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**BUILDING A GEOPOLITICAL EUROPEAN UNION AFTER RUSSIA'S ATTACK
ON UKRAINE: THE VALUABLE TOOL OF ENLARGEMENT**

EUROPEAN SECURITY STRATEGIES AND THE WAR IN UKRAINE

**THE EUROPEAN UNION'S LEGAL PERSONALITY IN INTERNATIONAL LAW
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**THE EMPLOYMENT OF UKRAINIANS AS AN OPPORTUNITY TO FILL
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ARTICLES





*Evita Dionysiou**

Building a Geopolitical European Union After Russia's Attack on Ukraine: The Valuable Tool of Enlargement

Abstract

Russia's attack on Ukraine is a watershed moment that forced the EU to confront its weaknesses and reshuffle its priorities. In this context, the war brought back at the top of the EU's agenda the enlargement process. In light of these developments, the aim of this paper is to evaluate the impact of the war on the EU's enlargement process and to demonstrate that enlargement policy has acquired a greater geopolitical value than ever before. The paper begins with a historical overview of the challenges that have defined the enlargement process and have led to a deadlock, demonstrating that the war can provide impetus for the revival of the stagnant enlargement process. The discussion proceeds, in turn, to the pros and cons of further expansion of the EU. A pro-enlargement position is adopted, arguing that enlargement is a valuable tool for the transformation of the Union into a real geopolitical actor. Finally, the paper builds upon the previous analysis and proposes ways of adjusting the enlargement process to the new challenges created by the war. To conclude, the paper argues that Russia's aggression can reinvigorate the enlargement process, which in turn can strengthen the EU's role on the geopolitical chessboard. The stakes are too high and the EU cannot afford to lose the momentum.

Keywords: Treaty on European Union, Article 49, Enlargement Process, Accession, Qualified Majority Voting, Russia, Ukraine, War, Western Balkans

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Introduction

Russia's invasion of Ukraine is a turning point in the European history. It has violently woken up the European Union (EU), forcing it to rethink and readjust its role in a rapidly changing and hostile international environment. The new geopolitical arena that has just started to emerge requires nothing less than a U-turn: the EU's transformation into a real geopolitical actor.

However, building a geopolitical EU is not an easy task, considering that the Union's *modus operandi* is quite unsuited for this role. Thus, the EU must take advantage of all the available tools that can be used to support this tricky transformation. One of these valuable tools is the EU's enlargement policy which also needs to be re-evaluated in order to be fit for the new realities faced by Europe.

In this context, the aim of this paper is to evaluate the impact of the war on the EU's enlargement process and to demonstrate that enlargement policy has acquired a greater geopolitical value than ever before.

In order to meet this aim, this paper is divided into three parts. The first part provides a historical overview of the challenges that have defined the enlargement process and have led to a deadlock, demonstrating that the war can provide impetus for the revival of the stagnant enlargement process. The second part discusses the pros and cons of further expansion of the Union. A pro-enlargement position is adopted, arguing – among others – that enlargement is a valuable tool for the transformation of the EU into a real geopolitical actor. Part three highlights that, if the EU wants to withstand the storms of a rapidly changing and hostile international environment it needs to readjust its enlargement process.

The significance of the above analysis can be understood if one considers that what is at stake is Europe's own future as well as the rules-based international order.

Historical Background

Article 49 of the Treaty on European Union (TEU), which provides the legal basis for EU accession, stipulates that any European country may apply to join the Union if it respects its common values laid down in Article 2 and is committed to promoting them. These common values include human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities.

Guided by these European values and subject to strict conditions, enlargement was once heralded as one of the EU's most powerful policy

tools. Unfortunately, however, it has stalled since the accession of Croatia in 2013.

This stalemate was a result of a lack of progress of reforms in the candidate countries, but also a lack of political will on the side of the EU, which found itself preoccupied with a poly-crisis: the protracted economic crisis, the rise of extremism, illiberalism and populism, the migration/refugee crisis, Brexit, and the outbreak of the coronavirus pandemic were unprecedented challenges that distracted the Union from its enlargement agenda, forcing it to turn inwards. In these circumstances, fifty years of enlargement have ended up to a gridlock.

The Western Balkans as an Example of Stagnation in the Enlargement Process

The stagnation of the EU enlargement process can be clearly demonstrated if one examines the Western Balkan's rocky road towards EU membership. The countries of this vulnerable region have been stuck in the Union's waiting room for too long.

For instance, North Macedonia was granted candidate status in 2005, but the enlargement process was hijacked several times by individual Member States. Initially, the opening of accession negotiations was blocked by Greece due to a name dispute which was eventually resolved in 2018 via the Prespa Agreement. But North Macedonia's path was once again blocked by France until the new enlargement methodology was agreed.¹ It was then Bulgaria that further hampered the start of the accession talks. The Bulgarian veto had nothing to do with the economic and democratic principles that govern the EU enlargement process (Cvijić, Nechev, 2022). Instead, it concerned a linguistic and historical dispute with North Macedonia. The dispute also blocked Albania's bid, since the EU had grouped both countries together in their accession applications. Only after North Macedonia resolved the dispute with Bulgaria did it receive the green light to start accession negotiations on 18 July 2022. The example of North Macedonia's (and Albania's) bid demonstrates the Achilles' heel of the enlargement project: individual Member States can hijack the process in order to promote their national agendas (Dionysiou, 2022).

Montenegro and Serbia, on the other hand – which are considered as the frontrunners of the Western Balkans enlargement process (Cancela, Lamoso, 2020, p. 4) – have been negotiating since 2012 and 2014,

¹ France alone blocked North Macedonia, but was joined by Denmark and the Netherlands in opposing Albania's bid (Gotev, 2019).

respectively. In February 2018, the Commission issued a Communication, in which it declared that with strong political will the two countries could potentially be ready to join the Union in 2025 (Communication from the Commission, 2018). Nevertheless, the Commission itself identified this as an extremely ambitious perspective (Communication from the Commission, 2018). Indeed, Montenegro and Serbia have not yet achieved a breakthrough on issues such as the rule of law and the fight against corruption. On the other hand, because of Russia's invasion of Ukraine Serbia's candidacy has become problematic, since the country has chosen to maintain close ties with Russia and does not fully align with the EU's stance.

Additionally, in Bosnia and Herzegovina – which is a potential candidate country – the Russo-Ukrainian war has deteriorated the already fragile political order. It is worth mentioning that secessionist leader Milorad Dodik – who has maintained a close relationship with Russia even amid the invasion of Ukraine (Hajdari, 2023) – was sworn in as Bosnian Serb President in November 2022.

Kosovo is also a potential candidate, but it is still struggling with the fact that some Member States do not recognise its independence. Additionally, Kosovo has been waiting for visa-free travel to the EU since 2010. Crucially, the heightened tensions in July 2022 over license plates and identity cards prompted fears that the violence in the Western Balkans could escalate (Hopkins, 2022).²

Thus, several hurdles have led the enlargement process towards the Western Balkans to a dead end. In the meantime, by putting the countries of the region on hold, the EU has aggravated their frustration. Crucially, this deadlock exposes the vulnerable Western Balkans to the influence of rival actors, most notably Russia and China, which seek to penetrate the region posing a threat to both the European values and the European order.

The Shock of the War in Ukraine

While the Union's enlargement policy had been stalled, Russia's invasion of Ukraine came as a shock that changed the course of history. On 21 February 2022, after weeks of extreme tensions, President Vladimir

² Ethnic Serbs living in Kosovo were requested to switch from Serbian license plates to Kosovar ones, and Serbian ID and passports holders to obtain an extra document to enter Kosovo (Hopkins, 2022). Even though Kosovo's government eventually postponed the implementation of these new rules, it is evident that the war in Ukraine fuels extra tensions in this fragile region.

Putin recognised the independence of the Donetsk People's Republic and the Luhansk People's Republic. He also ordered Russia's military to deploy troops in these areas under the guise of a peacekeeping mission.

On 24 February 2022, Russia invaded Ukraine. Four days later, President Zelensky officially applied for EU membership (Council of the European Union, 2022a). Ukraine's application was quickly followed by Georgia's and Moldova's bids.

Russia's brutal attack has accelerated history (Borrell, 2022). It was a *zeitenwende*³ which violently awakened the EU, triggering a spectacular reaction.⁴ The shock was so powerful that it made the Member States instantly break taboos and change long-standing political convictions.⁵

In these unprecedented times, the European Council responded with unusual speed; in June 2022 it granted candidate status to Ukraine and Moldova and declared that Georgia will become a candidate country, after meeting certain criteria. The EU leaders managed to overcome the skepticism towards further enlargement – that still prevails in some Member States – and showed a unity that many did not expect. In this context, Russia's invasion of Ukraine can be viewed as the much-needed impetus to revive political will in the EU for enlargement and to recalibrate the enlargement process.

Granting Ukraine (and Moldova) the status of candidate country was characterised by the European Council President Charles Michel as “a decisive moment for the EU” and as a “geopolitical choice” (European Council, 2022a). Indeed, offering Ukraine the prospect of EU membership sends a powerful political signal. It is an important token of support for a country which is literally defending the EU values (Van Elsuwege, Van der Loo, 2022, p. 9). Of course, in order to produce results, this offer should not remain an empty gesture.

³ The term *zeitenwende* was used by German Chancellor Olaf Scholz [Press and Information Office of the Federal Government (2022)]; it translates to a turnaround of time, a turning point in history.

⁴ Apart from the enlargement-related reaction, the EU's response also includes unprecedented sanctions, military funding, refugee protection and changes to energy policy. Many of the decisions adopted within a period of few months were simply unthinkable a year ago (Dempsey, 2022a), considering the Member States' diverging interests *vis-à-vis* Russia, their significant differences over security, defense, and migration issues, as well as their general reluctance to expand the EU or even grant candidate status to applicant countries (Bosse, 2022, p. 532).

⁵ However, Maurer et al. (2023) argue that “the EU's response has been less a turning point and more of an epiphany, providing a reality check for the EU and its Member States about how far European foreign policy cooperation has evolved in recent years”.

To Expand or Not to Expand?

A variety of arguments against enlargement (with regard to both Ukraine and the Western Balkans) have been voiced in the relevant debate. In order to reach a conclusion as to whether the EU should expand or not, this section will present the main arguments of those skeptical of enlargement; it will then confront them by presenting the counterarguments. The following discussion will demonstrate that, while there are some valid concerns, these are outweighed by the risks of keeping Ukraine and the Western Balkans out of the Union. Emphasis will be placed on the geopolitical necessity of enlargement.

The Impact of Further Enlargement on the Functioning of the EU's Institutional System

Several scholars and political leaders support the argument that the EU needs to reform itself before proceeding to further enlargement. This argument is at the core of the so-called “widening vs. deepening” debate. The reasoning here is that further enlargement of the Union would lead to overstretching both because of the increased number of Member States but also because of their heterogeneity; thus, the EU must first reform itself to be fit for its expansion.

This “deepening before widening” approach prevails in France. President Emmanuel Macron, declared that he is “not in favour of moving toward enlargement before having all the necessary certainty and before having made a real reform to allow a deepening and better functioning of the EU” (Gray, 2018).

Indeed, the accession of new countries affects the functioning of the institutional system, since the new Member States must be represented in the EU institutions. Thus, accession of new countries increases the number of members of each institution, with the risk of exceeding the appropriate size allowing for effective intra-institutional deliberation (De Witte, 2002, p. 235). Apart from that, the increase in the number of Member States and the inevitably greater diversity of their views can paralyse the EU's decision-making process, especially on matters where the Council operates under the unanimity rule.

The above are valid concerns. Nevertheless, while acknowledging the value in re-thinking the enlargement process as well as the urgent need for a broader EU reform,⁶ France's position can be disputed (Dionysiou, 2022). First of all, the “deepening before widening” approach is based on

⁶ An analysis of the necessary institutional reforms exceeds the scope of this paper.

the view that widening necessarily impedes deepening, depicting the future of the EU, in terms of a dilemma between two alternatives: deepening and widening (De Witte, 2002, p. 239, as cited in Dionysiou, 2022, p. 47).

Interestingly, however, many experts argue that widening does not necessarily impede deepening; in fact, it can even encourage it. For example, Heidbreder (2014) argues that widening is a cause of deepening, as it produces systematic pressure for the deepening of supranational policy-making capacities. Kelemen et al. (2014) distinguish between the short-term and the long-term effects of enlargement, claiming that while widening may lead to short-term gridlock, it may also provide the impetus for institutional changes that facilitate deepening over the long term (Dionysiou, 2022, p. 47). Cvijić and Čerimagić (2020) state that widening and deepening have always been developed in parallel (p. 13).

The above arguments are further supported by the history of past enlargement waves which provides examples where widening and deepening proceeded in parallel (Dionysiou, 2022, p. 47). For instance, the first enlargement that brought into the Community Denmark, Ireland and the United Kingdom (UK), was accompanied by the progressive development of important common policies (e.g., reform of the CAP, political cooperation, etc.) and followed by the introduction of the European Monetary System and direct elections to the European Parliament (Marciacq, 2019, p. 6, Dionysiou, 2022, p. 47). Likewise, the enlargement to Austria, Sweden and Finland followed the adoption of the Treaty of Maastricht which involved considerable deepening (e.g., the commitment to Economic and Monetary Union, the establishment of a CFSP, and yet further powers for the European Parliament) (Cameron, 1996, p. 7, Dionysiou, 2022, p. 47). As the High Representative of the Union, Josep Borrell points out, “we have been most successful when we have pursued widening and deepening together” (Borrell, 2022).

Apart from the above theoretical analysis, in order to assess the actual impact of enlargement to prospects of deeper integration, one must consider that even if the green light to open accession talks is given to a country this does not mean that it will join the EU immediately (Dionysiou, 2022, pp. 47–48). For instance, the Union opened accession negotiations with Albania and North Macedonia. Yet, the process will probably be very lengthy, given that both countries’ political institutions still need fundamental reforms in order to comply with the accession criteria. Thus, in the meantime, there will be plenty of time to negotiate the necessary deepening of the EU (Eisl, 2019, p. 4; Dionysiou, 2022, p. 48).

Therefore, instead of discussing about enlargement as being an obstacle to deeper integration, it would be more prudent to approach it

as an opportunity for reform. Especially in the current circumstances created by the war in Ukraine, the geopolitical imperative for the EU is to both widen and deepen (Borrell, 2022). Thus, although internal reform of the Union is urgently needed, this should not be used as an excuse to postpone enlargement.

The Impact of Further Enlargement on the EU's Democratic Values

Another frequently used argument of those who are skeptical of further enlargement suggests that illiberal tendencies in some candidate countries could undermine the European democratic values. This argument is disputable.

Let's use the example of the Western Balkans. If left outside the EU, these countries – influenced by illiberal ideas and the EU's rivals – will make Europe a less democratic place. Conversely, by reinvigorating democratic reform, and by supporting the idea that the Western Balkans belong to the EU, the Union will leave no room to its opponents that seek to increase their influence in this vulnerable region.

We should also not forget that the Western Balkans have been waiting for progress on their path to EU membership for too long. Meanwhile, the political standstill has favoured populist actors in many countries of the region, who are only waiting for the European promise to go up in smoke (Ellereit, Klapper, 2022, p. 3).

These authoritarian, populist and nationalist tendencies threaten to grow as alternatives to European integration (Ellereit, Klapper, 2022, p. 8). Thus, it is imperative for the EU to demonstrate genuine commitment to the European perspective of the Western Balkans. Otherwise, if it continues to give the impression that it lacks the political will and/or is incapable of united action this will soon become a problem for the candidate countries and for the Union itself (Ellereit, Klapper, 2022).

Therefore, as long as these countries are willing and able to meet the conditions for accession, enlargement is in the interest of both the candidates and the EU; it offers a way of structuring the continent around EU values and standards (Borrell, 2022).

It must be underlined, however, that this approach will prove to be useless without safeguarding democracy and the rule of law within the Union.⁷ Otherwise, the EU will lose credibility and thus its influence

⁷ For example, the assault of the rule of law and associated constitutional principles in Poland and Hungary in recent years has undermined both the EU's cohesion as a Union of like-minded countries and its legal system which in many respects depends on a shared commitment to common values (Ovádek, 2018).

(Ellereit, Klapper, 2022, p. 5), not to say that the risk of casting the whole European project into doubt will emerge.

The Cost of Further Enlargement

Enlargement-skeptics are also worried about what further expansion of the EU will cost and who will foot the bill. Some are concerned about paying the bill at a time when the EU's multiannual financial budget is already significantly inflated due to measures taken to deal with the outbreak of the COVID-19 pandemic. However, if the EU wishes to meet the current geopolitical moment and speak the language of power, then it should be willing to pay the price not just for the stabilisation of Ukraine but also for the integration of the grey zone in Southeastern Europe.

One should not forget that confronted with natural and man-made disasters (namely, the pandemic and war) the Member States have managed to relax fiscal discipline and support innovative solutions. If the EU leaders want the Union to be taken seriously as a major player in the geopolitical chessboard, they will have to do whatever it takes to stabilise the old continent.

That said, concerns about the cost of enlargement can be addressed – to some extent – with the staged accession model proposed in the third section of this paper, which incorporates the principle of reversibility (whereby candidate countries lose benefits such as access to funding if they backslide on the rule of law and democratic governance).

Enlargement as a Geopolitical Necessity

Having confronted the main arguments of enlargement-skeptics, we can now proceed to the discussion of a crucial pro-enlargement argument: the geopolitical imperative for further enlargement of the EU due to the war in Ukraine.

Russia has always regarded the Eastern Partnership (EaP) countries as its natural sphere of influence. It has been typical for Russia to exert pressure through policies on issues like energy, migration, or trade; to cooperate with secessionists; to spread disinformation. In Georgia, for example, anti-EU and anti-West propaganda promoted by Russia is proved to be very persistent.⁸

Thus, Russia's blatant act of aggression deteriorated an already difficult situation. Crucially, it revealed the desperate urgency for a direct and

⁸ Russia's disinformation campaigns in Georgia are discussed in Sirbiladze, Darchiashvili (2019).

clear-cut EU response. The Russian war can have two distinct results: it can either shatter the European order – “that of a Europe whole and free and at peace” (Spohr, 2022, p. 10) – or it can become a catalyst for the belated birth of a geopolitical Union which will uphold peace and security on the old continent. It all depends on how the EU will choose to react.

To that end, the tool of enlargement must be used wisely. Amidst the crisis management, the EU needs to speedily develop new ways to engage with its nearest neighbours. This cannot be done by offering alternatives to the possibility of full membership; instead, a credible membership perspective seems to be the best way to move forward.

To be more precise, promoting enlargement towards Ukraine can now be seen as a geopolitical necessity for two main reasons. First, it can end the strategic ambiguity that left Ukraine exposed to Russia’s imperial mindset. Second, making a clear choice is essential in order to build the EU’s credibility as an emerging geopolitical actor which can secure the European order and defend the European values.

But, apart from Ukraine, Russia’s aggression is also a stark reminder that the EU needs to develop a stronger geopolitical approach in the Western Balkans which are also exposed to efforts by strategic rivals of the EU to penetrate the region and strengthen their foothold (once again threatening the European order and undermining the European values).⁹

Therefore, the war must not distract the EU from the Western Balkan countries. In fact, because of the war, the focus should also be on the Western Balkans (at least those countries that condemn Russian aggression).¹⁰ This means that the Union needs to take decisive action to re-launch the stalled enlargement process towards the Western Balkans. This is imperative not just for the sake of the countries of the region, but also for the Union itself. Faced with an ongoing war of conquest in Ukraine and hence an assault against the European order, it is in the EU’s interest to anchor all like-minded countries by having them adhere to its vision of a rules-based system. Continuing with business as usual would be a geopolitical mistake.

In light of the above and keeping in mind that the stakes are too high, the EU leaders need to seize the watershed moment and think big. This means that they should stay focused on promoting enlargement, with a fresh

⁹ This paper focuses on Russian threat. However, China is also trying to increase its influence in the Western Balkans and its rise as a geoeconomic influencer should not be underestimated.

¹⁰ This raises the issue of whether Serbia would be eligible due to its pro-Russian policy. In this case, the country’s accession could be put on hold in a similar way to Turkey’s accession.

and genuine commitment to the European future of both Ukraine and the Western Balkans. The EU's ability to defend its values in its neighbourhood and to uphold peace and security in Europe will define its credibility as a geopolitical actor for years to come (Blockmans, Raik, 2022, p. 3).

Re-evaluating the Enlargement Process

Even before the outbreak of the war, there had been considerable debate over the need to reboot the stalled enlargement process towards the Western Balkans. A step was taken in this direction, when the European Commission – which has branded itself a “geopolitical Commission” – published its Communication on “Enhancing the Accession Process – A Credible EU perspective for the Western Balkans” (the so-called new enlargement methodology) (Communication from the Commission, 2020).¹¹

The key innovation of this revised methodology is that it groups the chapters of the enlargement process into thematic clusters: fundamentals; internal market; competitiveness and inclusive growth; green agenda and sustainable connectivity; resources, agriculture and cohesion; and external relations. If applied efficiently, the clustering of negotiation chapters can provide a potential for accelerated negotiations (Dionysiou, 2022, p. 50).

However, even though the new enlargement methodology is widely considered as a positive development, Russia's attack on Ukraine sparked a debate on whether the EU needs a new enlargement policy (Dempsey, 2022b). Nevertheless, while acknowledging the value in re-thinking and in re-evaluating the enlargement methodology, this does not mean that the Union needs a wholly new enlargement process; instead, it needs to adjust the existing one to the new geopolitical environment.

To that end, this paper proposes three ways of adjusting the enlargement process to the new challenges: a) more extensive use of qualified majority voting (QMV); b) a geopolitical turn of the EU's thinking on enlargement; and c) strong focus on fundamentals combined with a staged accession model that incorporates the principle of reversibility.

More Extensive Use of Qualified Majority Voting

Before we start discussing ways of making the enlargement process faster, fairer and more effective, we must address the elephant in the

¹¹ The new enlargement methodology was largely inspired by a French non-paper titled “Reforming the European Union accession process” which was circulated among the Member States (Non-paper, 2019).

room: the role that individual Member States have repeatedly played in hampering accession negotiations. Under current rules, EU Member States must unanimously agree to allow candidate countries to progress at each stage of accession. In this context, one Member State can block the accession of another even if the candidate country is fully qualified (Cvijić, 2019). Indeed, as discussed in a previous section, in many occasions, Member States held the accession process hostage for reasons that were more related to their national agendas rather than the process itself. As a result, numerous times, the EU has paid a price for the unanimity rule, by weakening and delaying its actions (Borrell, 2022).

Taking the above into consideration, many (Borrell, 2022; Cvijić, Nechev, 2022; Cvijić et al. 2019; Cvijić, 2019) argue that the proper solution is a more extensive use of QMV; simply because, without QMV, enlargement could be endlessly hijacked by a single Member State. As Borrell (2022) explains, if countries know in advance that the final decision can be taken by a QMV they have a strong incentive to negotiate, to create alliances and to shape the consensus. Conversely, if they know that they can block everything they do not have an incentive to search for common ground (Borrell, 2022).

Of course, quitting unanimity is not a panacea; this is why it is part of an ongoing debate. But after Russia's attack on Ukraine, the context is new: the war has highlighted the need for the EU to take decisions of high geopolitical importance in real time; waiting and observing is not an option anymore. As the European Commission President, Ursula von der Leyen, explains "To be a global leader, the EU needs to be able to act fast".¹²

Nevertheless, abolishing veto throughout the whole accession process does not seem to be a realistic scenario. Given that some Member States would be unwilling to entirely give up the right to veto, some experts (Cvijić, Nechev, 2022; Cvijić, Cerimagic, 2020; Cvijić, 2019; Dimitrov, 2022) propose to remove veto power (at least) from the intermediary stages of enlargement process.

