisation. In this regard, this article relies on the introduction of a new component of the concept of Europeanisation, until today understood as a process primarily involving EU Member States and EU institutions, as well as the reciprocal influences between the two.

Europeanisation in action: from uploading/downloading to intra-institutional effects

Since its very beginning, the EU integration project has been characterised by the idea of the EU as a normative power, to be understood as the EU's power to influence third countries' perception of what is 'normal' (Manners, 2002). In this regard, Manners argues that several factors contribute to the diffusion of EU values in third countries, such as informational and procedural diffusion. The former "is the result of the range of strategic communications, such as new policy initiatives by the EU, and declaratory communications", whereas the latter "involves the institutionalisation of a relationship between the EU and a third party" (Manners, 2002). Through these factors, the EU acts as "a changer of norms" (Manners, 2002).

Additionally, the EU can be considered as a transformative power (Grabbe, 2006). In this regard, the power of the EU is not limited to changing the perception of what is 'normal' but it has the ability to introduce concrete changes in the third country's system by transferring its legal and political acquis. The EU enlargement process is the best suited to exemplify the 'normative' and 'transformative' nature of the EU's action. The EU made the accession of new States conditional upon several requirements. The latter have been progressively modified and adapted to the specific circumstances of candidate countries and, in their final version, include a strong focus on the political and institutional structure of the candidate country, which shall abide by EU fundamental values and principles.



The idea of the EU as a 'normative' and 'transformative' power is relevant in the context of the Europeanisation process. In the last decades, a broad literature developed on the topic, which can be summarised into two main groups. In the first one, scholars focused on the single dynamics that domestic and EU institutions put into action; conversely, the second group adopted an holistic approach, considering the process in its entirety, as composed of many different dynamics that affect each other. Regarding the former, scholars such as Cowles, Caporaso and Risse, focused on the 'uploading' dimension of the Europeanisation process, examining to what extent national interests emerge at the European level (Cowles, et al., 2001). Other scholars, such as Börzel, focused on the process of 'downloading', through which European rules have an impact on shaping policies at the national level (Börzel, 1999). Finally, some other scholars took into consideration different aspects of the process, but analysed them as separate elements (Graziano & Vink, 2013). Finally, following Radaelli's definition, Europeanisation can be understood as a concept that includes a "process of (a) construction (b) diffusion (c) institutionalization of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the making of EU decisions and then incorporated in the logic of domestic discourse, identities, political structures and public policies" (Radaelli, 2000).

Differently, in this article the concept of Europeanisation will be considered with regard to the progressive development of strategies and new informal competences of DG JUST and DG NEAR in the field of the Rule of Law. More precisely, this article argues that the action of DG NEAR in this field, which chronologically came before that of DG JUST, positively affected the room for manoeuvre of DG JUST, especially if we consider the fact that the EU does not have an explicit competence to intervene in matters related to the respect of the Rule of Law.

In this regard, Zielonka's view of the enlargement policy as a process that encourages political and institutional changes not only in candidate countries but in the EU itself is particularly relevant (Zielonka, 2006). More specifically, as already mentioned the EU's enlargement policy has been considered as the first driver in the reform process of candidate countries. However, Zielonka points out that the effects of this policy are not limited to candidate countries, but extend to the EU and its MS, becoming the main driver of internal reforms.

Evidence of that is the recent proposal put forward by the French government regarding the enlargement process. In its 2019 "non-paper", Paris proposes to renew the enlargement process and to couple this reform with internal reforms that the EU should adopt in some fields before enlarging and furtherly burdening the EU "decision-taking" process (Herszenhorn & Momtaz, 2019). In this regard, it is self-evident that some EU MS see the enlargement process as a "threat" to the EU decision-making process and point out the need to adopt reform before enlarging to new members that could prove unwilling to take part in such a renewal process. As it will be expressed later on in this article, a similar consideration can be applied with regard to the "enlargement" of the EC's competences in the field of the RoL, where the enlargement process played a fundamental role in strengthening and supporting the EC's claims for competence.

Evolving dynamics in the relations with close friends…

Following the disintegration of Yugoslavia in the '90s, the WB experienced severe difficulty in addressing RoL-related reforms, since the state-building and democratisation processes were to be addressed in a still very conflictual context, hampering any kind of regional cooperation (Rangelov, 2013). With the aim to encourage conflict resolution and regional stabilisation, the EU started channelling massive assistance towards this region: it adopted the Stabilisation and Association Process which, together with the changes occurred in the enlargement strategy, still characterises EU-WB relations. The major challenge faced by the EU in the region related to filling the gap between the formal transfer of the EU acquis and its weak implementation (European Commission, 2006a). The results of the EU's action regarding RoL promotion in the WB are contested. According to officials from the EC, the reports of the public consultations conducted by the EC on the evaluation of EU support for RoL in the 2010-2017 timeframe show that overall, in the last years, and despite the EU's intervention in the region, there has been a deterioration of democracy in the WB (Interviews with EC Official 1, 2, 3, 4, 5, 6, 2020).

The EU enlargement policy has been historically characterised by the strong use of conditionality mechanisms. Indeed, by relying on the high attractiveness of the membership perspective, the EU made accession conditional on meeting a certain number of requirements (Schimmelfennig, 2008), the most relevant being the need to establish a democratic society, based on human rights and the RoL. The basis for the EU to make such demands is to be found in Article 49 TEU, which states that acceding countries must ensure the respect of the values enshrined in Article 2 TEU. The latter lists the EU funding values, referring specifically to the respect for democracy, the rule of law and human rights.

Following the results of the 2004 enlargement, and the critics concerning the unreadiness of Romania and Bulgaria, in 2006 the EC proposed a 'renewed consensus on enlargement' (European Commission, 2006b) which has been followed by the adoption in 2010 of the Communication on the Enlargement Strategy (European Commission, 2010a). The two documents underline the central role played by conditionality, which should be reinforced through a "systemic use of benchmarks, providing concrete criteria for opening and closing negotiations on individual chapters" (European Commission, 2006b). Moreover, the three pillars of the forthcoming 'fundamentals first' approach have been laid down: the renewed consensus on enlargement underlines that "judicial reform, administrative capacity, fight against corruption and organised crime need to be addressed early on in the accession process" (*ibid.*). The 2010 Communication further emphasises the EC's priority for these elements (European Commission, 2010a). In so doing, the centrality of the RoL in the enlargement process has been further boosted (Elbasani & Šelo Šabić, 2018).

The new approach has been specifically designed for the WB case. Indeed, these countries are facing a post-conflict reconstruction, involving, *inter alia*, a process of peace stabilisation in the whole region. This aspect reflects the EU's interests, which have been boosted via different strategies. Whereas at the intergovernmental level, regional stabilisation is pursued through high-level dialogues, such as those established by Germany through the Berlin Process, at the EU level, the main policy which has been put in action is the enlargement process.

The new enlargement round is characterised by two peculiarities. On the one side, the lack of support for enlargement limited the credibility of the process itself. The emphasis has been put on the limited 'integration capacity' of the EU, which implies that the new candidates will face a higher degree of uncertainty compared with the previous ones (Schimmelfennig, 2008). On the other side, the whole enlargement strategy changed and the 'fundamentals first' approach was introduced.

As already mentioned, the latter is built around three pillars, which are addressed in the context of the negotiations on Chapters 23 (Judiciary and fundamental rights) and 24 (Justice, freedom and security). Those chapters have been put at the centre of the negotiation process. This reform is particularly relevant when comparing this new strategy with the previous one. Indeed, here we see a clear shift from an approach based on "the easiest first" approach, to the "fundamentals first" approach (Schimmelfennig, 2008). In other words, previous enlargement rounds were based on the assumption that starting the negotiation process by focusing on those Chapters which there the most likely to be easily agreed upon and closed would have stabilised the accession process itself and given stronger leverage to the EU as regards the most problematic Chapters, notably those related to democratic governance and the Rule of Law.

In this regard, the experience of Bulgaria and Romania is particularly relevant. Indeed, those countries have been admitted to the "EU Club" despite the general agreement on the fact that they did not fully meet the democratic requirements set in the 1993 Copenhagen Council Conclusion (European Council, 21-22 June 1993). As a consequence, a new mechanism, the Cooperation and Verification Mechanisms, was adopted, thus applying a sort of post-accession conditionality. The mechanism, based on regular monitoring and reporting activities, was aimed at controlling the progress made by the two countries in some specific areas of the RoL (Salati, 2019).

Following the negative assessment of this mechanism (Salati, 2019), the EC in 2010 proposed its renewed enlargement strategy, which sees Chapters 23 and 24 at the centre of the whole process (European Commission, 2010a). Such a new role, coupled with the introduction of interim benchmarks, led to the new negotiation strategy, which implies the opening of these chapters at the very beginning of the negotiation. Furthermore, they will be kept open throughout the whole process and will only be closed at the end of the negotiations. The main aim of this approach is to allow a detailed assessment of the progress in the RoL area, thus ensuring the stabilisation of the improvements (Elbasani & Šelo Šabić, 2018).

… and with the new members of the Club

In the last decade, the EU has been facing an increasing number of internal threats to the RoL principle. In Poland and Hungary, the escalation has been particularly evident. In these countries, the initial discrepancy between formalist and substantive compliance with the RoL standards degenerated and led to the adoption of several domestic laws and constitutional amendments which are incompatible with the principle of the RoL (Eppler, et al., 2019).

The current democratic backsliding can be linked to the increasing power of populist parties, which, in the 1990s, started promoting a narrative based on national identity. The Hungarian Civic Union Fidesz in Hungary and the Law and Justice Party (PiS) in Poland started making use of discourses based on 're-Christianizing' Europe and referred to the federal elements of the EU as a threat to national sovereignty (Coman & Leconte, 2019). Both governments focused their state-capture attempts on limiting judicial independence, which is considered to be a major component of the RoL (Associação Sindical dos Juízes Portugueses, C-64/16).[2] The EU's response to the RoL crisis has not fully met the expectations raised by scholars. Indeed, so far it has been characterised by a variety of measures incoherently adopted by EU institutions, thus leading to overlapping instruments and gaps that reveal the lack of a common strategy (Kochenov & Bárd, 2018).
The current tools at the EC's disposal to tackle RoL backsliding can be distinguished in two categories: political instruments and judicial procedures.

As regards the political instruments, it is necessary to refer to the procedure under Article 7 TEU and to the recently introduced RoL Framework, further strengthened by the EC's Blueprint for action.
The three-stage procedure under Article 7 TEU has been referred to as the 'nuclear option'. It is a last resort mechanism since it implies that all MS take a clear negative position against certain policies adopted in one of the other MS.[3] The mechanism was activated by the EC for the first time against Poland on 20 December 2017. Today that it has been triggered, there is the opposite fear, notably that of realising that the procedure is rather ineffective (Scheppele & Pech, 2018).

Indeed, the voting rules required to get through the three stages imply a high number of veto players. In this regard, Hungary has already announced that it will vote against any measure affecting Poland (Eppler, et al., 2019). The consequence is that any chance to reach stage 2, for which unanimity in the European Council is required, is currently blocked.

In 2014, the EC launched its RoL Framework (European Commission, 2014a). It represents the answer to the increasing critics concerning the EC's lack of effectiveness in addressing the RoL backsliding in some MS (Pech

[2] Regarding Hungary, since 2014, the government amended the constitution and adopted laws that prevented any kind of internal dissent (Kochenov & Bárd, 2018). Through the adoption of Lex NGO and Lex CEU, private and foreign-funded NGOs and universities have been directly attacked for receiving foreign funds (Appel, 2019). Furthermore, it completely changed the system governing the judiciary, impairing the independence of the Hungarian Constitutional Court (Coman & Leconte, 2019). Similary, since 2015, the Polish government started adopting and amending ordinary laws. Its action, aimed at capturing the judiciary, built on the reform of bodies and institutions such as the Constitutional Tribunal, the Supreme Court, and the National Council of the Judiciary (Kochenov & Bárd, 2018). All judges and prosecutors are now subordinated to the Minister of Justice. Following these reforms, the EC released a recommendation where it stated that the constitutional legitimacy of Polish laws is no more guaranteed (European Commission, 2017a).

[3] Article 7 TEU can be triggered on a reasoned proposal of MS, the European Parliament (EP), or the EC. Following the proposal, the Council, by qualified majority voting (QMV), may determine whether there is a clear risk of a serious breach by one of the MS of EU values. Then, the European Council, on a proposal submitted by the MS or the EC and after obtaining the consent from the EP, may unanimously determine the existence of a serious and persistent breach. Finally, the Council, voting by QMV, may decide to suspend certain rights to the MS.

& Scheppele, 2017).[4] The mechanism was activated for the first time against Poland in 2016 and led to the adoption of four recommendations between July 2016 and December 2017.[5] Following the lack of positive answers from the Polish government, the EC decided to issue a proposal for a Council decision under Article 7 TEU (European Commission, 2017b). The Framework has been strongly criticised by some scholars. Indeed, it has been highlighted that it only introduces one more step before triggering Article 7 TEU, which already entails a very structured procedure (Pech & Scheppele, 2017).

Following this path, in July 2019 the EC adopted a new communication, establishing a Blueprint for strengthening the RoL (European Commission, 2019a). The EC established several commitments and sets recommendations addressed to other EU institutions and MS, aimed at tackling the RoL backsliding both in the short- and medium-term (Kochenov, 2019). As regards the judicial procedures, in the last decade the EC strongly relied on the use of the infringement proceeding, enshrined in Article 258 TFEU.[6] This mechanism reveals, however, at least one shortcoming. Indeed, infringement proceedings are designed to tackle single violations of EU law. Its case-by-case nature reveals the weakness of this instrument in situations of generalised and concerted RoL violations, such as the Polish and Hungarian ones (Kochenov & Bárd, 2018). In this context, further emphasis should be put on Article 260 TFEU, allowing the CJEU to adopt measures against those MS that do not comply with a judgement of the Court. Triggering this provision could help to overcome one aspect of the weakness of Article 258 TFEU, namely the fact that, not being designed for concerted violations, the simple statement that there has been a violation would prove useless (Peel & Hall, 2019). However, once again the case-by-case nature of the mechanism does not allow to tackle generalised deficiencies. In this context, several scholars recommended the use of a 'systemic' infringement proceeding. In this regard, Scheppele suggested that infringement proceedings should be based on the violation of Article 2 TEU *per se*, referring to the systemic violations of EU fundamental values (Scheppele, 2013).

Connecting the dots: DG NEAR and DG JUST reciprocal influences in the development of their competences in the field of the RoL

Following from the above and as already mentioned in the introductory paragraph, the main aim of this article is to argue that the refining of the enlargement methodology that has been going on in the past decade has had an impact on the way the EU looks at itself. The whole new approach to enlargement and the 'fundamentals first' doctrine has informed the internal thinking of the EC that led to the announcement of the RoL Framework in 2014 (European Commission, 2014a) and the new announcement of the pillars of the Von der Leyen Commission (European Commission, 2019b). The RoL backsliding in Hungary and Poland has also induced the Commission to strengthen its thinking.

[4] The Framework is designed to be activated by the EC before triggering Article 7 TEU. It comprises three stages, aimed at establishing a dialogue with the concerned MS. The results of the dialogue may lead the EC to issue a recommendation on the improvements that need to be put in place.

[5] The full list of the recommendations regarding the Rule of Law in Poland may be found at https://ec.europa.eu/info/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/rule-law-framework_en.

[6] With regard to the recent case-law of the Court of Justice concerning Rule of Law backsliding and, more specifically, judiciary independence, see CJEU, C-406/18, *PG v Bevándorlási és Menekültügyi Hivatal*, ECLI:EU:C:2020:216; *Google Ireland Limited v Nemzeti Adó- és Vámhivatal Kiemelt Adó- és Vámigazgatósága*, ECLI:EU:C:2020:141; C-522/18, *DŚ v Zakład Ubezpieczeń Społecznych Oddział w Jaśle*, ECLI:EU:C:2020:42; C-537/18, *YV v Krajowa Rada Sądownictwa*, ECLI:EU:C:2020:136; Joint Cases C-558 and C-563/18, *Régime disciplinaire concernant les magistrats*, ECLI:EU:C:2020:234; C-564/18, *LH v Bevándorlási és Menekültügyi Hivatal*, ECLI:EU:C:2020:218; Joint Cases C-585, C-624, C-625/18, *Indépendance de la chambre disciplinaire de la Cour suprême*, ECLI:EU:C:2019:982.

There is a series of contingent, country-specific crises in RoL matters that induced the EC to strengthen and modify the way it looks at itself. It is true the mythology that once one state becomes a Member State the power of the EC to keep the transformation on track fades away because the membership leverage disappears. What seems to be happening in the last years is that the EC is trying to push for using the same lenses used with regard to candidate countries also for MS, whereas in the past, the internal and external aspects of the RoL issues have been seen as separate. A series of tools to tackle the RoL backsliding in EU MS have been experimented and started to come out exactly around 2013. In this regard, the chronology is very important. At the same time, the EU developed and refined its strategy towards the WB.

Given this evolving context, it can prove useful to modify our understanding of the concept of Europeanisation. As already mentioned in the beginning of this article, Europeanisation has been understood in the past as the different mechanisms explaining the influences that EU institutions and EU Member States have on each other. Differently, I argue here that the same concept should be applied with regard to the relationships and reciprocal influences within the EC. Indeed, despite the fact that the EC presents itself as one institution, the separation of tasks among different DGs and the specialisation of their officials allow to compare these institutions to a body, consisting of different organs, each of which affects, to different extents, the functioning and developments of the others. This particular mechanism of socialisation among officials being part of different DGs can be referred to as a form of Europeanisation taking place within one single EU institution and, therefore, as a form of intra-institutional Europeanisation. As this article argued, this is particularly true as regards the EC's competence in the field of the RoL.

An example of the above can be found regarding the EC's proposal for a Regulation of the Union's budget in case of systemic and generalised deficiencies in the RoL (European Commission, 2018a). Such a mechanism, which draws on the lessons learnt through the use of mechanisms based on conditionality in the context of the enlargement process,[7] foresees that the access to EU funds would be conditional upon ensuring the respect of EU fundamental values. This additional requirement should apply to all MS. The proposal, issued in May 2018, is currently being discussed at the Council. It would allow the EC to suggest the adoption of measures against systemic deficiencies in the RoL area (Blauberger & Van Hüllen, 2020). The sanctions could range from a suspension to a reduction of the payments falling within EU cohesion funds (Salati, 2019). A similar link can be found in the proposal to make the allocation of financial support under the 2020 Recovery fund conditional upon the respect by MS of EU values and, in particular, of the RoL.[8]

As mentioned before, there is a series of elements which indicate that everything happened as a consequence of the announcement of the EC for the renewed methodology on enlargement with the 'fundamentals first' approach. This contingency deserves further attention, especially in the context of the theoretical framework and narrative on how Europe as an empire is evolving because of the enlargement process (Zielonka, 2006). As already discussed, the latter considers the enlargement policy as the most transformative policy on the EU itself (Grabbe, 2006), and not only with regard to candidate countries.

[7] More specifically, it draws on the lessons learnt in the context of the CVM, as applied towards Romania and Bulgaria immediately after their accession to the EU.

[8] This proposal has not been adopted yet, as the RoL conditionality is still to be agreed upon and a compromise needs to be found, especially with the most reluctant EU MS (notably Hungary, Poland and the Netherlands). See, in this regard, R. Emmort and B.G. Meijer, "EU delays strict rule-of-law conditions for recovery fund", 21st July 2020, reuters.com and D. Wake and M. Trauth, "EU Leaders agree to link funds to rule of law", 22nd July 2020, ednh.news.

The way enlargement is conceived has an impact on how the EC tries to develop its tools to evaluate EU MS. In this sense, Poland and Hungary were two wake-up calls for the EC to reconsider its role as a guardian of the treaty: the latter should also comprise a control on the respect of the RoL among EU MS. This influence that enlargement policy has on the EU itself and on the way the EU conceives itself and its competence happens among EU officials and, as regards the RoL, appears to particularly take place thanks to the intra-institutional relations developed between DG NEAR and DG JUST in this field. This conclusion comes, first of all, from EC officials themselves, who recognise the pivotal importance of the relations established between the two DGs in developing a strategy to be adopted by DG JUST with regard to MS that proved to be reluctant to ensure the respect of the RoL.

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BRIEF CRITICAL APPROACH TO THE NEW EU-UK RELATIONSHIP AGREEMENT THROUGH INTERNATIONAL LAW

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Abstract

On January 30th, 2020, Brexit materialised in the formal withdrawal of the UK from the European Communities and started the second countdown for the new relationship agreement governing future UK-EU relationships until December 30th, 2020. On one hand, the Withdrawal Agreement established a regime of rights and obligations which still considers the UK as a Member State in the transition period. On the other hand, given the duty to consider the steps for negotiations, the Declaration, a non-contractually binding text, reunited both parties' goals' in key areas (i.e. defence, foreign policy, and international development). The changes in the UK negotiation stance reveal the usefulness of the conduct of the parties in analysing legal effects to conclude whether a previous intention remains invokable. Following the doctrine of *estoppel*, the non-legally binding nature of the Political Declaration is argued and found that permits the EU to call the UK to adopt a coherent and clear stance on the new relationship agreement, even through dispute settlement procedures set forth in the Agreement.

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Introduction
On June 23rd, 2016, the result of the referendum on the United Kingdom (UK) membership to the European Union (EU) in favour of exiting the EU embarked the country upon an ocean of legal uncertainty (The Electoral Commission 2020). With no precedent whatsoever in the EU's history, both the EU and the UK assumed the challenge of achieving an orderly transition. In that light, after four years of intense negotiations and continuous deadline extensions, both the UK Government, through the favourable vote in Parliament, and the Council of the EU, after the support in the EU Parliament, signed on January, 24th 2020 the Withdrawal Agreement -the Agreement-, and entered into force on February, 1st 2020, accompanied by the Political Declaration -the Declaration- (Notice concerning the entry into force of the Agreement 2020).

Whereas the Agreement brings a framework ensuring the applicability and enforcement of EU law even after withdrawal, the Declaration lays down the intention towards future negotiations. The 178-pages complex legal document outlining the subjects both the EU and the UK are bound to duly respect during the transition period, the time frame on which both parties undertake to implement it fully, in addition to reaching a new relationship agreement as two separate parties (Withdrawal Agreement, Arts. 126 and 184). On the other hand, the 141-paragraph Declaration seeks to create a symbiosis between a free trade agreement and several separate cooperation agreements in areas where both parties shared competences (Political Declaration, para 3). To sum up, whilst the Declaration can only serve its purpose if an agreement is reached, the Agreement will continue to do so even after the transition period.

Furthermore, concerns arise towards the likeliness of agreeing on the final text of the new relationship treaty given the divergence of the UK from the Declaration. In short, the British Government published their proposed versions of the new agreement excluding key areas as covered in the Political Declaration (i.e. foreign policy, international development and defence), a stance to which the EU expressed their regret based on the content of the joint declaration. Despite all efforts to ensure the agreement enters into force after December 31st, 2020, both Parties have expressed no interest in extending the term to agree on the treaty regulating their new relationship. In that sense, the present paper analyses the following question: **To what extent does the Political Declaration create any legally binding obligation for both Parties on the terms of the new relationship agreement?**

The subsequent paragraphs, considering the research question above, discuss the nature of the Withdrawal Agreement and its legal effects on the content of the Political Declaration. Thereupon, the analysis will rely on the discussion findings to determine whether, based on international law treaty-based formulas and authoritative opinions, an obligation arises or not from the Declaration. To that end, the comparative reasoning will depart from relevant factual findings of the ongoing negotiation process to apply the most adequate formula to answer the research question.

The Withdrawal dilemma: perspectives on the new agreement
Following Article 50(1) TEU -Treaty on the European Union-, the moment in which the Withdrawal Agreement enters into force suspends the application of EU law and provisions on the UK (Judgement of 19 September 2018, *Minister of Justice and Equality v RO*, C-327/18 PPU, para 45). Reasoning from which the primacy of EU law and the direct effect it possesses over UK domestic law ceases to operate in that specific moment (Judgement of 10 December 2018, *Wightman and others v Secretary of State for Exiting the EU*, C-621/18, paras 44, 45, 54). In other words, the power by which a Member State self-obliged to comply with the Treaties, shall be recalled withdrawing the initial consent from which all rights and obligations were born (Lord Bridge

of Harwich opinion, *Regina v. Secretary of State for Transport, ex parte: Factortame Ltd and others* [1990] UKHL 13, para 3). Hence, the repeal of the European Communities Act 1972, the legal text constitutionally acknowledging the primacy of EU law over UK law, only produces legal effects, of formally withdrawing, if Article 50 TEU procedure is observed (*R (Miller) v Secretary of State for Exiting the European Union* [2017] UKSC 5, para 60).

On the contrary, the Agreement draws a different scenario. Despite having fulfilled the conditions set forth on the TEU to materialise the withdrawal, and the legal consequences thereof, Article 127(1) of the Agreement determines that EU law still binds the UK except in certain matters[10]. As a result, Article 4(1) states that the principles of primacy and direct effect will continue to operate in favour of individuals when challenging a UK domestic law provision or decision incompatible to the terms of the Agreement or of the EU law specific provision made applicable by the Agreement. The Court of Justice of the EU (CJEU) will exercise jurisdiction to hear the challenges and can deliver enforceable judgement in claims submitted either before or after the end of the transition period, in case of failure to fulfil obligations under the EU treaties or the Agreement. Consequently, EU law, unless specifically provided on the Agreement (Preamble paras 7 and 8; Arts. 86, 87 and 89), is still applicable in the UK, as noted in s.1A(3)(f) of the *European Union (Withdrawal Agreement) Act* 2020, to ensure an orderly withdrawal.

Equally important, the Agreement transmits a clear expectation on the negotiation upon the future relationship agreement. The decision of both the UK, before losing its status as a Member State*,* and the EU, as a subject of international law whose legal personality and powers originate from the TEU and the TFEU -Treaty on the Functioning of the EU- (*Reparations for injuries suffered in the service of the United Nations* (Advisory Opinion) [1949] ICJ Rep 174, p. 179; Judgment of 5 February 1963, *NV Algemene Transport- en Expeditie Onderneming van Gend & Loos v Netherlands Inland Revenue Administration*, Case 26-62.), to abide by the Agreement, a legal document founded on EU primary law, relies on the principle of *pacta sunt servanda*, whereby the parties to a treaty commit to use their best endeavours to attain its content (*Convention on the Law of the Treaties*, 23 May 1969, 1155 UNTS 331 (entered into force 27 January 1980) arts. 2(1)(b), 20 and 26). It thus enshrines the question of good faith as the main basis binding both parties, to fulfil the commitments therein and particularly as a safeguard on the future relationship negotiations to reach an agreement before the transition period ends (Withdrawal Agreement, Arts. 5 and 184). Accordingly, reference to the Declaration in the Agreement covers the discussion during negotiations of aspects set forth in the joint declaration on the new relationship.

Furthermore, to understand the legal effects of the Agreement in the Declaration implies the interpretation of the main legal basis for withdrawal. Hence, Article 50(2) TEU develops an ambiguous mechanism concerning the future relationship agreement:

> A Member State which decides to withdraw shall notify the European Council of its intention. In the light of the guidelines provided by the European Council, the Union **shall** negotiate and conclude an agreement with that State, setting out the arrangements for its withdrawal, **taking account of the framework for its future relationship with the Union**.[11]

Following the general rule of treaty interpretation, based on the natural meaning of the words used therein (*Convention on the Law of the Treaties*, art. 31(1); *Territorial Dispute* (*Libyan Arab Jamahiriya/Chad*) (Judgement) [1994]

[10] Protocol to the TFEU concerning the status of the UK, the Schengen acquis, the enhanced cooperation and political rights regarding the election of Members of the EU Parliament and popular initiative.
[11] Emphasis added in bold.

ICJ Rep 6, para 41), the duty bestowed upon the EU under the verb "shall" consists of two actions: to *negotiate* and *conclude* an agreement. Owing to the latter, the TEU imposes a duty to the EU concerning the content of the Withdrawal Agreement to be valid: it cannot avoid any reference to the steps to be taken in the negotiations on the new relationship. Consequently, the legal basis of the Agreements sets forth a duty to envision the areas subject to agreement in the negotiations between the Union and the withdrawing State (the UK).

Nonetheless, the paragraph acknowledges one special feature and two separate conditions: firstly, the obligation only concerns the Union and not the withdrawing State as it refers solely to "the Union shall"; secondly, that the agreement negotiated and concluded by the Union with the withdrawing State must set out the steps to be followed in the exiting process; thirdly, that the Union, in the exercise of the duty imposed by the TEU, shall consider, following the meaning of "take account of", how will the future relationship with the withdrawing State be.

Notwithstanding it, the Political Declaration goes beyond the mere consideration of what the new relationship will be. Rather than expressing a general formula subject to any modification, both the EU and the UK adopted a commitment concerning the mechanisms of the new relationship. Paragraph 135 of the Declaration provides that:

> In setting out the **framework of the future relationship** between the Union and the United Kingdom, this declaration **confirms**, as *set out in the Withdrawal Agreement*, that it is the **clear intent** of *both* Parties to **develop in good faith agreements giving effect to this relationship** and **to begin the formal process of negotiations** as soon as possible after the United Kingdom's withdrawal from the Union, such that they can come into force by the end of 2020[12].

An analysis on the content of the paragraph demonstrates that the relationship to be given legal form after successful negotiations is no other than the one referred to in the Declaration. The text softly excludes any other possible form of relationship when it uses "this" rather than "the" to refer to what relationship will affect the EU and the UK as it relates to the most recent idea used with that noun. In other words, it is the relationship, in its parameters and principles, as conceived in paragraph 128 of the Declaration, given the use of the verb "confirms", the only one contemplated as to form the relationship between both parties. In that light, paragraphs 2 to 4 of the Declaration materialises the basis of the future relationship into the form of a partnership covering cooperation in trade, under a Free Trade Agreement, including security and foreign policy under a set of principles namely, the balance of rights and obligations, and common values and interests.

Whereas Article 184 of the Agreement, where both the EU and the UK self-obliged to its terms, acknowledges a duty to negotiate considering the content of the Declaration, it is not clear whether it transmits a legally binding nature to the Declaration itself. Despite not establishing a duty to agree on the exact content of the Declaration, the Declaration conceives the roadmap to discuss on how to develop the cooperation areas

[12] Emphasis added in bold

(economic, foreign policy, security, common values). An argument sustained in the language of each part of the Declaration in the areas of interest where words namely "should" are used to express the guidelines both the EU and the UK committed to consider when negotiating on the final agreement[13]. Yet, the official UK Government proposed texts do not substantially comply with following the guidelines above as it excludes the covered areas of foreign policy, defence, and international development (European Commission 2020a; Whitman 2020). Conversely, these proposed documents include, as updated on May 27th, a paragraph reconsidering whether to include these areas in different negotiated treaties or agreements (HM Government 2020, para 8).

The Declaration seeks to consolidate all areas in the outcome of the new relationship negotiations, but the UK Government modified its stance, differing from the content of the joint Declaration, to discuss certain areas in the near future. Nevertheless, while the UK Government modified its original stance, it does not necessarily mean it self-obliged in the first place to act accordingly and fulfil the Declaration. Given the use of a non-compulsory register, based on the use of "should", in the Declaration, and the lack of signature, ratification or any form to demonstrate one or both of the Parties expressed their consent to the terms of the Declaration, it does not legally bound them (*Obligation to Negotiate Access to the Pacific Ocean (Bolivia v. Chile*) (Judgement) [2018] ICJ Rep 507, para 126). Therefore, according to international law, no tacit or express agreement that contractually binds both Parties can be inferred from the text of the Declaration.

Although no legal binding force emanates from the Declaration, international jurisprudence recognizes the legal effects produced by the conduct of the parties. In international law, official texts or documents reflect the will of one State whilst forming its will before making any decision, thus, may demonstrate its conduct in international relations. Due to the latter, the doctrine of *estoppel* declares the existence of a preclusion opposed to the conduct of one party, to which another party relies on, and causes on the latter a change of position or any prejudice (*North Sea Continental Shelf (Federal Republic of Germany/Denmark; Federal Republic of Germany/Netherlands)* (Judgement) [1969] ICJ Rep 3, para 30). The main effect is to declare as legally void any later act contrary to the original act on which the counterpart relied on and changed its position or suffered a prejudice as a result. Whereas no legal obligation emanates from the Political Declaration itself, if proven with a factual analysis that the EU changed its position due to its reliance on an act from the UK, then a legal obligation to not follow the effects of the later act will enter into force.

Noting the aforementioned, the Political Declaration was modified because of political assurances to ensure the ratification of the Withdrawal Agreement. After the threefold failure from Theresa May's government to adopt the Agreement in the House of Commons, Boris Johnson's government made a request to the EU to change the content of the Declaration seeking to satisfy Parliament and approve the orderly withdrawal (Khan and Brunsden 2019). Taking into consideration the proximity to the final deadline of the extension to conclude the Agreement, the EU, advocating to prevent a no-deal scenario and to ensure an adequate transition to the new relationship, accepted the request for the sake of an ordered and certain transition (European Commission 2020b, p. 3). Subsequently, the House of Commons voted favourably, and the Withdrawal Agreement was ratified, text to which the revised Political Declaration was also included. Owing to the request made by the British Government in a context urging its approval, the EU changed the content of the Declaration, and both Governments later concluded the Withdrawal Agreement.

[13] See Parts I to IV of the Political Declaration.

In the light of the factual analysis, the doctrine of *estoppel* is applicable inasmuch the EU decision to modify the original content of the Declaration relied on the conduct of the UK Government. The British Government request to the EU constitutes the conduct as it is an act made by an official organ of the State, whereas the EU decision to modify the Declaration refers to a change of the original position on the roadmap for negotiations due to assurances made to obtain the ordered withdrawal, an element justifying EU reliance on UK request (*Application of the Convention on the Prevention and Punishment of the Crime of Genocide* (*Bosnia and Herzegovina v. Serbia and Montenegro)* (Judgement) [2007] ICJ Rep 43, para 385). As a result, any act by the UK Government contrary to the essence of the first act where it expressed its purpose of covering certain areas in the negotiation for the future relationship will not legally oblige the EU.

In another note, how can the EU make the *estoppel* applicable and realign the course of negotiations? As the conflict arises in the light of the implementation of Article 184 of the Withdrawal Agreement regarding the duty to negotiate the future relationship referred to in the Declaration, the EU and the UK should initiate consultations which, if unsuccessful, may lead to an arbitration (Arts. 167-170). The Agreement sets a time frame of 3 months after notifying the Joint Committee of consultations to overcome the impasse (Art. 171), and stipulates the procedure following notification (Art. 172). Whereas it may seem lengthy, the Agreement provides the possibility of an urgent request to reach an award within 15 days of submitting the request, including the legal obligation to comply with the ruling of the panel and procedure to notify an act contrary to it (Arts. 173, 175 and 176). To await the ruling of the arbitration panel ensures legal certainty to the EU and the UK in the clarification of the areas to be covered in the outcome of the negotiation process. In addition, it is beneficial for both Parties in their respect of international law as recurring to dispute settlement materialises the good faith they originally abided by.

To conclude, the future relationship agreement should not diverge from the areas covered in the Declaration given the *estoppel* of the UK request to modify its original content. It does not affect the ability of the EU to demand satisfaction through the dispute settlement provided in the Agreement ensuring it is not bound by the latest decision of the UK.

Conclusions

After almost five decades as a Member State of the Union, the UK now awaits to form a new relationship as equals. Through a cloudy, dense mist of ambiguity and delays, the new agreement seems in danger to be finally agreed upon on time. With modifications announced during negotiations, the uncertainty envisaged to be over with the Withdrawal Agreement and the Political Declaration has returned.

Given the potential impact the new relationship reveals, the present essay unfolded the legal implications for the UK to diverge from the initial commitment made in the Declaration. Whilst the Declaration is not legally binding in principle, the arguments above demonstrated the application of the *estoppel* principle that proves the possibility of the EU to prevent the UK from going against its original position. A situation which, for the sake of not undermining trust in both international law and the UK, constitutes a new step in achieving an orderly withdrawal through coherence and consistency.

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THE POWER OF POPULISM IN FOREIGN POLICY DISCOURSE

The Case of the Czech President

By Joya Fadel[14]

Abstract

Over the past few years, populism has become the go-to buzzword within many political fields, yet its meaning and significance particularly in foreign policy, remain unclear. This paper seeks to determine whether the foreign policy discourse of populist actors is distinctive and impactful. The analysis draws on literature pertaining to foreign policy analysis and populism which is then applied to the case of the Czech President, Milos Zeman. His controversial rhetoric and behavior serve as a compelling case study in light of the rise of populist discourse within the region as well as the geopolitical positioning of the Czech Republic within Europe in general. The analysis finds that the President's populism spills over into his foreign policy discourse, especially when it comes to issues of immigration and, to a lesser extent, relations with the EU and wider Europe. Nevertheless, the impact of this discourse remains vague. Indeed, the analysis showcases the importance of contextual factors and reveals indirect impacts on foreign policy, such as the ability to influence political narratives and create contentions between different sources of power.

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Introduction

Assigning the word 'populist' to political actors has seemingly become a regular pattern in the global political scene. Yet the concept of populism remains elusive, as academics and policy-makers alike struggle to pinpoint its significance and implications. One aspect that necessitates greater understanding concerns the extent to which populist discourse spills over into foreign policy (FP). The purpose of this essay is to examine whether the foreign policy discourse of populist actors is particularly unique and impactful. The analysis draws on concepts from the literature pertaining to FP analysis and populism then applies them to the case of the Czech President, Miloš Zeman, whose blunt rhetoric has often garnered significant media attention and criticism. The case study is highly relevant, especially when examined against the backdrop of anti-establishment and populist discourse within Central and Eastern Europe. This phenomenon has increasingly gained traction in a number of countries such as Hungary and Poland and could be an essential component when considering the region's geopolitical framework and its implications on broader European-Russian relations. Ultimately, the analysis finds that the basic ideas behind populism can be seen in President Zeman's FP discourse, especially when it comes to issues concerning immigration and, to a lesser extent, relations with other European countries and the European Union. Still, the power of this discourse is not clear-cut, as the Czech case demonstrates the importance of contextual and structural factors. In turn, indirect impacts on FP can be more clearly identified, such as the ability to shape dominant narratives and create contentions between different sources of power.

Before delving into the analysis, it is important to briefly shed light on the political system of the Czech Republic. This will help clarify how the effects of Zeman's populism are felt, particularly when it comes to FP. The Czech Republic is a parliamentary democracy in which the government is the highest executive body. Consequently, the powers of the Czech President are rather limited, especially when it comes to independently developing policy. Other than a few presidential powers stipulated in Article 62 of the Czech Constitution (such as the right to veto bills already passed by Parliament or to dissolve the Chamber of Deputies under special circumstances), presidential acts usually require the countersignature of the Prime Minister or another authorized member of government (Article 63 of the Czech Constitution).