Indeed, introducing QMV for all the intermediary stages – to validate the progress of a candidate country – would make the process faster, fairer and more effective. Individual Member States would retain the right to make a final decision on future membership and national parliaments would still have the right not to ratify the accession treaty (Cvijić, Cerimagic, 2020, p. 10). Therefore, QMV would not deprive

¹² President von der Leyen has urged Member States to switch to QMV in areas such as sanctions and human rights.

a Member State of the right to block the accession of a candidate country. However, in this context, the political cost to a Member State of turning a candidate down at the end of the process when that country has fulfilled all membership criteria would be significantly higher, compelling the Member State to act more responsibly (Cvijić, 2019).

Thus, a switch to a more extensive use of QMV – as discussed above – can guarantee not only faster but also more effective and fairer decision-making; and this type of decision-making is a crucial element in the process of shaping EU's identity as a strong geopolitical actor.

A Geopolitical Turn on the EU's Thinking on Enlargement

Russia's invasion of Ukraine forces the EU to start approaching enlargement from a different point of view: that of geopolitics. As discussed previously, because of the war, enlargement has obtained a greater geopolitical value than ever before. It is not only about technocratic issues; it is also a matter of ensuring that Ukraine and the Western Balkans are anchored into the EU's orbit, away from the Russian (and Chinese) influence. Therefore, the EU needs to stop approaching enlargement as a purely technocratic process.

It must be underlined, however, that the new enlargement methodology has already adopted a more political approach to enlargement. For instance, it explicitly acknowledges the non-technical character of accession negotiations, stating that "it is time to put the political nature of the process front and centre and ensure stronger steering and high-level engagement from the Member States" (Communication from the Commission, 2020, p. 3).

Of course, this geopolitical turn should not lead to any compromise on the complete fulfillment of the Copenhagen criteria. Instead, it is imperative for the EU to promote enlargement without lowering its standards on democracy, the rule of law, and regulatory compliance.

Strong Focus on Fundamentals Combined with a Staged Accession Model Which Incorporates Reversibility

In order to boost progress in governance and prevent backsliding, the enlargement process should combine three elements: a) strong focus on fundamentals (rule of law, democratic standards, and economic reforms); b) gradual integration (Council of the European Union, 2022b) and c) principle of reversibility (Council of the European Union, 2022b).

Regarding the need for a stronger focus on fundamentals it must be noted that the new enlargement methodology already highlights that “credibility should be reinforced through an even stronger focus on the fundamental reforms” (Communication from the Commission, 2020, p. 2). Therefore, the way forward is already described; it just needs to be followed. To be more precise, according to the revised methodology, the negotiations on the fundamentals will have a central role, opening first and closing last (Communication from the Commission, 2020, pp. 2–3); thus, progress on these will determine the overall pace of negotiations.

Concerning the concept of managed and proportionate integration, it is proposed by the European Council President Charles Michel (Council of the European Union, 2022b). The purpose of such a model is to bring tangible benefits (e.g., benefits from European programs and funding) to candidate countries during accession negotiations, instead of withholding rewards until they join the Union: i.e., more for more (Council of the European Union, 2022b).

President Michel also calls for the principle of reversibility to be integrated into the model, whereby candidate countries lose benefits if they backslide on the rule of law and democratic governance (Council of the European Union, 2022b): i.e., less for less. In that manner, the enlargement process would encourage the necessary reforms in the candidate countries.

Once again, however, these ideas are already incorporated into the new enlargement methodology. Thus, as mentioned before, the way forward is already described; it just needs to be followed.

The Complementary Tool of a European (Geo)Political Community

Apart from the previously discussed debate on how to re-energise the enlargement process, additional ideas have been expressed about building a wider European (Geo)political Community as a structure that would help the Union and its neighbours coordinate closely on issues of common interest (including geopolitics, defense, free movement of people, energy, etc.). These ideas are mainly attributed to the European Council President Charles Michel and French President Emmanuel Macron who have envisioned different variations of such a Community.

According to Borell (2022), this broader Community could unite all like-minded European countries that share democratic principles and want to pursue concrete and flexible forms of cooperation. The Community could also involve certain countries that are not necessarily

destined to join the Union, such as Norway, Switzerland or the UK, if they wish (Borell, 2022).¹³

Nevertheless, some experts have raised concerns about the creation of such a Community. For instance, Stefan Lehne believes that the countries wishing to join the EU will fear it would relegate them to an outer circle, whereas countries such as the UK that prefer a more distant relationship will find it too constraining (Dempsey, 2022b). Similarly, Bechev (2022) argues that in a Europe of concentric circles, the Western Balkan countries run the risk of being forever stuck in the waiting room.

Some others claim that the creation of a European (Geo)political Community can offer some benefits if treated properly. Paul Taylor, for instance, argues that it is an idea worth exploring (Dempsey, 2022b).

In any case, it must be underlined that the contested geopolitical environment created by Russia's attack on Ukraine, forces the EU to find and use additional instruments to uphold security in its neighbourhood. Thus, in this new context, the idea of a European (Geo)political Community has obtained a significant geopolitical dimension. As Borrell (2022) explains, it has to do with the future organisation of the European continent and how the EU should position itself, following Russia's assault on Ukraine. Such a Community could also send a clear signal of togetherness in times of escalating geopolitical conflicts (Brändle, 2022). Most importantly, a European alliance of like-minded democracies, with the EU at its helm, would support the goal of building a stronger geopolitical EU (Mucznik, 2022).

Of course, this issue is complex and requires careful consideration, but the general idea has merits (Borrell, 2022). In any case, it must be underlined that this wider Community should be complementary to the enlargement process, and not an alternative to it. This is clearly stated by the European Council which clarifies that "such a framework will not replace existing EU policies and instruments, notably enlargement" (European Council, 2022b).

¹³ A similar idea was introduced at the end of the Cold War by French President François Mitterrand, who proposed a European Confederation to associate the former communist states of Central and Eastern Europe with the EU, which would remain essentially a club for Western Europe. For a brief presentation of the European Confederation as envisioned by François Mitterrand, see Troitiño et al., 2017, pp. 136–137.

Conclusions

Russia's attack on Ukraine has ignited a catalyst for change across the whole of Europe, altering the perception of the role of the EU in a hostile international environment. Among the many aspects of its impact, the war dramatically emphasised what in recent years has received too little attention: the need for the transformation of the EU into a real geopolitical actor.

This paper argued that a credible enlargement process constitutes a valuable tool for this urgently needed transformation of the Union. Thus, enlargement should be treated with the requisite priority. This means that the EU leaders should stay focused on promoting enlargement, with a genuine commitment to the European future of both Ukraine and the Western Balkans.

In light of the above considerations, the paper underlined the need for re-thinking the enlargement process in order to be fit for the new challenges created by the war. To that end, three ways of adjusting the existing enlargement process were proposed: a) more extensive use of QMV; b) a geopolitical turn of the EU's thinking on enlargement; and c) strong focus on fundamentals combined with a staged accession model that incorporates the principle of reversibility. The concept of a wider European (Geo)political Community can also play a supportive role. However, it must be perceived as a complementary tool to the enlargement process, and not as an alternative to it.

In any case, the current momentum for a geopolitical EU that welcomes its neighbours with open arms should not be missed. The ongoing tragedy of the war should spur the EU and its Member States to work together in an effort to build a real geopolitical EU; a Union that will be able to provide security and promote the European values all over the continent. Regardless of when it realises this vision, it is imperative for the EU to stay focused on its objective of self-transformation.

The previous analysis focused solely on the enlargement process towards the Western Balkans and Ukraine. A future research that would expand the scope of discussion to Moldova and Georgia would help establishing a clearer picture of the prospect of building a geopolitical EU as an actor of stability in the old continent.

The paper also acknowledged the need for EU reforms. However, the discussion of these reforms falls outside the scope of this paper. Thus, further research could focus on the reforms which are urgently needed in light of the war in Ukraine. This can also be perceived as an aspect of another crucial debate that has already started about whether the necessary

reforms can be achieved via amending the Lisbon Treaty or via exploring its unused potential (e.g. *passarelle* clauses).

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European Security Strategies and the War in Ukraine

Abstract

The war in Ukraine made European societies wonder how ready they were for it, and exposed new dangers that European leaders had believed gone. First and foremost, once again, a vision of territorial aggression has returned to the list of threats to European security. Does the EU have adequate security strategies to guideline its response to such dangers? Do the strategies structure the development of instruments so that its institutions and Member States can successfully deal with the threat that the war in Ukraine poses to EU societies?

The EU has two security strategies, from 2003 and 2016, and it stands to reason to verify their adequateness *vis-à-vis* the war in Ukraine. This article studies the provisions of these strategies, presents the progress of the war in Ukraine, and verifies the reactions of EU institutions and Member States in face of these events. While it reflects on the provisions of the security strategies in light of the ways the EU and its Member States have reacted to war, it concludes with a proposal of elements that need adjusting within the EU catalogue of possibilities.

Keywords: European Security Strategy, European Union, Global Strategy, War in Ukraine, European Security

Introduction

Russia's 2022 military intervention in the territory of Ukraine was preceded by months of incidents and an increasing atmosphere of confrontation, thereby threatening European security in a number

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of ways. Relations had been tense ever since the 2014 annexation of Crimea and the mutual introduction of economic sanctions in trade between the EU and Russia. The European Union is still, in principle, an advanced economic union, and its authorities try to anticipate political and military threats and strive to prepare to counter them. However, although attempts have been made since the 1950s to build defence policy and enhance military cooperation, the EU today has neither a unified army nor common decision-making protocols for defence. It does have strategies, though, which are a point of reference for its political actions in foreign relations. Are these strategies relevant in responding to the war between Russia and Ukraine, which is taking place just beyond the EU's eastern border? This article studies the provision of the 2003 European Security Strategy and its 2016 Global Strategy in view of identifying the relevance of their provisions to its forced response to the war in Ukraine.

European Security Strategy

To date, the European Union has published two security strategies. The first was presented in December 2003, during a time when military operations in Iraq and Afghanistan were ongoing.¹ It focused on describing the world and the dangers that seemed contemporary at that time. Summing it up, the authors linked internal security with external security and described the post-Cold War world as being full of opportunities for development. They also warned that by loosening its border regimes, the EU had put itself in a plenitude of dangers. Attention was drawn to the nature of armed conflicts; most of them were not wars in the classic sense, but armed conflicts that destabilise states whose ability to manage their resources and potential was limited as a consequence. The political inadequacy of the state was associated with economy and security, stressing that much violence took place in areas not controlled by state authorities and that poverty fostered conflict. It was pointed out that most victims of military activities were civilians – a trend that had been increasing since the beginning of the twentieth century. Between 1990 and 2002, 18 million people with the status of „displaced persons” or „refugees” were reportedly forced to leave their homes due to armed conflict.

The European Security Strategy also sketched out a worldview, stating that 45 million people died each year from malnutrition;

¹ The text of the *European Security Strategy* can be found at: <https://www.consilium.europa.eu/media/30823/qc7809568enc.pdf> (Access 9.11.2022).

competition for scarce natural resources needed for survival increased and caused aggression. It described AIDS as one of the most devastating pandemics in human history – a disease that not only caused death, but also contributed to the disintegration of societies. Europe's energy dependence on Russia was also noted and cautioned against, being seen as a potential security risk.

What is important when one analyses the relevance of the document for building the EU response to the Russian invasion of Ukraine is the fact that it was made clear in the 2003 strategy that an attack on the territory of an EU country was unlikely. The more likely threats to the Member States and their societies would be international terrorism, with a particular focus on religious radicalism and/or the production and proliferation of weapons of mass destruction. Unpredictable consequences could be brought about by an accumulation of different threats. For example, a lack of state control over a territory opened up the possibility of terrorists being trained or the development of weapons of mass destruction being promoted. Among other threats, the authors of the 2003 strategy also highlighted regional conflicts, organised crime, the failure of the state, and the breakdown of power structures.

It was stated in this strategy that none of these threats could be combated by military means alone. The plan for the stabilisation of areas of armed conflict has been set out in some detail; the strategy foresees that military means should be preceded by political measures and that economic support is seen as a guarantee of long-term stability. In addition to military intervention, civilian crisis management should be carried out.

With a view to preventing further threats, the strategy stresses that the classic concept of self-defense in Europe is based on the assumption that territorial integrity is at risk, namely, the threat of invasion. However, the new threats were supposed to be different in nature and were also supposed to require preventive action outside of an integrated Europe. Ideally, the political stability of the EU's neighbours must be strengthened to ensure the Union's security. Attention was drawn to the need to promote stability processes in the countries to the east of the Union and around the Mediterranean.

The 2003 strategy highlighted the role of multilateral diplomacy and the activities of EU countries in international organisations. The spirit and message of the document are probably best described in the following quotation: "The best protection for our security is a world of well-governed, democratic states. Spreading good governance, supporting social and political reform, dealing with corruption and abuse of power, establishing the rule of law, and protecting human rights are the best

means of strengthening the international order” (Council of the European Union, 2009). Thus, the authors of the document linked European security with a democratic, predictable, well-governed surrounding, but also suggested that diplomacy and development assistance are one of the strongest instruments the EU has.

The strategy recommended steps that the Union should take to increase its defense capability; reference was made to the need to involve the Member States more closely in its strategic objectives and in the development of security policy. The strategy also recommended improving coherence between the Union’s institutions and instruments, along with a better co-ordination of internal actions. The need to build capacity for rapid response, including preventive measures, was also highlighted. It is important to develop the European Defence Agency (EDA), as it has been entrusted with the research and development of solutions for the Union’s economies and to strengthen Europe’s defence sector.

It is quite clear from the document that the Union should rely on bilateral cooperation, base its security on cooperation with NATO, strengthen the coordination of its armies, and, in particular, its civilian resources in the management of armed conflicts beyond its borders. It should also strengthen its defence capacity by encouraging its Member States to synchronise their reactions in the international arena by building harmony between its own programs and institutions. It does not, however, include physical threats to its territory to the list of dangers and, while mentioning the destabilisation of states and regions, it presents a list of derivate problems such as the rise of terrorist groups, biological-weapon construction, and human trafficking while it seems that the war in Ukraine presents an entirely new set of problems not perceived in the strategy.

In essence, the model that is recommended in the 2003 strategy excludes the danger of territorial invasion, and concentrates on soft and smart power that is supposed to be used preventively mainly in the EU’s neighbourhood aiming to support the political stabilisation of surrounding states. Not only strong or stable governments are expected to prevent conflicts but, by controlling their territories, they would also make sure no threats – the sources of which are connected to terrorist activities – could grow. The strategy also suggests an institutional strengthening of the Union in preparation for the necessity to react to any dangers. This model has unfortunately yet naturally been verified by 2022’s Russian invasion of Ukraine. The authors of the strategy thought unreal the danger of territorial aggression and recommend the EU authorities invest in relations with their neighbours. Ukraine

is one such neighbour and, therefore, the support given to it in the face of invasion is completely in line with those recommendations. One question remains, however, of whether dismissing the thought of territorial aggression as being unlikely, and concentrating defense efforts mainly on the dangers associated with military conflicts outside of the EU would still be justified today.

EU Global Strategy

The Union's Global Strategy was adopted in mid-2016, i.e., close to 13 years after the first strategy, about two years after the 2014 annexation of Crimea by Russia, and not much before the 2022 Russian invasion of Ukraine.² How was the EU's Global Strategy helpful in guiding the EU and its Member States in reacting to this intervention?

The Global Strategy was a retake on Europe's view of threats and started off by saying that the world had changed over the last decade not only in the bringing about of new opportunities, but also of new threats. In this document, more emphasis has been placed on the fact that many areas around the EU were politically and economically destabilised, particularly in Africa and Asia. The problems with non-renewable natural resources were greater, and the context of climate change played an increasing, if not dominant role in security. Relationships in the world were described as more complex and interconnected, with rivalry being the overarching element.

In 2016, the balance of power between the world forces changed as compared to 2003. While developing the new security strategy, it was stressed that the era of traditional multilateralism is likely to come to an end, and that one of the accompanying effects is the emergence of situations in which no strong state would have an interest in stabilising a conflict. This leads to an increase of weak states and so-called "ungoverned spaces". This term, describing territories not subject to an effective form of legitimate state authority, was included in EU parlance for the first time.

The recommendations of the authors of the Global Strategy focused in particular on influencing armed conflicts on the margins of the Union and supporting partners in strategic areas for the EU's security, including the Western Balkans, Turkey, North Africa, the Middle East, and Asia.

² The 2016 security strategy can be found here: *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for European Union's Foreign And Security Policy*. Available at: https://www.eas.europa.eu/sites/default/files/eugs_review_web_0.pdf (Access 14.11.2022).

With regard to Africa, the Strategy's authors recommended focusing on migration policy and trade agreements. Cooperation within NATO and with the United Nations should continue to be the EU's security axis.

The authors of the Global Strategy stressed that the development of the Common Security and Defence Policy (CSDP) had lost its momentum, and that work to strengthen security instruments had been slow. In 2016, in the CSDP, there was still a lack of uniform decision-making, synchronisation of security and defence policies between the Member States, along with a lack of any harmonisation of funding channels and expenditure procedures. In the new document, it was suggested that the so-called "comprehensive approach" to conflicts and crises should be the general framework delivering guidelines on the use of EU instruments in the CSDP. This should create much-needed synergies between the different programs and instruments within the EU structures. More strongly than in the 2003 Strategy, it was emphasised that gaps in policies, measures, and procedures had led to a weakening of the Union's position, which the EU cannot afford in a dynamically changing, international environment.

While the authors of this second security strategy clearly acknowledge the rising temperature of the relations between states in international relations *and* point out dangers coming from the increasing political destabilisation of areas, they do not clearly recognise the threat of territorial aggression against the EU nor the dangers of such an invasion in its close neighbourhood. Moreover, it does not mention Ukraine as a potential geographic direction of threats, nor does it state the role of Russia in its security strategy.

An Evaluation of EU Security Strategies

At the time of its publication, the 2003 European Security Strategy was perceived first and foremost as a set of points of reference regarding the internal organisation of the EU's programs, institutions, and initiatives into fundamentals for its comprehensive approach. It touched upon several areas of interaction in the international arena ranging from trade to defense, but kept military conflict as the primary source of threats (Biscop, 2005). Nonetheless, some analysts point out the inconsistency of the provisions of the document (Toje, 2005). It has been described by a large number of commentators as a "toothless tiger".³ It was particularly disappointing because, in light of the events in the world that accompanied

³ An ample selection of comments on the European Security Strategy expressed in the international press was summed up in 2003 by Sołtyk (2003).

its formulation (i.e., the international operations in Kosovo, Afghanistan, and Iraq), there were clear guidelines and a tougher stance was expected. The text had been considerably watered down in comparison to the first drafts, and, in its final version, it was utterly lacking in statements on the use of force. The document was also bereft of provisions on the deployment of European forces, nor did it in any way oblige Member States to take any military action.

The authors of the first strategy were accused of failing to refer to the ongoing war in Chechnya in order to avoid defining the EU's position at that time. Supposedly, such a reflection would ultimately require forming a strategy towards Russia which at the time (and to this day) was lacking in the EU. In 2003, the EU was unwilling to deal with Russian power, although it was clear that European security could not be built without sorting out the EU's relationship with Russia.

Still in 2016, while publishing the Global Strategy, the issue of Russia's role in the European security architecture had not been addressed. In 2016, Howorth and Schmidt stressed that Russia had been "an essential actor in the European system – one which can neither be integrated nor (equally importantly) ignored" (Howorth, Schmidt, 2016, p. 107). The authors warned that "the EU's Russia policy should involve, first and foremost, a lucid assessment of the cards the EU holds. The EU has been playing identity politics in Ukraine, while Putin has been playing Thucydides. Europe possesses many resources – technological, financial, commercial, scientific, demographic, and political that vastly outweigh those of Russia. These should be deployed more strategically – which means more collectively" (Howorth, Schmidt, 2016, pp. 107–108). They invoked Russia's tough, realistic policy, which consistently, even shamelessly, exploited its advantages and leverages. In their 2016 publication, Howorth and Schmidt, state that it would be crucial to decide on the future of the EU's enlargement to include Ukraine and formulate a strategy towards Russia including the European future of Ukraine. They support the view that the EU firstly needs to clarify how the Union's interests relate to those of Russia, and then to assess how far Brussels can go if these interests collide. There has never been an official balance sheet in the EU made known in that regard. Only a few years later, in 2022, the EU was no longer confronted with the need to define its strategy, but with the need to act without delay, despite the fact that there was no extant security strategy.

Le Gloanec continues the criticism of the policies of the European Union and wrote in 2016 that the military actions of Russia in Ukraine, the representation of the war in Syria, the violation of the airspace of NATO

states, the infiltration of Russia into the Union through the development of Gazprom activities, disinformation, the refugee crisis and the spread of ISIS into Libya, Mali, and even Europe are largely a consequence of the EU's policies or lack thereof (Le Gloannec, 2016). The author criticises the EU for failing to respond effectively to the Russian embargo on Ukrainian products introduced in 2013, and for failing to ensure effective decision-making. Europe needs a comprehensive security system, because for now, the cooperation of EU states is just this – a cooperation of some, then a few more, and then twenty-odd states committed to maintaining peace. As Le Gloannec writes: “The European Union established itself as a small community which forged a new way of conducting international relations in Europe. It gradually – and sometimes haphazardly and reluctantly – expanded its model and eventually began to dominate the continent and influence its periphery” (Le Gloannec, 2016, p. 103). The author suggests that the occurrence of new dangers – including those mentioned above, proves that a similar model is no longer valid today. It follows that the Union must rethink not only the instruments but also the foundations of its security policy.

Many commentators refer to the bases of the security policy as presented in both strategies (Youngs, 2016; Kratochvíl, 2016; Witney, 2016; Stelzenmüller, 2016; Schwarzer, 2016; Tanaka, 2016). They recognise the discrepancy between the soft instruments that the EU has and the description of a world threatened by actions over which these instruments have little impact. They refer to the clash between the liberal order in which the EU was founded and the realism that dominates the policies of the most aggressive and active international players. Witney writes: “The dramatic global power shifts of the last decade have punctured Europeans’ preferred view of themselves as an ascendant soft-superpower” (Witney, 2016, p. 43). While the Global Strategy emphasises the growing interconnectedness and interdependence of global processes, which is in line with the spirit of liberalism, it also notes a particularly intensive use of realpolitik instruments. There are more authoritarian states in the world than in 2003, and more activities that influence events caused by elements outside the international system, often against international law. Leigh believes that “the ‘return of realpolitik’ does not condemn Europe to impotence”, and stresses that the EU's strength lies in areas where decisions are taken at the supranational level or where states act coherently (Leigh, 2016). One of the outcomes of this is a recommendation to consolidate decision-making processes in areas where the security of Europeans is to be ensured.

The Russian Invasion of Ukraine

On 24th February 2022, Russia attacked Ukraine from both an already-Russian-controlled Crimea and from Belarus.⁴ The aim, it seemed, was to seize power and replace the government with Kremlin-controlled politicians. The invasion was significantly slowed down by well-organised Ukrainian defense forces, and the fact that Kiev was unoccupied. The Western countries reacted immediately and harshly; in addition to condemning Russia, the USA incapacitated the operation of Russian banks and blocked the export of sensitive technologies. The European Union blocked Russian banks in the SWIFT system, which makes it almost impossible to trade internationally, and froze the deposits of the Russian Central Bank. Shell, BP, and Norway unilaterally withdrew from joint ventures with Russian companies.

On 28th February, Ukraine applied for EU membership, and, a few days later, Russia shelled Ukraine's largest nuclear power plant, causing great concern in Europe about a potential disaster similar to that of Chernobyl. The EU announced a plan to reduce the independence of Russian energy resources from REPowerEU, and the United States banned the import of Russian oil. While the US Congress approved USD 13.6 billion in support for Ukraine, the Versailles Declaration was signed in the Union, mobilising Member States to increase defence spending. NATO estimates that in the first month of the fighting, Russia lost between 7,000 and 15,000 soldiers, with another 40,000 either wounded, captured or missing.