Theoretical Framework

Keeping this general power structure in mind, it is now worth going into relevant ideas about foreign policy discourse analysis and post-structuralism. These can serve as important backdrops for the analysis.
In this framework, language is performative: It is not a mere medium for communication but is rather an instrument through which meaning is constructed and transformed. What matters is not 'objective' reality per se, but how words shape and frame it. Importantly, the construction of the 'self' necessarily relies on the existence of an 'other'. This idea was promoted by Derrida, who claimed that words have certain meanings only because they are opposed to what they are not. For instance, the civilized are only 'civilized' because they are juxtaposed against 'barbarians.'

When transposed to foreign policy, post-structuralists argue that identity, which cannot be independent from discourse, is often a precondition for the development of a foreign policy decision or stance concerning 'national interest.' This discourse also plays a role in constituting and defining the problem that is to be solved. Securitization is a prominent example of how a certain issue could be framed in terms of a 'threat' or a 'crisis'. Finally, another crucial idea explains how discourse locks actors into certain positions through the use of strategic delineations such as an 'illegal immigrant', a 'refugee', a 'terrorist', or a 'war criminal' (Hansen, 2016). These can lead to the marginalization and even exclusion of certain categories of people.

When it comes to populism, one should take into account that it is a "difficult, slippery concept" (Taggart, 2000, p. 2). While it can be studied through various lenses, the discursive approach is particularly useful in complementing that of foreign policy discourse analysis and allows for an effective interpretation of the Czech President's case.

The discursive approach to populism can be mainly attributed to political theorist Ernesto Laclau. Laclau (2007) states that populism is a form of political 'logic' through which primary opposition exists between an 'underdog', the people, and an elite. Furthermore, an important condition needs to be achieved for populism to emerge. This is what he calls a 'logic of equivalence' – a situation in which the elites are not able to meet individual societal demands (Laclau, 2007). So, the constitution of a singular 'people' is "simply the result of an aggregation of social demands" (*Ibid.*, p. 224), which then leads to a populist rupture.

This 'us' vs. 'them' dichotomization is a central tenet of populist discourse, but it is very often vague and subject to the interpretation of the populist actor (Mudde, 2004). Some populists appeal to 'our people', which can exclude those that do not belong, such as immigrants (Canovan, 1999). The elite could also vary from one context to another. Rooduijn (2014) explains that they are most often represented as the political establishment but could also include journalists, judges, and academics. In the end, the 'people' and the 'elite' are just 'empty signifiers' of what constitutes the self and the enemy, respectively. One can then expect this framework to be copied to a foreign policy discourse through a similar dichotomization and a stark opposition towards a particular, but often loosely defined, opponent. Here, the construction of internal/external frontiers and what constitutes the 'interests of the people' are particularly relevant.

Finally, it is noteworthy to briefly mention another approach to populism which denotes it as a political style. This goes beyond discourse by also considering the broader and more performative aspect of populism (Moffitt, 2016). Characteristics of this performance include 'bad' manners such as coarse language, constant representations of threats/crises, and a desire to break from traditional and appropriate ways of behavior. This is particularly important for what could be seen as 'populist' diplomacy. While this approach will not serve as the main analytical framework, it will nonetheless be useful to pinpoint a few aspects concerning the Czech President's rhetoric.

The Case of Miloš Zeman

Zeman has been one of the most prominent and polarizing political figures since the establishment of the Czech Republic. His political career dates back to the 1990s, but his influence has been most potent since he won the presidential elections in 2013 (Riches and Palmowski, 2019). He is the first president to be directly elected by the Czech citizens and has often been linked to the deteriorating nature of Czech democracy. This is partly because he has called for greater presidential powers and acted in ways that oppose the constitution and parliamentary nature of the Czech Republic (Hanley and Vachudova, 2018). Importantly, and alongside populism, scholars have linked this to what is known as 'democratic backsliding', a phenomenon which is increasingly seen in Central and Eastern Europe. It refers to situations in which "existing power-holders drive a gradual process of democratic regression, and not that outsiders cause a sudden democratic breakdown, as in a classic coup d'état" (*Ibid.*, p. 278). So far, the president's desire to move towards greater presidential authority has been mostly contained by Czech institutions, but this concept remains especially useful when assessing the inner affairs of Czech politics. It can also be tied to the tensions caused by Zeman's FP discourse, which will be examined later on in the analysis.

Zeman's presidential rule demonstrated strong populist tendencies from the start, as he portrayed himself as a 'non-partisan' figure and solidified his legitimacy through the newly established popular vote (Naxera and Krčál, 2018). As presidents were previously elected by the parliament, he expressed his support for the new system by claiming that, contrary to politicians, the people are 'incorruptible' (as cited in *Ibid.*). He also refers to his supporters as 'normal people' and gives his opponents vulgar labels and distinctive metaphors such as the 'Prague café' – an expression used to denote the alienated elites and the well-off (Hornát, 2015). Still, one could see the vagueness of this term and the extent to which it can be exploited by the President to disregard his opponents.

While more could be said of Zeman's populist characteristics, a brief reflection on Václav Havel's foreign policy views and contributions can provide a stark contrast and shed light on the populist idiosyncrasies of Zeman's own discourse. Havel, the last President of Czechoslovakia and the first President of the Czech Republic, was often characterized as 'shy yet resilient' and 'unfailingly polite' (Bilefsky and Perlez, 2011). He is perhaps most known for his leading role in dismantling the Warsaw Pact and steering his country towards the West. Indeed, he paved the way for the Czech Republic to join NATO in 1999 and later the EU in 2004 (*Ibid.*). He was also recognized for his humanitarianism, as he emphasized the need to deal with 'evil' wherever and whenever it occurs rather than succumb to inaction or appeasement (Zantovsky, 2014). Havel believed that his country could "play a meaningful international role only if it engaged with the acute problems of international politics and security in the name of values larger than narrow national interest" (*Ibid.*).

Zeman's foreign policy preferences are starkly different and showcase his populist tendencies in rather obvious ways. One of the clearest examples is his stance on immigration. He is notorious for calling refugees 'criminals' and for claiming that the majority of them are 'economic migrants' (as cited in Čulík, 2017). He even compares them to a 'tsunami that will kill [me]' (*Ibid.*) and says that their arrival to Europe is a 'controlled invasion' (as cited in Naxera and Krčál, *op. cit.*). Such expressions blatantly reveal their use as strategic tools, especially when one relates them to post-structuralist thought. Assigning the term 'economic migrant' or 'criminal' to someone inadvertently locks them into normative categories. He is effectively marginalizing refugees by painting them as an 'other' who "no one invited" (Zeman, as cited in Čulík, *op. cit.*). This also reveals typical staples of populist discourse, such as the 'us' vs. 'them' dichotomization, as well as the constant referral to large-scale crises that have the potential to endanger the 'self' or the 'people.'

Indeed, during his first presidential term, Zeman highly securitized issues of immigration and Islam, viewing them as the largest threats facing contemporary Europe (Naxera and Krčál, *op. cit.*). As mentioned earlier, securitization is one example that strongly shows the power of language in framing events in particular ways. It is also evident that the President conflates his perceived threats of extremist Islamism and terrorism with that of immigration, as these concepts virtually become one and the same in Zeman's speeches (*Ibid.*). For example, he believes that refugees are "Islamists who are coming to subjugate Europe" (as cited in Čulík, *op. cit.*).

Accordingly, two main ideas can be deduced: First, Zeman greatly engages in the populist tendencies of 'othering' as well as remaining vague (or at least imprecise) on who that 'other' actually is; second, what truly matters is how he constructs meaning through a particular framing of the refugee crisis rather than any 'objective' reality.

He has often managed to delegitimize the EU as well. As the Czech Republic and a few other EU member states were outvoted on the mandatory quotas, Zeman claimed that the EU is 'forcibly' taking these measures rather than basing them on consensus (Prague Monitor, 2017). To be sure, while Zeman has been extremely vocal in opposing refugee quotas, he has also showcased his populism on other EU dimensions. For instance, he has called for a Czech referendum concerning EU (and even NATO) membership (John, 2016). While Zeman supposedly endorses both, his support for 'direct democracy' and his experience in politics have led him to believe that the "citizens' intelligence is higher than the politicians' and that is why they should make decisions on fundamental questions" (as cited in Prague Monitor, *op. cit.*). Once again, this demonstrates the dualistic nature of populist discourse, especially when it comes to the distinction between 'good' people and 'bad' elite, which, in this case, denote politicians who are incapable of making adequate decisions on behalf of the populace.

What is evident from this preliminary analysis is that Zeman's populism is most palpable when it comes to FP issues that could arguably be seen as extensions of domestic politics/national interest. Indeed, Zeman has expressed his support for a "foreign policy based on [our] own interests" (as cited in Spiegel Online, 2016) rather than one that is 'subservient' to pressures from the United States or the EU, for instance.
Issues connected to foreign relations are notoriously more difficult to tackle within the populist framework. Zeman has been criticized for having a penchant for Russia and China, which, to some extent, has seemingly become common among European populists. While this can indicate a populist desire to break away from the established system and to actively pursue an 'alternative' (by being 'anti-EU' or simply 'anti-establishment'), issues such as economic interests and historical factors can equally be relevant. For instance, Zeman starkly opposed sanctions against Russia and called them 'nonsense' *(Ibid.)*, yet it is difficult to accurately determine the extent to which Zeman's populism plays a role, for the measures taken greatly relate to the Czech Republic's economic stability as well (Sharkov, 2015; Fritz et al., 2017).

The lines are therefore blurred when it comes to pinning down what constitutes a purely populist approach to Czech-foreign relations. Nevertheless, the ways in which Zeman converses with other leaders is relevant, as his rhetoric can further be linked to the process of 'othering' and, in particular, populism as a style. The President's coarse and blunt language shined through when, during a visit to China, he joked with Vladimir Putin of 'liquidating' journalists (as cited in Santora and Goeij, 2018). He has also mentioned to the Serbian President how he plans to discuss the issue of revoking Kosovo's recognition with the foreign minister, as he 'likes Serbia but dislikes Kosovo,' a country run by 'war criminals' (as cited in Gec, 2019). Such denouncement and denigration can be linked to the process of shaping the 'other' into an illegitimate actor. It has undoubtedly made Zeman popular for his 'diplomatic fault lines.'

When assessing the impact of the President's rhetoric, the story becomes more complex. As mentioned earlier, the Czech President, although not just a ceremonial figurehead, retains limited powers. Still, Zeman's indirect influence can be primarily seen in two ways.

First, it is evident through his anti-immigration stance. Čulík (2017) notes that xenophobic and overly nationalist sentiments are not necessarily new in the Czech Republic. However, it seems that Zeman has been successful in exploiting these attitudes and distilling them into a "potent xenophobic anti-refugee anti-immigration mixture" (*Ibid.)* since the beginning of the refugee crisis. In reality, the Muslim community in the Czech Republic consists of around 11,000 people, and a very minimal number of refugees have been accepted there (*Ibid.)*. Yet Zeman, from his fairly revered presidential seat, was effective in catalysing these sentiments and in shaping the overarching narrative and public debate. In fact, a 2015 opinion poll revealed that 72.3% of Czechs like the President for his anti-refugee statements, and 69% of them opposed accepting refugees and migrants coming from the Middle East and Africa (Britské listy, 2015). Zeman was even targeted for his xenophobic rhetoric on the international level, as both the UN High Commissioner of Human Rights and the Council of Europe's European Commission against Racism and Intolerance singled him out (Čulík, *op. cit.*).

Second, Zeman's discourse has created contentions, especially between the foreign ministry and the Prague Castle. Zeman's undiplomatic and confrontational behaviour has often led to the expression of two different foreign policy preferences on the international scale. With the President expressing himself in ways that are not in line with his government's official policies, several political actors have attempted to 'cover up' his statements later on. The clearest examples lie with former Prime Minister Bohuslav Sobotka. On the issue of a 'Czexit' referendum, Sobotka later declared that there are "no social, economic, security, strategic or any other relevant reasons" to hold such a referendum (Prague Monitor, *op. cit.*). In addition, the two had been embroiled in a 'war of words,' particularly when it comes to Russia. When Zeman criticized the sanctions and called the annexation of Crimea a 'fait accompli' in an address to the Council of Europe Parliamentary Assembly, the former Prime Minister rejected the statements, emphasizing that they are "in sharp contradiction of [our] foreign policy" and that Zeman "had no mandate" to make the speech in the first place (Foy and Oliver, 2015). Another example is the foreign minister's prompt dismissal of Zeman's idea to revoke Kosovo's recognition (Gec, *op. cit.*). These are some of the instances that have apparently led to measures that 'restrict the flow of sensitive information' to the castle (Foy and Oliver, *op. cit.*).

It is then clear that Zeman's discourse, while not capable of translating into concrete decisions (perhaps primarily due to the power structure within the Czech Republic), has had the potential to nevertheless undermine the country's foreign policy and leave Czech diplomats scrabbling to explain his comments to allies. Indeed, Sobotka feared that a lack of coordination of their statements might alienate the Czech Republic's NATO and EU partners (*Ibid.*). This was particularly problematic during the Ukrainian conflict, as EU leaders were calling for unity to effectively solve it.

Analyzing populism in FP discourse is a multi-faceted exercise. As the analysis reveals, populist patterns are most seen when the issue discussed might have major effects on national interest and domestic politics. In Zeman's case, this primarily entails his anti-immigration rhetoric. Other preferences, particularly those entailing relationships with other countries like Russia, are less obvious. This is because it is difficult to distinguish between what is truly 'populist' and what is a representation of ideological, historical, or economic factors. Nevertheless, Zeman's diplomatic activities as head of state showcase his populist 'style' in various ways. When it comes to the impact of populism on FP, context and power structures matter. Due to his limited presidential powers, the Czech President might not be able to directly steer his country's FP, yet he is still capable of creating tensions and shaping dominant narratives in the Czech Republic. With more powerful and more contested presidents employing such discourse next door and overseas, further research on the power of populist rhetoric is becoming ever more essential.

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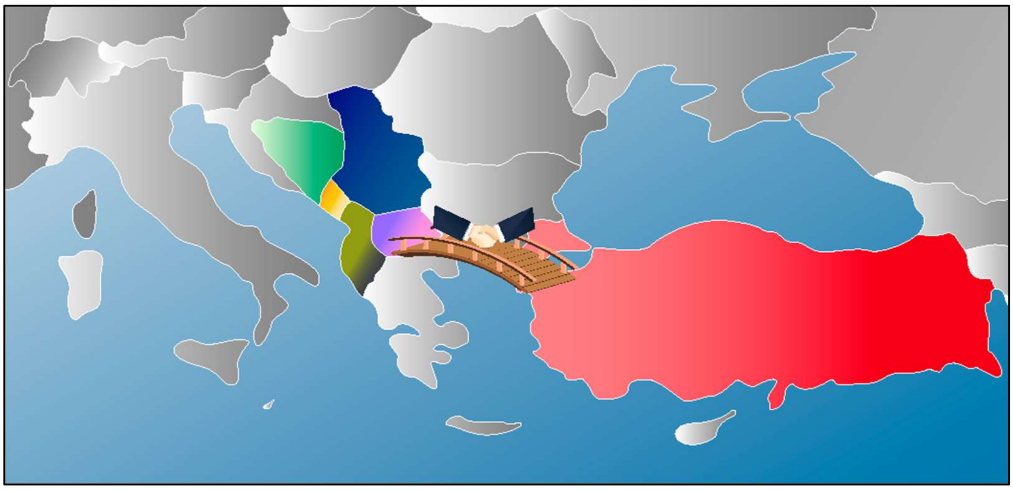
TO WHAT EXTENT CAN TURKISH (NEO)-OTTOMANISM CHALLENGE THE EU IN THE BALKANS?[15]

By Jakub Stepaniuk[16]

Abstract

In the light of diminished interests and the lack of political will from the side of Brussels, governments of the Western Balkans are being tempted by other actors to restore their foreign policy strategies. It comes as no surprise that the states including China, Turkey, or Russia endeavour to refute or at least question the common conviction of European inevitability scenario. In this article, I would like to draw particular attention to Turkey which during the recent years decided to shift its traditional focus, limited to the support of Muslim communities and protection of the Ottoman heritage to the entire region of the Western Balkans. Whereas some of the scholars tend to define the art of Erdoğan's foreign policy in terms of the Neo-Ottomanism, I am going to analyse its origins, portray its economic, political and identity dimensions, explain how some of its facets pursued a path from being unimaginable to becoming natural and essential (such as the thaw in relations between Belgrade and Ankara) and finally evaluate whether it can serve as a real threat towards ongoing EU-integration.



[15] Recent political events that occurred after writing this article shed some positive light on the EU integration discourse. They include the final decision of the EU Council and the EU Commission to commence accession talks with North Macedonia and Albania as well as parliamentary elections in Montenegro won by the pro-EU opposition bloc.

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Introduction

The Berlin Process is currently one of the main diplomatic tools strengthening regional cooperation between the European Union and the Western Balkans. Simultaneously, it serves as a key mechanism of ongoing integration, delivering strategies and concepts for policies underpinned by annual summits (Marciacq, 2017). This year's conference of the Berlin Process, organised online in the light of unprecedented circumstances of the global pandemic, announced the Zagreb Declaration. The statement, firstly, emphasized the strategic importance of stabilised and democratised Western Balkans in the eyes of the EU, secondly, acknowledged that Western Balkan states have strong European aspirations and will continue their efforts to reform and adapt to the EU norms and standards (Zagreb Declaration, 2020). Interestingly enough, the same tone of narrative has been already pronounced in 2003 in the Thessaloniki Declaration that approved *European future* of the Western Balkans (Kosticova, 2013). Another common element of both declarations is the lack of clearly determined and ended strategy that would be expressed in a particular reward such as a concrete day of the EU accession. Instead, the leaders of the Western Balkan governments since 17 years have to follow a policy of cooperation coined in a generalised *European perspective* term. Does it mean that the EU conditionality does not work in the context of the Western Balkans? The Thessaloniki Declaration assumed such challenges to face and overcome as: state-building of Kosovo and Bosnia & Herzegovina (BiH), overall democratisation of the region or introduction of transparent and liberal market economy. Empirically speaking, these aims after 17 years definitely have not been realised. The status of sovereign Kosovo is still contested, BiH cannot profoundly reform its constitutional Dayton order, Serbia and Montenegro note democratic backsliding as their autocratic presidents consolidate power, corruption, nepotism and cronyism are widespread everywhere in the area. Even some positive exceptions such as the Greek-Macedonian reconciliation from Prespa have not been appreciated enough to open accession negotiations with Skopje. Does clinging to the conditionality policy despite clear failures mean that the EU lost both the political will and the idea of how to integrate the Western Balkans within its structures? Brussels seems to be in an absolute conviction that the *European fate* of the Balkan Peninsula is irreversible and forever granted, therefore the question of negotiations and enlargement can wait for its turn. One can notice that the mutual fatigue over eternal Europeanisation leads towards rising scepticism and decline of legitimacy of the EU conditionality policy (Džankić, Keil & Kmezić, 2018). In this light, current literature on Europeanisation is growingly preoccupied with a dilemma whether the ongoing stalemate can serve as an opportunity for other world powers including Russia, China or Turkey to enter the region and offer an alternative for the Western Balkan governments and their societies? For the scope of this paper, I will focus on Turkey as one of the potential actors increasing its leverages in the Western Balkans and attempt to answer whether it can undermine the *European inevitability* of the region. For the sake of clarity of my analysis, I would like to question some hovering myths such as the common conviction of the sultanistic and Neo-Ottoman ambitions of Recep Tayyip Erdoğan, the role of Turkish soft power, and the significance of national and religious identity in the prism of the foreign policy pragmatism.

How Ottoman is the Neo-Ottomanism?

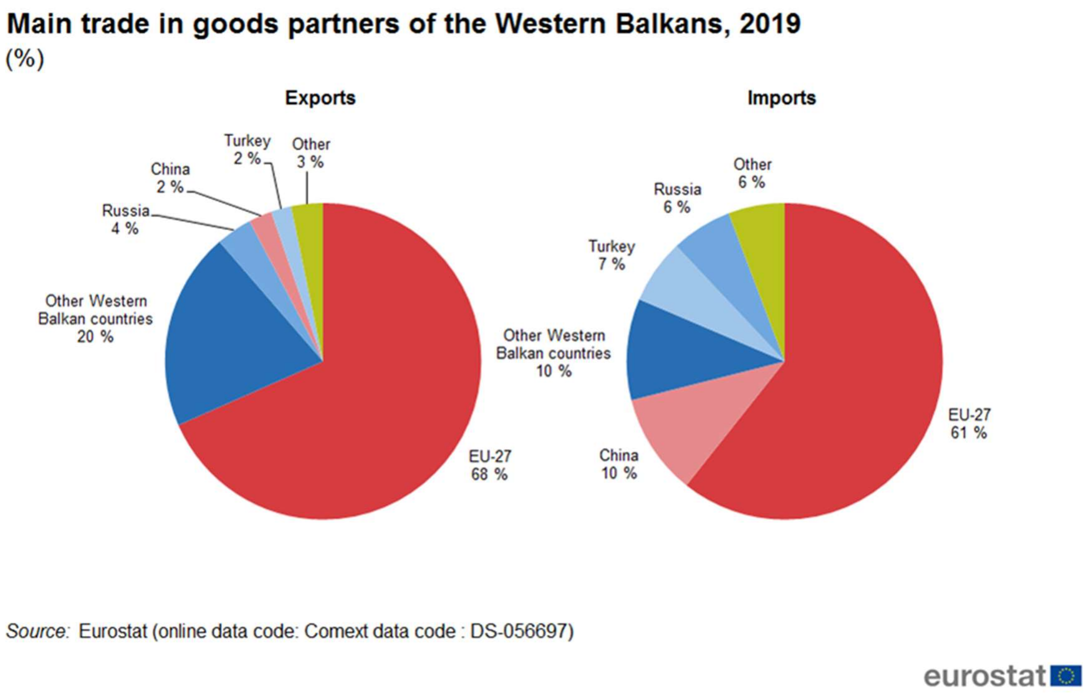
The nature of social sciences tends to label the *neo-* prefixes for the theories and ideologies being reproduced and readjusted to the new political contexts. The true art of *neo-ing* any thought or concept stems from an accurate reintroduction of once outdated explanations while keeping the essence as original as possible. This cannot, however, be said about the Neo-Ottomanism as it has almost nothing to do with its alleged predecessor. Long story short, Ottomanism was a concept introduced in the end of the 19th century for the sake of rescuing the last scraps of the crumbling Ottoman Empire. Hence, it was a defensive policy focused on domestic issues as it attempted to grant equality and emancipation for all of its millets (religious communities) in order to prevent rampant nationalisms inciting independent movements, especially at its western (Balkan) edges (Çolak, 2006). Kemalism introduced in 1923 by the owner of the Turkish republic, Mustafa Kemal, can be determined as the contradiction of Ottomanism, as it focused on the nation state-building concept and followed an array of top-down liberalisation and secularisation reforms. Mustafa Kemal and his proponents perceived Ottomanism as the primordial, conservative and religious state idea that would not find any place in the modern 20th century Europe (Sahin, 2011). In the sphere of foreign policy, Kemalists, sensing a palpable breath of the Soviet hegemon at their own frontiers, decided to unite with the *western world*. This later conferred them the NATO membership and close economic cooperation with the European communities. In such a context, Turkey proceeded with a neutral policy towards its former territories in the Balkans and the Middle East due to at least three reasons. First, the memory of the Ottomans resembling invaders was still widespread among these societies, hence any close cooperation would not be warmly welcomed. Second, the military and economic potential of Turkey was not sufficient to undermine the Cold War bipolarity, therefore, due to security threats from the socialist bloc Ankara was doomed to comply with the US guidelines. Third, Turkish liberalism and democratisation contradicted the ideological fundamentals of both the non-aligned Titoist Yugoslavia and Soviet-leaning Baathist Middle East that ultimately ruined any opportunity for close cooperation (Yavuz, 2020).

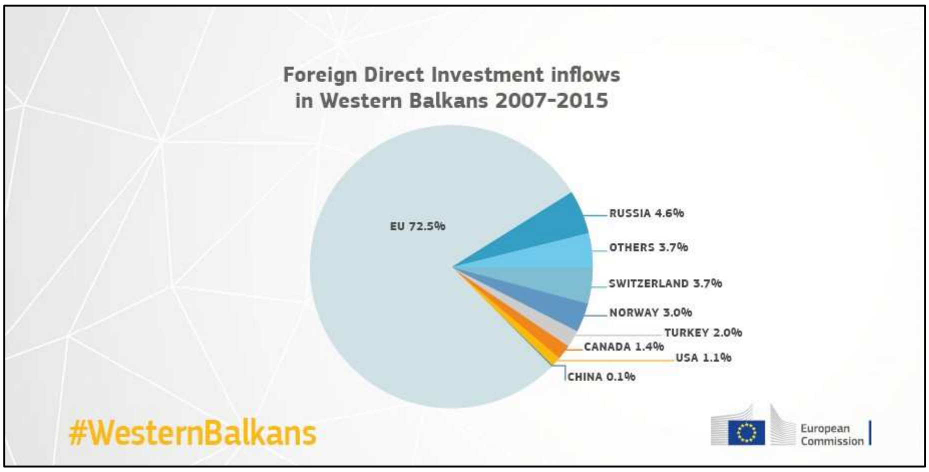
The end of the Cold War compelled Turkey to readjust its policy and security interests. Initial hopes of becoming a *full* member of the western world proved fruitless as Turkey lost its strategic priority in the NATO structures and was declined from participating in the venture of the new *Maastricht-written* Europe. This encouraged the Prime Minister and then-President, Turgut Özal, to invent a new policy, maintained until today by Erdoğan, which was later coined in academia as Neo-Ottomanism (Laçiner, 2003). Let us see how little Ottoman the Neo-Ottomanism is and how inaccurate it is to call Erdoğan the Sultan of the contemporary Turkish republic, at least from the scientific perspective. The nature of Ottoman ideology was primarily defensive and domestic (Taglia, 2016). Neo-Ottomanism on the other hand usually denotes the return of Turkish interests to its original Ottoman or Turkic territories where the post-Cold War vacuums emerged, as in the Balkans, Middle East and Central Asia. This return is obviously restrained to the potential of Turkish political power and most often evinces with narrowing economic ties, spreading education of the Turkish language and culture, and re-writing Ottoman history. In more radical examples, one can notice a direct political pressure on Turkish speaking minorities, construction of another dam on Tigris and Euphrates, and foreign military intervention against Kurds. The Neo-Ottomanism therefore does not have much in common with the original Ottoman ideology as it follows a model of an offensive expansionism focused on external affairs. It is obviously the topic of debate to what extent Erdoğan's patrimonial autocracy imitates a sultanistic reign. One can definitely trace plenty of derivatives that consolidation of the central government, defying generational liberalisation, or the Islamisation of public and political spheres are the elements that bring Erdoğan and the last Ottoman sultans together (Yilmaz & Bashirov, 2018). I would however risk a claim saying that Erdoğan's populism, demolition of the checks and balances system, and monopolisation of narratives around Islamic and conservative thought is rather another manifestation of a global anti-liberal phenomenon, reverberating between Budapest, Brasilia and Washington. *Dünya Lideri* (World Leader) as Erdoğan is often portrayed in his own state media definitely longs for the sultanistic robustness and authority. Nevertheless, the extent of original *Ottomanization* of his Neo-Ottomanism, especially when it comes to the foreign policy, is highly questionable.

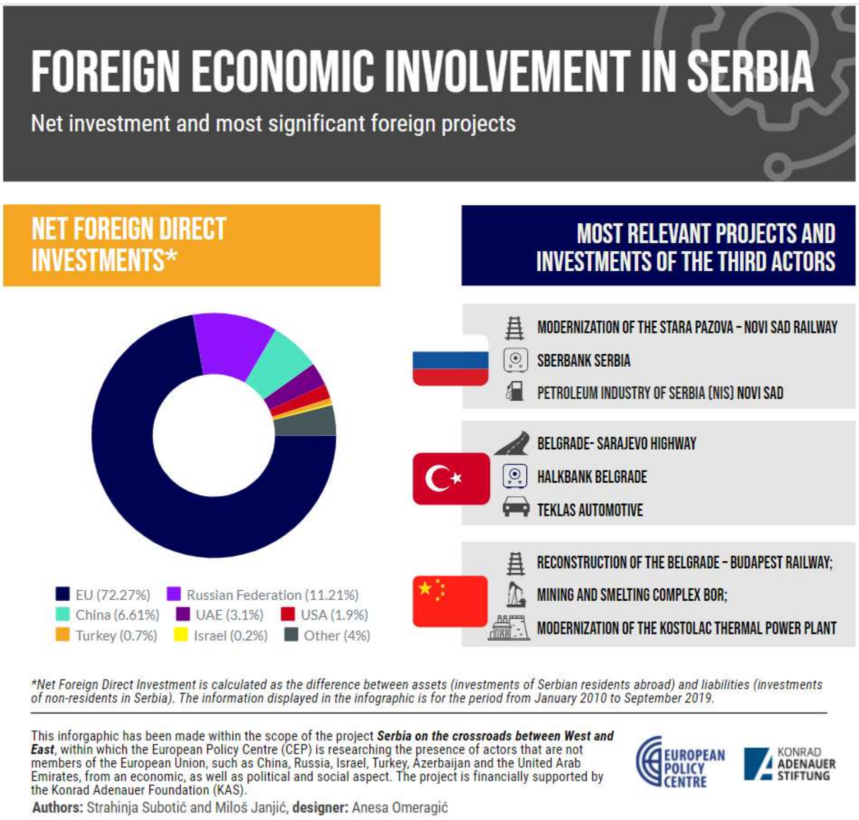
Balkan vacuum

In order to understand the actual sense of the *Balkan vacuum* idea let us embark on a short journey with Robert Kaplan, who went through the area of Southeastern Europe at the turn of the century. Romanian and Bulgarian journalists that he encountered expressed a deep doubt about whether their corrupted homelands, riddled with corruption, organised crime and post-communist political culture, could have any chance to enter the gates of the European Union (Kaplan, 2001). Nevertheless, looking at the unenviable plight of neighbouring inflamed ex-Yugoslavia, or the Albania that's torn by internal chaos of 1997 economic crisis, Sofia and Bucharest could breathe a sigh of relief in hopes that the *European* fate is relatively not that far as someone would imagine. For the time being, it can be argued that the EU ensured regional stability and security with the lowest possible cost from its own side by surrounding the Western Balkan area with the EU members (Croatia, Romania, Bulgaria) so that the leverage of Europeanisation can be exerted by geographical proximity without the immediate need of admitting the rest as the EU members.

One can say that the EU after the NATO-led intervention in Kosovo and consequent fall of Milošević regime almost monopolised its influence on the Balkan Peninsula. By investing through sacks of money, binding the markets, and supporting the transition with qualified lawyers and diplomats, ultimately promising a success story adorned with the EU membership perspective, this would suggest that the *European fate* was nothing other than absolutely certain (Judah, 2006). The prevalence and conviction of the European scenario swept out any other alternatives (Capussela, 2015) so that neither the pro-Russian sympathy of Serbian nationalists nor the Arab- and Turkish-funded mosques and religious schools in Sarajevo could undermine it. Twenty years of an endless transition, drifting away the prospect of the pinnacle of negotiations (or even their beginning), massive brain drain of Balkan youth and consolidation of leading regimes (fully legitimised by being pro-European, thus affording ever bolder state capture attempts without the fear of consequences (Richter & Wunsch, 2020)) ultimately led to the *Western Balkan stalemate*. While thinking about a possible new opening in the EU-Western Balkan relations, it comes without a surprise that the *alternatives* for the region have finally emerged and entered the discussion on the Balkan future. Nevertheless, it is important to mention that the EU remains the indisputable leader in the competition, at least in the sphere of economic interests:







Despite the above figures, the battlefield on which the EU is lagging regards soft power, or, to be more precise, the way the other states are perceived by the Western Balkan societies (Jović, 2018). Whereas the common reception of the EU most often resembles a grumbling old parent demanding the impossible and not being worth the sacrifice, people will find out about another generous Chinese loan, another mosque founded by Turkey, another renovation of medieval monastery by Russian roubles. This is mainly the result of the perception of the EU in terms of an elitist camp that by legitimising and supporting local elites of the Western Balkan governments does not represent the interests of civil society (Frckoski, 2018). For the time being the perspective of Beijing, Ankara and Moscow plucking up the role and position of the EU should be treated rather as the popular myth and product of media propaganda, however, the EU should redefine its soft power approach and the way how it addresses the civil society in order to maintain its own legitimacy.

Turkish position in the competition with the EU (and others)

The first issue to think of regards whether any competition between Turkey and the EU over the Western Balkans is even taking place. Officially, Turkey supports the efforts of the Western Balkan countries in the EU integration process and expects a time when the entire region of Southeastern Europe will become a structural part of the community, for the sake of mutual interests and stability. Nonetheless, this sort of a narrative was simultaneously expressed with Ahmet Davutoğlu's idea of the *Stratejik Derinlik* (Strategic Depth) that develops the Neo-Ottoman concepts of Özal and suggests the ways of their enforcement in the Turkish foreign policy (Mitrovic, 2014). According to his vision, Turkey should *find a place* in the multi-polar world and conduct a multidimensional and zero-conflict policy with the other states (Lami, 2018). A special focus should be devoted to the ex-Ottoman and Turkic areas so that Ankara could make the use of its historical argument in establishing new close ties. As announced in Sarajevo in 2009 by Davutoğlu, who became the Minister of Foreign Affairs at that time, all Turks and Muslims look primarily towards Istanbul when any Balkan crisis takes place. This is why they deserve a particular attention from the side of their Turkish allies. The presence of minor Turkish speaking communities in Bulgarian Kardzhali, Serbian Sandžak or elsewhere in Macedonia, Kosovo or Bosnia enabled Ankara to increase the economic exchange and spread its soft power on the state level, not limited to Muslims or Turks only (Koppa, 2020). Turkish Cooperation and Coordination Agency (TİKA) started investing a huge amount of money in mosque renovations and Ottoman sites and opened cultural institutes and Turkish language schools, while Turkish state media emerged on screens and the markets were flooded by Turkish products and brands.

Shift from ideological to pragmatic Neo-Ottomanism

The Davutoğlu-Erdoğan rift and the coup from 2016 transferred the responsibility for foreign policy creation to the personal surveillance of the *Dünya Lideri*. Most likely, he noticed that the identity factor contributes to a considerable limitation of Turkish economic and political potential that consequently curbs the relations with non-Muslim politicians. In order to compete with China and Russia, or even the whole EU, Ankara has to make its multidimensionality of foreign policy even more multidimensional and open to the new visions and partners (Oğuzlu, 2018). Erdoğan decided to benefit off of the populist and state-capture waves, hoping that complementary styles of reign might help him to overcome historical animosities and nationalist resentments. The fruits of this pragmatic approach came sooner than anyone in Ankara would assume. Serbia is presumably the best example to portray the recent diplomatic successes, where Erdoğan was greeted in Belgrade in 2017 as the great friend of the Serbian nation. The positive overtones were emphasised by the emotional speech of Aleksandar Vučić, saying that *today the Kosovo Battle is only the past,* or by Ivica Dačić's old Ottoman serenade, sung in Turkish during the official dinner. Someone in Belgrade can already sense a full day of the *Turkish life* by having a bagel in one of the Simit Sarayı bakeries, taking a loan from Halk Bank or watching the TRT Serbia edition news. The role of Turkey (and its friendly reception) is definitely on the rise, and provides mutual benefits for Ankara and Western Balkan states. The unanswered question that remains regards the actual aims that Ankara wishes to reach. If it really thinks of a competition with the other players it has to remain cautious and seriously take into consideration the fact that in the rivalry against Chinese investments, Russian Orthodox and nationalist sympathy or the political, social and economic resources of the EU it will always land in an unprivileged position.

Conclusion

Due to the fact that the paper has dealt with the magnitude of different aspects, I will attempt to present my key findings in the following three points:

- Political science should be careful with determining the current Turkish foreign policy as the Neo-Ottoman one due to the lack of clarity of this term, demonstrated by inconsistencies between Erdoğan, Davutoğlu and Özal policies. Unclear remains also the question in what way the current Neo-Ottomanism derives from the original Ottomanism;

- Despite the common perception of the EU losing its influences in Western Balkans it still remains the unquestionable leader in terms of the market cooperation. Rising positive perception of soft power directed from Turkey, China or Russia should encourage the EU to redefine its elitist agenda towards a more societal and outcome focused approach in order to maintain legitimacy of own position and conditionality mechanisms;

- Turkish multidimensionality might improve relations between Ankara and the Western Balkan states, however in the further perspective it lacks sufficient economic and political resources in order to step up to the challenge against the EU, Russia and China.

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EASTERN EUROPE AND RUSSIA

EUROPEAN UNION AND EAP COUNTRIES: A SUCCESSFUL CASE OF ASSOCIATION

By Suren Minasyan[17]

Abstract
Participation in the regional economic integration process is one of the key aspects of the socio-economic reality in a given country. Due to favourable geographical position, six Post-Soviet countries (*Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine)* have been at the junction of conflicting geopolitical directions. Unlike early years of independence when these countries stood out through their balanced cooperation, later the course of foreign policy was shaped by the shift in geopolitical affiliations Definitely, the *European Union* has always held significant focus on developing the foreign policy of the region. However, the level of EU bilateral and multilateral relations reached new qualitative milestone in 2009 when the *Eastern Partnership ("EaP")* initiative was adopted as a unique modification of the *European Neighborhood Policy ("ENP").* At the present stage, three of these countries (Georgia, Ukraine and Moldova) concluded Association Agreements with the EU and others reached relatively different levels of cooperation. However, the Europeanization is kept up to date and has special geopolitical and economic importance. Aiming to introduce a comprehensive analysis of cooperation between EU and EaP countries, the article reflects on the comparative advantages and limitations of the above-mentioned policies and examines instruments and tools, through which the EU provides financial and technical assistance to this group of countries. Meanwhile, the *European Investment Bank* and the *European Bank for Reconstruction and Development* are presented as the main financial institutions which carry out that assistance. The article also highlights the crucial role of the EU in the development of sound socio-economic environment for their partner countries. Besides, the article focuses, in particular upon relations between EU and Armenia as an unprecedented case in the history of economic integration studies, in which members of a regional integration union have managed to establish successful cooperation with other unions. In this regard, Armenia is a unique "integration bridge" between EU and Eurasian Economic Union.

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Background

Although the EU partnership with Mediterranean and Eastern European countries has a long history, 2004 marked the beginning of the *European Neighbourhood Policy*. The policy was the incentive of large-scale EU 2004's enlargement and offered an institutionalized alternative to membership. According to the Treaty of Amsterdam, "[a]ny European State which respects the principles set out in Article F(1) may apply to become a member of the Union." [Treaty of Amsterdam, 1997]. As such, "[t]he Union is founded on the principles of liberty, democracy, respect for human rights, fundamental freedoms, and the rule of law, principles which are common to the Member States." [Treaty of Amsterdam, 1997]. Thus, the idea of launching the ENP itself contradicted both the Maastricht and Amsterdam treaties, according to which, EU membership is open to all European countries.