The second phase of the war appeared to start a month after the beginning of the invasion, when it was clear that the invaders had failed to seize power in a blitzkrieg. Russia focused on the East and defended itself against the counter-offensive of the Ukrainian army, which was supported by supplies of weapons, ammunition, and missile systems from the West. Initial negotiations between the Russian and Ukrainian authorities began, but those talks did not lead to a peaceful solution. The number of refugees (including, naturally, refugees from contested areas) reached many millions, and Russia's actions led to an increasing number of civilian deaths.

The EU banned the import of Russian coal, thereby depriving the Russian government of the influence of approximately USD 7.97 billion

⁴ The events in this section are introduced as presented by AlJazeera. Available at: <https://www.aljazeera.com/news/2022/8/24/timeline-six-months-of-russias-war-in-ukraine> (Access 22.08.2022); Euronews. Available at: <https://www.euronews.com/2023/01/30/ukraine-war-a-month-by-month-timeline-of-the-conflict-in-2022> (Access 22.08.2022); CNN. Available at: <https://edition.cnn.com/interactive/2023/02/europe/russia-ukraine-war-timeline/index.html> (Access 14.03.2023).

in revenue per year. The sanctions also affected the import of Russian timber, cement, fertilisers, seafood, and the export of sensitive technologies and software to Russia. The EU Accession Questionnaire was then sent to Ukraine, which is the first step in the enlargement process. Although Russia went on to try to resume its offensive in western Ukraine, it was successfully blocked. The USA took further measures and ran assistance programmes, and the EU entered a sixth phase of sanctions against Russia by completely banning the import of Russian oil from the end of 2022.

On 18th May of the same year, Finland announced its intention to join NATO, followed three days later by Sweden. In this case, their NATO membership will mean the end of a two-hundred-year-long neutrality. On 29th June, NATO officially invited the two states to join, but with Turkey's veto still on the way.

In mid-June, Russia limited its gas supplies to the European Union to 40% and, on 24th June, the European Union invited Ukraine and the Republic of Moldova to apply for EU membership. For the first time since the Revolution of 1917, Russia did not pay the instalment of its national debt – totalling \$100 million. The NATO Secretary General revealed that the Response Force (NFR) had been increased from 30,000 to 400,000.

Although the third phase of the war began with the Lugano Peace Conference, in which 40 states participated, Russia extended its objectives to the Kherson Oblast and Zaporozhye. The Ukrainian troops had destroyed many Russian arsenals and defeated numerous armies, but the fighting was still fierce, claiming many civilian deaths and leading to the complete destruction of settlement infrastructure.

July 2022 seemed to be a crucial month for opening up channels of communication. Firstly, Russian Foreign Minister Sergei Lavrov stated that Russia had moved away from its goal of occupying the two eastern regions of Luhansk and Donetsk, and that Kherson and Zaporozhye were equally important to Russia. Zaporozhye, incidentally, is where the nuclear power plant is placed. Two days later, an agreement negotiated by the United Nations was signed, which included Russia's consent to the export of Ukrainian grain by the Russian fleet. Four days later, Gazprom announced that it would limit gas supplies to EU countries to 20% of the original volume, and the EU authorities voluntarily declared a further reduction to 15% between August and March 2023.

Despite the progress made in communication, both sides fought fiercely; Ukraine destroyed equipment, ammunition, and the army of the enemy, and Russia also attacked the civilian population.

By August 24th, six months since the beginning of the war had passed.

Actions by the Union and its Member States in Support of Ukraine in the War Against Russia

The European Union has taken two measures to support Ukraine; the provision of direct aid to Ukraine and its citizens, and sanctions against Russia. The first category includes political support, humanitarian and financial aid, along with military aid in the form of equipment supplies.⁵ By September, the EU had committed EUR 5.4 billion to support the Ukrainian economy, and EUR 2.5 billion had been made available under the European Peace Facility to compensate contributing Member States for expenditure as regards the provision of military equipment sent to Ukraine.

Already on 9th April, under the auspices of the European Union, the global fundraising campaign “Stand Up for Ukraine” announced measures to support Ukrainian refugees. A total of EUR 9 billion had been raised, and the European Bank for Reconstruction and Development pledged an additional EUR 1 billion to meet the needs of war refugees. Macro-financial assistance aims to support Ukraine’s economy and finances so as to enable the government to exercise its power and cover the basic costs necessary for the functioning of the state. The EU has provided a further EUR 348 million in humanitarian aid, EUR 332 million for projects to ensure access to essential goods and services such as food, education, and health, and EUR 220 million to support refugees outside Ukraine. 30 countries, comprising 27 EU Member States, along with Norway, Turkey, and Northern Macedonia – have joined the EU Civil Protection Mechanism (rescUE), which coordinates Ukraine’s supply of food, medicines, along with building materials and strategic equipment including fire trucks, fire extinguishers, power generators, ambulances, and mobile hospitals. As most refugees cross the borders of the European Union in Poland, Poland received support from other EU Member States (France, Denmark, Germany, Austria, Belgium, and Spain) and Norway. Since its beginning, rescUE has been significantly expanded to strengthen its response capacity to different types of disasters. RescUE is setting up a reserve of resources to include both rescue equipment (helicopters and fire-fighting aircraft) and medical supplies.

⁵ The information on the EU assistance for Ukraine in this section comes from the website of the European Commission: https://eu-solidarity-ukraine.ec.europa.eu/eu-assistance-ukraine_en (Access 25.08.2022).

Perhaps the most advantageous element was the adoption, on 4th March, of the directive on the temporary protection of people fleeing the war in Ukraine. It allows those who meet the relevant criteria to stay in the EU for at least one year, obtain a residence permit, access to education, the labour market, housing, and social and medical assistance.

In addition, the EU supports Ukraine in selling grain, which is one of the main sources of its income, and supports its energy sector by making available its gas purchasing system. Ukraine's electricity grid has also been adapted to the EU grid. In order to support Ukrainian exports, the European Commission has proposed suspending import duties on Ukrainian goods and anti-dumping and safeguard measures against Ukrainian steel exports for one year. In addition, the Commission invited mobile operators to continue to suspend or significantly reduce international roaming costs for Ukrainian operators' numbers. The European Commission supports the government of Ukraine through the preparing of a reconstruction plan and coordinates most of the state's international grants and loans.

In 2014, shortly after Russia's conquest of Crimea, the EU imposed economic sanctions on Russia for the first time. At the time of writing, sanctions are directed against the state, its companies, and prominent persons. Bank sanctions by the EU, the United States, and the United Kingdom have restricted the Russian authorities' access to their foreign financial reserves, while the exclusion of many Russian banks from the international payment system SWIFT has significantly slowed down the transfer of income for energy resources exported by Russia. The sanctions have also affected imports of Russian gas and oil; the US has banned them completely, while Germany has frozen a pipeline project from Russia, and the EU, which still depends for about 40% on Russian gas, has announced import restrictions and declared that it has ceased all imports of Russian coal. Sanctions were also imposed on oligarchs and influential figures of the Russian government; their luxury goods on the territory of EU countries have been confiscated, their funds frozen, and the United Kingdom stopped issuing visas to wealthy Russians (i.e., so-called "golden visas"). The sale of dual-use goods, namely, civil and military industrial goods (e.g., car parts) to Russia, the use of EU, US, and UK airspace by Russian airlines, and the buying of Russian gold have all been banned. Luxury goods are also not allowed to be sold to Russia, and the United Kingdom has levied an additional duty of 35% on certain goods from Russia, such as vodka. Some multinational or even global corporations have ceased operations in Russia or even withdrawn from Russia entirely. These include Coca-Cola, McDonalds, Starbucks, and Marks & Spencer (BBC, 2022).

Russia has responded to international sanctions in a similar way; it has also imposed restrictions on the export of its goods important to Western markets, blocked interest payments to foreign investors, and prevented them from selling their assets (BBC, 2022).

It is difficult to determine the impact of the sanctions imposed by both parties on the Russian market. On one hand, observers report that there is no shortage of goods in stores, and it is assumed that Russia has had time to adjust its market, as many sanctions have been in place since 2014. On the other hand, changes in the structure of Russia's exports of energy commodities will require massive adjustments in the medium and long term if Russia continues to view them as one of its main sources of income. There is also the threat of economic recession that cannot be covered by financial reserves.

Conclusions

Looking at the consistency of the actions of the EU and its Member States with the provisions of the aforementioned security strategies, it becomes clear that at least two things have occurred, the first of which is a outpouring of support for a democratic state in the EU's close neighbourhood with regard to territorial defence, along with the Union supporting Ukraine both financially and politically and condemning Russia. Secondly, it backed Ukraine with arms deliveries, thus promoting the development of security operations outside its borders, which is what both strategies recommend. No Member State has decided to deploy its forces on Ukrainian territory, but neither the EU nor international law would oblige or allow such interventions as Ukraine is not a member of NATO, and the UN Security Council resolution that could sanction a deployment of that kind depends on the unanimity of its permanent members, including Russia. A resolution of this kind is, therefore, not possible. In these circumstances, the financial, political, and arms-supply responses are probably the strongest that could have been made, though better timing and coordination could have strengthened the effectiveness of this assistance. In addition, the EU – and in particular Ukraine's neighbouring states – absorbed the wave of refugees which is again a clear signal which reflects the EU's migration policy.

Looking at the provisions of EU security strategies along with the events in Ukraine and the EU's responses to them, five major conclusions can be drawn.

Firstly, the Union's security strategies do not recognise the risk of breaching the territorial integrity of its Member States and do not list territorial aggression as one of the threats. Instead, they concentrate on

recommending interventions into armed conflicts outside of the EU borders and supporting states which are dealing with unstable systems of governance. While they point to the need to consolidate decision-making procedures and increase efficiency in the security sector, the recommendations aim to prepare European armies for deployment abroad. So is the Union prepared to face an invasion if Russia's policy should result in the EU's borders being violated? In recent years, armed actions have taken place in the Union's neighbourhood, namely, in Kosovo, Georgia, Ukraine, and between Armenia and Azerbaijan (Greminger, 2021). Despite the declared readiness of EU armies to operate outside the borders, these troops have not been deployed in Ukraine for political reasons. While the legal aspect is crucial here, it is also due to the continued dependence of the EU and its Member States on the supply of Russian energy raw materials. Even as far back as 2003, the European Security Strategy warned against such a situation.

The second observation concerns EU countries' energy dependence on Russia. The sudden need to become independent of Russian oil and gas betrays the disagreement between the EU Member States, which also explains why there is still no common energy policy. The interests of the states are different. In the name of maintaining independence, the states' determination not to set up a common energy policy will likely lead to price rises in imported energy materials, with economic unrest and maybe even social unrest being distinct possibilities as a result. The expected multiple price increases for energy raw materials could have been avoided or spread over a longer period of time and thus more easily absorbed by economies if the shift away from Russian raw materials had been gradual and managed. This was already indicated in the 2003 Strategy. Alternatively, energy dependence on Russia could have been neutralised by an advanced diversification of origins as regards raw materials used in the EU, or by switching economies to alternative energy sources.

The third conclusion relates to military cooperation between the Member States; since risks and security measures need to be re-examined, it will be necessary to change the way States cooperate in setting up a joint defense – from armies to joint procurement and the reorganisation of development projects. These directions are consistently highlighted by the EDA that emphasises the potential for economisation, which is reflected not only in financial savings, but also in increased readiness for joint action in these areas.⁶

⁶ See also: HR/VP Josep Borrell's remarks on the situation in Ukraine and the EU Sanctions against Russia during the European Parliament Plenary session, 06.04.2022. Available at: https://www.eeas.europa.eu/eeas/hrvp-josep-borrell-ep-plenary-session-06042022-situation-ukraine-sanctions-against-russia_en (Access 20.08.2022).

Fourthly, security strategies are developed without tactics toward Russia. Many experts point out that the Union's policy is inconsistent; the EU launches programmes and projects involving Russia's satellite states, implements a neighbourhood policy, and competes with Russia in the area of the Eastern Partnership (Belarus, Ukraine, Moldova, Armenia, Georgia, and Azerbaijan), yet it has no strategy towards Russia, nor has it even described their positions, relations, or importance. Ultimately, the differences between the Member States mean that there is no policy, or even no strategy with regard to Russia.

Finally, the Union needs much greater coordination not only of its instruments, procedures, and funding channels, but also of its policies. In defining a strategy towards Russia or preparing for an invasion of Ukraine, the Union seems to be forced to review all its policies and to determine its role in shaping Eastern and security policy. Only the Union's trade policy, the oldest of the EU institutions, transfers the bulk of power to EU institutions. The other areas of cooperation – most of them formalised with the transformation of the European Communities into the Union in 1992 – are developed and implemented on the basis of decision-making procedures in which responsibilities are divided differently between the common institutions and the Member States which most often express the wish to retain control over any decisions made. This is deadly for policy implementation, as it severely restricts decision-making. CSPD is a policy in which the Member States wish to preserve their sovereignty, and this paradoxically limits the defense capabilities of states which do not benefit from the economies of scale that could be achieved by adopting a common approach.

The second key element in relation to a better coordination of policies is the energy sector. Already in the first security strategy, energy dependence was identified as a threat to the independence of the Union, and leaders were warned against subjecting the policies and economies of the Member States to Russian supplies. The reactions of EU Member States to the increasingly alarming news of the events in Ukraine were mixed, and moderated by the coverage of the supply of energy raw materials from Russia. This shows that the energy policy of the future can be precisely the element that transforms the EU from a so-called "soft superpower" into a player with the tools to realise real policy in international relations. These could be teeth the EU is accused of lacking. Coordination between countries in the field of migration policy, effective responses to migration crises, and trade policy, which still seems to be one of the Union's strongest instruments, should be added and become one of those missing teeth. All these policies, brought together in a single, coherent framework for

cooperation, would have an impact on the international strength of the Union and its Member States.

The security strategy itself also needs to be redefined. Member States should learn a lesson of cooperation within the EU institutions, particularly in the field of security; working together is undoubtedly more effective. If they defend their control over the decision-making process, they are counterproductive by undermining their capacity and that of the Union, prolonging decision-making and limiting their ability to act. Institutional and political changes are necessary: “The war in Ukraine exposed the EU’s weaknesses: inflexibility, a lack of unanimity and a weak security policy. (...) In the past, these dysfunctions paralysed the EU in the face of such crises and conflicts as in Libya, the Sahel, and the Middle East” (Pirozzi, 2022). Not only is it the procedure, but it is also the way in which the Member States apply it that require review. In the field of foreign and security policy, where decisions are, in principle, taken unanimously, the procedure of “constructive abstention” or “enhanced cooperation” may be used (Pirozzi, 2022). The first procedure allows a Member State to abstain from voting without blocking the decision-making process. The second procedure allows at least nine EU Member States to engage in enhanced cooperation in a given area if the EU as a whole is unable to do so within a reasonable period. Both allow for a faster integration path between members, a speedier decision-making process, or a more stringent response by at least some if not all Member States want to commit to it. Member States have chosen not to use any of these procedures in response to the Russian invasion of Ukraine.

The Russian invasion confronted the EU both with the inadequacy of its *acquis communautaire* and its capacity to act. Moreover, it shook the prospect of predictable sources of danger for European states. This forecast of threats (listed in both security strategies) remained unchallenged even in the face of the growing confrontation with Russia. It was only the ongoing war that forced the EU and its Member States into a dialogue with Ukraine on EU membership, and it prompted Sweden and Finland to apply for NATO membership and abandon their neutral status, and also prompted Denmark to give up its opt-out from the Union’s security area (as expressed in a referendum in June 2022). Now, and more quickly than ever before, the EU needs to secure independence from Russian energy resources, which will not only change the direction of world trade, but will also hasten the development of alternative energy sources. Rising food prices will force governments to change their agricultural policies. These are probably the biggest processes that will affect Europe.

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The European Union's Legal Personality in International Law – Character, Structure, and Scope

Abstract

In this paper, the author considers the issues of one's legal personality in international law in general, with emphasis on the international legal personality of the European Union. The focus of discussion is on the character and structure of the European Union's international legal personality and its peculiarities as a unique, juridical person. Special attention was given to the notion of the EU as a *sui generis* subject of international law, along with its scope of activities and supranational elements. As pointed out in this paper, these issues are numerous. Firstly, the issue of the European Union's status within the international legal order is analysed and, further on, the character and the elements of its legal personality and the scope of the EU's legal capacity as a juridical person in international law is also looked at. By conducting this discussion, conclusions were reached regarding the determination of the EU's international legal personality (primarily regarding its current character and structure), which undoubtedly exists within the framework of the international legal order, but as a specific and unique personality in many respects.

Keywords: International Law, European Union, Legal Personality, Legal Capacity, Juridical Person, Legal Capabilities

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Introduction: General Concept of Legal Personality

The general issue of an entity's legal personality is extremely complex from a theoretical point of view. Whether international or domestic, legal order is characterised primarily by its subjects; those possessing normatively recognised (legally defined) rights and duties. These subjects possess legal personality and, on that basis, they can be defined as subjects of the law. The law recognises them as legal persons that have abilities both in the formal and factual sense. Recognising them as such, the law determines their status, and considering that the law itself is applied within the legal order as positive law, its subjects are positioned within that legal order itself. M.N. Shaw highlights that “legal personality is crucial. Without it, institutions and groups cannot operate, for they need to be able to maintain and enforce claims” (Shaw, 2014, p. 142). Also, it is very important to emphasise that the law will determine the scope and nature of (legal) personality (Shaw, 2014, p. 142).

In legal terminology, it is commonly accepted that the “legal person” term refers to a subject of the law, an organism, entity or a being that has the capacity to obtain legal rights and duties (liabilities), regardless of its consciousness and will (Kazazić, Savić, 2018, p. 93). Therefore, subjects of the law are primarily people (human individuals), i.e., natural persons, who firstly acquire basic rights and duties independent of their will and consciousness, and then derivative rights and duties through the realisation of their will (Savić, Savić, 2017, p. 399). In addition to natural persons, there are certain social organisations that can also be defined as subjects of the law. These creations, i.e., organisations, are established through human association as a meaning of various interests realisation, and they are commonly called under one notion as juridical entities, juristic persons, non-human entities, etc. “For the law, these recognised groups and associations were regarded as distinct entities from the individuals composing them” (Portmann, 2010, p. 7). A special place among these juridical entities is taken by the state as a subject of the law. The specificity of the state as a subject of the law is reflected in the fact that the state acts from the aspect of sovereign power – *ius imperii* – i.e., it possesses the monopoly of physical coercion and that, at the same time, it appears in legal relations of domestic and international law. This means that the state is simultaneously a legal entity, both in the domestic and international legal order – and a subject of domestic and international law. This duality belongs exclusively to the state as a legal person, and it is of great importance in terms of determining the legal personality of the European Union in international law, primarily due to the fact that the

EU is constituted by its Member States which are independent subjects of international law, but is also due to the state-like elements that the EU possesses whose issues will be discussed later on in the paper.

The general capacity of any legal subject determines the nature and extent of its legal personality. This implies that a subject – as a special individual (be it person or entity) – actively participates in legal relations while appearing in these relations as the bearer of rights and duties. The general capacity consists of several specific capabilities that are, in the theory of the law, defined as the elements of a legal personality (Portmann, 2010, p. 14). This is a formal concept, also known as *the concept of four capabilities* (Kazazić-Savić, 2018, p. 100). Thus, all subjects of the law have *legal capability*, which is practically understood as legal personality within the general concept of the law. Conclusively, legal capability is to be seen as the possibility of a certain person being the bearer of rights and duties. In addition to legal capability, legal personality is determined by what is known as *contract (business) capability*. This capability can be defined as the ability of subjects to assume duties and obligations and realise rights with their own declarations of will, i.e., to establish, change, and terminate legal relations (Kazazić, Savić, 2018, p. 93). In terms of legal personality, legal and contract capability can be defined as general capacities of legal subjects. Additionally, legal theory recognises two more capabilities, namely, process or delictual (tort) capabilities. These two capabilities in domestic law can be understood as the integral substance of contract capability. This is due to an usual understanding that the contractual capability of domestic law subjects implies the possibility to undertake procedural actions and the ability to be responsible for a violation of rights and the non-fulfillment of obligations. On the other hand, considering that international legal relations are of a significantly different nature, in international law theory, these two capabilities must be fundamentally distinguished (Savić, 2018, p. 321).

In order to establish general capacity as subjects of the law (full legal personality), legal persons must obtain all the relative capabilities. However, there are significant exceptions to this uptake regarding the personality of juridical entities, which is conditioned by differences in their nature, status, organisation, activities, membership, etc. In this sense, the concept of the *activities capacity* capability is established, which is characteristic only for the scope and quality of juridical entities as legal persons. With this approach, i.e., emphasising the nature of their fundamental activities, the existence and extent of functional legal capacity is to be determined. Considering the characteristics of the international legal order and international legal relations, this approach is important in particular

for the subjects of international law. In that sense, it is also important for the sake of the precise determination of the EU's international legal personality and status within the international legal order.

Legal Personality in International Law

Akin to any other legal order, international legal order has its specific subjects. They are in many ways distinctive regarding the subjects and relations that exist in domestic law (Savić, 2016, p. 32). From the perspective of international law, all legal entities can be divided into the states, the entities within the states (natural and juridical persons), and the entities outside the states (other states, international organisations, etc.). From this viewpoint, legal persons can be the subjects of domestic (internal) law, subjects of international law, and subjects of both domestic and international law at the same time (Krivokapić, 2011, p. 68). However, personality in international law is specific in many ways, which is certainly conditioned by its nature. This is a consequence of the fact that international law regulates relations that take place on the international scene/in the international legal order, which significantly differ from what happens within the state legal order (Savić, 2017, p. 184). In the theory of international law, we can single out many basic, conceptual approaches in the determination of legal personality in international law¹ (Portmann,

¹ There are continuous academic discussions in respect of the theoretical conceptions of legal personality in international law. Within international legal doctrine, we can find different approaches and determinations of this problem, which methodically become more and more differentiated, regarding the contemporary comprehensions of the international legal order. Regarding these issues further, see Portmann, 2010; Shaw, 2014; Nijman, 2004; Koskenniemi, 2011; Buergenthal, Murphy, 2013. Regarding the determination of international legal personality, a significant turning point has been made with the International Court of Justice Advisory Opinion on Reparation for injuries Suffered in the Service of the United Nations (Reparation for injuries suffered in the service of the United Nations, Advisory Opinion of April 11, 1949, ICJ Reports of Judgments, Advisory Opinions and Orders 1949, pp. 174–189. No. 4/49). Furthermore, the restrictive approach of the International Court of Justice in the Advisory Opinion on Kosovo is particularly interesting. In the process of determining its jurisdiction, the court referred to the concept of international law subjects, referring to the Lotus case – The Case of the S.S. “Lotus” (France v Turkey) from 1926 (Accordance with International Law of the Unilateral Declaration of Independence in Respect of Kosovo, Advisory Opinion of July 22, 2010, ICJ Reports 2010, pp. 403–453. No. 997/10). In this sense, the Declaration of Judge Simma is also important (ICJ Reports, No. 997/10, Declaration of Judge Simma, the reference of the International Court of Justice to the Lotus Case in the context of determining subjects of international law and acceptance of jurisdiction in the text of the Advisory Opinion of the International Court of Justice of 22.07.2010).

2010, p. 12). According to these different approaches, there are various definitions of the international law subjects.

In order to define legal personality in international law along with diverse entities and their rights and duties, legal capacity in general and the requirements that arise in international legal relations must be analysed as a precondition. “In municipal law, individuals, limited companies, and public corporations are recognised as each possessing a distinct legal personality, the terms of which are circumscribed by the relevant legislation” (Dias, 1985, p 12). On the other hand, we must bear in mind – as highlighted by N.M. Shaw – that “it is the law which will determine the scope and nature of personality. Personality involves the examination of certain concepts within the law such as status, capacity, competence, as well as the nature and extent of particular rights and duties” (Shaw, 2014, p. 142), and international law in specific ways defines the scope and the nature of international legal personality, so “accordingly, legal personality in international law, in addition to the general legal capacity, should be amended, firstly with a wide range of special capabilities, and secondly with the factual or social (or, more precisely, political) dimension, which indirectly influences the formation and recognition of legal entities, whether they exist simultaneously in domestic and international, or only in international law. This is the only way we can fully capture and determine the nature, form, and scope of legal personality in international law” (Savić, 2016, p. 33). The aforementioned can be perceived in international law as a factual (substantial) element of legal personality. This substantial element has much less importance within a particular state, simply because of the nature of state legal order that is hierarchically organised on the basis of constitutional and legislative framework. For this reason, in legal theory, this factual element is not fully taken into account in the process of defining the subjects of domestic law. Indeed, it is to the contrary; in international law it is sometimes of crucial importance.