However, "[t]he policy found it difficult to reconcile its 'idealist' rhetoric of creating 'a ring of friends' around Europe with its 'realist' security-predicated need to protect its borders and encircle itself with 'well-governed countries'" [Korosteleva, 2011]. If the Treaty of Amsterdam excluded the membership for the Mediterranean countries, Eastern European countries, and especially Ukraine, were not inspired by the limited opportunities of the ENP. The hesitation and sometimes negative reaction of the beneficiaries forced the EU to reconsider its policy towards its eastern neighbours, and as a result, the *Eastern Partnership* initiative was launched on May 7, 2009.

The EaP should be starting point for bilateral and regional cooperation and "…serve[s] the shared commitment to stability, security and prosperity of the European Union, the partner countries and indeed the entire European continent."(Joint Declaration of the Prague EaP Summit, 2009). The EaP, which is either a modified version of the ENP or sometimes a private case, would differ from the latter because of its certain realistic programs, tools and resources offered. It provides a regional and bilateral approach seeking to deepen both the EU bilateral relations with stakeholders and through multilateralism, develop new relations with countries that did not have sufficiently developed relations with the EU. In principle, the two-pronged approach intended to offer greater differentiation for leaders, as well as vast opportunities for less experienced partners to further build a common economic community.

The Future of the Eastern Partnership

More than ten years have passed since the launch of the EaP, which is enough to make a brief assessment of the initiative's activities and determine its future. The "20 deliverables for 2020" framework is the main guideline for the EaP activities until the end of 2020. The deliverables are summarized in four main pillars intending to achieve "stronger economy, governance, connectivity and, society". To assess the process of the framework, the European Commission has carried out extensive and comprehensive consultation to outline future policy objectives. "Overall, there is a consensus that the Eastern Partnership is robust and delivers tangible benefits to the daily lives of people across the region." [European Commission, 2020]. The new framework, which is based on the consultation results, separates five policy objectives, which should be the core drivers of the EaP initiative. To achieve these policy objectives, the EU, its Member States and, the partner countries will act together for a partnership that "creates, protects, greens, connects and empowers".

Despite these ambitious goals, the future of the EaP is largely conditioned by several challenges for the EU, institutional and migration crises, demographic changes, various economic issues and, even novel COVID-19 outbreak. Moreover, the lag between levels of European integration among the EaP states and the preferences of EU political institutions to strengthen relations with Western Balkan countries are deepening and therefore creating an obstacle for the further development of the initiative.

The first years of ENP's implementation showed that the adopted mechanism was not able to provide sufficient flexibility for neighbor countries and the idea of considering all countries in the same dimension and developing general cooperation with all partners greatly hindered the effective implementation of the ENP. Hence, the EU had to constantly review the principles underlying the policy and significant policy changes were introduced in 2011 and 2015. As a result, "[t]he review[18] refocused the ENP to ensure a differentiated approach to partners, recognising the different aspirations of each country, joint ownership, based on both partners' needs and EU interests, and more flexibility in the use of EU instruments [European Commission, 2015]. However, providing the financial contribution on the basis of the "more for more" principle based on mutual accountability was not able to ensure sufficient differentiation for neighbors, and various issues specific to each country proved the ineffectiveness of cooperating with all countries on the same scale both under the ENP and EaP.

In this conditions, one of the possible options for the future development of the EaP initiative is the prospect of deepening cooperation among the three countries. The so-called the *"Trio",* have concluded Association Agreements with EU - Georgia, Moldova and Ukraine. In 2019, Andris Kubilius, a Lithuanian politician and a Member of the European Parliament, presented the "The Trio Strategy 2030 - A New Flagship Initiative for EU Associated/DCFTA countries" based on the Berlin Process formerly applied for European integration of the Western Balkan countries. The authors expect that "[t]he success of implementing EU integration reforms by the EU Associated Trio will create new incentives in the EU East Neighbourhood for Armenia, Azerbaijan and Belarus to choose an ambitious path of European integration" [Georgian Public Broadcasting, 2019].

However, separating the Trio from the EaP countries and considering the other three countries (Armenia, Azerbaijan and Belarus) on the same dimension is not a fair solution and contradicts the EU's approaches of "more for more" and "less for less". This is because Armenia is a step ahead of the others in terms of European integration. As a result, the Resolution "On the future of the Trio Plus Strategy 2030: building a future of Eastern Partnership" was adopted in December 2019 in the frames of the 8th Euronest Parliamentary Assembly, held in Tbilisi, defining a differentiated approach for Armenia as well in line with CEPA.

The EU Financial Assistance to the Neighbours

The EU is the largest donor of international aid in the world, which spends more than 50 billion euros per year on poverty reduction and global economic development [European Commission, 2020]. It participates both in the projects implemented by partner organizations and countries and acts as the main contributor to individual investment projects. The EU has developed a wide range of tools to provide financial and technical assistance to beneficiary countries. One of the most important aspects of those tools are budget support programs which are intended to finance a country's ambitious reforms in different spheres. The budget support is provided in line with concrete priorities enshrined in, the so-called, *Single Support Frameworks*. They reflect three-year funding program provided by the European Neighborhood Instrument. The scope of financing is dependent on a country's effort towards European integration and the capacity for financial absorption. The priorities are indicative of how financial allocations for assistance will be included in the Single Support Frameworks and therefore directly linked to the policy objectives outlined in the Partnership Priorities. These decisions are determined by EU, neighbour countries, "20 Deliverables for 2020", and individual state priorities. Meanwhile, the qualitative side of EU financing is characterized by the *Annual Action Programs* which are subject to receiving annual financing from the EU.

[18] Refers to the ENP Review 2015.

The EU contributes significantly to the achievement of the Sustainable Development Goals both in Europe and outside the EU. The European Investment Bank and the European Bank for Reconstruction and Development are key players in providing such financial support to their neighbours. They operate in both the private and public sectors of partner countries by financing the investment projects. Those projects have contributed to the development of private sector and infrastructure to ensure the harmonization of environmental and social standards. Together with the EU, these banks act to help countries in the region address the challenges of climate change adaptation, cope with the effects of migration, and build long-term economic resilience through guaranteed financial ability to afford SMEs.

The Bilateral Relations between the EU and EaP Countries

Undoubtedly, Ukraine is a leader in European integration among the EaP countries and strives to deepen the relations with the EU and even "fights" for membership. The military conflict with Russia and the wave of Euromaidan forced Ukraine to reconsider its foreign diplomatic course without compromising their relationship with the EU. The situation is almost the same in Georgia, where geopolitical and territorial conflicts with Russian-backed self-proclaimed republics of South Ossetia and Abkhazia have been contentious. Although in recent years they have been trying to restore economic cooperation with Russia. However, if Georgia is geographically "cut off" from the EU and is connected only by sea, Ukraine's wide borders with four EU member-countries put it in a far more favourable position than even the Baltic states. It is no coincidence that Donald Tusk, former President of the European Council, considered that "there can be no Europe without Ukraine!" [Kyiv Post, 2019].

Azerbaijan, refraining from participating in regional integration processes, is presented in the EaP framework formally presenting itself as a European country and using this initiative as a platform for political statements and speculations. Judging by the statements of the official Baku, Azerbaijan is not going to leave the EaP countries in the coming years and it will not take an active part in the process either. Meanwhile, the EU-Azerbaijan cooperation has significant potential for energy and infrastructure. It is one of the main EU partners in the oil supply and a participant in the Southern Gas Corridor project.

The EU-Moldova cooperation is based on prospects of membership. This is largely due to Moldova's geographical, cultural and linguistic closeness with Romania. However, several economic and political issues are currently posing serious obstacles to the dynamic development of bilateral relations. Moldova is faced with territorial disputes over self-proclaimed and unrecognized Transnistria. Moreover, Moldova has one of the poorest economies in the EaP, with several gaps in democracy, and the rule of law. On the other hand, Moldova is trying to build effective relations with the EAEU based on acquired observer status. The same issues of democracy and the rule of law are at the heart of EU-Belarus limited relations. Since the presidency of Alexander Lukashenko, the EU has repeatedly condemned the actions of the Belarusian authorities calling them anti-democratic and authoritarian. Although Belarus is formally involved in the ENP and EaP initiatives, the EU has suspended (2005) the PCA ratification indefinitely and repeatedly impose sanctions on Belarusian officials and businessmen.

In general, it is worth noting that Armenia is considered a successful example as it builds a balanced relationship with the EU and Russia. The EU-Armenia relations entered a new stage of development in 2010 with the initial meeting of the negotiations on the AA took place in Yerevan. The AA, which would include the DCFTA component would be a breakthrough in EU-Armenia bilateral relations. However, due to geopolitical preferences, the signing of the AA was unsuccessful and in the days before the Vilnius Summit (in the frames of which the signing should have taken place), the Armenian side announced its initiative to join the Eurasian Customs Union. This would allow the establishment of a deep and free trade area to became incompatible with Armenia's commitments to join another customs union. However, a month later, Armenia expressed its readiness to sign the AA without a DCFTA component, but the proposal was unequivocally rejected by the EU (with another prospect of further cooperation with Armenia). The Vilnius summit was another “political divorce” with the Armenia’s participation and the impact of that divorce on the socio-economic development of Armenia is impossible and too abstract to assess. Meanwhile, it is undeniable that the signing of the AA would affect both the course of Armenian foreign policy and the geopolitical balance in the region.

Despite the failed attempt to sign the AA, Johannes Hahn, the former European Commissioner for Neighbourhood and Enlargement, expressed EU’s readiness to sign the revised version of the AA without a DCFTA component. As a result, *the Comprehensive and Enhanced Partnership Agreement* between the EU and Armenia was concluded on November 24, 2017, with knowledge of the 5th EaP Summit held in Brussels. Though the CEPA has not yet been ratified by all EU member states, it has received a temporary and partial (80%) implementation since June 2018. The signing of the CEPA was key to EU-Armenia relations, covering all spheres of bilateral cooperation except for free trade and defence issues. It is a comprehensive and ambitious bilateral agreement involving political, economic, and, sectoral cooperation aimed to strengthen the framework of dialogue in all areas of mutual interest. Additionally, it hopes to promote the development of close relations between the parties and support the strengthening of democratic, economic and, institutional stability, and therefore improve cooperation.

Conclusion

In summary, the EU improving the relations with neighboring countries can be seen through financial and technical assistance for the implementation of ambitious reforms in several areas, such as infrastructure development, democracy, human rights protection and ensuring the rule of law. These relations are regulated through bilateral and regional negotiations based on the ENP and EAP programs. In the meantime, ensuring flexible and differentiated approach for each country will be a priority. EU cooperation with those countries is limited by the features and capabilities of each country.

However, in the context of effective EU relations with neighbouring countries, there are many areas of sectoral cooperation who have the potential for EU support. This will enable partner countries to act not only on national or regional levels but, overcome global challenges as well. Further cooperation should include, inter alia, environmental protection, infrastructure, cross border cooperation, education and human capital, ensuring democracy, human rights, the rule of law and sustainable civil society.

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A GREATER EUROPEAN FTA: ECONOMIC GAINS YET SOCIO-POLITICAL PAINS FOR MOSCOW?

By Michael Martin Richter[19]

Abstract
Despite the significant worsening of relations between the EU and Russia, the vision of a 'Greater European' economic space from Lisbon to Vladivostok still exists. However, how far are repeated statements by Russian policymakers speaking in favour of this idea simple rhetoric and how far is a 'Greater Europe' FTA actually a rational interest? This work analyses the impact of a common "Greater European" economic space on Russia. By using the most-developed gravity model on the effects of an FTA between EU and the EAEU, the political and economic key stakeholders affected by this hypothetical agreement are detected and their potential gains and losses together with their influence on political decision making assessed. At the same time, crucial socio-economic constraints in the short and long-term, influencing the current political economy system of Russia, are incorporated. Hence, the work provides valuable insight into the feasibility of such an agreement. Not only allows it to estimate the probability of the formation of such an agreement, but it also sheds light on the necessary political and economic adjustments that would have to take place in order to make the creation of such an arrangement likely. The political economy approach in the given context is novel and fills therefore a central research gap on this topic.

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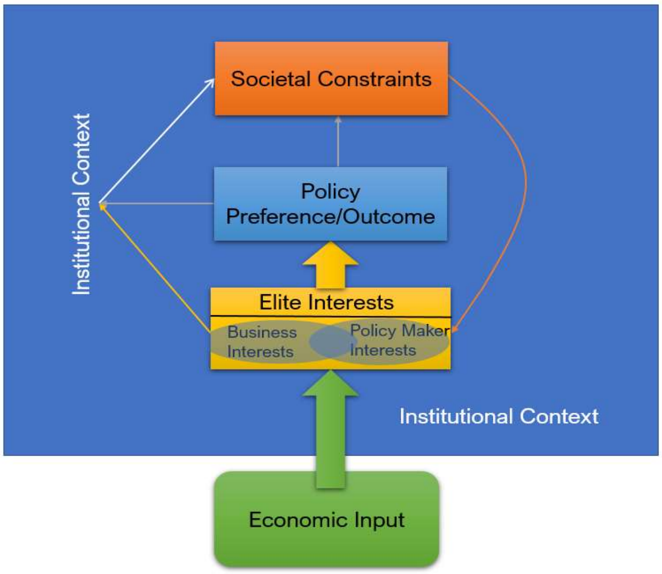
Introduction

Back in 2010, Vladimir Putin envisioned the formation of a free trade area from Lisbon to Vladivostok, which was to be accomplished in a strategic perspective, within the next 20-50 years (Donahue, 2010). What seems almost utopian from today's perspective was considered a serious policy option by some analysts as late as the beginning of 2014 (Tkachenko, 2014). However, is a "Greater European" free trade area (hereafter: FTA) truly in the rational interest of the Russian Federation? Can the repeated declarative support for such a project from the Russian authorities really be a desired policy preference or is it a mere symbolic gesture? Analysing the impact such an agreement would have on key stakeholders in Russia within the corresponding political economy frame sheds light on these questions. A review of the available literature shows convincingly that both the preferences of key interest groups as well as the institutional framework, that is the way these interests are channelled, is necessary in order to predict the overall trade policy preference of a certain nation (see Rodrik (1995) and Millner (1999)).

To retrieve a comprehensive picture, it is therefore important to incorporate the distinctive nature of the political economy system of Russia into this analysis. The behaviour of political and economic agents in the Russian system, hence also their preferences towards an FTA, can be predicted through one specificity: the subordination of the economic effects of decisions to their potential impact on regime stability and regime survival (Libman and Vinokurov, 2018). Unlike in states with strong rule of law, where property rights are ensured and seen as means in themselves, systems characterised by a strong reliance on informal relations among actors put any form of property rights under the conditionality of the goodwill of the ultimate ruler. In the Russian system, property rights are granted and withdrawn by the Kremlin (Sakwa, 2010). The wealth of ruling elites depends to a large extent on their position within the political system. Any change in this constellation, like a change of power, might lead to a reshuffling of economic property rights. This way, political and economic power go hand in hand.

How would in this regard the current political system in Russia be affected by economic changes brought up by an FTA between the EU and EAEU? To evaluate this question, the article is divided in two principle parts: first, based on the most pronounced work in this context, the sectors benefiting and losing from such an agreement will be identified and contextualised within the elaborated political economy framework. Secondly, the long-term socio-economic constraints stemming from the current development model of Russia will be identified, shedding light on potential ways to overcome them while incorporating a Greater European FTA at its core. As such, the research approach does carry along a double advantage: not only incorporates it the necessary assessment of both the institutional context and influential interest groups within it, but also sheds light on its long-term dimension. The overall research design can be systematised as follows:



Graph 1. Research design. Own presentation

Sectoral winners of an FTA and their corresponding leverage in the system

The most sophisticated study on the consequences of an FTA between the EU and the EAEU (Russia) was published in 2016 by Felbermayr et al. and gives the possibility of a sectoral assessment of economic effects. As its results show, only a "deep" FTA (hereafter "DCFTA"), that is one abolishing most non-tariff barriers, would have a significant wealth-enhancing effect on the Russian economy, with GDP increasing by 0.69% and incomes of average citizens by 3.09% (Felbermayr et al. 2016). However, academia has shown that there is little evidence that policymakers pursue overall welfare interests, but rather focus on narrower interest groups (Brenton et al. 1997). What is true for democracies is even truer for the Russian political economy system with its elaborate specificities.

Thus, evaluating the sector-specific effect, the biggest beneficiaries of an FTA are found in the extractive sector. The extraction of resources in Russia is very concentrated and highly dominated by the state directly, as in the case of the oil, gas and diamond sectors (Henderson and Ferguson, 2014), or by state-close oligarchs and interest groups, as in the case of practically all other extractive resources. It should be mentioned that oil and gas are already traded almost without any tariffs, and positive effects would therefore mostly stem from increased cooperation and technology transfers from the EU (Felbermayr et al. 2016, p.80). In this context, a DCFTA between Russia and the EU would spur the adjustment of standards and pave the way for necessary technology transfers. This is especially important with regard to a projected decline in extraction from existing oil deposits and the necessity to drill in new territories, mostly "offshore deep-water, Arctic and tight oil deposits," which rely to a substantial level on Western technologies (Connolly, 2013, p.756).

Hence, an FTA would secure the rents coming from oil. This sector forms the backbone of Russia's political economy system, which is additionally characterised by the redistribution of internationally competitive national resource rents to the state, its elites, and, to some degree, to society as well (Connolly, 2013). These rents constitute around a third of the Federation's budget and form a substantial part of the income level of ordinary citizens (Kluge, 2019, p.43). Subsidies, which stem from over 750 different federal laws alone, account for approximately 20% of the average Russian's income (Aven, 2015). In this regard, a logic becomes visible – the state captures those rents to divert some of them to its citizens in order to stabilise the system and decrease the likelihood of discontent. An FTA would, at first glance, allow these rents to increase and these subsidies thereafter.

Sectoral losers of an FTA and potential drawbacks

On the other side of the equation, however, are subsidized industries,which the government helps through tariffs and other forms of support. These can be found in sectors linked to manufacturing, that is, sectors focused on processing extracted resources. These industries would experience a decline in their output, already due to a "normal" FTA since protective tariffs would break away. This shows well the direction in which an FTA would influence the balance between Russia and the EU – the former would increase its role as a raw resource supplier, whilst the former would increase its share in manufactured goods vis-à-vis Russia. This is exemplified with the case of metal. Whilst the extraction of this resource would get a boost from an agreement, the manufacturing of metal products in Russia would, however, experience a decline (Felbermayr et al. 2016). Thus, the changes following an FTA in Russia's production structure have an asymmetrical nature in terms of their potential countermeasures: whilst the production process of a certain good can, cost-issues put aside, theoretically be placed in almost any place of the country, resources can only be extracted where they are physically located.

The crucial question therefore is whether the increased rents would outweigh the loses, in both political terms and potential consequences on the system itself. This needs to be put into a broader perspective. Whilst the noisy protests in 2011/2012 were mostly associated with Moscow and St. Petersburg, it has been shown that in so-called "monotowns" inhabitants possess a similar tendency to loudly express their discontent (Crowley, 2015). As often in the case of assessing Russia, geography is an aspect that cannot be ignored. Monotowns are cities relying to a large extent on a single industry and were set up during Soviet times, not due to economic factors, like proximity to markets, but mostly due to security considerations. That is why they can often be found in remote areas. The most well-known example is Tolyatti with its big Avtovaz car-manufacturing factory that employs roughly one in seven of the city's inhabitants (Crowley, 2015, p.5).

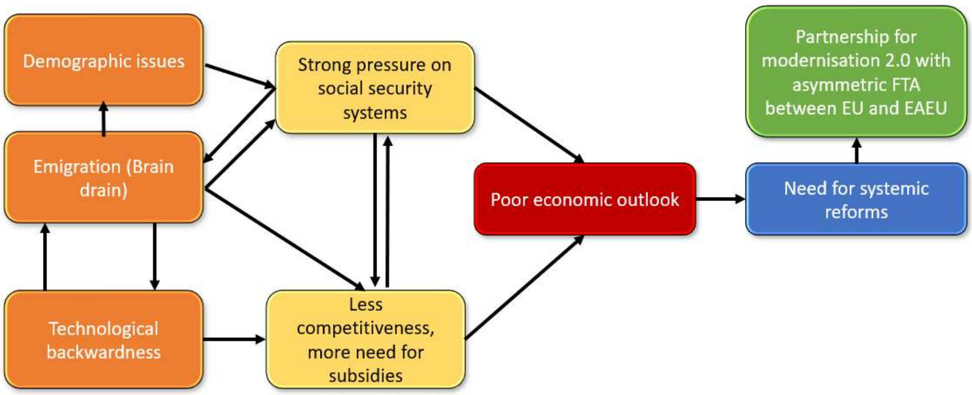
And it is the car industry that would be the biggest loser of a DCFTA, losing almost half of its pre-FTA output, since it is today an industry protected by some of the highest tariffs in Russia (Gucci, 2018). Car tariffs are a good example of that previously mentioned focus of policymakers on narrow interest groups. Not only are they introduced for the sake of those groups, but also for the benefit of political stability itself, not sacrificing it for necessary, but painful, economic adjustment processes. Potentially negative socio-political effects in monotowns are only increased by the low labour mobility of the Russian workforce (Bell et al. 2015). This might lead to a potential bottling of social discontent in these places, rather than alleviating those problems through labour movements. This situation highlights the lack of competitiveness of value-added processes in Russia vis-à-vis the EU and is an important aspect in the feasibility of an FTA: some, often remote, towns in the resource extracting sector would substantially benefit from these changes, whilst other, equally remote towns would lose, of which some to a significant extent. The problem in modern day Russia is that those cities benefiting from such a constellation, like Surgut, are already among the wealthiest cities of the country (Ria Novosti, 2019). However, the low intra-Russian labour mobility shows that laid-off workers in Tolyatti would not necessarily move to Surgut, not balancing this change in the production pattern of the country, but rather leading to additional needs for subsidies and potential grievances among the population of Tolyatti.

Long-term socio-economic constraints

Stability and economic growth seem, at least in the short term and given the current structure of the Russian economy and institutional features, not complementary but substitutes. The Russian economy lacks diversification, which is a direct consequence of the lack of investment (Dabrowski and Collin, 2019). This lack of investment, however, is a direct consequence of systemic corruption (McMillan, Woodruff, 2002; Zakharov, 2017). Hence, many analysts argue that the system in Russia in its current form can neither diversify in economic terms nor provide long-term growth (Dabrowski and Collin, 2019). Given therefore the level of institutional performance, it seems unlikely that thriving and internationally competitive companies would replace companies of hard-hit sectors by a Greater Europe FTA (Polischuk, 2013). This way, the political system, and the desire to keep the status quo, is the core obstacle for a full-scale FTA itself.

However, the socio-economic consequence of the current setting is an important long-term constraint. With the Kremlin having built its legitimacy around economic stability and growth in exchange for civil rights (Sakwa, 2014), the current economic crisis and poor long-term outlook also pose a significant long-term legitimacy issue for the leadership. As some analysts argue, “that social contract [between Putin and the society] no longer works for the people who can help rebuild the economy” and this phenomenon is being described as the biggest threat for security and stability of the country (Ansley, 2017). Recent figures reveal the scale of this problem: 53% of young Russians aged 18-24 expressed in a survey the desire to move abroad *permanently* (Rodgers, 2019).

This brain drain is a direct consequence *and* an enhancer of the stagnating economy, creating therefore a negative feedback loop. This dynamic of negative consequences stemming from the uncompetitive political as well as economic system will likely just increase in the future. Whilst in 2014, the ratio of working-age population to non-working age population was 2.5, in 2050 it is expected to reach 1.5 (Aleksashenko, 2016), and the absolute population is expected to decrease by 10 million to roughly 135 million (UN, 2019). Those socio-



Graph 2. Current socio-economic problems, its consequences for the Russian economy, and a potential solution in the long run. Own representation

demographic constraints are of utmost relevance for the prediction of the further economic development of Russia and the possible paths available for policymakers. As the graph below depicts, the political economy system in its current form will face ever-increasing pressure on social security systems and a corresponding need for additional subsidies. This will only make bleaker the already poor economic outlook and stress the need for systemic reforms.

In case no institutional changes occur, there is an imminent risk of a socio-political drawback for the elites. Hence, Moscow policymakers will have to realise that, from a rational perspective, political and economic reforms are inevitable given the socio-economic and demographic constraints the Russian state, economy, and society are facing in the future. Only through institutional reforms can the process of creative destruction take place and on the ashes of uncompetitive firms, new, productive industries appear that do not require redistributive subsidies from natural resources, but constitute a strong asset of a democratised, competitive Russia of the 21st century.

On the ground of this need for reform, a “new partnership for modernization” between the EU and Russia, or EAEU in this regard, with a Lisbon-Vladivostok project could become a reality. It is not a coincidence that the previous partnership between both blocks was launched in a time when rule of law issues and the need to tackle corruption were omnipresent in Russian public discourse (EU Russia Centre, 2010). The current Ukraine-EU DCFTA serves as a good example of the trajectory that could be envisioned: in exchange for asymmetric access to the European consumer market, which means that Kyiv is granted a long transition period until it has to open its markets, the country conducts far-stretching institutional reforms that are expected to increase the GDP by 20-30% in the long-run (Shumylo-Tapiola, 2012, p.19). Such a procedure would drastically increase trans-European integration, offer Russia clear incentives to conduct much-needed institutional reforms, and have positive security-related spillovers. Even high-ranked Russian officials, like the Director General of the Russian International Affairs Council (RIAC), admit that cooperation between Moscow and the West will only be possible if the former sets sail for “serious social and economic modernization” (Kortunov and Pirsalu, 2020). Given the approaching headwinds, these reforms might be inevitable and EU-Russian cooperation, encompassing at its core an ambitious DCFTA, is the best way to approach structural problems of the future.

Conclusion

As the foregone analysis has shown, an FTA between EU and EAEU carries an economic logic for the Russian Federation. This, however, is only true under certain conditions. Only an ambitious agreement abolishing NTBs incorporates substantial welfare gains for Russia, especially for crucial sectors in this country. Moreover, only an FTA embedded into broader institutional reforms, aimed at improving the political and economic environment of the Russian Federation, can be beneficial and successful in the long run. If this condition is not met, a significant risk exists for the DCFTA, and its corresponding effects, to lead to socio-political unrest in Russia’s “Rust Belt” and potentially destabilising the system itself. Nevertheless, this should not be a reason to abstain from pursuing this vision, but rather to see it as a crucial instrument on the way to bring the Russian economic and its political system to a competitive level in the world of the 21st century. Otherwise, the status quo might, due to socio-economic constraints, prove to be either economically and/or politically unsustainable in the long run.

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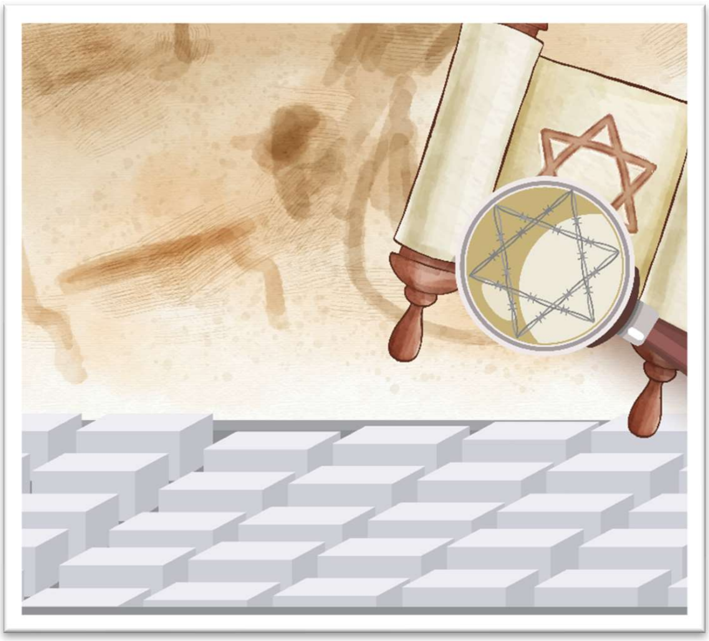
MIDDLE EAST AND NORTH AFRICA

EVERLASTING IS THEIR HERITAGE: BENJAMIN NETANYAHU'S HISTORICAL REVISIONISM

By Robin F.C. Schmahl[20]

Abstract
Since 2015, Israeli foreign policy exhibited a revisionist shift with regard to international Holocaust remembrance in its European foreign policy. As such, state policies issued by the Netanyahu led administration were often in stark contradiction to the officially propagated narrative of the Shoah established by Yad Vashem, Israel's principle institution for the remembrance of the Holocaust. Proceeding from a brief exploration into the official role of Yad Vashem for Israeli state identity, this article examines the revisionist shift in Israeli foreign policy. It concludes that Netanyahu led administrations have been pursuing a realist agenda in their EU foreign policy, while focusing substantively on Eastern European countries as possible future allies that would support Israel's hawkish stance with regard to the Palestinian Question.. Lastly, the article will examine what possible ramifications this revisionist shift could carry for Israeli state identity and international remembrance of the Shoah.



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Introduction

In 2020, the state of Israel found itself at a crossroads. The lingering prologue towards the third Israeli legislative election since April 2019 was characterized by rough campaigning, political scandal, armed conflict, a new peace plan proposal by the US administration, the first ever indictment of an Israeli serving Prime Minister and a global pandemic. All of these circumstances testify to the gravity of the situation as Israel did not merely decide on any new administration, but more importantly on the nature of the state itself. Now, as Prime Minister Netanyahu acceded into his fifth term in office, one might speculate how the newly formed unity government in coalition with his former political rival Benny Gantz will differ from previous administrations. Will Israel continue its executive and legislative development from a liberal Democracy towards a more religiously conservative and perhaps even illiberal Jewish state?

From a foreign policy perspective, it seems that the unity government will pursue what previous Likud led administrations have done before: Seeking strong US support for anti-Iran policies and assuming a hawkish stance on the Palestinian question, including a possible annexation of the West Bank in accordance with Donald Trump's *Deal of the Century*. However, one foreign policy strategy might change under an administration with participation of the Kahol-Lavan party: A previously induced revisionist shift in propagating the narrative of the Shoah on the stage of international politics. Since 2015, Benjamin Netanyahu has set a number of staggering precedents that questioned the official narrative of the Shoah previously conveyed by the Israeli state.

In this article, I will consider those precedents and try to explore a possible reason for the revisionist shift in Israeli foreign policy since 2015. Starting with a general characterization of Yad Vashem as Israel's official institution responsible for establishing a narrative of the Shoah, I will proceed to explore in what way Benjamin Netanyahu's foreign policy constituted an open challenge of the institution's authority on historical remembrance. The article will try to explain these policies as resulting from mutual estrangement between the EU and Israel as well as a rapprochement to Eastern European illiberal governments after the US embassy move in 2018. Furthermore, the article will briefly try to assess the ramifications of these policies for Israel on a domestic as well as international level.

Remembrance as State Identity

Although the Hebrew term *Shoah* is nowadays firmly established to denote the genocide of the European Jewry during the 1930s and 1940s,[21] questions on perpetration, complicity, guilt and responsibility are still posed in academic, political as well as popular discourse. At first glance, asking these questions seems superfluous, perhaps even insultingly generalizing with regards to a matter that appears to have been so meticulously uncovered by historians, so painstakingly well established by research and personal testimony.

Of course, there is no doubt behind Nazi Germany's principal role for the mass murder of millions innocent lives appertaining to different religious, ethnic, societal and religious groups. However, historians have carefully uncovered the complicity of non-German actors in many crimes perpetrated in the name of National-socialism. The complicated history of the Shoah is a process that can-not be restricted to one clear-cut variant without risking to omit or misinterpret certain facts and experiences of great importance for the overall conceptualization of this historical event. As such, the genocide of the European Jewry still sparks controversies, denial, alternate perspectives and, of course, conspiracy theories around the globe.

[21] As opposed to the term *Holocaust*, which is understood to denote the systematical murder of all minorities, religious and ethnic groups persecuted by Nazi Germany

Although almost all modern states trace their current identity and legitimacy either to legend or historical events, the case of Israel with regards to the Shoah is a special case in point. The ceaseless debate around the exact narrative of the Shoah seems to be in direct contradiction to a transparent or clear-cut principle that would usually give rise to more sophisticated notions of identity or legitimacy in politics. A crucial part of Israel's state identity as well as international legitimacy is self-perceived to be built upon the catastrophy of the Shoah. As such, its importance cannot be overstated and much has already been done to shed light on how it influenced Israeli identity, culture and society. (Frilling 2014, Ofer 2008, Porat 2008) Moreover, within the Israeli Declaration of Independence, the Shoah is mentioned as one principal reason for the necessity of the Israeli state and its legitimacy among the international community. (Provisional Government of Israel 1948) For the purposes of Israeli policy making, the Shoah necessitates an unambiguous characterization as well as a central authority that, more or less, defines an official narrative and establishes historical facts, while identifying falsehoods, revisionist distortions or historical misinterpretations. This role has been assumed until today by the institution of Yad Vashem.

A first conception of Yad Vashem was published by Mordechai Shenhavi in 1945 and, after several amendments, discussed during the 1945 Zionist Congress in London. (Doron 2016) With the establishment of the Israeli state in 1948 and the instant eruption of the Arab-Israeli war, authorities lost their interest in the idea, whereas state attention was focused on the war effort. To make the institution more appealing to Zionist sentiments, Shenavi proposed to confer symbolic citizenship to the victims of the Shoah which necessitated an official institution dedicated to its remembrance. His efforts ultimately led to the *Martyrs' and Heroes' Remembrance (Yad Vashem) Law* passed by the Knesset in August 1953. (Knesset 1953) As such, Yad Vashem became Israel's state institution responsible for remembrance of the Shoah and the establishment of an official narrative that would be propagated by the Israeli state. Because of its centrality for the state's identity, no high ranking Israeli official openly challenged Yad Vashem's authority or differ significantly from its position on the Shoah in public until very recently. Since 2015, Benjamin Netanyahu has set a number of staggering precedents to openly contradict Yad Vashem's narrative on the stage of international politics. Before trying to explain this revisionist shift, I will present the most important instances of these in the following section.

A ***kosher stamp*** for Historical Revisionism

In October 2015, Benjamin Netanyahu faced grave criticism for one of his statements concerning Haj Amin al-Husseini, the former Grand Mufti of Jerusalem. Netanyahu claimed at the World Zionist Congress in Jerusalem that Adolf Hitler turned away from his decision to expel Jews from Germany in favor of the complete annihilation of the European Jewry only after a consultation with al-Husseini. Although the Grand Mufti was a fervent anti-Semite and met Hitler in 1941, Netanyahu's statement was without doubt an untenable historical claim that openly contradicted Yad Vashem's narrative of the Shoah. (Aderet 2015) After causing international indignation and open opposition by Prof. Dina Po-rat, Yad Vashem's chief historian, Netanyahu quickly backtracked from his statements. Although he still emphasized the similarities between present day radical Palestinian nationalist rhetoric and al-Husseini's convictions (Staff 2015), he avoided to openly challenge Yad Vashem's narrative until 2018.

On January 26th that year, the Polish parliament passed its infamous *Holocaust Law*. (Times of Israel 2018) This piece of legislation was an amendment to the polish *Act on the Institute of National Remembrance* and was proposed by the ruling Law and Justice Party [PiS]. It would have criminalized statements which designated concentration camps in Poland as "Polish death camps" and any referral to Poles as "being responsible or complicit in the Nazi crimes com-mitted by the Third German Reich" with prison penalties of up to three years. After being confirmed in the senate with a 57:23 majority, the law gained international attention and sparked outrage within the Israeli public. (Tara 2018) Prime Minister Netanyahu strongly opposed the amendment initially (Hoffman 2018), but later offered to meet with Polish Prime Minister Mateusz Morawiecki to solve the issue. In June 27th 2018, Israel and Poland issued a joint statement (Chancellery of the Prime Minister of Poland 2018) and declared the deletion of sections 55a and 55b of the amendment including an omission of the clause which included the penalization of the before mentioned statements. (Israeli Ministry of Foreign Affairs 2018) However, the press release did not in any way oppose the underlying historical assumptions propagated within the legislation and thereby acknowledged its narrative of the Shoah as "committed by Nazi Germany against the Jewish nation" in denial of any Polish responsibilities.

In a rare and detailed statement, Yad Vashem criticized this press release,[22] accusing it to include "highly problematic wording that contradicts existing and accepted historical knowledge in this field [and] effectively supports a narrative that research has long since disproved [...]". (Yad Vashem 2018) The institution came to the conclusion that Netanyahu's efforts lead to "[r]evising the amendment without changing its essence" among other grave consequences. By issuing the joint statement, the amendment's conceptualization of the Shoah gained legitimacy through acknowledgment by the Israeli state. Irrespective of Yad Vashem's ferven criticism, Poland, through a statement given by Deputy Foreign Minister Bartosz Cichocki, declared its indifference and asserted that it considers Prime Minister Netanyahu's position to be "binding". (Heller 2018) In interpretation of this rather odd choice of wording, we might deduce that this controversy is enigmatic of the dispute of who wields a *binding* authority with regards to the official Israeli narrative of the Shoah propagated in international politics.

Inspired by the infamous Polish *Holocaust Law*, Arūnas Gumuliauskas chair-man of the Seimas' commission on national history and remembrance in Lithuania announced in late 2019 the drafting of a bill that would exonerate the country from any involvement in the killing of more than 95% of its Jewish population during the 1940s. (Liphshiz 2020) Although Gumuliauskas is a member of Prime Minister Skvernelis' ruling Lithuanian Farmers and Greens Union party and the bill's stark contradiction to Yad Vashem's position on antisemitism in Lithuanian history, Benjamin Netanyahu has openly endorsed Skvernelis several times. He even conducted an official state visit which was devoid of any Israeli criticism towards Lithuania's revisionist state policies, but intended to" balance the not-always-friendly EU approach toward the state of Israel". (Keinon 2018) Even the Israeli ambassador to Lithuania, Yossi Levy, has kept silent on open occurrences of Antisemitism in current Lithuanian society as well as the public veneration of perpetrators of the Shoah as heroic fighters against Soviet communism. (Repeckaite 2019)

In addition, Netanyahu is known for his close affinity to Hungarian Prime Minister Viktor Orbán whose Fidesz party has driven an anti-immigrant campaign in 2017 that alluded to anti-Semitic tropes against Jewish philanthropist and Shoah survivor George Soros. Similar to Lithuanian revisionist state policies, Viktor Orbán's Fidesz party has constantly tried to exonerate Hungarians involved in the Shoah and portrayed them as patriotic heroes in the fight against soviet communism, most prominently in the case of Miklós Horthy, former ruler of Hungary during the 1940s and ally of Adolf Hitler. (Echikson 2019) Furthermore, the Hungarian Government

[22] It has to be added, that Prof. Dina Porat has apparently worked together with Israeli and Polish authorities to prepare the statement. Though Netanyahu's office refuses to reveal the authors of the statement until today, it had cited Porat's assistance in the matter in order to avert Yad Vashem's criticism. (Landau 2019) However, we do not now the exact extent of Prof. Porat's assistance nor her compliance with the statements made in the press release

is currently planning on re-opening the ”House of Fates”, Budapest's controversial Shoah remembrance museum, which has provoked international criticism over its revisionist aims to exonerate Hungarians from participation in the Shoah. Yad Vashem's expert on the persecution of the Hungarian Jewry, Dr. Robert Rozett, has openly criticized the effort and made the Institution's reservations against the project public. (Rozett 2018) However, none of these controversies did spark any official com-plaint from the Netanyahu administration towards the Hungarian government or Orban's Fidesz party. On the contrary, political as well as personal ties be-tween Prime Minister Netanyahu and Viktor Orbán have grown steadily closer ever since.