The full range of a subject's rights and duties implies the existence of general capacity in international law. Usually, this general legal capacity is determined by four specific capabilities. This is the formal approach – the *concept of four capabilities*, and the four capabilities can be defined in international law accordingly – *Legal capability*: the enjoyment of rights, the necessary capability to fulfil the duties arising from the principles and provisions of international law; *Contract (business) capability*: the capability to voluntarily acquire, dispose of, and fulfil the rights and obligations arising from international legal relations; *Process capability*: the capability to initiate and participate in proceedings before the International Court of Justice and other international juridical bodies; and *Violation (delict,*

tort) *capability*: the capability of calling to account a particular legal person for violations of international law provisions (Savić, 2016, p. 11). These are considered to be general capabilities, as they constitute general legal capacity in international law and are (formally) almost identical to the capabilities that define the legal personality of subjects in domestic law. However, their manifestation in international law is significantly different. In the context of legal personality in international law, states are the only legal entities that have general legal capacity. Beside states, other subjects of international law also have the capabilities to create and obtain particular rights and duties. But their legal capacity is limited and specific, as opposed to the state's legal personality and is not of a general character (Savić, 2015, pp. 69–73).

In addition to legal capacity in international law, there are a large number of so-called “secondary”, i.e., supplementary capabilities that, in the theory of international law, are not uniquely determined. They can be defined just as a factual or political component, and can be dismissed as such in terms of general legal capacity. On the other hand, these special capabilities can be determined as additional elements of the legal or contractual capabilities of international law subjects. However, because of their importance, these secondary capabilities must be highlighted whether or not they are an additional element of general legal capacity substance.

Regarding these issues, professor Magarašević points out that there are “...additional capabilities, or rather, characteristics that determine legal personality in international law and that are unique only to the subjects of international law. This is, for example, the legal-creative capability, which includes the ability to participate in the creation, modification, or abrogation of international law provisions, as well as the ability or the right to send and receive diplomatic missions with diplomatic protection abroad” (Magarašević, 1965, p. 97). Further examples include the immunity of subjects of international law from national jurisdiction, as well as the fact that judicial immunity in a broad sense can represent additional capability. This implies that a subject of international law in proceedings before any court can appear only on a voluntary basis, which is its special capability (Brownlie, 1990, p. 60). Also, R. Portmann emphasises the uniqueness of subjects of international law regarding the ability to create international legal provisions, along with the ability to limit the application of certain provisions (Portmann, 2010, pp. 8, 69, 231–312). These additional elements of legal personality in international law, in the broadest sense, can be determined as supplementary capabilities of international law subjects which include: 1) the active and passive right

of representation, i.e., the ability to send and receive diplomatic missions; 2) the ability to participate in international conferences; 3) the ability to be a member of international organisations; 4) the ability to lead a defensive war and take coercive measures; 5) the ability of the peaceful settlement of disputes, and participation in these processes; and 6) the ability to enjoy immunity from foreign jurisdiction (Krivokapić, 2011, p. 69). These “secondary” capabilities are of exceptional importance for determining the international legal personality of the EU. In the continuation of this paper, specific details in this regard will be analysed.

The International Legal Personality of the European Union

Subjects of international law, as indicated earlier, can be all those legal persons (primarily juridical, but exceptionally natural) that can be holders of rights and duties in international legal relations, and that can obtain special capabilities within international legal order. Primarily, those are the states, and, secondly, international organisations. However, apart from these two categories, there are other entities with specific legal personality in international law (Savić, 2016, p. 36).

Regarding the determination of the international legal personality of the EU, it is necessary to briefly refer to the stages of the development of the EU itself. In this sense, we can highlight four historical periods through which the EU has passed, the first being the period of 1951–1957, the founding period in which the first treaties establishing the three European Communities were concluded; the second being 1958–1987, a developmental period in which the institutions of the European Communities were integrated; the third being 1988–2001, a period of major reform and which saw the creation of the EU by the Maastricht Treaty in 1992 and the further development of the European legal and political system; and the fourth period commencing from 2002, which has been characterised by the doubling of the number of Member States, the strengthening of institutions along with the establishment of the supranational character of the EU institutions, and its obtaining of its formal, international legal personality on the basis of the Treaty of Lisbon (Krivokapić, 2017, p. 471). In the context of historical development, despite the rise of Euroscepticism and an interval of slight stagnation, it can be said that this current period is in a phase of consolidation and is observing a search for new goals that could probably culminate in further institutional development, the additional integration of Member States, along with the Union’s future enlargement thanks to the admission of

the Western Balkans states in the time to come. Although the EU is continuously affected by a series of major international crises – much like the entire international legal order – it can be said that the EU is actually only one step ahead of creating an even closer connection of European states in the form of a united states of Europe (Beck, Grande, 2012, p. 126).

The European Union was the first and is currently the only supranational organisation in the international legal order. However, there are some indications that the Union could be considered as an international organisation of the intergovernmental type that expresses supranational ambitions (Klabbers, 2016, p. 9). Nevertheless, considering the current institutional architecture and the primacy of EU law in relation to the law of the Member States, its supranational dimension clearly exists. On the other hand, the EU's legal nature is specific and thereby unique, because the process of European integration did not take place in a linear fashion. This process was based on previous common achievements and international treaties and agreements during the 20th century, i.e., the forming of European communities which were then transformed and reformed with the establishment and development of the EU. Also, the current situation in terms of legal personality is quite complex because even after the Treaty of Lisbon, there are still independent European bodies, and one of the European Communities (the European Atomic Energy Community)² has remained a legally distinct international organisation. In addition to this, the Treaty of Lisbon itself, which was adopted in 2007 and which entered into force in December 2009, consists of three general parts/agreements: 1) the Treaty on the European Union (TEU), 2) the Treaty on the functioning of the European Union (TFEU), and 3) protocols and declarations amended to treaties; namely, Protocol No. 1 on the role of national parliaments in the European Union (Document 12016E/PRO/01), Protocol No. 2 on the application

² The European Atomic Energy Community, also known as EAEC/EURATOM, was formed as an international organisation on the basis of the Euroatom Treaty of 1957. It is legally distinct from the European Union, although it has the same membership and common management with the EU. In terms of membership, things changed in 2014 when The Council of the European Union adopted a Decision approving the conclusion by the European Commission, on behalf of the European Atomic Energy Community, of the Agreement for scientific and technological cooperation between the European Union and the European Atomic Energy Community and the Swiss Confederation associating the Swiss Confederation with Horizon 2020. On the basis of this decision, Switzerland participates in EURATOM programs as an associated state (Council Decision, 2014). Also, the situation has changed regarding the cancellation of Great Britain's membership due to Brexit.

of the principles of subsidiarity and proportionality (Document 12008E/PRO/02), Protocol No. 14 on the Eurogroup (Document 12008M/PRO/14), and Protocol No. 10 on permanent, structured cooperation established by article 42 of the TEU in the field of defense (Document 12016M/PRO/10). The Treaty of Lisbon also offers some flexibility tools primarily created to facilitate policy implementation (Wessel et al., 2020, p. 378).

According to the Treaty of Lisbon, the EU is based on two separate treaties – not on a single document, as expected. The previous three pillars were abolished and the method and procedure of decision-making was changed. The new structure of the treaty led to a partial renumbering of earlier articles from the EEC Treaty and the Maastricht Treaty, as well as a partial overlap in the content of certain articles in the TEU and the TFEU (Dougan, 2008, p. 623). In the constitutional legal sense, the Lisbon Treaty's changes can be defined as fundamental and revisionary both in terms of their content and scope, as well as in the terms of what preceded them at the time of adoption (Vukadinović, 2012, p. 35). This legal architecture *per se* makes the determination of the EU's legal nature and its international legal personality an issue of a fairly complex nature. If we add to this complexity the status of the Member States and the position of EU institutions together with common policies, it is clear that the legal personality of the EU in international law is dynamic, multifaceted, and extraordinary.

In any case, “the European Union is an intergovernmental and supranational union of 27 European countries, known as EU Member States” (Leal-Arcas, 2006, p. 169). In a substantial sense, it simultaneously possesses elements of both that of a state and an international organisation, so it is very difficult to lay out a complete definition of the EU in simple terms. “The EU competences and activities cover all areas of public policy, from health and economic policy to foreign policy and defense. However, the extent of its powers differs greatly between areas” (Leal-Arcas, 2006, p. 169). After the entry into force of the Treaty of Lisbon, the powers of the EU were expanded, and the development of new, state-like institutions intensified, whereupon the EU was defined as a single legal entity.

At this point, it is needed to briefly address the issues of the definition and legal nature of the EU. Both these issues are significant, because they *per se* (pre)determine the EU's legal personality in international law. Firstly, the EU in some ways resembles a federal state, while in others it is to be defined as an international organisation. It is, in fact (still) an international organisation, although having various supranational characteristics, which makes it a unique entity in the international legal order. Because of this, it can be stated (until similar forms of integration are created in other areas

such as Africa, South America, etc.) that the EU is a *sui generis* subject of international law (Krivokapić, 2010, p. 260). Furthermore, the EU differs from all other international organisations, due to the fact that it possesses institutions with supranational competences. These institutions, which are similar to those within the states, are continuously developing. Also, the fact that members of the European Parliament are elected directly makes a huge difference when the EU is compared to other international organisations.

When taking into account the fact that EU legislation has primacy over the legislation of Member States, and that more and more EU provisions are directly applied in Member States systems, and that the Union has its own “citizenship”, and that the customs and monetary community is functioning, and that common cultural, legal, social, etc. space and identity is intensively developing, and that, as regards international dealings, the Union has established and is developing the concept of common foreign and security policy, and, finally, that there is intensive cooperation in the domain of internal affairs and justice, it is clear that the supranational elements of this entity are increasingly noticeable (Krivokapić, 2010, p. 261). In substantial terms, the EU is undoubtedly more than a confederation, but it is still less than a (sovereign) state or a federation. On the other hand, it is also more than an ordinary international organisation, with its clearly established supranational qualities, which, as said before, can be seen within the EU’s internal organisation and the broad powers of common institutions, especially in relation to Member States and decision-making procedures. The EU’s supranational character is also expressed in its growing and, in many aspects, unique role in international (political) relations and especially in international legal relations (Krivokapić, 2017, p. 471).

To summarise this brief review; the EU *is* more than a community of Member States, but it still *is not* a fully-capacitated state, since the Member States are yet the bearers of (fundamental) sovereignty. However, considering the extent and depth of the integration of the Member States achieved so far, their sovereignty was generated by the transfer of competences to a common or, more precisely, supranational European level. The EU as a union of state members is actually a super-state in the making (Krivokapić, 2010, p. 262).

Today, the EU is a specific, independent legal entity in international law. The legal personality of the Union is explicitly defined in Article 47 of the Treaty of Lisbon which states that it is “the Union who has legal personality” (TEU, 47). Also, from a practical point of view, since the entry into force of this treaty provision in 2009, the international legal

personality of the EU has been further verified and developed through the realisation of legal capacity in international law and the fulfilment of the treaty-making power-*ius contrahendi* and the right of representation – *ius representationis*. The EU inherited/succeeded earlier concluded treaties, but also created significant number of new international treaties and agreements. Also, the EU has a highly developed diplomatic, worldwide network consisting of a large number of delegations, along with special and diplomatic missions.

In terms of *general legal capacity* in international law, it can be said that the EU has legal and contractual capabilities of a special character that are conditioned in two ways. In the first place, it is conditioned by the status of the EU within the international legal order and secondly, it is conditioned by the way international law recognises it. These capabilities are also determined by its fundamental peculiarities, institutional architecture, and internal organisation. Furthermore, the EU possesses – to a significant extent – other supplementary capabilities, such as process and delictual (tort) capabilities, as well as capabilities that map through these primary four, such as; the capability to establish and maintain diplomatic relations, the capability to participate in the work of international conferences and organisations, the capability to exercise various types of international jurisdiction, and the capability of self-protection, etc.

The legal capability of the EU in international law is conditioned by its legal nature, i.e., the way in which international law recognises it as a legal (juridical) person. Although it is a specific, supranational organism, considering its international importance and influence in international legal relations, the EU, as previously pointed out, has a special legal status. This legal status is not regulated by general international law, but by special acts and international provisions, as well as by customary practice that has been developed so far. This practice today has more elements of general, international custom law – the practice itself exists in continuity in a uniform way and it is accepted by other subjects of international law. Therefore, the custom as such actually exists, while there is also an awareness of its legal necessity – *opinio juris sive necessitatis*. On the other hand, the legal capability of the EU in the international legal order is limited by the international legal personality of the Member States as the primary subjects of international law (of *originaris* character), so it is, therefore, of a derivative character. In this sense, the legal capability of the EU corresponds to its *sui generis* character and can be defined as a *special legal capability* in international law.

The contractual capability of the EU in international law is limited primarily by its competences, i.e., the scope of activities and, once again,

by the position of the Member States. This capability can be analysed from various angles. Namely, the previously-mentioned legal capability in the form of the EU's contractual capability is dynamic, but also limited in several ways. In the first place, in terms of international treaties and agreements, it is a matter of *specialis* capability. However, considering the number, nature, and application of the treaties and agreements, as well as the legal relations entered into by the EU, its contractual capability is more akin to a complex state. The Union concludes international treaties with both candidate states and third party states. It also concludes treaties with international organisations, whereby the number of multilateral treaties and agreements in which the EU appears as a contracting party is increasing.³ "The EU is one of the most prolific authors of international agreements in the world" (Gastinger, Dür, 2021, p. 611). This is where the supranational dimension of the EU comes to the fore, especially regarding the application of international legal provisions in the legal system of the European Union, bearing in mind the range of the two crucial legal principles of the EU Regulations – the principle of *direct applicability*, and the principle of *direct effect*.⁴ However, it cannot be said that the EU's contractual capability is of a general character. Again, only states have full contractual capability in international law. This is defined by the Vienna Convention on the Law of Treaties. Nevertheless, in a substantive aspect, the quality of the EU's contractual capability is closer to that possessed by the states, than the one obtained by international organisations. Considering the fact that the EU is not a state, it has to be pointed out that its contractual capability is exclusively of a functional character. This functional character is a reflection of the scope of international legal activities and EU institutions' competences regulated by the founding treaties.

When it comes to diplomatic representation, the situation is somehow similar – the EU does not have a general right of representation (*ius representationis generalis*) that the states have in international law. Despite this fact, the EU does have an active and passive right of representation. The Union receives foreign ambassadors, sends its own delegations and

³ The EU concluded: The UN Convention for the prevention of marine pollution from land-based sources, the Barcelona Convention for the Protection of the Mediterranean Sea against Pollution, the United Nations Convention on the Law of the Sea, the Kyoto Protocol, the Vienna Convention for the Protection of the Ozone Layer, etc.

⁴ Regarding the supremacy of EU law, the Decisions of the European Court of Justice in two cases are very important. These are: the Van Gend an Loos v Netherland case, and the Costa v ENEL case.

special representatives, and establishes special missions in third states and international organisations. At the same time, third states accredit their ambassadors in Brussels (Krivokapić, 2010, p. 262). There are certain similarities here with the form of representation that is present in international organisations. However, in a practical sense, the EU has an established service that is responsible for coordinating diplomatic representation in international relations. This is the European External Action Service (EEAS). In brief, this institution is the diplomatic service of the EU. The creation of the EEAS is one of the most significant changes in the institutional organisation of the EU introduced by the Treaty of Lisbon. The EEAS has “six large departments that cover various areas of the world – Africa, the Americas, Asia and the Pacific, Europe, Eastern Europe & Central Asia, and the Middle East & North America. Another department is dedicated to Global Agenda and Multilateral relations” (EEAS, 2021). Nevertheless, conceptual clarity of the EU’s Public Diplomacy is much needed in terms of diplomatic representation in general (Fanoulis, Revelas, 2023, p. 51).

Furthermore, the EU has established permanent delegations in more than 140 countries and to more than five international organisations. “In institutional terms, the key actors in EU public diplomacy are the EU delegations, which work closely with the headquarters of the European External Action Service (EEAS) in Brussels and with the departments of the European Commission with an external remit, such as the Directorates-General of External Trade, Enlargement and International Development” (Song, Fanoulis, 2023, p. 2). Besides this, “under the Common Security and Defence Policy (CSDP), the EU takes a leading role in peacekeeping operations, conflict prevention and the strengthening of international security. It is an integral part of the EU’s comprehensive approach towards crisis management, drawing on civilian and military assets. As of today, there are 21 ongoing CSDP missions and operations, 12 of which are civilian and 9 military” (EEAS, 2021). In this sense, although this matter is not regulated by the Vienna Convention on Diplomatic Relations, it can be said that the EU, together with host states, has already established the customary law (right) of representation in accordance with international law. This law is still of a *specialis* character, for the simple reason that the EU is a unique entity with this legal nature in the international legal order and, that besides that, there is no such practice anywhere else.

Based on the above, it is clear that the EU possesses legal and contractual capabilities, which implies that it has legal capacity in international law. However, the international legal capacity of the EU is of a specific nature and should be viewed primarily in a functional sense.

Conclusions

In conclusion to all the aforementioned, it can be said that the notion of subjects of international law is multifaceted, and certainly dynamic, which is especially important under the circumstances of the contemporary challenges that are placed within the international legal order (Savić, 2016, p. 35). With its peculiarities and specificities, the EU's international legal personality is of a *sui generis* character. Although it can be pointed out that the Union existed on a global level even before the TEU, and not only in a political sense, but also in a legal sense, its international legal personality was questionable before the TEU entered into force in 2009. This dilemma appears in academic discussions for a reason, primarily because of the status of European communities, the specifics of the European integration process and, especially because of the large number of international treaties to which the Union became a signatory party. It is clear that the succession between the European Communities and the European Union exists, however, in terms of international legal personality; there is no simple linear continuity. "With the advent of the Treaty of Lisbon, the legal personality of the former European Community has been transferred to the EU. This is a logical transition, given that the awkward three-pillars-divide across the Community and Union, introduced by the Treaty of Maastricht, has now been eliminated. With the Lisbon Treaty, the relations between the Treaty on the European Union (TEU) and the Treaty on the Functioning of the European Union (TFEU) have been finally put on a par" (Smith, 2011, p. 199).

On the basis of the Treaty of Lisbon, the world was faced with an international legal entity that possesses new competences (Wessel, 2014, p. 398). The complex relationship between the EU and its Member States has resulted in continuous debates about the legal nature of the Union, whereby the question of the EU's legal personality, as well as the joint action in a general sense, has been additionally complicated and actualised by the Brexit process since 2020 (Borić, Jodanović, 2020, pp. 250, 252). The background of the final determination of the EU's legal personality in the provisions of Article 47 is burdened with a struggle between the factual and the normative (formal). This is, on one side, a matter of the *de facto* personality that the Union has had almost since its foundation and its formal establishment, with the related fear of the Member States for the fate of their own sovereignty, on the other (Misita, 2014, p. 47). This struggle between the factual and the normative did not end with the entry into force of the Lisbon Treaty. Moreover, it has been intensified, especially

due to global processes and international crises that affect the functioning of the EU institutions and its Member States. In this regard, European debt crises, the 2015 migrant crises, the 2020 Corona virus (COVID-19) pandemic, global energy crises, and the war in Ukraine have affected the EU in many ways. On the other hand, Member States are also affected by these processes individually, and they are forced to act in parallel in these conditions as independent subjects of international law in order to protect and maintain their existence. This certainly created a particular split in terms of the international legal activities of the EU, but it does not call into question the EU's legal personality in international law.

Furthermore, when it comes to the organisation of the EU and its institutional architecture, the Union simultaneously encompasses the elements of an international organisation and the characteristics of a state or a special form of union of states. In the same entity, the EU unifies the Member States, supranational institutions with independent legislature, and functional legal personality in international law. In a structural sense, this corresponds to the internal organisation of some kind of a complex state in the international legal order. However, these statehood elements within the EU, primarily due to the sovereignty and international legal personality of the Member States, are only partially constituted. In that sense, the EU still has some characteristics of a supranational organisation. This is evident because those organisations whose binding acts of their bodies enjoy immediate applicability in the legal systems of their Member States can be considered supranational (Lapaš, 2008, p. 16). The law of the EU has primacy over the domestic law of the Member States – the principles of direct effect and direct application refers to EU Regulations as a source of law in the Member States. What is also important to emphasise is the fact that the “European Union is itself a source of law” (Evropski parlament, 2023).

Nevertheless, the Union's institutional framework that has been established so far together with statehood elements and with a high degree of structural integration, which altogether make the EU a hybrid (state-like) form of entity (organism, organisation, actor, etc.) in the international legal order. The EU, viewed in this way, has a supranational character, and it is the only such hybrid entity in the world. This characteristic of the EU reflects its international legal personality. In this sense, this hybrid form makes for the EU's legal nature and position of a *sui generis* character within the international order. Its status is unique. Its international legal actions and relations are incomparable with other existent legal actions and relations, while its international importance and regional leading role is undeniable (Blockmans, Wessel, 2012, pp. 1–143).

Ultimately, it can be noted that the EU possesses legal and contractual capabilities in international legal relations. In this sense, as a juridical entity, the EU in its international legal personality unifies the elements of general legal capacity. However, the character, scope, and manner of manifestation of the EU's capabilities are conditioned in several ways. The scope of these capabilities is limited, and, for this reason, the EU does not have a general capacity in international law, while its international legal personality appears to be of a special character of a primarily functional nature.

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The Attempted Destruction of Western Values

Abstract

An attempt to shake the established world order of Western society, based on International Law, by the waging of war, has reached its peak. This is evidenced not only by Russia's war in Ukraine, but also by Russia's political attempts to destabilise Moldova's approach to Western values, along with the recent unrest in Georgia, where there is a risk of restricting individual freedom of expression, and the constant threats against the Baltic States. Conflicts of values have existed throughout world history, but the events we are witnessing now are not an accident, but a systematic reiteration of Russia's influence, with the aim of maintaining its influence and, perhaps, increasing its power in the region. The aim of this article is to show the clash of contemporary values in the current socio-political situation from the perspectives of theory and practice. Russian political leaders had long used alarming language in their rhetoric, up to and including the moment of the Russian invasion of Ukraine. In Europe and throughout the Western world there was a belief in universal values with peaceful/stable global institutions, a belief which has proved to be misguided. On the other hand, military aggression against a free and independent country can be interpreted as a direct and clear attempt to destabilise the values of Western civilisation, without which no democratic society can exist. The timing of the military aggression was chosen after a decline in civic confidence from the perspective of the COVID-19 crisis; European countries were experiencing a reduction in political activity among their citizens, dissatisfaction with the political elite, and a certain decline in confidence in the EU institutions. The course of the pandemic reflected

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the lack of critical thinking in societies, as individuals were also at risk of manipulation in the information sphere. The Russian invasion of Ukraine caused some indignation in the Western world and a failure to react quickly to the rapid turn of events. After the first year of the war, the EU Member States managed not only to change their position but also to give unwavering and unequivocal support to the victim of the war, namely, Ukraine. So far, the EU slogan “United in Diversity” has become “United in Solidarity”, helping Ukraine to hold on and possibly win the war against the aggressor state, because no war, especially a war of values, ends on the front lines. As a result of current events, EU and transatlantic cooperation has undergone a major transformation involving extensive cooperation, a clear position on international law, and a desire to preserve and strengthen Western values.