Similar to Polish legislation and as a reaction to the Russian annexation of the Crimean peninsula, the Ukrainian parliament passed the so called ”De-communization Laws” which would propagate the ”legitimacy of the struggle for independence of Ukraine in the twentieth century”. Ukrainian legislation practically exonerated Nazi collaborators like Roman Shukhevych or Stepan Bandera whose followers were responsible for abhorrent crimes against the Ukrainian Jewish population during the 1940s. (Sokol 22nd August 2019) During an official state visit to the Babi Yar site, where in 1941 Ukrainian police took roughly 30000 Jews to be murdered by the German Wehrmacht, Netanyahu gave a speech praising the countries efforts for the remembrance of the Shoah, while failing to address its collaboration with Nazism or the troubled history of Ukrainian antisemitism before WWII in any shape or form. (Sokol 30th Jan 2019)

Effectively, the Netanyahu administration handed the governments of Lithuania, Hungary, Poland and Ukraine, in the words of historian Deborah Lipstadt, a ”kosher stamp” (Ahren 2019) or, for that matter, legitimacy in contradicting the narrative of the Shoah that was previously propagated by the state of Israel within international politics. A constructivist thinker in international relations theory will find a seemingly unsolvable challenge here: why does an Israeli ad-ministration pursue policies that are altering the narrative of an event which is commonly invoked to establish the legitimacy of the Israeli state in the first place - through imagining it as a safe haven for the Jewish people? The treacherous path of historical revisionism, it seems, might lead to an erosion of the historical identity of the state of Israel itself. So what could have incentivized the Israeli government to pursue such a radical shift in foreign policy?

The *dance of illiberal democracies*

In May 2018, the US Trump administration moved its embassy in Israel from Tel Aviv to Jerusalem. The move, although enjoying widespread support within Israeli society, did spark an international outcry of indignation as it was under-stood to be a significant setback for the two-state solution and an unnecessary provocation from the USA as well as Israel. (Al-Jazeera 2018) As western European countries grew ever more weary of Israel's dubious human rights record with regards to the Palestinian Question as well as its recent religio-nationalist turn in domestic politics, the Netanyahu administration sought out to find inter-national support and to forge new alliances. Although EU-Israeli relations have grown steadily on an economic level, the two entities have drifted significantly from one another in the realm of politics. With the 1995 EU-Israel Association Agreement (Euro-Mediterranean Agreement 2000) and the 2004 European Neighbourhood Policy, bilateral ties have reached their peak, however since 2012, no Association-Council meetings took place and political relations stagnated significantly. The EU's strong adherence to the conditionality principles enshrined in the 1980 Venice Declaration (Venice Declaration 1980) has made the improvement of bilateral political ties almost impossible under a hawkish and far-right, nationalist government led by Benjamin Netanyahu. However, instead of seeking positive European recognition for the embassy move via the EU itself, the Israeli government altered its European foreign policy by developing close ties with Eastern European nation states.

As such, intensive diplomatic efforts ensured a steady rapprochement be-tween Israel, Poland, Hungary, the Czech Republic, Slovakia as well as Ukraine and Lithuania. These efforts culminated in Benjamin Netanyahu's attendance of the V4 summit in 2017 and his invitation to host the 2019 summit in Jerusalem. This new strategy showed immediate effects: a joint EU statement which would have condemned the US embassy move was blocked by Hungary and the Czech Republic, members of the Visegrád Group are reported to be less critical to-wards Israel in UN resolutions on the Palestinian Question and Eastern Euro-pean countries take a differing stance towards the EU's differentiation policy that strictly distinguishes economic activity originating within settlements in the West Bank from those of Israel proper. (Dyduch 2018) From the perspective of international relations, it seems, Benjamin Netanyahu's historical revisionism arose from a trade-off between strict value adherence on one side and realist considerations of maximizing influence in international politics on the other. But what are the possible ramifications of this strategy for Israeli foreign policy as well as domestic politics?

Especially the V4 group endorsed Netanyahu's harsh criticism of the EU and the liberal values the institution is often associated with, as well as his fervent insistence on national sovereignty and state security that is often infused with anti-Muslim and arabophobic rhetoric. As such, the newly forged ties with Israel have been used as a smokescreen to avert criticism against illiberal, nationalistic or even xenophobic policies as well as open opposition to principles of multilateralism or multiculturalism pursued by members of the V4 group. Alas, how could the anti-Soros campaign propagated by the Hungarian Fidesz-party be deemed antisemitic if Likud officials, let alone the Israeli Prime Minister himself, were complicit in it? (Harkov 2017) If the Israeli government were to further pursue such a revisionist foreign policy, it would not only contribute to the possible erosion of one significant aspect of the state's identity and historical legitimacy in international politics, but also blur the perspicuity of anti-Semitic, perhaps xenophobic, policies in Europe.

On the domestic level, it seems, the "dance of illiberal democracies", as the peculiar relationship between Israel and the Visegrád Group has been termed before (Institut Montaigne 2019), does perpetuate the ongoing polarization within Israeli society and important state institutions. Not only did it significantly deepen aversion against Benjamin Netanyahu from liberal parts of society, but it also sparked considerable indignation from more conservative circles. We have even seen resistance from within Netanyahu's cabinet and the foreign ministry, pre-eminently with former Foreign Minister Israel Katz stating in an overtly provocative comment that "poles suckle anti-Semitism with their mothers' milk". (Holmes 2019)

Furthermore, Netanyahu's now repeated clashes with Yad Vashem are enigmatic of a rampant trend in institutional politicization within the state. Similar to the current politicization of nominally apolitical institutions within the Judiciary, such as the Supreme Court or the office of the Attorney General, Netanyahu has provoked the entering of Yad Vashem into the political arena. Although the institution is formally apolitical and merely devoted to research and education, its historical expertise has now been subjected to political dis-course and with that might be in danger of losing its state-defining role as a neutral guardian of the official Israeli narrative of the Shoah. Moreover, it seems that Netanyahu's consistent resistance to the previously propagated narrative of the Shoah could lead to a politicization of the historical event itself, with the lack of an uncontested and commonly accepted institution to establish its official narrative in the long run.

Conclusion

This article has explored the recent revisionist shift in Israeli foreign policy that deviated considerably from previously well established and officially propagated principles with regards to the remembrance of the Shoah.

It has tried to conceptualize this shift as a consequence from the mutual estrangement of the Israeli state and the EU, especially after the US embassy move in 2018, but perhaps already since 2012. With the intention of fostering ties with Eastern European nation states that have recently undergone a change towards more nationalistic, perhaps even illiberal foreign and domestic policies, Netanyahu led administration's have relinquished strict adherence to Yad Vashem's narrative of the Shoah in favour of gaining new influence within European politics. As such, this strategy might contribute to the erosion of an important part of Israeli state identity as well as state legitimacy.

But what does the future hold for Israeli foreign policy? The new so-called Emergency Unity Government in coalition with Kahol-Lavan and Benny Gantz as alternate prime minister might bring an abrupt end to this novel revisionist shift. Although it seems that the new administration will not pursue a less hawkish strategy with regards to the Palestinian Question, we might see a return towards strict adherence to the narrative of the Shoah established by Yad Vashem. If that were to be the case, further research in this regard seems promising. As such, the prevalence of realist convictions over strict adherence of well-established values in international politics might be a significant differentiation factor between the ultra-nationalist Zionism of Benjamin Netanyahu or the Likud party on one side and the centered, conservative Zionism of Benny Gantz and Kahol-Lavan on the other. A focus on Israeli European foreign policy could facilitate the future comprehension of the polarization within the conservative Zionist majority of Israeli society and shed new light on cleavages among rightist Zionist factions.

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RUSSIA'S TIGHTROPE DIPLOMACY IN THE MIDDLE EAST – FEET OF CLAY OR SOLID GROUNDS?

By Timothée Albessard[23]

Abstract

Since its increased involvement in the Syrian civil war, Russia has managed to gain a major foothold in the Middle East. The Kremlin's intervention aims at restoring Russia's geopolitical greatness, especially in the wake of the international uproar caused by the annexation of Crimea, in 2014. Thanks to unrestricted access to the Syrian Khmeimim air base, in 2015, Russia has managed to get involved in military combat along the Syrian loyalist forces (e.g. the battle of Aleppo), providing it with unmatched clout in the region. This development has led President Putin to strike alliances with historically inimical powers, especially with Israel, Saudi Arabia, Iran and Turkey, thus no longer providing unfaltering support to Bashar al-Assad's regime and breeding more tensions in the Middle East. This article studies how Russia might actually benefit from this controlled form of chaos, as part of its strategy to put forward a new multipolar order in the region and the world.

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Introduction

When a series of critical articles regarding Bashar al-Assad was published on the Russian website RIA FAN in mid-April, several observers construed it as an unofficial means of expressing Moscow's discontent towards Syria (Vitkine, 2020). RIA FAN is a website owned by a Russian businessman named Yevgeny Prigozhin, who has close ties with President Putin and is linked to the Wagner Group, a private military contractor often suspected of serving Russian interests in Crimea and Syria. It is indeed a classic Kremlin strategy to present a rather politically correct, official discourse, and spread its more contested views through state-influenced media. The publication of these articles is thus hardly anecdotal. Although Vladimir Putin has been providing unswerving support to Damascus since the very beginning of the crisis, in 2011, he would appear to be growingly impatient at his Syrian counterpart's handling of current affairs, especially regarding his eagerness to recapture the province of Idlib. The north-east part of the country is the last rebel stronghold in Syria, and has proven to be the main bone of contention in the resolution of the conflict, as well as one of the century's most horrendous humanitarian crises. A major reason why it is such a disputed area lies in the fact that Turkey (allied with Russia) ambiguously sponsors the remaining rebels (mostly Hayat Tahrir al-Sham jihadists) so as to prevent al-Assad from recovering this particular bit of Syrian territory. As a matter of fact, it is a highly strategic area for Ankara, which has been willing to create a buffer-zone by resorting to force in order to stem the flows of refugees reaching its border, and keep the Kurdish troops at bay.

Such a complicated and bloody situation sheds new light upon the ins and outs of Russian strategy in the Middle East. Moscow has long prided itself on being a key protagonist within the Syrian crisis, all the more as the United States has been scaling down its involvement in the region. Russia has progressively woven an intricate web of seemingly contradictory alliances, simultaneously rubbing friendly shoulders with Turkey and Syria, Israel and Iran… This policy has enabled the Kremlin to become an essential partner to all stakeholders, filling the void left by the United States' relative withdrawal. However, as evidenced by the plight of Idlib, this kind of tightrope diplomacy inevitably breeds clashes and tensions between Moscow and its allies, who often find themselves at odds regarding their geopolitical ambitions. Instead of implementing its own strategic agenda, Russia frequently has to try and reconcile such opposite interests, arbitrating the crisis rather than leading to its full resolution. We may thus wonder about the efficiency of Russia's plan of having a seat at every table, by reconsidering its impact on the conflict. This particular issue enables us to analyze how Russia tries to challenge the global order imposed by the West in order to restore its former geopolitical influence (especially in the Middle East), by exploiting a controlled form of chaos in the region.

The main reasons for Russia's involvement in Syria

Fully-fledged military engagement began in September 2015, when the Kremlin decided to support the collapsing Alawi regime of Bashar al-Assad. Russia's much touted primary goal was supposedly the fight against terrorism. Indeed, by the end of 2015, up to 7,000 people from Russia and post-Soviet states had joined Daesh or Jabhat al-Nusra (Lavrov, 2018), creating links and channels between the Levant and the jihadi groups dwelling in the North Caucasus (Chechnya, Dagestan…). The rationale for this objective was twofold. Firstly, Putin wanted to curb the spread of Islamism in Russia and at its borders in order to forestall terrorist attacks on Russian soil. The territorial gains of ISIS increased its attractivity for wannabe jihadists, which required uprooting so as to prevent them from receiving adequate training and military gear. Secondly, following the Crimean crisis, such involvement was yet another way of reminding the West that Russia was a major force to be reckoned with. Cut off from Western alliances (first and foremost NATO), Russia shows and advocates another diplomatic course within the Syrian conflict by weaving striking new alliances beyond traditional Western networks, so as to become an irreplaceable actor on the field. Hence its full support to the Assad regime and its cooperation with Iran, two countries which the Western coalition, led by the United States, has hardly engaged with in order to solve the crisis.

However, Russia's anti-terrorist interventionism soon proved to be somewhat of a masquerade. According to researcher Florence Gaub, 90% of Moscow's airstrikes targeted non-jihadist rebels (Gaub, 2018), namely members of the Free Syrian Army, al-Assad's major national challenger. Russia deliberately refused to specify what its jihadist targets actually were, which enabled it to bracket together ISIS fighters and the Syrian opposition. To put it bluntly, Putin has used the fight against terrorism as a peg to help the Alawi regime crush militias that have been questioning its legitimacy since the beginning of the Syrian revolution, in March 2011. Moreover, the Russian president hedged his bets by devolving the most pivotal field operations to mercenary military companies such as the Wagner Group —thus repeating the very strategic scheme that was implemented in Crimea, in 2014. This particular gambit aims at calling the tune in Syria through diplomatic and military support to al-Assad, in order to preserve the status quo.

Russia's top priority is indeed the quest for stability. Its involvement in the Syrian conflict must be understood as a way to restore the Kremlin's geopolitical grandeur, by striving to become the one country that put an end to regional collapse. This strategy is directly aimed against the United States. Indeed, in his September 2015 speech at the United Nations General Assembly, Putin vehemently criticized American interventionism and regime-change ideology, especially in Iraq and Libya: "It is now obvious the power vacuum created in some countries of the Middle East and North Africa led to the creation of anarchic areas which immediately started to be filled with extremists and terrorists" (Sengupta, MacFarquar, 2015). According to foreign policy expert Angela Stent, Putin regards Western and American support to Arab springs (including against al-Assad) as a major source of unrest, which has undermined the regional stability that was guaranteed by authoritarian regimes (Stent, 2016). There lies the ambiguous dialectic of Russia's strategy. Putin requires a minimum state of chaos in order to stand out as a primary actor in this conflict, but still needs some stable bases such as the current Syrian regime in order to avoid full-blown havoc.

Such a strategy enables Russia to fill the void left by the progressive withdrawal of American troops so as to phase out the Pentagon's interventionism. It is part and parcel of one of Moscow's pieces of doctrine called "Eurasianism" (Najafi, 2012). This theory emphasizes the need for Russia to strengthen its ties with major powers ranging from the Middle East and the Caucasus to South Asia. The implementation of such a network aims at counterbalancing American influence in countries bordering Russia. Indeed, as theorized by Aleksandr Dugin, a Russian politician and leader of the "International Eurasia Movement", one of the primary goals of Russian eurasianism is to build a multipolar world in order to thwart American unilateralism. The promotion of relations with such countries as Turkey, China and India would enable Russia to take independent positions on international issues, as well as put forward a new world order model. This strategy somehow echoes Putin's particular defense of a unipolar, multilateral world, as evidenced by his speech at the 2007 Munich Security Conference: "I consider that the unipolar model is not only unacceptable but also impossible in today's world" (Putin, 2007). In other words, Putin's multilateralism implicitly rejects American interventionism and, as already seen in the abovementioned 2015 speech, searches for relative stability at the expense of self-determination and democratic revolutions.

Engagement in Syria therefore gave Putin the perfect opportunity to reinforce close cooperation with some actors that are deemed necessary to check American power in the region (namely Iran and Turkey), and lay the ground for a seemingly multilateral intervention at the regional level. And it so happens that the timing was quite convenient. Russia's extremely mediatized involvement in Syria somehow managed to outshine the outcry caused by its annexation of Crimea, in 2014, and Russian military operations there. The Syrian crisis thus provided Russia with three valuable assets: the possibility of promoting another frame of diplomatic action in opposition with the United States; a potential diversion from Crimea; a human-scale playground for putting to the test its military tactics and weaponry (Lavrov, 2018).

An intricate web of contradictory partnerships

Unwavering support to Bashar al-Assad's regime is the bedrock of Russia's involvement in the Middle East. Moscow started having the upper hand in September 2013, right after the Western coalition, in spite of President Obama's "red line", did not retaliate to the regime's Ghouta chemical attacks against rebels and civilians. Putin got the better of the coalition's tentative cohesion, which enabled him to quickly become a key actor. In September 2015, Damascus allowed Russian forces to settle in the Syrian Khmeimim air base, granting them full air control in the region. Such projection capabilities aim at making Russia the dominant military power within the conflict, in order to avert further collapse. Indeed, Moscow desperately wants to avoid another Iraq-like "failed state" in the Middle East, which might spur the United States to get involved once more. Helping al-Assad crush grassroots requests for democracy is thus seminal, inasmuch as popular protests undermine the regime's legitimacy and breed divisions, whereas the Kremlin strives for stability (at the expense of political consent). Although Moscow requires a bit of chaos as we have already mentioned before, it must avoid collapse to its detriment and unpredictable upheavals —hence the need for a stable Syrian regime amid regional instability, allowing Russia to pull the strings.

Cooperation with Iran therefore seemed inevitable. Indeed, both Syria and Iran belong to what Tehran calls the "Axis of Resistance", namely the alliance between Shia governments, Lebanese Hezbollah and Iraqi militias against NATO, Israel and Saudi Arabia. Russia needs additional ground support by Iranian Quds forces and Shia paramilitary groups, which struggle to preserve Iranian clout in Syria. However, as we shall see, this particular matter epitomizes the frailty of this alliance, insofar as Iranian revolutionary and expansionist strategy threatens the very stability that Moscow sought to foster in Syria by cooperating with Tehran.

Yet geopolitical changes have led Russia to strike more alliances, with contradictory partners —the first and foremost being Turkey. Until July 2016, Moscow and Ankara were at odds with each other. Turkey is a prominent member of NATO, and its Syrian policy went against the grain of Russia's plan, since Erdogan initially aimed to topple al-Assad by funding the Syrian opposition and several Sunni jihadist groups (such as Jabhat al-Nusra). Things changed, though, in July 2016, after a botched attempt at a military coup against Erdogan. The Turkish President got closer to Putin's line in order to strengthen his position in the region. Indeed, his NATO allies started calling into question his handling of refugee flows and began providing support to the Kurdish People's Protection Unit (YPG) in Syria. This alliance enabled Erdogan to take a leading part in overseeing the crisis (at the 2017 Astana talks for instance), as well as clamp down on the YPG's progression in Rojava (North-East Syria). The Turkish attacks in Northern Syria that occurred in October 2019 and February 2020 are part of this buffer-zone strategy, which is tacitly backed by Russia, in spite of its prior cooperation with the Kurds. Turkey's involvement helps Russia check Iran in Syria and fill the vacuum left by

American withdrawal, following Trump's announcement in October; and air coverage by the Russian army gives Turkey plenty of elbow room to stave off the establishment of a Kurdish state at its borders.