Keywords: Values, Democracy, Liberty, Civil Society, Autonomy, Sovereignty

The Challenge for Democracy: Values as Ends and as Means

Russia’s war in Ukraine marks its attempt to turn back the hands of time by reviving the Russian Empire to what it was in the 19th century. Back in the late 20th century, Russian right-wing ideologists Alexander Dugin and Alexander Prokhanov outlined Russia’s geopolitical future – a Eurasian empire with Russia at its centre, fighting against Atlanticism (the US) and, more broadly, democratic Western civilisation (Andersens, 2014). Until Russia’s invasion of Ukraine, the liberal global order linked belief in universal values to the peaceful functioning of global institutions. A return to a peaceful life requires peace. This is not a one-off decision, but a long-term effort to protect universal norms and values and build cooperative institutions (Harari, 2009). Conflicts of values are a universal phenomenon, but Russia’s attack on Ukraine is a direct attempt to destroy the political values of the Western civilisation, without which no democratic society can exist. The aim of this article is to describe values as ends and as means, the practice of embodying values in the socio-political situation of the present, and the relationship of values as regards democracy and morality. Looking back historically, it is easy to see that every great civilisation emerged and flourished thanks to the practice of certain values, and subsequently perished because they stopped practising these fundamental values. Reflecting on the decline of the ancient Greek civilisation, Bertrand Russell considered the reason for the decline to be

that “a very high level of civilisation was combined with a very low level of morality” (Russell, 1938, p. 73). As a result, the social capital of that society was gradually squandered, leading to its weakening and collapse. Values, on the one hand, shape our behaviour and attitudes towards the world and people in general. On the other hand, they are the realisation of these attitudes, which may or may not be related to one’s needs. Values that have nothing in common with needs, are defined as so-called “eternal values” or “value ideals” that are timeless and therefore found in almost all cultures, i.e., the value of life, the ideal of freedom, and the ideal of humanism. But values do not function only in the form of ideals. They serve the purposes of human fulfilment and the development of society, and, for certain values to be realised, others must already be present in social practice. A certain level of social well-being and education allows both autonomous choice and tolerance to be exercised in the field of values. A society that experiences poverty may have serious difficulties in building and developing tolerance because the inequality gap is too deep. In the context of Western society, Isaiah Berlin quotes Richard Henry Tawney: “Freedom for the pike is death for the minnow” (Berlin, 2000). He goes on to ask: what does freedom mean for those who cannot use it? What is the value of freedom without the right conditions for exercising it? There are situations in which shoes are more important than spiritual values – individual freedom may not be the first necessity for everyone (Berlin, 2000). In other words, economic prosperity creates the basis (i.e., the right conditions) for the realisation of social and cultural values. In order for man to exist meaningfully in this world, he must find an answer to the question: what is it that makes life worth living? Everyone needs an answer to this question, from the individual to the nation.

When thinking about the various types of values, it is important to distinguish between *values as a means* to achieving an end and *values as an end in themselves*. Moral values are means to certain ends, primarily to achieve what is good.

If values are an end in themselves, because the individual wishes to embody them in the course of his or her life, to experience them being realised in relationships, then they can become the organising principles of life, from the individual to the nation and its culture. Values define the patterns of preferred behaviour and represent selective and preferred orientation of people in the matters of desires, needs, means, aversions, and attractions (Tiwari, Misra, 2020). The greatest difficulties for the individual arise in situations where it is up to him or her to determine what is and what is not valuable. In simple terms, value is what is considered valuable not only by the individual, but also by other people. Understanding values

and their interrelationship is a part of social education, since values do not develop by themselves, *they are taught*. Values are a means of socialisation, so education in the environment of values always poses certain problems for both parties in the forms of the educators and the educated. Values are internalised through social, personal, and cultural experiences, forming a psychological structure that organises people's social behaviour. They serve as criteria or standards by which people orient themselves in both the internal and external worlds, which is why the study of values and value systems is important for understanding the content and dynamics of the human psyche. Also in most cases, moral disagreements between two parties arise because of the compelling reasons pursued by two different sides of the spectrum with incommensurable values (Neog, 2019).

Values show us that there is no single truth, and that accepting only one and absolute truth is not only a path to dogmatism, but also an abyss of the mind – a narrow-mindedness, which, in its most radical forms, is dangerous to oneself and others. As Isaiah Berlin writes: “If I know the true answer and you do not know it and do not agree with me, it is because you are ignorant; if you knew the truth, you would certainly believe what I believe; if you want to oppose me, it is only because you are mistaken, because the truth has not been revealed to you as it has been revealed to me. This approach justifies the most repulsive reforms of oppression and enslavement in human history, and is indeed the most dangerous and, especially in our century, the most violent interpretation of the concept of positive liberty” (Berlin, 1996).

Thus, the pluralism of values is inevitably confronted with monism, which leads to a final choice between liberal values if pluralism is chosen, and conservative values if monism is chosen. The misconception is that the different value orientations are able to coexist in contemporary Europe without disagreement: “(...) focus on political pluralism has been dissonant with nationalism, while the demand for social solidarity has been in opposition to the value of individual freedom and merit. It is precisely the disagreements, conflicts, and compromises between different value orientations that have shaped Europe's characteristic worldview” (Berlin, 1996). “United in diversity” is more than an ideological slogan; this diversity is a *European value*. The European Union was founded on the values of human dignity, freedom, democracy, equality, the rule of law, and human rights, including minority rights. These values are shared by the Member States in a society where pluralism, tolerance, justice, solidarity, non-discrimination, and gender equality are possible. Value conflicts affect not only the European Union, but also other countries, cultures, and individuals, yet this does not necessarily mean that people

are ready to abandon them. Culture is nothing but a world of embodied values.

If, for example, humanity (meaning freedom, love, respect, tolerance, etc.) is proclaimed as a value, then it must be defended when that value is threatened. Otherwise, statements about the importance of this value are just empty words. What does it mean to stand up for values? Firstly, it means thinking critically and being able to analyse, the aim of which is to keep a close eye on how certain values are (or are not) put into practice. Secondly, if it is clear that values are under threat, then this must not be accepted and, additionally, this issue should be addressed publicly. Thirdly, in order to change the value system or to strengthen the status of values in the society, they must be observed. It is important that values are observed by public figures who use their authority to encourage others. The quantitative aspect is also important in the practice of values; the more people follow a particular value, the wider the social environment in which that *value is established as the norm* (Silis, 2015). In situations where the observed values are already established as the norm, they start to serve *as a means to sustain other values*.

In many respects, Christianity in Europe continues to constitute an important cultural and political horizon in Europe, which coexists with other orientations on which modern Europe is based, e.g., secular humanism and tolerance, and local cultural practices. One of the values of a Christian Europe is the so-called “inner world” or “interiority of man”. At the same time, as Latvian political scientist Ivars Ijabs (2007a) stresses, interiority is also a political phenomenon; it is the basis for people’s ideas about the relationship between public and private, the need to respect the conscience of each individual and to guarantee his or her right to privacy. Like Christianity, Enlightenment in the European culture is something more than a value-creating phenomenon; it is an intellectual movement that continues to shape European ideas about the relationship between man and society to a significant degree. For most Europeans or European-minded individuals, it is inherent to believe that we can know the meaning of any phenomenon just by looking at its historical development.

Since Russia’s military invasion of Ukraine on 24th February 2022, the historical situation of the present shows that an attempt to destroy Western values has begun and is continuing. It is being carried out by an aggressor state, namely, Russia (the work of Putin, the Kremlin, and his propagandists), which sees Western values as a threat to its own values, which it believes to be the only good and correct values.

Isaiah Berlin represents the position of value objectivity, which is justified as follows: “If a person aspires to one of these values which I do

not consider to be my own, I can understand why he aspires to it or how I would feel if I had adopted that value while living in his circumstances. This is the basis for the possibility of human understanding. I believe that these values are objective, i.e., that their nature and their fidelity to them form part of a person's being, and that this is an objective fact" (Berlin, 1996). Berlin concludes that this is why pluralism is not relativism; different values exist objectively, they are part of the essence of humanity, rather than arbitrary products of human subjective imagination. Respect for different value systems is therefore possible, because it opens the doors to tolerance and liberal consequences that cannot come from monism (only one set of values is right, all others are wrong) or relativism (my values are mine, yours are yours, and if we clash, too bad, but neither of us can claim to be right) (Berlin, 1996).

Berlin is positive about nationalism. For him, the feeling of belonging to a nation seems to be perfectly natural and in itself is not in the least reprehensible or even something to be critiqued. It is only pathological when it is driven to extremism. What can be considered pluralist or liberal values are undoubtedly Enlightenment-derived, but today have undergone a significant transformation in a positive sense. According to Isaiah Berlin, the following insights can be considered liberal values:

- diversity is good;
- a society in which people with different views are tolerant of each other is better than a monolithic society in which one view is imposed on everyone;
- more than one answer is possible to the same question, i.e., pluralism;
- motives, rather than consequences, should be the basis of values;
- what matters is truthfulness, rather than success.

And then there are the liberal values, namely, an individual's autonomy and freedom, human rights, and the rule of law. Two other concepts, citizenship and civil society, are important in this context. Why? The answer to this question lies in the very content of the concept of citizenship, i.e., that it is through citizenship that individuals are able to think not only about their own interests, but also about the common good of society as a whole.

In order to respect different values in the midst of all the diverse interests, the actual limits of tolerance must be clearly understood. However, the question of the limits of tolerance is not only unanswerable for Isaiah Berlin, it is fundamentally unanswerable. To define its limits is to universalise a principle, which in turn would dogmatise liberal values, which would be contrary to their meaning.

Unlike Isaiah Berlin, Joseph Raz speaks of value pluralism as moral pluralism – promoting the view that there are different forms and ways of life that reflect different virtues and are incompatible. It is precisely for this reason that *tolerance is an essential social value* based on respect for otherness, and without it, it is impossible to build a simultaneously strong and democratic society capable of solidarity towards common goals. To be tolerant means we also have to at least in part limit our Self – our seemingly self-evident right to deny and exclude everything that is not our own. But this does not mean endless acquiescence, which gradually turns into the unquestioning submission on which Michel Houellebecq writes. We can, however, try to set limits with the help of universal moral principles; morally correct behaviour should be tolerated, whereas immoral behaviour should not be tolerated. But this too can be addressed conceptually in the relationship between autonomy and freedom.

Joseph Raz uses the term “competitive pluralism” to refer to the value of virtues whose existence causes one to want to disagree with certain flaws in other people, even though they have other equally valuable virtues. Such judgements lead to the conclusion that the most common forms of pluralism compete with each other. This, in turn, creates a conflict between people who pursue valuable but incompatible forms of life. In order to prevent conflicts from becoming part and parcel of everyday life, Joseph Raz argues that the duty of tolerance and respect for autonomy gives rise to a range of other duties that are necessary for living an autonomous life and that are our duty towards other people. These include:

- the duty to foster cognitive capacity – the capacity to take in, remember, and use information;
- the duty to develop the qualities of character that are useful for autonomous living – stability, loyalty, affection, and the ability to maintain close relationships;
- the duty to create an appropriate range of choices, so that people have a range of things to choose from.

Joseph Raz, like Isaiah Berlin, uses the concept of “positive liberty”; people are basically to be seen as autonomous beings – as creators of value. Both of those thinkers agree that the framework of the word “liberty” is linked to the individual’s desire to be in charge of his or her own actions: “I want my actions to be determined by my own will and not by the will of others. I want to be a subject, rather than an object; I want to be guided by my own judgements and conscious goals, rather than circumstances that influence me from the outside” (Raz, 2001). Unfortunately, no one has managed to free themselves from the power of circumstance, so it must be acknowledged that complete self-determination is only possible at the

level of our desires. At the same time, this desire to be as independent as possible is ever-present in human beings. Isaiah Berlin discusses the two main forms that the desire to be in charge of one's own life has historically taken:

- the first is self-denial in order to gain independence;
- the second is self-affirmation, or the complete identification of oneself with a particular principle or ideal in order to achieve the same end.

Unlike Isaiah Berlin, Joseph Raz believes that positive liberty has an intrinsic value that derives from its contribution to personal autonomy. Anything that enhances a person's ability to live an autonomous life contributes to their positive liberty. The doctrine of liberty, in turn, is based on the importance of autonomy and pluralism of values. Following Raz's line of thought, it should be clear that liberty does not include the morally bad and repulsive: "Since autonomy is valuable only if it focusses on the good, it has no reason to provide and defend options that are worthless, especially if the choices are poor" (Raz, 2001). At the same time, we can also see the other side of the coin in that one is autonomous even when one chooses the bad; autonomy is partially blind to the quality of the available choices. A person is autonomous only if they believe that valuable choices are available to them. Of course, the "bad choices" of an autonomous person make the quality of their existence more questionable than the quality of a non-autonomous life, or, more accurately, less valuable. Raz's conclusion on the link between autonomy and freedom can be expressed in causal terms; people can only successfully enjoy an autonomous life if they live in an environment that supports appropriate social forms. One of the most important duties of free citizens is therefore to defend fundamental values (the right to life, liberty, and security of the person, as articulated in Article 3 of the UN Declaration of Human Rights) (United Nations, 2015), otherwise there is no basis for claiming that these are indeed fundamental values. In order to realise these values, the core values defined by each individual country are important. In his lecture on the fundamental values of the European Union and the role of the Court of Justice of the European Union in safeguarding them (Kalniņa, 2019), the President of Latvia, Egils Levits, pointed out that there are five fundamental values in a liberal democratic state that must always exist: democracy, the rule of law, fundamental rights, freedom, and equality. The sixth value, which may or may not exist, is solidarity. A democratic state puts these values into practice, and not only in the constitution. The European Union as a union of states is based on these same values. They are enshrined in Article 2 of the Treaty on European Union. When the

European Union admits new countries, their constitutional culture is tested, which is one of the prerequisites for admission, emphasises Egils Levits (Kalniņa, 2019).

Responsibility for Democratic Values – The Moral Norm

For the Member States of the European Union, democracy is not a declarative value, but a value embodied in practice, since the effectiveness of a sovereign democratic state depends on the degree to which liberty is exercised as a core value, as reflected in the annual Democracy Index. The Democracy Index reflects the global situation of the practice of democratic values in 165 countries around the world. It is based on five sections: the electoral process and pluralism, the functioning of government, political participation, political culture, and civil liberties (The Economist Intelligence, 2023).

Based on a survey conducted by The Economist Intelligence, in the case of Latvia, they have identified three characteristics lacking in political participation which continued to hinder the development of the consolidation of democracy in the country. The risk zones where society shows a lack of knowledge and understanding are: the functioning of government, political participation, political culture, and civil liberties. This has been a dominant feature since 2006, and therefore there is a need to strengthen its society's education on the fundamental principles of democracy. As the President of Latvia, Egils Levits, emphasised in his speech at the opening of the Democracy Academy, "War has returned to Europe, and Russia is putting up a fight against all the values that are the basis of the Latvian state and its Constitution. Ukraine's fight for its independence has unleashed unprecedented solidarity" (Levits, 2023). The European Union's slogan "united in diversity" has now been transformed into "united in solidarity" by helping Ukraine win the war against Russian aggression. Again, no war ends with victory on the frontlines, especially a war of values. As MEP Sandra Kalniete says: "This will be a long struggle for democratic values and our way of life. It will not end with Ukraine winning the war (...)." This is why, for example, a Democracy Academy has been established in Latvia as a real contribution to the security and education of its civil society.

In Ukraine, the test of the effectiveness of Western democracy had begun even before the war, specifically with the handling of Covid-19, which showed a lack of critical thinking in face of disinformation. The manipulation of public consciousness through social networks and the

media showed how fragile and vulnerable civil society is to informational manipulation, and Russia is also using this to wage an information hybrid war against the Ukrainian people and other democracies.

The President of Latvia stressed that it is necessary to fulfil our duty as citizens – to take care of democracy and its fundamental values. Everyone must take care of themselves, their family and the common good of society, acting responsibly towards others and future generations. Aware of its equality in the international community, Latvia defends its national interests and contributes to the sustainability and democratic development of Europe and the world (Levits, 2023).

At the opening ceremony of the Democracy Academy, former leader of the Latvian Popular Front, Dainis Īvāns, said that stability is one of the core values of democracy. It requires a cultural tradition that demonstrates the ability to resist and defend one's identity, which includes a cultural tradition of defending one's core values and the ability to resist any attempts to destroy them. In the context of civil society, the ability to debate, to argue, and to listen to diversity of opinion is necessary. The inheritance of collective memory, the development of a common sense of nationhood (patriotism) and the identification of common ideals are also important. Countries wherein civil society is weak, and which are characterised by democracy indexes as “flawed democracies”, one of the criteria for democracy was not implemented in those societies as it should have been. This indicates that democracy has not taken root as a value in its own right in people's consciousness and way of life, examples of which can be found in Latvia, Serbia, and Moldova. In Latvia, 2022 was marked by an increase in civic activities, demonstrating solidarity with the Ukrainian people in various activities and demonstrations. SKDS surveys show that 56% of Latvian households have donated something in support of Ukraine (Sabiedrības Integrācijas Fonda, 2023), and 65.4% of Latvians support Ukraine's position in this war (Fridrihsone, 2022). At the same time, Serbia, which is in the same category as Latvia on the democracy index, shows different trends. This is due to its historically close ties with Russia, which have not diminished even today. This is evidenced, for example, by the pro-Russian march which occurred on 15th April 2022, which saw protesters throwing smoke bombs at the presidential palace and directing accusatory and derogatory slogans against the president. They also demanded the immediate lifting of sanctions against Russia (RFE/RL's Balkan Service, 2022). A poll on 7th November 2022 showed that 95% of Serbs support Putin as a world leader, but only 11% support the EU. 68% of Serbs believe NATO started the war in Ukraine, and 82% oppose sanctions against Russia (Hoxhaj, 2022). Pro-Russian demonstrations

against the Moldovan government were also organised in Moldova on 15th October 2022. Protesters expressed support for Russia, condemned Ukraine for the current hostilities, and even went so far as to request the resignation of the country's president. It should be noted that the protesters openly admitted that they were organised to be taken to the event and received a fixed fee for their participation (Calugareanu, Schwartz, 2022). On 10th February 2023, the government of Moldova actually resigned amid economic turmoil and Russian tension after 18 turbulent months. The pro-European prime minister Natalia Gavrilita made the decision to quit because of Russia's continuing interference in the internal politics of the country in its attempts to destabilise a country that faces, *inter alia*, a multitude of economic issues, the consequences of a neighbouring country at war, refugee issues, as well as the increasing instability in the frozen Transnistria conflict zone. The breaking point for the Prime Minister's government came with the violation of the sovereignty of the country's airspace by Russian missiles fired from the Black Sea. According to the prime minister, Russia is systematically interfering in Moldova's domestic politics by manipulating the public on the issue of energy prices, the consequences of the refugee crisis, and the overall economic slowdown (Tanas, 2023). As political tensions rose, on 13th February 2023, Moldovan President Maia Sandu publicly announced that Russia was preparing a coup d'état in Moldova. Sandu called for heightened security measures after the pro-European government resigned the week before. The President of Moldova emphasised that the plan included sabotage and militarily trained people disguised as civilians to carry out violent actions, attacks on government buildings, and to take hostages. The president added that individuals from Russia, Montenegro, Belarus, and Serbia may have been involved in the coup attempt. The biggest challenge was directed against the legitimately elected government, in order to bring about a change of power in favour of a pro-Russian government and to stop the European integration processes (Preussen, 2023). Despite the unstable situation in the country and the security risks, Moldova, on 16th February 2023, succeeded in establishing a new pro-European government with Prime Minister Dorin Recean at its head, who stressed: "We want to live in a safe world where international treaties are respected, where problems between countries are resolved through dialogue, where there is respect for small states, [and] we want to be full members of the European Union" (Tanas, 2023). The situation in Moldova reflects the fact that Russia wants not only to continue destabilising Europe, but directly to re-establish its sphere of influence in the countries of the former USSR by propagandising values that are contrary to those practised in the West. Unfortunately,

the current success on Russia's part has been possible so far because in Moldova, as in Serbia, there is a significant section of society which, since the Russian invasion of Ukraine, has been strained by the economic challenges caused by the increased cost of energy resources. Consider also that Serbia and Russia have long historical ties. This, in turn, is a reason for the fragility of society, and for the increasing possibilities of manipulation by the aggressor state. Consequently, on 20th February 2023, a pro-Russian protest organised and financed by the SOR political party took place in the Moldovan capital, where picketers admitted to having been brought to the capital on paid buses. The aim of the event was to directly confront the value system practiced in Russia with the pro-Western one. Moldova, like Ukraine, has been under great pressure from Russia since the collapse of the USSR because of its energy dependence; pro-Western, legitimately elected political forces now want to end this dependence (Williamson, 2023). This in turn provokes Moscow's anger and/or a reaction and it is specifically Moldovan society and its political space which is clearly a site of clash of these values, and where further developments depend on Ukraine's capabilities on the battlefield.

In countries such as Germany and Italy where civil society is strong, the resilience of democratic values is being challenged in provocative ways, and it has proven to be less resistant to professionally-conducted activities fostered by disinformation. In Cologne, for example, around 2000 protesters gathered in September 2022 to urge the German government to break with the Western coalition support for Ukraine. The rally was just one of many (others were online as well as physical), where people demanded that Berlin reconsider its support for Ukraine. Several million Russian speakers live in Germany, both ethnic Germans who resettled from Russia in the 90s, as well as those Russians who had lived in communist East Germany. The stakes are high; if Germany, the European Union's largest economy, turns its back on Kyiv, it is believed that European unity may collapse in wartime (Nikolskaya et al., 2023). A Reuters analysis of German-language Telegram channels revealed at least 27 channels that consistently share and amplify pro-Kremlin messages to a combined audience of around 1.5 million subscribers. One such account is the "Putin Fanclub". It regularly publishes photos of Putin, and shares news of his public appearances along with providing German translations of his speeches to its 36,000 subscribers.

As a NATO member, Italy's official position has been, from the outset, politically supportive of Ukraine's efforts to resist Russian aggression. To that end, Italy has supplied Ukraine with necessary military weapons. However, in November 2022, tens of thousands of Italians marched

through Rome calling for peace in Ukraine and urging Italy to stop sending weapons to fight the Russian invasion. “The weapons were sent in the beginning on the basis that it would prevent escalation,” protester Roberto Zanotto told the AFP news agency. “Nine months have passed and it seems to me that there has been an escalation. Look at the facts: sending weapons does not help stop a war, weapons help to promote war” (Euronews, 2022).

In order to understand the contradictory assessments of the situation during the war, it is necessary to take into account the fact that the post-Soviet countries’ warnings about Russia’s aggressive nature were ignored for a long time. It is not easy to accept another point of view when, as the philosopher and sociologist Vents Silis points out, “Old Europe is not blameless either, for decades it comfortably vegetated on cheap energy resources and turned a blind eye to Russia’s crimes. Now Europe has snapped out of its moral slumber, but (...) it took a war and the sacrifice of the Ukrainian people” (Silis, 2022).

Russian leader Vladimir Putin is trying to bring a “Russian world” to Ukraine and Europe, but Poland and the Baltic States associate such a world only with poverty and slavery. In a discussion on “Latvia and Poland: Countering Today’s Challenges Together”, Polish president Andrzej Duda stressed that Poland and many other countries will do their utmost to prevent the war in Ukraine from coming to Europe. The Polish president also pointed to the different perceptions of the war in Ukraine among many European countries. For example, Poland has one perception, while Portugal has another. Poland and the Baltic States are working particularly hard to inform other countries about the historical experience of the Baltic States and Poland in their relations with Russia. Duda believes that each country can decide its own fate and that any justifications for Russia going to war do not stand up to criticism (LETA, 2023).