Handling tensions among inimical partners

Such an elaborate network based on partnerships with historical foes has proven to be quite an ordeal for Russia to manage. Indeed, the Kremlin has to arbitrate between conflicting interests, insofar as each stakeholder is trying to reap the benefits of the evolution of the crisis. As already mentioned, Iran wants to ¬increase its military presence in Syria in order to avoid any loss of influence in this pivotal part of the Shia crescent. Tehran has been pitting itself against Saudi Arabia for regional religious and political hegemony since 1979, and the American assassination of General Qasem Soleimani last January dealt Tehran a massive blow. Although Iran is a major partner for Moscow, Putin cannot let it feel emboldened by ground victories against ISIS. Indeed, Russia does not want to come across as a mere pro-Shia power by backing Iran and Syria. Economic and oil ties with Sunni Gulf countries like Saudi Arabia are far too important for the Kremlin to model itself on confessional strife and gaps in the region.

Moreover, Russia's close links with Israel (another "contradictory alliance" in the face of Saudi Arabia, Syria and Iran) forbids it to put up with growing Iranian clout in Syria, which would translate in Hezbollah prevailing on the very fringe of Israel. It is also quite likely that such a heavy threat to Tel Aviv would bring about sustained American support for Israel and thus weaken Russian position in the region (Katz, 2018).

However, the difficult handling of inimical partners does not necessarily mean the Kremlin has lost the upper hand. Indeed, bringing historical enemies together can be regarded as the implementation of the old Machiavellian precept "Divide et impera". By playing its different allies out against each other, Russia seems to tower above regional divisions and thus takes the lead, becoming both judge and jury in the Syrian conflict. The best example of this scheme is Putin's alliance with Erdogan. It shows that Moscow is willing to call the shots with an overt and staunch opponent of Bashar al-Assad, which blatantly tones down the Kremlin's unfaltering support for Damascus, as evidenced by the abovementioned criticisms that were published on RIA FAN. Divide et impera by arbitrating between two actors with opposed interests, in order to become a key partner for all stakeholders while pursuing its own agenda.

However, Russia's rapprochement with Turkey might highlight the limits of this intricate strategy. Involvement in the Middle East was partly designed as a way to benefit from the power vacuum left by American withdrawal and to further weaken Washington's position. Yet it somehow backfired. The United States recalled the Kremlin its projection capabilities by easily striking Soleimani dead; and the oil price war that aimed at crushing American shale oil production roused tensions with Saudi Arabia and severely damaged Russia's economy in the midst of the Covid-19 pandemic. The United States thus proves harder to evict than Moscow was led to believe by its much-heralded withdrawal. Strengthening ties with Turkey can therefore be construed as a means for Russia to safeguard its interests in the region with a more reliable and "American-friendly" partner than Iran, at the expense of the stability of Moscow's previous partnerships.

Conclusion: A precarious regional structure

French historian Georges Sokoloff famously dubbed Russia a "poor power" (Sokoloff, 1993); namely, a country that has always tried to mimic major powers in spite of its deep congenital flaws (such as the difficult mastery of its vast territory). Russian foreign policy is thus characterized by its cunning ways, seizing punctual opportunities to weigh more influence at a lower cost. The Syrian civil war and subsequent havoc in the Middle

East were such an opportunity. Yet a "poor power" always has to bear in mind that its action must remain limited and targeted. Increased vulnerability looms behind undue interference.

Russia seems to have overlooked this major implication. Putin might have envisioned a web of contradictory alliances as a means of consolidating his position in the region. Yet recent events, especially related to the pandemic, have shown Russia's frailty and tentative handling of such a motley network. Moscow already has to face insistent pressures due to Turkey and Iran's craving for influence in the region, while redefining its support for Bashar al-Assad. Russia wanted to bounce back on the international scene thanks to this tightrope diplomacy; but a growingly protracted Syrian conflict would be tantamount to an equally lasting quagmire. The Russian promotion of multilateralism (though obviously tipped in its favour) therefore creates an opportunity for Western powers to restore and pursue dialogue with Moscow, since it can only bring peace through a multilateral consensus, as evidenced by Putin's speeches. Russia's aggressive foray into the Middle East has enabled it to try and shape the new order it has been advocating for years; to keep forestalling demanding cooperation with the Kremlin cannot but delay the resolution of one of the 21st century's most tragic crises.

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EURASIA

THE PARTNERSHIP AGREEMENTS WITH JAPAN AS A PART OF STRUCTURAL FOREIGN POLICY

By Yuki Moritani[24]

Abstract
The partnership agreements between the EU and Japan are expected to bring a strategic partnership between the EU and Japan deeper and more operational. However, many observations overlooked the existence of the differences in the understanding of human dignity and capital punishment between the EU and Japan, which undermines the potential of the partnership agreements. Due to the difference, essential elements clause to link the EU-Japan SPA and the EU-Japan EPA was not introduced. The EU is a market power that attempts to influence the external environment and other actors by including non-trade objectives in a trade agreement. The failure to introduce essential elements clause lost the expected potential of the EU-Japan partnership agreements as foreign policy tools of the EU toward Japan. However, the failure of foreign policy in the short term doesn't mean the failure in the longer term. The EU has been influencing Japan to abolish capital punishment in many occasions, not only in the recent development of the partnership agreements. By considering the EU-Japan partnership agreements as part of structural foreign policy to make Japan a suitable partner for the EU, the EU-Japan SPA can be seen as an important step for the EU to influence Japan. Although the expected potential of the partnership agreements is lost in a short term, it still has a chance to be an effective foreign policy tool for the EU to influence Japan to abolish capital punishment and make Japan a suitable partner.

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Introduction

On 17 July, 2018, the *Strategic Partnership Agreement between the European Union and Its Member States, of the One Part, and Japan, of the Other Part* (EU-Japan SPA) was signed. As Japanese Prime Minister Shinzo Abe stated in the press conference held on the day of signing, the EU-Japan SPA is expected to "maintain and expand the free and open international order and lead the peace and prosperity of the international community" (Prime Minister of Japan and His Cabinet 2018). This agreement has been negotiated since 2013, simultaneously with the *Agreement between the European Union and Japan for an Economic Partnership* (EU-Japan EPA). For the EU, negotiating both the EU-Japan SPA and the EU-Japan EPA was aimed to bring "depth to the EU-Japan partnership and make it more operational" (Hellendorff 2018).

Many observations took the establishment of the partnership agreements positively. Not only there is the expectation on the further development of the strategic relationship between the EU and Japan, but also the effects on global affairs are expected. However, considering the relationship between the EU and Japan carefully, it seems that Japan is not necessarily an ideal strategic partner for the EU. Throughout the recent development of the relationship between the EU and Japan, they "have regularly stated their desire to implement a norm-making diplomacy, based on… shared values and a growing popular demand of ethical policies on a worldwide scale" (Albessard 2020). Although the EU and Japan share fundamental values and norms, such as democracy and the rule of law, it seems that many observations are overlooking the existence of a disagreement over human dignity between two actors. Japanese legal system still has capital punishment, although all of the member states of the EU abolished it. This disagreement was a symbolic difference during the negotiation of the partnership agreements between the EU and Japan. Although there being a factor undermining the effectiveness of the EU-Japan SPA and the EU-Japan EPA, how the partnership agreements can contribute to the development of strategic partnership between the EU and Japan? Especially focusing on how to make Japan a suitable partner for the EU, this paper reinterpret the EU-Japan partnership agreements.

Without the understanding of how such an element undermines the potential of the EU-Japan partnership agreements as foreign policy tools for the EU, the way for the EU to promote the future development of European foreign policy toward Japan cannot be posed. This paper first examines the elements undermining the potential effectiveness of the EU-Japan partnership agreements. Based on the analysis, how the EU should use the EU-Japan partnership agreements to make Japan a suitable strategic partner will be suggested.

Capital Punishment and the Relationship between the EU and Japan

The EU-Japan SPA is expected to provide both the EU and Japan to enhance their relationships over 40 policy areas. As can be seen in many explanations, it is thought that the partnership of the EU and Japan is "based on the promotion of a set of common values, ranging from democracy and human rights to high-quality labour standards and market economy" (Albessard 2020). Especially for the EU, the basis that the recognition of values and norms are shared is important, since the EU considers itself as "a normative power in global scene" (de Prado 2017, 447). With this shared basis, the EU and Japan are expecting the EU-Japan SPA to allow both actors to "reach its full potential" in future cooperation (D'Ambrogio 2019, 5). Through the cooperation, the EU and Japan "jointly promote peace, stability and prosperity globally" (Hellendorff 2018).

With this, the EU-Japan partnership seems a confirmation of the EU and Japan having common values and norms, and the EU and Japan seem ideal strategic partners. Is it so?

There were significant events that should be taken into account. As Bart Gaens explained, the EU and Japan have different views on some areas of values and norms. The existence of the death penalty is the symbolic difference. This has been a continuous issue between the EU and Japan on human rights, and "[t]he EU has long been calling on Japan to place a moratorium on capital punishment" (Gaens 2017, 6).

In 2016, Francesco Fini, a minister of the Delegation of the EU to Japan, argued that Japan should abolish the death penalty. He claimed that governments should not impose capital punishment since every person has their fundamental human dignity under international law, "even on someone who has committed the most atrocious crime" (quoted in Hirano 2016). In his argument, Fini claimed that activity toward the universal elimination of the death penalty to protect human dignity is "a key priority of [EU] external human rights policy" (Ibid.).

On 6 July, 2018, significant executions of capital punishment took place in Japan. Seven people, one of the largest number of executions of capital punishment in a day, were executed, including Shoko Asahara, the head of a cult group, the *Aum Shinrikyo*, who killed 13 people and injured more than 6,000 people in the subway attack in Tokyo in 1995. The EU criticized these executions. The Delegation of the EU to Japan and ambassadors of European states to Japan together issued a joint statement saying "the death penalty is cruel and inhumane and is not an effective crime deterrent" (Takahashi 2018). Also, the statement suggested the Japanese government "to adopt a moratorium on execution, with a view to abolishing it", since any legal system cannot exclude errors (Ibid.).

According to the poll by the Japanese government, more than 80% of the Japanese population consider the existence of the death penalty inevitable. As can be seen from the result, and as the Ministry of Justice of Japan officially stated, "the death penalty system is positively received" in Japanese society (quoted in Murakami 2020). The ideas on the death penalty are different between the EU and Japan. The EU and its member states abolished the death penalty from their legal system because they consider that "someone who has committed the most atrocious crime" even has fundamental human dignity (quoted in Hirano 2016). Clearly, the EU and Japan have a significant disagreement over the understanding of human dignity.

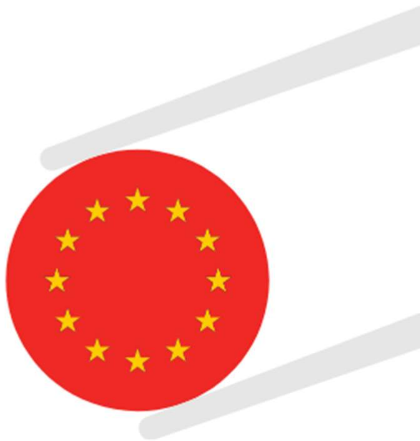
Lost Potential of the EU-Japan Partnership Agreements

Such disagreement was seen during the negotiation of the partnership agreements. Actually, at first, Japan only wanted to negotiate and conclude an economic agreement. As Yumiko Nakanishi explained, "[t]he conclusion of not only the EPA, but also the SPA reflects the EU's political strategy" (Nakanishi 2019, 14). The EU demands its treaties to promote "its values, high social and environmental standards, and respect of human rights, around the world" (Ibid., 4). To negotiate to establish an economic agreement, the EU asked Japan to also negotiate and conclude a strategic partnership agreement. The signing of the EU-Japan SPA was significant for the EU.

However, considering the agreements concluded, the linkage of the EU-Japan EPA and the EU-Japan SPA is limited. This indicates that the EU-Japan partnership agreements are abnormal as a European partnership strategy.

Chad Damro argued that the EU can be considered as a market power Europe (MPE). The EU is market power in a sense that it "can and does use its market and regulatory strengths to externalize internal policies" (Damro 2012, 684). The EU can be a power through its market since "the EU has relatively high levels of regulatory expertise, coherence and sanctioning authority" that allows generating a standard which other actors converge (Ibid., 688). Market power becomes a powerful tool for the EU when non-trade objectives were included in trade agreements. Cecilia Malmström, a former European Commissioner for Trade, claimed that the EU will use "trade agreements and trade preference programmes as levers to promote, around the world, values like sustainable development human rights" (Malmström 2015, 5).

The use of market power can be found in the EU partnership relations with Canada. The *Comprehensive Economic and Trade Agreement* (CETA) with Canada has a significant linkage with the *Strategic Partnership Agreement between the European Union and Its Member States, of the One Part, and Canada, of the Other Part* (EU-Canada SPA). Based on the EU-Canada SPA, the CETA will be suspended if a violation of fundamental values and norms occurs. By including such linkage, there will be a pressure to the third countries to follow the conditionality. The suspending of the economic agreements have negative effects on actual trade relationships, which may be a risk to the domestic economy of the third country. Such linkages cannot be found between the EU-Japan SPA and the EU-Japan EPA.



During the negotiation, there was one significant disagreement between the EU and Japan: the introduction of an essential elements clause, which is "an EU-demanded clause that allows for the suspention of the agreement should a partner violate human rights" (D'Ambrogio 2019, 4). This is the key clause to promote a market power, which will force the third countries to make sure to follow the conditionality of values and norms. An essential elements clause was intended to suspend or terminate the EU-Japan EPA, "if a serious violation of human rights or other essential elements in political agreements or conditionalities of the economic agreement occurs" (Nakanishi 2019, 14). This was denied to be included in the EU-Japan EPA by Japan. The difference over the legal systems, the existence of the death penalty in Japan was one of the reasons for the denial. As a result, as Nakanishi claimed, the EU-Japan SPA can be suspended if there be a significant violation, but there is no such effect on the EU-Japan EPA.

The strategy of the EU to conclude both an economic agreement and a strategic agreement with partners have a potential for the EU to benefit in international affairs. That was also expected with the partnership with Japan. Although many observations argued that the EU-Japan partnership agreements will bring the relationship between the EU and Japan to "reach its full potential", as a result, the influence the EU can make through a market power toward Japan is limited (D'Ambrogio 2019, 5). The failure to introduce an essential elements clause in the EU-Japan EPA lost the potential of the partnership agreements to benefit the EU.

The EU-Japan Partnership Agreements as Part of Structural Foreign Policy

Considering the EU-Japan SPA and the EU-Japan EPA as relational foreign policy, "that seeks to influence the attitude and behaviour of other actors as well as the relations with and between other actors", toward Japan, the agreements lost the potential the EU was expecting (Keukeleire and Delreux 2014, 27). As a relational foreign policy with full potential, the set of an economic agreement and a strategic agreement is expected to pressure a partner to follow the conditionality based on fundamental values and norms. In a short term, the lack of an essential elements clause in the EU-Japan EPA can be seen as a failure. However, as Joseph Nye, Jr. said, "[a] foreign policy should be judged not only by specific actions, but also by how a pattern of actions shapes the environment of world politics" (Nye 2020). Although the EU-Japan partnership agreements has no full potential for the EU to influence Japan, it still has a role in the future development of the relationship between the EU and Japan. The relevance of the agreements should be judged also with how it affects relationship in a broader view.

The EU still has a chance to make Japan a suitable partner. As an international actor, the EU focuses not only on shaping mutual relationships, but also, or even more, on influencing developments and changes abroad, since the EU prefers external environment to be favorable for itself. To do so, the EU uses structural foreign policy.

Structural foreign policy is a type of foreign policy that "tries to shape and influence political, legal, economic, social and other roles of the game in other parts of the world" (Keukeleire and Delreux 2015, 44). Unlike relational foreign policy which only "seeks to influence the attitude and behaviour of other actors" (Keukeleire and Delreux 2014, 27), structural foreign policy ambitiously influences "the *structures* that determines how other actors behave" (Ibid.). As Stephan Keukeleire explained, it is "structural" foreign policy, since the promotion of structural change in the longer term in the external environment is aimed (Keukeleire 1999, 472).

There are two objectives in structural foreign policy: shaping or influencing structures and producing its sustainable effects. The first objective is, as mentioned above, shaping or influencing structures in the external environment. The definition of structure here is not limited to so-called "sectors" such as political, legal, economic, social, or security. It also consists of organizing principles, institutions, and norms that lay operational with a complex interrelation of formal and informal institutions and norms (Keukeleire and Delreux 2014, 28). Structures are also not limited to state-level but at various levels such as individual, societal, regional, etc. The second objective aims not just "simply to shape or influence structures" (Ibid., 29). With both material and immaterial factors, the structural foreign policy seeks to make shaped or influenced structures to develop itself an enduring character, which operates without any further external influence. Material factors refer to functional institutions and mechanisms based on organized principles, and immaterial factors refer to functional institutions and mechanisms based on organized principles, and immaterial factors refer to "the extent to which the structures are seen as legitimate and are (or becoming) part of the belief system, culture or identity of the people concerned (population as well as elites)" (Ibid., 30). With these factors, the internalization of structures is aimed in the longer term. Especially immaterial factors are important since the sense of desire and legitimacy on shaped or influenced structures brings internalization deeper than with senses on structures as something brought from external factors.

By interpreting the EU-Japan partnership agreements as a part of structural foreign policy, the chance for the EU to make Japan a suitable partner and to regain the lost potential of the partnership agreements can be found. As mentioned in the previous section, "[t]he EU has long been calling on Japan to place a moratorium on capital punishment" (Gaens 2017, 6). This attempt to influence Japan will not change in future, and the EU will continue, since the abolishment of capital punishment is a key goal for the EU to promote the protection of human rights universally. This promotion will be a long term foreign policy aiming to influence structure to change. To promote, the EU-Japan SPA can take a significant role. For the further development of the EU-Japan strategic partnership, the Joint Committee founded based on Article 42 of the EU-Japan SPA will "make recommendations and adopt decisions, where appropriate, and facilitate specific aspects of cooperation" (Article 42 of the EU-Japan SPA). This Joint Committee can be an official place for the EU to influence Japan to abolish capital punishment. The effectiveness seems stronger to the use of MPE with essential elements clause. However, it cannot bring a deep internalization since it is a regulatory power by an external actor. To make an influence on Japan effectively, a sense of structural foreign policy is needed. To do so, the EU-Japan SPA can be placed in the centre of European foreign policy to make Japan a suitable partner for the EU.

Conclusion

Although the EU-Japan SPA and the EU-Japan EPA be significant for the development of the EU-Japan relationship, the lack of the linkage between the EU-Japan SPA and the EU-Japan is undermining the potential as a foreign policy tool toward Japan for the EU. Without an essential elements clause in the EU-Japan EPA, the market power of the EU toward Japan is limited. To make Japan a suitable partner, the EU cannot use its market power without an essential elements clause in the EU-Japan EPA.

To use the EU-Japan partnership agreements effectively, the consideration that the partnership agreements are part of structural foreign policy to make Japan a suitable partner for the EU is useful. There is a chance for the EU-Japan SPA to be a significant foreign policy tool for the EU. The Joint Committee founded by the EU-Japan SPA has the potential to be an official place to negotiate and influence Japan to abolish capital punishment. It will be a tough path for the EU since 80% of the population in Japan considers the existence of capital punishment inevitable. However, without the EU-Japan SPA, there was no chance to have the Joint Committee which has the potential to be an effective place to conduct structural foreign policy. Moreover, the use of MPE cannot bring a deeper internalization of structure, since the regulatory tool brings the sense that the change was brought from external factors. Since then, structural foreign policy that can bring a deeper internalization is more effective. Since the EU has a foreign policy tool to realize it, there is no reason to not to use it.

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