It is noteworthy that, on 20th February 2023, shortly before the anniversary of Russia’s war against Ukraine, President Joe Biden visited Kyiv to symbolically express his support for the Ukrainian people. The President made his position clear, stating: “It is now and in Ukraine that the fate of the world order, which is based on rules, on humanity.. is being decided” (Waterhouse, Cuddy, Armstrong, 2023). It is clear that this is a war of values, where the existing world order cannot be taken for granted. World peace and the international system of law and values are undergoing the greatest upheaval in the history of their existence and the freedom that the Western world has enjoyed since the end of World War II is now being challenged in a former Russian sphere of influence. Concluding his message to the Ukrainian people, President Biden

emphasised, “Freedom is priceless, and it is worth fighting for as long as it takes” (Waterhouse, Cuddy, Armstrong, 2023).

Conclusions

Russia’s invasion of Ukraine shows that it is precisely values that cannot be moulded into one single absolute truth, because that is not only a path to dogmatism, intellectual narrow-mindedness and immorality, but is also destructive in its radicalism towards oneself and others.

Ukraine, unlike Russia, defends value pluralism and the fundamental values of democracy, at both the national and the human level. The absolutisation of a single truth rooted in the monism of world opinion and ideology is inevitably confronted with value pluralism. This explains the Russian public’s support for the Putin-initiated aggression in Ukraine. If humanity, for example, is considered a value (which also means the value of life, freedom, love, dignity, tolerance, etc.), then it must be defended when this value is threatened. Otherwise, statements about the importance of this value are merely empty words. The defence of values is closely linked to the awareness of the importance of democracy in society. The war in Ukraine has rallied the defenders of Western values against real opposition, so Russia’s attempt to destroy them is bound to fail.

If it is clear that values are under threat, then this should not simply be accepted; values must be discussed in public, because discussion solves problems. Debate is important for the existence of democratic societies because it clarifies the meaning of existing values. If we as a society stop fighting for existing values, they will soon be replaced by other values. This can be clearly seen in today’s Russia, where the democratic values that society had won with the collapse of the Soviet Union have been completely lost. In order to change the value system or to strengthen the status of values in society, values need to be practised. It must be understood that publicly defending values requires moral courage for the individual and for society. Therefore, defending values requires effort. In particular, it must not be forgotten that values and norms are the way in which we mark the limits of our humanity. If values are not defended, humanity itself will inevitably be lost.

Democracy is a moral system. It is also a system of government. It means that, morally, it expresses an attitude towards people. The basic moral premise of democracy is the idea that all people are equal. Democracy is for people, rather than people being there for democracy. Democracy is a value in itself and, at the same time, a means of embodying it, thus ensuring that individuals and societies can exist and develop freely.

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Salihe Salihu[★]

Migration and the Democratisation of Sovereignty

Abstract

Migration in relation to democracy and sovereignty¹ is considered one of the great challenges of this century. At the local, national, and global levels, migration is causing tensions in the development of democracy and security, which often calls the sovereignty of a given state into question (International IDEA, 2017).

The challenges about migration in relation to democracy and sovereignty will increase even further since, according to relevant data, it has been warned that the next exodus is likely to occur as a result of climate change. In accordance with the assertion of the UN Climate Panel, it is said that this coming exodus will occur in the distant future as it is calculated that somewhere around the year 2100 there will be a climate-related warming of the planet of 2 to 3 degrees.

The emergence of violent conflicts, climate change, persecution based on ethnic and religious affiliations, and various forms of violence are also endangering state sovereignty.

These reasons why migrants leave their own countries, along with migrant perspectives, are topics that need to be addressed. It is important to examine migration as the main topic, especially migration in relation to democracy and state sovereignty. Seen in its totality, migration is taking on global dimensions and will be the hottest point of political topics with regard to finding the formula for its management in accordance with

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¹ The concept of democratic sovereignty is a replacement for the concept of absolute sovereignty as it is intended to be subject to the values of democracy. The author thinks it necessary to use democratic sovereignty since it is envisaged that sovereignty is embodied with the values of democracy. This concept – as a tool to facilitate our future understanding of the migration process – is necessary to be used if we want to invoke the values of democracy in the international system.

democratic values and their compatibility with state borders. Therefore, a debate should be subject to the following questions: how are we to preserve democratic values and the stability of sovereignty, and, should sovereignty be democratised?

Keywords: Migration, Democracy, Sovereignty, Solidarity

Introduction

Migration in relation to democracy and sovereignty is considered one of the great challenges of this century. At the local, national, and global levels, migration is causing tensions in the development of democracy and security, which often brings the sovereignty of a given state into question (International IDEA, 2017, p. 202).

The challenges in relation to migration as regards democracy and sovereignty will increase even further since, according to data from the UN Climate Panel, the next mass exodus is likely to occur as a result of climate change. In accordance with the assertion of the UN Climate Panel, it is said that this upcoming exodus will occur in the distant future, as it is calculated that, somewhere around the year 2100, there will be a climate-related warming of 2 to 3 degrees (Avellan, 2022).

The emergence of violent conflicts, climate change, persecution based on ethnic and religious affiliations, and various forms of violence are also endangering state sovereignty.

These reasons are why migrants leave their own countries of origin, and the perspectives of migrants is a topic that needs to be addressed (Weiner, 1996). It is important to examine migration as the main topic, with especial focus on migration in relation to democracy and state sovereignty. Seen in its totality, migration is taking on global dimensions, and will be the hottest point of political topics with regard to finding the correct management formula in accordance with democratic values and their compatibility with state borders. Therefore, related debates should be subject to questions regarding how we are to preserve democratic values and the stability of sovereignty, and whether sovereignty be democratised.

Migration and Democracy

Migration, according to the Report of the International Migration Agency (IOM) for 2020, has increased on a massive scale, with the number of migrants reaching 272 million people worldwide, among whom are

79.5 million who have been forced to migrate. It is well known that migration that is driven by push policies differs from pull policies that are primarily driven by a need to enter the labour force. But, in total, and within just a decade, i.e., only from 2010 to 2020, the number of migrants was 51 million. The number of migrants, in global terms, has reached 3.5 percent worldwide. Looking now at the gender of the migrants, 48% of them belong to the female gender, and looking at the destination country of the migrants, it can be seen that, in descending order, 31% are in Asia, followed by Europe with 30%, 26% in America, 10% in Africa, and 3% in Oceania (United Nations, N.D.).

This high level of migration has hampered the functioning of receiving states and has consequently caused a crisis in the development of democracy in democratic countries, bringing to the surface the urgency of revising the democratic system. In the continuation of the migration process, the developments related to this process have been highlighted and it is clear to see that democracy now needs to be redefined, and new alternatives for withstanding the management of the socio-political situation need to be found (Michael, 2022).

The socio-political position is highly charged in every country that has accepted migrants and made efforts to offer migrants opportunities and living conditions that conform to the standards that exist in those countries. In their effort to fulfil these conditions, it is seen that it is not easy for receiving countries to manage the acceptance of migrants because, in addition to the necessary economic resources, a unification of political and social attitudes is also needed.

The governments of the countries receiving migrants face two conflicting poles; on the one hand, they have to provide acceptable living conditions for the migrants and, on the other hand, they face dissatisfaction among and from their citizens for the outlaid expenses towards covering the needs of the migrants. Achieving equilibrium in such situations is difficult, but politicians who are determined to preserve democratic values remain committed to not infringing on these values even during periods burdened by waves of migration, and even in times of crisis regarding migrant waves. Maintaining this position both during times of crisis management and also after the time of a given, related crisis can be confronted with different aspects. Firstly, there comes the method of acceptance, and then the continuity of the permanent maintenance of the process with respect to democratic values.

The specifics of migration during the times of urgent crises are directed around the management of providing shelter, clothing, food, and other basic elements. Also, in addition to other aspects, in these periods, there

was a need for the provision of health care as many of the migrants go through many difficulties until they manage to be sheltered in a safe place. Even when they reach the border of a country where migrants feel safe and full of hope that the receiving state will accept them, there begins the second phase. Migrants go through the procedures pertaining to letters and notes kept. At the border lines, it is required to document entries and the causes or reasons why migrant X wants to enter and be accepted within the defining borders of a sovereign state. During these procedures, many questions are asked in the receiving country, investigating the need for housing but also the possibility of meeting the conditions for allowing migrants to be housed.

Unlike this phase, it is the post-migrant crisis period which has other characteristics and is a much longer phase. This phase has other dimensions that host governments must address. In this post-crisis phase, other dimensions related to the maintenance of migrants are specified, including the social aspect. The characteristics of this phase are related to the integration of migrants and, at the same time, the implementation of local laws and regulations that are part of the scope of state sovereignty. The most sensitive point is precisely the compatibility or non-compliance of local laws with the traditions and customs of migrants. Special importance has been devoted to preserving and reforming the traditions of migrants, which have often been unacceptable to states of a democratic order. And in order not to risk any collision between local traditions and the traditions of the migrants, the laws and regulations of the receiving countries – which are instruments of preserving sovereignty – need to be adapted to a level that does not compromise democracy. With this in mind, we can conclude that democratic countries, by accepting some traditions of migrants, can change their laws and regulations and, in this way, contribute to democratising the sovereignty of a given, democratic country.

Consequently, in addition to accepting the various requirements for the democratisation of sovereignty, and, aside from the dilemma of opening or closing the borders, there is another, rather complicated series of dilemmas that have to do with accepting or allowing (or not allowing) some traditions of migrants, such as the wearing of a headscarf, the opportunity to practice religion such as praying in mosques and workplaces, and being released from work when migrants have to celebrate religious holidays. All these aspects require the amendment of local laws which directly democratise the sovereignty of a receiving state, or, in other words, thereby make a given state's sovereignty more flexible. Despite the elasticity of sovereignty, however, democratic states must not

allow the values of their system to be violated and actively reject harmful traditions, such as the practice of polygamy that is still preserved in the traditions of a number of migrant groups.

All these dimensions have their own characteristics, but they are all related to the level of democratisation of a country and how to understand democracy and at what level democracy has developed, which is seen directly in relation to migrants. In other words, the level of development of democracy can be seen or measured by the condition of migrants, namely, the treatment a democratic state gave to migrants during the crisis as well as in the post-migration crisis.

Any support of and solidarity with the needs of migrants requires changes that affect the renewal of the democratic spirit. In this transition, absolute sovereignty passed into the power of democratic sovereignty. The results of the transition were good for all people living in receiving countries. So, both locals and migrants are winners, and this process helps to strengthen the state and preserve democratic values.

Migration-affected Democracy and Sovereignty

Migration as a process has and will have an effect on all countries that accept migrants and will inevitably affect all UN member states. In a proper assessment of the importance of this process in relation to the democracy of sovereign states, in 2000, the United Nations proclaimed December 18 as Immigrants' Day – in order to rank the process of migrants on a special day (United Nations, N.D.), and will be dedicated to paying attention to migration in relation to sovereign states. It cannot be overlooked that sovereignty, even in times of democracy, is invoked in the Westphalian model in view of the fact that a state extends its sovereignty to the territorial borders of the country.

In the Treaty of Westphalia, despite being an important document as it is, the issue of migration is not clearly limited or regulated. The issue of migration is partially touched on in Article V, in paragraph 36 of the Treaty of Westphalia, which defines the permission of emigration for religious reasons, while in paragraph 37 of the same article, the regulation of war refugees is defined. With these definitions, it can be concluded that the Treaty of Westphalia guaranteed the crossing of land and sea borders (Bauder, 2018) just for two particular reasons, namely, the religious issue and religious wars.

De facto, the Treaty of Westphalia, from which absolute state sovereignty also originated, was compiled in the prevailing circumstances of the old-time system of the Middle Ages. From that time until now, the state

system has completely changed and a significant number of states have embraced the democratic doctrine that has also influenced the features of sovereignty.

With the extension of democracy, sovereignty has been changed to some extent by amending local laws in accordance with democratic values and after taking into consideration the development of migration processes. After a series of specific changes through a changing of the relevant laws, the wearing of headscarves was allowed in some countries and, with this permission, the recognition of the rights of immigrants increased. A fine example of this is the Swedish state, which allows the teaching of the native languages of migrants in state schools, and offers it as an elective subject (Bunar, 2017).

Historically, if we look at the validity of the Westphalian Treaty, we see that the borders of sovereign states have been completely open at different times. In fact, it is worth mentioning that open borders between countries existed during the years 1945–1975 (Rystad, 1995) but, later, the borders were closed once again.

Later, optimism re-emerged during the 1990s as global flows began to dynamise, and it was hoped that the borders of sovereign states would also be opened or more flexible, but it turns out that this expectation was an illusion (Bauder, 2022). In the European Union, border entry and exit from Member States was liberalised for a while, and the Schengen visa was enabled to facilitate entry and exit, but all of this border liberalisation was not directly related to the migration process.

In fact, when it comes to migration, border access has been more tightly controlled, as the policies of the countries of the European Union (EU) have changed and the restriction of the borders goes beyond the borders of the states. With the new policy of controlling its borders, border management has expanded to a coordination with states outside the jurisdiction of EU membership. Even from these actions, the sovereignty of the receiving states has become more flexible because the control of sovereignty is believed to be controlled by states outside the European Union. With these actions, the sovereignty of a receiving state is preserved, and is dependent on the agreements that have been formalised between the Member States and the states outside from EU, such as third party countries. In this way, an extraterritorial government has been allowed, i.e., outside state borders, in order to prevent migrants from entering clandestinely and resulting in undocumented migrants (Palme, 2020).

With this, there is a proclamation to democratically expand sovereignty by making agreements for governance outside the territory of the EU in preventing migration and reducing the crises that can be caused by this

process. As clarification for the externalisation of migration control, we can recall the cooperation between the EU and Libya according to the 2017 Malta Declaration (EU Immigration and Asylum Law and Policy, 2020).

But the phases of migration, as known, are divided into two phases, the first of which is called the crisis phase, and the second phase which is the post-crisis phase of migration. Awareness has been raised about these transitional phases, since the first phase is temporary and the second is permanent. The last phase has been raised as a problem since a number of migrants have encountered some extreme attitudes of local people who do not want to accept migrants. Extremist groups in support of their claims against migrants claim that local sovereignty and culture is vulnerable and under threaten due to migrants. With their reactions seemingly in the name of preserving state sovereignty or culture, they also violate the basic principles of democracy. In this context, the discrepancy between democracy as an ideological doctrine and its implementation in practice is growing in relation to the issue of the migration process. In examining this discrepancy, the question arises as to whether sovereignty can be democratised.

Anti-immigrant, restrictive attitudes are held by many countries of the European Union, with one of them having been Poland (Kuzelewska, Weatherburn, Kloza, 2018), but now, at the time of this writing, the war in Ukraine has changed the attitude of Poland's policy, which is now very much in favour of migrants. Poland now sets an excellent example by its welcoming of Ukrainians and sheltering them. The change in Poland's attitude calls for a deeper analysis of the possibilities to change attitudes towards migrants. In fact, we can welcome the change in attitude and we can take it as an example that the favourable policies of receiving states should be applied even in cases wherein migrants, refugees, and asylum seekers come from outside the borders of Europe.

In this context, we can compare the Ukrainian and Syrian refugees and recall the reactions of Polish locals. Polish people tend to fear Syrian culture because of its differences and, therefore, the Syrians' culture is considered disharmonised with the culture of the West. However, it is thought that the Ukrainians had the same democratic values and they have been more readily accepted and considered more acceptable. If you think, on these bases, about the acceptance or rejection of migrants, namely refugees in this case, it is a serious mistake. The origin of the migrant should not be the only reason for their acceptance, but it should be underlined that the motive of acceptance is to save the lives of the migrants, regardless of ethnic or cultural affiliation, etc.

Based on the facts presented in many documents, it appears that democratic countries have used a different method for migrants who originated outside the territory of Europe. As mentioned above, in order to prevent waves of migrants by supporting and taking measures to restrain migrant movements, control has been moved beyond state borders and has passed under the management and control of states outside the European territory. In this way, the extraterritorial border administration was created, where third-party countries became responsible for that management and for stopping the wave of migrants outside the EU's borders. Some Member States financed this new method to avoid the problems of migration procedures on their own borders, and this method was a new, limiting method aimed at migrants (Palme, 2020).

This method was used prominently in 2015 as the number of irregular migrants increased, thereby creating tension among the countries that were the migrants' final destinations. Consequently, this tension highlighted the fact that there is a crisis in the relationship between democratic values and the migration process. This crisis is evaluated as being a new era of mass migration on the one hand, and, on the other hand, as a failure of migration policy management that has caused the instigation of an anti-migration movement.

The situation, mentioned above, of the management of the migration process soon reached a harmful limit and it was assumed that it was on the threshold of anti-democracy or, as Charles Tilly put it, of "de-democratisation". Tilly explains that de-democratisation bears the signs of a process where the connection between the state agent and the citizen decreases. From this explanation, we can draw parallels with the migratory process, since the democratic governments fell into the same situation with the citizens against the migratory process. States were unable to hold consultations with their citizens and convince them to accept migrants, specifically, refugees. Rightfully, a dilemma has been posed as to whether we are entering an era of de-democracy (Kuzelewska, Weatherburn, Kloza, 2018). The measures taken by the European states that put up border fences to prevent migrants from being able to penetrate those states and practically made the migration process impossible also speak of whether we have entered this era of de-democratisation.

Examples of strict measures on a state's borders during 2015 were to be found in, for example, Hungary, which acted contrary to the values of the previous liberals of Europe. The process of de-democratisation in European countries has been manifested by some parties that promote anti-immigrant policies in the points of their programs. Consequently, it has prompted a division of attitudes among European states towards migrant

policies and contradicts the basic values of democracy. The need to take corrective measures in politics around the issue of migration is great, but it seems that it is becoming a difficult task for many democratic states to face the challenges of the migration process (Kuzelewska, Weatherburn, Kloza, 2018). Also, the Court of Justice of the European Union's latest ruling in a case centred around a Muslim headscarf in Belgium could set a precedent for EU companies to ban the visible wearing of religious symbols (Reuters, 2022).

The migration process has been met with unfavourable reactions in the EU's many host countries. The requirements to preserve humanitarian feeling and judgement are being minimised in many circles, and, with this minimisation, the question arises as regards how the values of democracy can be preserved. Reactions emanating from an unfriendly, emotional place are prompted by the thinking that the process of migrants, refugees, and asylum seekers is that of a new invasion. In addition, migrants are considered as a new source of crime and terrorism, along with being a cause of the further deterioration of economic, social, and cultural development. In the period of 2015, there were also harsh reactions to migrants from some groups of protesters who marched with "go home" posters and who made migrants the target of xenophobic, racist reactions, and there were also scenes in which vandals were witnessed attacking migrant shelters (Reuters, 2022).

The leaders of the Member States of the European Union themselves did not have a unifying policy. Angela Merkel came out in defense of migrants by calling for the opening of borders, while, conversely, Hungary's Viktor Orbán took restrictive measures against migrants. At the same time, the leaders of the European Union launched rescue operations for migrants by sponsoring countries that would host migrants. It was clear that the International Conventions for the Protection of the Rights of Migrants were not being implemented and, therefore, the European Council in 2016 tasked a Special Representative for Migration and Refugees to provide information on how migrants and refugees are being treated and to which protections they have access (Reuters, 2022).

During the migration crisis in 2015, regional agreements were also violated in many countries of the European Union. A concrete illustration of these violations is the case of when Sweden started checking every traveller entering from Denmark. These Nordic countries had not practiced identity document checks for passengers crossing the borders between their countries for a long period of time, but when the wave of migration spread around the world, ID card checks then began for all persons crossing the border between Denmark and Sweden. Even in

other countries, the reaction was very much anti-migrant where a drastic violation of the Schengen Agreement was also observed. An example of this is Austria, which strictly manages border control. A person who was obstructed at the border reacted against Austria's action and complained about this obstruction to the Court of the European Union. After reviewing the appeal, the court's decision was in favour of the appellant and the declaration was that the decision as regards the Austrian border's closure to the appellant was illegal. Despite this court decision, there is still a demand from the Austrian people to close the borders, even at a time when the war in Ukraine is going on (Avellan, 2022). Indeed, this request contradicts the notion of solidarity with regard to accommodating migrants. Good examples among countries that showed solidarity to Ukrainian migrants are Poland, Sweden, and several other countries. This readiness to help in the name of solidarity has also been expressed by the countries of the Balkan region, including Kosovo, Albania, and Macedonia. Meanwhile, Serbia does not stand with Ukraine, and neither does it support Ukrainian migrants, since its position is in favour of the invading forces of Russia.

Above all, the essential issue remains current in the question concerning the democratisation of sovereignty, which is a very broad question and can be hugely multidimensional, but, in this paper, the focus will fall in close relation with the migration process. This issue is now being debated, but an even deeper debate is needed considering that migration crises can be increased not only by wars of conquest, but also by the war on climate change. In the debate about this issue, it is necessary to include the concept of solidarity. In finer specification, we can see how this issue can be better managed from the perspective of solidarity. With the centralisation of solidarity in the migration process, the strengthening of democracy and the preservation of the security of sovereignty will be helped, thus directly affecting the elasticity of sovereignty. The author considers that the best case to strengthen convictions about the centralisation of solidarity is the case of Ukraine.

Solidarity as an Infusion for the Migration Process

As mentioned above, the war in Ukraine in 2022 caused a new wave of migrants, but the democratic world opened its borders to receive those migrants, thereby showing its solidarity with them. In the very name of solidarity, the borders were opened to Ukrainian migrants. In addition to this solidarity, the democratic world also stood in solidarity to help the Ukrainians with the material and military means to protect their country

and dissipate the compulsion of Ukrainians to migrate. This kind of solidarity could help to save the lives of Ukrainian women and to ensure peace. The Western world's recent displays of benevolence was carried out with solidarity, and the basic motive was the salvation of the Ukrainian people. Consequently, this solidarity is influencing the democratisation of the Member States' systems by making their sovereignty more resilient by allowing migrants within their borders.

The European Union made the sovereignty of the Member States even more flexible by guaranteeing protection to Ukrainians in EU countries until 2023 through the adoption of the Temporary Protection Directive for Displaced Persons. In solidarity with this Temporary Protection Directive for Displaced Persons, the Swedish state, namely the Swedish Migration Department, has proposed extending the deadline for the housing of Ukrainians for another year, taking into account the forecasts of the current course of the situation in Ukraine (Odynets, 2022). In this way, the EU Temporary Protection Directive has increased solidarity between states. Protecting people when they are most in need has had the effect of democratising sovereignty, making it easier for Ukrainians to escape the ongoing war.

In spite of this solidarity for Ukrainian immigrants, the issue of immigration has been and still is in a quite sensitive sphere, and it remains debatable as to just how well this process is developing.

The migration process in general faces various other dilemmas such as the integration of migrants as well as the fear of the potential demographic imbalance of the receiving countries. Trying to cope with demographic changes and the reactions that appear to their integration into society are quite challenging for all countries that have a large number of migrants. In particular, the migration crisis has caused a democratic crisis regarding the variety of migrants' origins. The feeling of solidarity is not being expressed towards migrants who have different values and traditions than those of a receiving country. It means that for migrants who do not have the same framework of values as found in a given, receiving country, it is difficult to be granted entry, as they are considered incompatible with democratic values.

When it comes to democratic values, a kind of erosion is felt, and, in a regressive turn, since tension is being caused precisely about democratic values, just how liberal they are and how the definition of the borders of sovereignty is regulated is also focussed upon (Michael, 2022). These tensions as regards values are the political battlefield of our age. Raising questions about policies which limit refugees is presented as the need to preserve the national sovereignty of countries that have

received large numbers of refugees. Specifically, while respecting the preservation of state sovereignty, clear regulation has been avoided to decisively guarantee the security of this process. We find this deficiency in Article 13 of the Universal Declaration of Human Rights, in which the right to emigrate is guaranteed but not the right to immigrate, and with this definition it remains that states can accept or reject immigrants according to their will. The denial of the right to immigrate to a country is justified by the argument of protecting the borders of state sovereignty (Salihu, 2016).

So this problem is not new, and is a moral conflict that has ensured the collision of two types of claims. On the one hand, there are the claims of migrants to enjoy the humanitarian right to migrate, and, on the other, the claims of states as regards the preservation of their sovereignty. In this context, democratic principles have not ensured the fulfillment of the entire migration process, and, rightly, Myron Weiner included in his article *Ethnics, National Sovereignty and the Control of Immigration*, the question of whether people can be free to migrate and where they can go. These are claims with conflicting rights, since migrants, for various reasons such as poverty, persecution, war, etc., are forced to leave in order to save their own lives or secure a better lives. Meanwhile, the governors of sovereign states are elected to protect their citizens from risks and economic burdens that can worsen their well-being, as well as to ensure political stability and protect cultural identity (Weiner, 1996). With this commitment, the governments of receiving countries face the right to migrate.

Therefore, the relationship between migrants and state sovereignty has raised the question of what kind of sovereignty can be preserved in cases where a state is faced with waves of migration and how justifying arguments can be made.

Excuses for refusing to accept migrants are unacceptable when there is no ethical nor moral basis and when people's survival is in question. The death of thousands of people in an attempt to secure life cannot be based on the excuses that a state is being burdened economically or that it is affecting the demography of a country. The facts show that in 2015, 1,472 migrants died, while another 2,130 were lost trying to enter Europe from Tripoli (Libya) or Turkey at the borders of Italy and Greece. According to the database on migrants, from the beginning of 2000 to 2016, it appears that 31,811 migrants have died, among them men, women, and children. This number could be even higher since not every fatality has, as yet, been recorded or clarified in the relevant documents on migrants (Bauder, 2017).

In order to avoid unacceptable excuses, the best method of finding a solution is being discussed. In maintaining the values of democracy and sovereignty in relation to migration, an infusion of solidarity as an alternative path has been proposed. With an infusion of solidarity, the sovereignty of a receiving democratic state can be elasticised and thus the management of the migration process is facilitated. In this context, solidarity could influence a state not to make decisions only from the perspective of border protection. At the same time, solidarity could also contribute to the coordination of local policies so as to help migrants. The rethinking of migration should be seen from the alternative of solidarity towards elastic sovereignty – which would mean opening borders to save lives, as in the current, ongoing case to save the lives of Ukrainians, or a previous case that happened in 1998–1999 in Albania when upon their borders were opened to save the lives of refugees from Kosovo. In both cases, the motive for the opening of borders was predominantly that of feelings of solidarity. Today, Kosovo is a good example of why we should welcome Ukrainian people and provide them with assistance (International Federation of Journalists, 2023).

The challenge for the future development of society is the harmonisation of values. Therefore, other values that could colour the system of democracy should be taken into account. This inclusion of other values can be seen as the health of democracy, because democratic values must change with regard to the time and place *and* be suitable for the people. In search of better management to help migrants, an example is taken of the management of internal migration that preceded the management of the situations of the migratory process, how migration is managed, that is, at the country level. This example can be taken as a facilitative model of how competences for managing migrants are assigned at the urban level. The position of close communication gives opportunities to provide relief to migrants as it seems to be the right alternative as they know their own specific needs (Bauder, 2022).

The implications of the 21st century migration process, especially after the Arab Spring in 2010, re-emerge as a pivot of the deepest divergences in European politics, so claims the Norwegian sociologist Lars Mjøset (Kuzelewska, Weatherburn, Kloza, 2018). The increase in the number of immigrants was unprecedented since, only from 2011 to 2015, the number of immigrants, mainly refugees, increased from 10.4 million to about 19.5 million. This increase in the number of migrants as refugees and asylum seekers for a short period of four years caused humanitarian, social, and economic implications since the migration was forced and unplanned. (International IDEA, N.D.)

During the migration wave of 2015, the countries of the European Union that stood for welcoming migrants, i.e., refugees and asylum seekers, were Germany and Sweden (Petersson, Kainz, 2017). At that time, citizen solidarity was also manifested, which was shown in the people's mobilisation to help migrants, refugees, and asylum seekers, by supplying them with food and clothing (Bauder, 2022).

The increase in the number of migrants is also increasing the need for better treatment and, according to forecasts from the UN climate panel, it is said that in the not too distant future, in addition to the large number of migrants from war zones, the number of migrants due to climate-related issues will increase. Based on UNHCR data, there are currently 21.5 million people in the world who have fled their countries due to climate change, and according to the World Bank, this number is expected to reach 216 million by 2050 (Avellan, 2022).

Looking at the migration process, it is also interesting to see how this process is in harmony with the compass of democracy. If we look at the time investigation from the nineteenth century as regards the process of migration in relation to the policies of democratic states, it turns out that the focal point – as a preventive measure against migration – was the reconciliation of tense conflicts between social classes and poor groups that were considered dangerous.

Unlike the focus on other periods, it seems that the 20th and 21st centuries had – and continue to have – a different perception about the issue of migrants. Now, in general, with the arrival of migrants from Muslim countries, the need for a culturalisation of another Europe has also been laid out, i.e., the acceptance and recognition of the features of the Muslim religious affiliation. Overall, the focus is now on a religious conciliatory policy and the increase of social pluralism which is expected to include migrants as well.

This process is a new challenge which is faced with hostility from extreme currents, and now even more widely so, since there are prejudices that Muslim migrants who come from outside European borders have deep religious and cultural differences and cannot harmonise with the values of liberal democracy (Michael, 2022).

Another issue put forth by migration is the development of democracy and the potential of refugees to participate in political life and decision-making processes. Immigrants can also be considered as sources of democratic values for both countries, i.e., in host countries as well in countries of origin. Thus, the possibility of migrants to maintain ties with two countries is considered useful and beneficial since they have the influence of democratic values in both countries. The role of migrants

has given tangible results as in the case of Albanians in Kosovo who, instilled and equipped with democratic values in the countries where they had lived, carried these values back to their country of origin and, immediately after the war in 1999, the people of Kosovo embraced the democratic system (Salihu, 2016, p. 141).

Their dual role in the political sphere is beneficial because they can appear as political actors in the two countries and can influence other economic, social, and cultural spheres. Seeing the benefits of this commitment, a project called “Refugees, Asylum Seekers and Democracy” has been proposed, which aims to gather comparative knowledge about the impact of the dual role of refugees and asylum seekers (International IDEA, N.D.).

The migration process is a topic that requires a lot of dedication and treatment as a matter of rights and obligations of nation states. For this purpose, it is necessary to apply appropriate policies for the integration of migrants (Michael, 2022). The integration process is intrinsically linked and in harmony with democracy and, so far, is considered a project of the future (Kuzelewska, Weatherburn, Kloza, 2018). However, the increase in the number of waves of migrants has negatively affected the capacities of democratic governments to provide the appropriate responses. This burden has prompted the question of reconsidering the migration process to find an answer that would be in accordance with democratic values at the global level (International IDEA, 2017).

During the 1980s, the restrictive policy against migrants was revised, in recognition of the cultures and values of migrants. It is assumed that the confirmation of other cultures was an idea that was developed and accepted as a normative form of multicultural recognition that, in practice, meant the accommodation of cultural pluralism. However, even the multiculturalism that was accepted in some countries was considered somewhat vague because this concept did not reach the desired level. However, this was a serious effort that paved the way for the integration of many migrants in receiving countries (Michael, 2022). Now, with the new influx of migrants, but also with the expectation of a larger number of migrants that is predicted to happen, it is necessary to consolidate the policy of managing migrants with an approach of solidarity and with a policy that will cope with this process in the future.

Conclusions

The wave of migrants of the 21st century migration process has called into question the likelihood of state governments issuing participatory and integrative policies as well as their ability to perform and provide

necessary services in accordance with democratic politics. Discussions on the subject of migration have polarised the states that face the dilemma of how to manage this process. However, the effects of migrants on the quality of democracy are seen both in host countries and in countries of origin. Above all, migration policy as a main principle should promote inclusiveness and create the necessary space for a more flexible democratic system. It means providing a space for listening to different voices, using methods to find solutions to any grievances that are expressed, and also to enrich democracy from different cultures. With this approach, we can ensure the presence of democratic institutions for a longer and more stable term. The way to strengthen democracy can be done through the inclusion of migrants in political representation. Their involvement in local associations and in various civil initiatives can also be considered as a step towards forming closer relations with migrants. Migrant policy also proves the capacity of the democracy of a state in which there is a considerable number of migrants (International IDEA, 2017).

The value of multiculturalism is achieved by the dialogue developed as a result of migrants in receiving countries and the process of migrant integration. Integration policy has now facilitated the integration of migrants. The integration policy for the recognition of cultural diversities is, however, stagnant and has not spread to a satisfactory level. In particular, there is stagnation as regards the recognition of cultures from non-European countries and their cultures remain almost on the margins. As a result of fractional integration policies, multiculturalism is weakening in the countries of the European Union. This approach has had a negative impact on the integration of migrants from third countries and has caused, as was seen in the description above, unsatisfactory conditions. This is looking like a planned exclusion of immigrants originating from beyond the European area.

Unfavourable policies towards migrants can result in further social unrest. Difficulties and obstacles appear in the further integration of migrants and, consequently, they become a security threat as a product of their mistreatment. In these situations, there is a real possibility that any migrant could join extremist and violent groups and, through these actions, would promote even worse prejudices against fellow migrants (Kuzelewska, Weatherburn, Kloza, 2018). We assume that if the integration of migrants is not achieved, the acceptance of migrants in democratic states may worsen, and anti-migrant sentiment may spread and dominate in receiving countries.

In the not-too-distant future, when migrant waves increase in size and frequency, there will be a need to change the treatment of the migration

process. The most suitable change with a solidarity-based approach could affect the preservation of the good health of democracy and ensure that sovereignty is more resilient.

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Differentiated European Integration and the Changing Type of Capitalism in Central Europe

Abstract

The objective of this paper is to analyse the double-layered diversification of the European integration system represented by the countries of Central Europe (CE). Here exemplified by the Visegrad Four (V4) states (Poland, Hungary, Slovakia, and Czechia), the region offers a unique laboratory of European differentiated integration (DI). The V4 positions itself on the outer-core of the European Union hemispheres. At the same time, the bloc itself is internally diversified in various, important aspects of integration (conflicting trajectories with Brussels, monetary integration, energy policy, relations with Russia, etc.). Unpacking this intra-V4 diversity will be accompanied by an exploration of the economic and institutional factors possibly affecting it. The political-economy perspective allows us to capture the determinants intersecting at the crossroads of economic and political dimensions. The authors will explore the selected building blocks of the system of differentiation inside the V4 group.

Keywords: Central Europe, Visegrad Group, European Differentiated Integration, Varieties of Capitalism

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Introduction

The authors of this paper seek to analyse the double-layered diversification of the European integration system as represented by the countries of Central Europe (CE). The region, represented here by the Visegrad Four (V4) states (Poland, Hungary, Slovakia, and Czechia), offers a unique laboratory regarding European differentiated integration (DI). The Visegrad Four forms a grouping that is known as “semi-peripheral”, and the countries in the group display some similar path-dependencies. The group positions itself on the outer-core of the European Union (EU) hemispheres, as described by Frank Schimmelfennig’s (2018) system of differentiation. As such, the V4 states make an interesting case for scientific exploration. At the same time, the bloc itself is internally diversified regarding various important aspects of integration (conflicting trajectories with Brussels, monetary integration, energy policy, relations with Russia, etc.). Unpacking this intra-V4 diversity will be accompanied by an exploration of the socio-economic factors affecting it. The political-economy perspective allows the authors to capture the determinants which intersect at the crossroads of economic and political dimensions.

The second gravity point of this analysis is going to focus on the evolving variety of capitalism as performed by CE economies. Notably, the term Dependent Market Economy (DME), coined for the V4 countries over a decade ago in order to describe their economic orientation, now seems apt to be called into question. Significant changes occurred in the political systems and economic policies of the countries due to the so-called “illiberal turns” (in Poland and Hungary) and “illiberal episodes” (in Slovakia and Czechia). The question which then appears is: are the V4 countries following the same path of evolution in terms of the institutional order (the variety of capitalism they represent)? The emphasis put on the issue of state agency by the V4 leaders makes the type of capitalism within the V4 apparently more similar to a Coordinated Market Economy (CME) such as Germany, because of their allowing more and more state intervention in the economy. On the other hand, less propensity to integrate with the EU rather resembles the UK’s extreme case of de-integration. Hence, does converging more to the British Liberal Market Economy (LME) type mean less inner-core integration?

This paper proceeds as follows: firstly, the V4 grouping is positioned on the map of various types of capitalism as well as on the map of differentiated integration. For this purpose, the authors reconstruct the main claims found in the literature dedicated to the issue of European differentiated integration and comparative capitalism. Secondly, the V4

countries joined the European Union in 2004 and a subject of a growing body of literature considers whether they constitute a separate and distinct cluster of economies with some unique features that would allow to qualify them as a distinct (Eastern) pole of integration. Thirdly, this specific position of the V4 countries is contextualised in the theories of the Varieties of Capitalism (VoC). Fourthly, this leads the authors to the presentation of some empirical data explaining the dynamics of institutional parameters of the V4 as a group as well as separate economies. Finally, such a comparative analysis is concluded with a summary that highlights the main trends present in the CE region.

Differentiated Integration – Theoretical Background

After the so-called “big bang enlargement” in 2004, Poland, Hungary, Slovakia, and Czechia found themselves in the European Union, which – already at that time – constituted a system of differentiated integration. In fact, their joining the EU club increased the level of differentiation, since one of the most important impulses in the dynamics of differentiation is that of expansion. In general, the story of European integration can be told as a story of its deepening and widening – these two dynamics have founded the mechanics of differentiation so far. Consequently, the progress in integration meant an increase in differentiation over time (Schimmelfenning, Winzen, 2019; 2020). However, the most recent political and economic developments in the European Union clearly show that differentiation has gained momentum and its dynamics have accelerated. One of the most important characteristics of the contemporary European integration process requires further exploration in order to advance our understanding of its dynamics and determinants. It is fundamentally important from the point of view of the scholarly explanations as well, as it is furthermore crucially salient from the practical point of view of the real (existing) phenomena, shedding some light on the critical position in which a uniting Europe has found itself.

The political idea of differentiated integration can be tracked back to the famous Tindemans report (1975), wherein, as a legal concept, it appeared in the Single European Act (1986). Academic debates on the topic find their roots in Dahrendorf’s formulation of *Europe à la carte* in the 1970s. Already by the 1980s, scholars had identified several variations of differentiated integration and, since then, the scientific discourse has expanded significantly. From that moment on, many various conceptualisations can be traced in literature, including flexible integration, a multi-speed Europe, Europe as an empire, a Europe of

variable geometries, concentric circles, hemispheres, etc. (Ferry, 2000; Kölliker, 2001; 2006; De Neve, 2007; Naurin, Lindahl, 2010; Barcz, 2015; Riedel, 2023). Yet DI is less studied in comparison with the huge amount of literature on integration as a whole. The reason for that may be because it has been limited by an assumption that DI would erode over time (Leruth, Lord, 2015). It was assumed that Member States (and their neighbouring regions) would converge over time, and that the same variously applied policies would find their cohesive end.

The concepts used, similar to the standard ones exploited in the DI literature, range from the *Europe à la Carte* metaphor, through Europe of different speeds, concentric circles and differentiated geometries, up to the diversified hemispheres of integration (Andersen, Sitter, 2006). More and more analysts, experts, and academics claim that the observed increase in differentiation has reached the limits wherein it carries the potential for disintegration (Riedel, 2018). Still, the new Member States of CE (not only V4 members, but also other countries that joined in the 2004, 2007, and 2013 extensions) found themselves at the core of the European integration project. Not all of them decided to enter the inner core (by accepting the common currency of the Euro), and most CE citizens live outside of the Euro-zone since the countries that decided to join the final stage of European Monetary Union (EMU) are relatively modestly populated, such as the Baltic states or Slovenia.

All the above-mentioned examples illustrate that the various semantics of differentiation provide a plethora of complex integration strategies, responding to the challenges of enlargement using variants such as multi-speed (time), variable geometry (space), and an *à la carte* approach (Stubb, 1996, p. 294). The exploration of these semantics always leads to an acknowledging of the diversity which allows the union to embrace the flexibility necessary to deal with the strongly varying patterns of integration (de Gomes, Norberto, 2005; Bordignon, Brusco, 2006). The CE States needed to find their way around the system of differentiated integration. Within the enlargement rounds, one can clearly see that different State groupings within European integration were forming due to the different initial bases from which the Member States were starting.

Thus far, both in academic deliberations and in real-life politics, the DI concepts offered a way out from the dichotomous thinking between full membership and full non-membership. Moreover, nowadays these concepts are treated much more as a solution than a problem. Nevertheless, DI, as a scholarly concept, is a relatively new phenomenon in European studies, and wider: international relations; legal studies; political science; and economics (Andersen, Sitter, 2006; Tekin, 2012; Kroll, Leuffen, 2015;

Kubin, 2017). It grew alongside a real-life increase in differentiation (opt-outs, exemptions, enhanced cooperation, constructive abstention, special clauses, additional protocols, etc.). In the last two decades, differentiation has been a dominant feature of European integration. It is argued that approximately half of the EU's policies are implemented in different ways (Lord, Leruth, 2015). Undoubtedly, studying DI contributes to a better and more refined theoretical and empirical understanding of the European integration process as such. Differentiation in Europe has reached a phase, scale, and depth such that it is legitimate to agree to the argument that it is a systematic characteristic of the European integration project as seen in 21st century (Hix, 2005). Frank Schimmelfenning, Dirk Leuffen, and Berthold Rittberger (2015) even wrote about the system of DI, in which differentiation is an essential and enduring characteristic of the EU.

Varieties of Capitalism – Stretching the Conceptual Framework

VoC is the leading approach in the comparative political economy scholarship of the last 20 years (Hall, Soskice, 2001; Lane, Myant, 2007; Hall, Thelen, 2009; Peck, Zhang, 2013). Its two crucial notions are: coordination mechanism – the way in which economic activity is organised (generally choosing between market-or-state-oriented coordination); and institutional complementarity – the manner in which different elements (corporate governance, financial system, education and training, industrial relations, etc.) of the capitalistic system fit with one another and, as a consequence, create a certain institutional comparative advantage for a given economy.

One basic variety of the market economy (here synonymous with the term “capitalism”) is the Liberal Market Economy (LME, typically represented in the literature by, *inter alia*, the UK, the USA or Australia) which is based on a market type of coordination (competition and formal contracts) and gains institutional comparative advantage in terms of the “radical innovations” (creating new products). Another variety is the Coordinated Market Economy (CME, e.g., Germany, Austria, and Japan) which promotes state (or strategic) coordination (interfirm networks and associations) of the economy and specialises in the “incremental innovation” (improving already-existing products). The third variety, initially proposed for the V4 and later for other CE countries is the Dependent Market Economy (DME) which relies on attracting Foreign Direct Investment (FDI) and being an “assembly platform for

semi-standardised industrial goods” (Nölke, Vliegendaart, 2005) as its institutional comparative advantage. Here, the specific coordination mechanism would come down neither to the state nor to the market, but rather to the intra-firm hierarchies that prevail within transnational enterprises. As the concept of the DME was created just after the V4 countries’ accession to the European Union, we argue that some of the data supporting its main argument have to be updated. Hence, the first goal of this paper is to rethink DME eligibility as the region’s distinctive type of capitalism after almost two decades of macroeconomic convergence stemming from EU membership. Another interesting theme is the political dimension and the so-called “illiberal” turns (in Hungary since 2010, and in Poland since 2015), or episodes (during the recent decade in Czechia and Slovakia) which the V4 countries have experienced (Bustikova, Guasti, 2017; Cianetti, Dawson, Hanley, 2018; Vaduchova, 2020).

Often, the state agency issue has been underlined by the populist governments and their supporters, which could mean that these once-DME economies would follow the path of a German-esque, coordinated type of capitalism, and the scope of state interventionism in the economy would increase. On the other hand, the V4 countries (especially Poland and Hungary) came to be perceived as stragglers in the European integration process. This rather resembles the case of the UK, with Brexit being an extreme case of disintegration, since the CME countries, headed by Germany, are part of the core of integration. Interestingly, the two States that are located at opposite ends in terms of their tendency to integrate with the rest of Europe¹ are at the same time commonly recognised as internally performing an inverse type of market economy.

Thus, the question arises: is there a correlation between institutional convergence towards LME or CME and, analogously, displaying more or less of a tendency to integrate? This paper tackles some of these research questions and does so in the comparative manner using mostly data for the V4 economies since their EU accession, benchmarking their performance with the CME and LME representatives. The goal of the paper is to answer the above-mentioned questions based on the following assumptions: 1) V4 (and possibly most of the CE) countries cannot be labeled as DMEs anymore because of the unification that occurred due to convergence, 2) the United Kingdom still serves as a typical example of the LME and Germany for the CME type of capitalistic regime.

¹ The Federal Republic of Germany is often understood in the European integration literature as the “inner core” and the United Kingdom became “the outer periphery” after the Brexit agreement came into force.

Empirical Data – Presentation and Discussion

Macroeconomic Convergence and European Integration Performance

Table 1: V4 Countries, Germany, and United Kingdom GDP Per Capita (Constant 2015 USD) in 2004, 2012, and 2020 (as a Percentage of the EU Average)

Country \ Year	2004	2011	2019
Poland	29.8	37.9	45.6
Hungary	38.9	38.7	45.7
Slovakia	38.6	50.2	55.3
The Czech Republic	50.7	56.2	61.2
Germany	126.3	134.1	131.1
The United Kingdom	152.1	142.6	143.9

Source: The authors' own calculations based on World Bank data.

Indisputably, the V4 countries experienced an intensive convergence in terms of the level of income per person as well as other macroeconomic indicators (unemployment, stability of prices, etc.). Table 1 shows the real (adjusted for inflation) GDP per capita evolution as the percentage of the EU average at seven-year intervals. The first point marks the threshold of accession (2004) and the last depicts the state of affairs right before the COVID-19 pandemic crises (2019). Moreover, the mid-point is presented, which falls on 2011. The same indicator has been shown for the ideal-typical examples of LME (the United Kingdom), and CME (Germany). The per capita income measure serves as an approximation of the standard of living in a given country. Solid improvement can be observed for all the CE countries with no exception among the V4 which improved their score by 12.4 p.p. on average in the given period, while Germany only did so by 4.9 p.p. Importantly, the British income level fell from over 152% of the EU average to less than 144%.

Table 2 depicts another dimension of new and old Member States' macroeconomic convergence which is a gradual synchronisation of the observed business cycles represented by the annual GDP growth rates. The correlation coefficients of the V4 countries' growth dynamics against the same measure for the EMU were calculated in the two equal periods: from 1993 (marking the split of the then Czechoslovakia) to 2005, and from 2006 to 2018. In the first interval, covering approximately the period

between the V4 countries' political and economic transformation and their EU accession, the correlations were very low (for Slovakia it was even negative). Noteworthily, all the CE economies experienced a so-called “transitory recession” in the 1990s. For the second period, the coefficients grew substantially with the highest level for Czechia (even higher than for Slovakia – the only V4 EMU member) and the lowest in Poland.

Table 2: Correlation Coefficients of GDP Growth Dynamics (Annual Percentage Change) in the V4 Countries and the EMU

Country \ Period	1993–2005	2006–2018
Poland	0.36	0.65
Hungary	0.43	0.82
Slovakia	-0.14	0.84
Czech Republic	0.10	0.94

Source: The authors' own calculations based on World Bank data.

For the purpose of depicting the evolution of the European integration process since the “big bang enlargement”, the authors use the common indicators published by the European Commission. Intra-EU trade (the sum of exports and imports) of goods and services expressed as the percentage of the nominal GDP is presented in Table 3. The V4 economies are, in terms of this area, some of the best-integrated countries in the EU with Slovakia even being the leader in the ranking for all the Member States when looking at the goods trade only (125% of GDP). It also holds second place when considering aggregated measures (both goods and services) amounting to 142% of GDP which, on the other hand, shows a huge difference between the share of trade in goods and services. Such disparity is nevertheless common for each V4 economy.

However, there are some issues concerning such a view of European economic integration. For example, a well-known empirical fact is that the smaller economies tend to trade more (which is reflected in the data on “small-open economies”: Hungary, Czechia, and Slovakia), as well as the fact that some other exogenous factors (the number and size of neighbouring economies, the physical length of the border, and access to the sea) influence the share of trade volume in GDP (Alesina, Spolaore, Wiazarg, 2005; European Commission, 2020). Another issue concerns the methodology behind the indicator. Germany, often described as the primus of integration, shows a deficit in intra-EU trade, largely because of importing vast amounts of sub-components from the CE and then exporting technologically-advanced products overseas (which results in

a substantial extra-EU trade surplus). Hence, the typical measures of the scope of economic integration (already mentioned for intra-EU trade levels, but also for “openness” indices – the share of imports in the GDP) used in the official documents of the European institutions say little about the true comparative landscape. Moreover, they do not say much about the crucial phenomenon in the European integration process – its differentiation.

Table 3: Intra-EU Trade of Goods and Services (as a Percentage of GDP) in the V4, Germany, and the United Kingdom, 2004–2019

	Goods		Services	
	2004	2019	2004	2019
Slovakia	129.5	125	9.4	8.6
Hungary	76.2	101	3.6	10.6
Czech Republic	74.5	90.2	4.9	7.4
Poland	47.7	65	3.8	5.7
Germany	33.7	40	4.3	5.6
United Kingdom	19.5	19.7	3.9	4.6

Source: The authors’ own calculations based on Eurostat data.

DI theory tries to embrace the process in a more complex way. Beyond purely economic stock and flow measures, it also considers some political and legal dimensions (Leuffen et al., 2012; Schimmelfenning, Winzen, 2020). The essence of the approach is to provide a description of the unequal pace in the increasing integration of different Member States, but they are selective in the way in which they participate in some core EU policies. Table 4 provides examples of DI performed by the V4 countries in terms of some selected aspects: adopting the euro currency (in the case of Slovakia only); belonging to the Schengen area (all countries); joining the European Public Prosecutor’s Office (EPPO, in the cases of Czechia and Slovakia); participation in the Migrants Allocation Mechanism (MAM, none of the countries); general public support for the EU policies (high in Poland) and the political class’s discourse on opting for a one-speed Europe; and the acceptance of the Recovery and Resilience Facility (RRF) by the European Commission. Each policy has its formal-legal foundations apart from public opinion and political policy measures which are of a non-legal nature, but are also often included in DI research as a proxy for the social dimension of integration. The examples listed relate to the relevant policies, mostly established at the level of primary European law, but a lot of differentiation also takes place in the matter of secondary law derogations (Duttle et. al., 2017).

Table 4: Differentiated Integration in the EU

Area of DI \ Country	Poland	Hungary	Czech Republic	Slovakia
Eurozone	-	-	-	+
Schengen	+	+	+	+
EPPO	-	-	+	+
MAM	-	-	-	-
RRF	-	-	+	+
Public opinion*	+	-	-	-
Political discourse**	+	+	+	+

*“+” has been assigned to a country with above-average public support for the EU in the latest Barometer survey (Autumn 2022).

**“+” has been assigned to a country where politicians tend to support a one-speed vision of European integration based on the InDivEU database “Government’s preferences 2008–2020” country reports.

Source: The authors’ own elaboration.

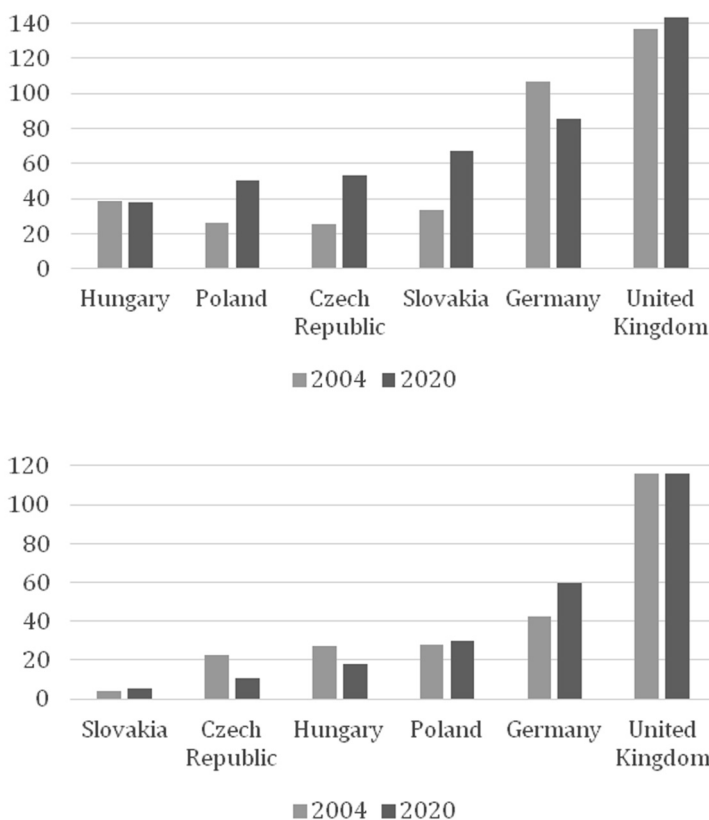
The Changing Variety of Capitalism in the V4 Countries

The core feature of the proposed DME type was its outstanding ability to attract Foreign Direct Investment (FDI). Although CE economies, headed by the V4, are still topping the rankings of countries most often hosting such capital flows, the relative numbers do not prove their distinctiveness in this matter anymore. The inward-to-outward FDI volumes ratios dropped dramatically: in Hungary, the ratio went from 6.4 to 3.2; in Czechia from 17 to 4.1; in Poland from 47 to 9.8, and in Slovakia 40.3 to 14.3. This, together with the already-mentioned economic convergence which is progressing in the EU, leads one to assume an institutional convergence as well. Thus, the authors have reviewed the rest of the typical VoC indicators which were used to determine the DME type in the past. The analysis relies on the measures compiled into a “coordination index” in some studies (Hall, Gingerich, 2004; Casey, 2009).

Figure 1 shows the irrelevance of the stock market as a way to raise capital for enterprises in the V4 countries. The Czech and Hungarian stock markets’ capitalisation expressed as a share of GDP even fell since their accession to the EU, while the Polish and Slovakian stock markets have increased only symbolically. The role of bank credit, on the other hand, rose substantially in all the V4 economies (apart from Hungary where, technically, it stagnated) and it is now the highest in Slovakia (67.2% of GDP, compared to German 85.2%). Interestingly, in Germany,

private bank credit for companies fell, while stock market capitalisation rose in the given period, which resonates with some commentators that the German economy has changed recently into a more LME-typical, short-term oriented form of market economy.

Figure 1: Dominant ways of raising capital in the V4 economies, Germany, and the UK, 2004 and 2020: stock market capitalisation (as a percentage of GDP) in the upper panel, and bank credit for the private sector (as a percentage of GDP) – the bottom panel.

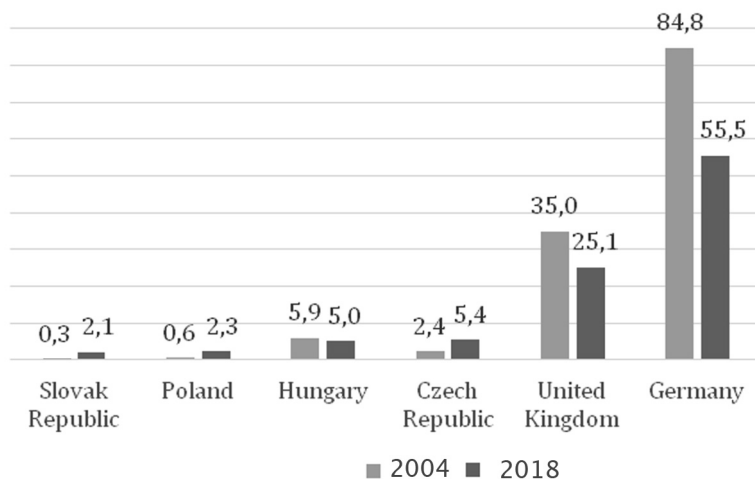


Source: The authors' own calculations based on World Bank data.

Another dimension of the standard VoC framework directly concerns the institutional determinants of the emergence of innovation. Here, the two “input” variables will be mentioned. Public spending on (all kinds of) education has been falling in three of the four Visegrad countries by around 1 p.p. on average and remaining at the same level in Czechia,

and this is the first variable. At the same time, they rose in the UK and Germany. The second being that the GDP size-adjusted expenditures on research and development (R&D) improved slightly in the V4 economies, but still remained almost half a per cent lower than that of Germany (3.1% of GDP in 2020). On the “output” side, in turn, one can still observe (see: Figure 2) relatively poor V4 country performance in terms of the number of so-called “triad” (meaning “registered in the USA, the UK or Japan”) patents per million inhabitants. Nevertheless, the score has improved in relative terms stemming from both a slight rise in measurements in the V4, as well as some significant fall in the UK and Germany (because of increased global competition).

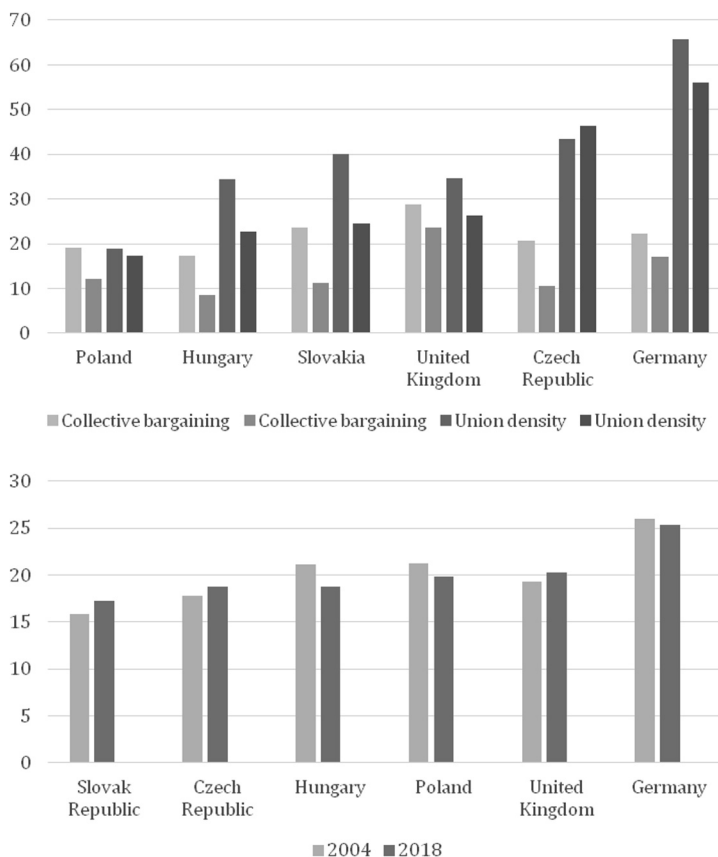
Figure 2: Triad Patents per Million Inhabitants in the V4, Germany, and the United Kingdom, 2004 and 2018



Source: The authors’ own calculations based on OECD (number of patents) and World Bank (population) data.

Figure 3 summarises another area of the VoC analysis – industrial relations. All the countries presented recorded a decline in terms of the unionisation level (expressed as the number of employees enrolled in a trade union as a percentage of all employees), with the biggest, two-digit drops in Germany (-12.5 p.p.), and Hungary (-10.1 p.p.). The V4 economies’ labour markets – where, on average, 10.5% of employees are members of trade unions – are in this case more similar to the German case (17%). The UK tends to have the highest union density within the group, amounting to 23.5% in 2018.

Figure 3: Industrial Relations in V4, Germany, and the United Kingdom: Collective Bargaining Coverage and Union Density 2004–2016 (as a percentage of employees in the upper panel), and Social Public Spending 2004–2018 (as a percentage of GDP, bottom panel)



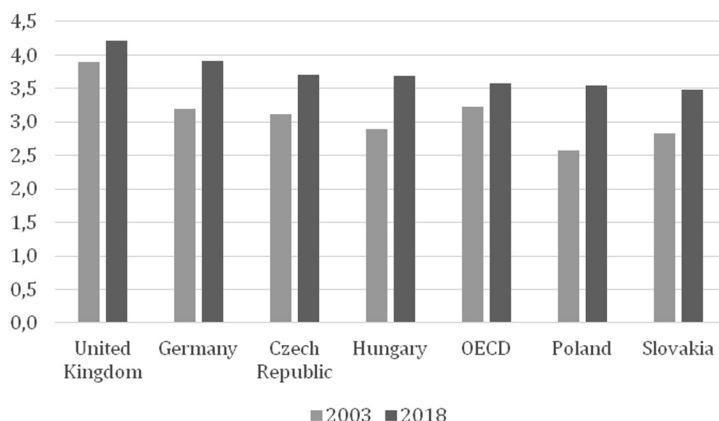
Source: ILO data (unionisation and collective bargaining) and OECD data (social public spending).

Almost every country dropped also in terms of the number of employees whose wage contracts are covered by collective bargaining. The exception is Czechia, which improved this measure by nearly 3 p.p. and in 2016 ranked, interestingly, between Germany (an outstanding share of 65.8% – sitting in 1st place) and the UK (26.3% – in 3rd place). This issue also shows some more diversity among the V4 countries. The last parameter concerns the levels of general public spending on social policies as a percentage of the economy’s output. OECD data suggest that

all the countries show moderately stable numbers in the period from 2004 to 2018 and the results range narrowly from 17.2% of GDP in Slovakia (a +1.4 p.p. change) to 25.3% in Germany (-0.7 p.p.).

The final dimension of the analysis relates to the changing competitiveness of the European economies. Figure 4 presents a composite indicator of the OECD's Product Market Regulation (PMR), published in 2003 and in 2018. After accession, all the V4 economies recorded an improvement bigger than the average in the OECD in the period (the biggest being in Poland and Hungary). However, in this period, the CE countries analysed converged more towards Germany (which also upgraded its score) than to the UK (which has the highest level of competitiveness).

Figure 4: Competitiveness in V4, Germany, and the United Kingdom, 2004 and 2018



Source: OECD Product Market Regulation (average). The scores have been standardised so that the bigger value indicates a more competitive economy.

Conclusions

The key question that was approached was whether the V4 countries have followed the same evolutionary path in terms of the institutional order (the variety of capitalism) they represent. And, consequently, the issue was whether this evolutionary trajectory influences the position they have taken on the map of differentiated integration.

The first conclusion to be drawn is the statement that general economic factors correlate positively with long-term trends of the pro-EU orientation (measured, e.g., with the standard trade openness) of the V4 states and their economies. Their income per head converges towards the EU average,

and their business cycle is more and more compatible (especially after the economic crisis) with the fluctuations in the Eurozone. The picture, however, becomes more complex when one looks through the lenses of differentiated integration theory. It is the political factors (especially in Poland and Hungary) that put these states on a conflicting path with Brussels, and, as a consequence, they position those States on the outer-core of the differentiated European integration system. The long trends over three decades which were already observed before EU accession, accelerated and consolidated after 2004. It is even legitimate to say that the times of crisis acted as some sort of critical junctures – the periods of economic turmoil bringing more equalisation as regards many of the economic parameters in question. However, this growing convergence of the V4 grouping in relation to the EU average is accompanied by some significant divergence inside the Visegrad countries' move towards integrating the mainstream of EU policy.

Yet, the assumption of a so-called “hybrid” type of capitalism for the V4 group is to be maintained, based on empirical data investigation. Although in most of the areas (competitiveness, ways of raising financial capital) in the process of becoming more and more similar to the CME type continues, other institutions (education and innovation systems) resemble more closely those of the LME. Converging towards the CME may be partially the result of a statistical effect related to the weight of the German economy and the economic governance model it promotes. The CE economies, being closely inter-connected to the German supply chain, adjust to its dominant features. This type of imitative development has been effective so far in the catch-up strategy of the EU's new Member States from the CE region. Nevertheless, it is worth indicating that the middle-income trap, literature suggests there will be expected slow-downs as the aspiring economies get closer and closer to average levels. An important limitation of our analysis is that we focus only on the mechanism of the coordination side, without thoroughly examining the paths of (in)complementarities that these institutions have created in the V4 economies.

Additionally, the Brexit process (the UK's leaving the EU already began in 2016 and continued until 2021) is an important factor in this analysis. Not only was the British economy (and still is, to some extent) an important partner for many of the V4 economies, but the UK's absence from the EU favours the less liberal component in the decision-making process in Brussels also. Since the VoC literature indicates that it is London that represents one of the examples of the Liberal Market Economy model, its absence from inside the EU means the lack of an

important, liberal pole. The only remaining pole of economic governance inside the EU is represented by the CME model, and this could imply its further diffusion among other Member States.

These new findings open a broad path for further investigations to be undertaken in the future. Firstly, the hypotheses generated in the spirit of the middle-income trap literature require systemic verification in the Central European setting. So far, most of the studies have been conducted in Asia or South America, with only a few exceptions in Europe. Secondly, and relatedly, the literature on DME needs to be revisited, since the FDI inflow in relation to the economy's size has been falling gradually since its highest levels after accession.

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*Renata Grochowska**

From a Centralised to a Diversified Common Agricultural Policy in the Light of Liberal Intergovernmentalism Theory

Abstract

The aim of this study was to identify the circumstances in which the Common Agricultural Policy, once the most centralised policy in the EU, changed, after 2013, into one which is the most decentralised and diversified. The following hypothesis was put forward that the introduction of significant flexibility in the CAP reflects the search by Member States for the most effective ways to identify and implement their own preferences on the EU forum. The research was conducted from the perspective of the liberal intergovernmentalism theory based on a critical analysis of the respective literature and the applicable strategic documents and regulations. In the study, a large heterogeneity of agricultural sectors in the EU has been shown, resulting from several enlargements of the EU. Consequently, it has led to an increasing diversification of national preferences, significantly affecting the shape of the CAP reforms proposed on the EU forum. Other important drivers influencing the changes in the CAP were the introduction of a co-decision procedure in the area of agriculture, along with the increasing impact of Member States on the decision-making process since the economic crisis of 2008–2009. As a consequence, EU budget negotiations have been dominated by narrowly-defined sectoral and national interests. The concentration of Member States on an acceptable net position contributes to maintaining the status quo in terms of the expenditure part of the EU budget or its reduction. Thus, there is a risk that the deficit of European integration in areas assuming the distribution of costs and benefits between Member States may have a negative impact on the future of the EU.

Keywords: Common Agricultural Policy, European Union, Differentiated Integration

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Introduction

The origin of the recent changes in the internal political landscape of individual Member States and their consequences for the effective functioning of the European Union (EU) have forced the asking of questions about the future of the European integration project and EU policies, including the Common Agricultural Policy (hereinafter, “the CAP”). Since the beginning of its existence, the CAP has traditionally functioned on the basis of a top-down approach and left little room for individual Member States’ own initiatives. External conditions initiated in the 1990s resulted in changes to the CAP. However, they were implemented very slowly. In subsequent reforms, there was a clear dependence on path dependency, i.e., when choices made in the past determined the current choices regarding the shape and financing of the EU agricultural policy (Kay, 2003).

One may wonder why the CAP has gone from being a homogeneous policy to being so differentiated with the 2013 reform, resulting in the introduction of considerable flexibility in shaping Member States’ agricultural policies; to what extent national preferences of individual Member States played a role in the process, and which drivers influenced the formation of those national preferences.

The starting point for the presented considerations was the theory of liberal intergovernmentalism (hereinafter, LM). Despite the weaknesses of this theory (Gagatek, 2018; Kleine, Pollack, 2018; Tosiek, 2018), as revealed during various crises which have affected the European Union (eurozone problems, migration, and Brexit, among others), it offers important insights concerning the essence of European integration. Taking into account the current changes in the EU and the doubts concerning whether they are heading towards greater integration or disintegration, LM theory may be a valuable basis for conducting empirical research related to the EU’s agricultural policy.

The key to understanding LM theory is the belief that rational individuals and groups with autonomous and diverse interests influence the state that acts on their behalf in the international arena (Moravcsik, 1993). The groups constantly compete for influence over the state, and the victorious actors in this internal struggle determine the preferences that the government implements in cooperation with other states. Thus, the state specifies its goals through intergovernmental negotiations. It is also assumed that the state is rational in its actions, as it determines the suitability of alternative ways of acting and selects those maximising (or satisfying) its usefulness in any given circumstances. According to

Moravcsik (1993), to analyse the effects of integration, it is necessary to divide those effects into three separate stages, each of which is based on separate explanatory theories, i.e., (1) the aggregation of national interests into integration-related preferences, (2) distributive negotiations between governments to implement the abovementioned preferences, and (3) the creation or adaptation of institutions to secure the implementation of the agreements obtained.

The justification for undertaking the research was the recognition of the existing research gap in the assessment of the effectiveness of the CAP in connection with the national preferences of the Member States, and, in turn, their translation into the EU decision-making process, which finally determines the shape and financing of this policy. Taking into account the perspective of liberal intergovernmentalism, the aim of the study was to identify the circumstances of the significant change in the CAP after 2013, which, having a dominant share in the EU budget, has changed from the most centralised policy to one that is the most decentralised and diversified. The following hypothesis was put forward – the introduction of significant flexibility in the CAP after 2013 reflects the search by Member States for the most effective ways to identify and implement their own preferences on the EU forum. The first part of the article shows the diversity of the agricultural sectors and policies in the EU affecting the differentiation of national preferences. In the second part, changes in the decision-making process strengthening the role of Member States are indicated. The final part discusses the forcing of national preferences in the process of intergovernmental negotiations on the basis of game theory.

The starting point for formulating the hypothesis was a critical analysis of the literature and the applicable strategic documents and regulations. Elements of the diagnostic approach (a description and assessment of the existing solutions) and the prognostic approach (an outline of proposed changes to the existing solutions) were also used.

The Diversity of Agricultural Sectors and Policies in the EU

According to Eurostat data (2022a), in 2020 there were 9.1 million farms in the EU, of which 2.9 million (approx. 31.8%) were in Romania. Next in terms of the number of farms, there were Poland, Italy, and Spain. In the case of Romania, 90.3% of farms were smaller than 5 ha. Farms below 5 ha were also numerous in Malta (96.6% of the total), Cyprus (87.5%), Greece (74%), Portugal (73.4%), Croatia (70.6%), Hungary (64.9%), and Bulgaria

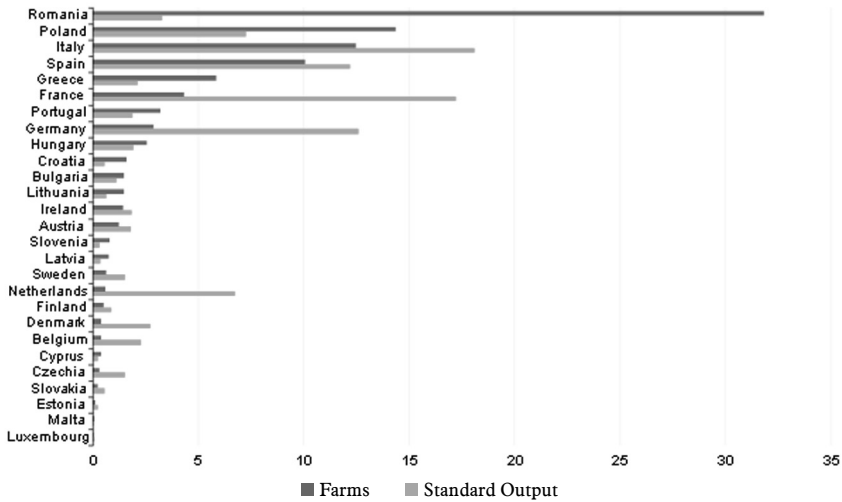
(64.0%). Larger farms (50 hectares or more) were much more common in Luxembourg (52.7%), France (46%), Finland (33.3%), Germany (31.5%), and Denmark (30.9%). Farms in the EU are also highly diverse in terms of agricultural production. In many Mediterranean countries (Spain, Italy, Greece, and Cyprus) as well as in Finland, specialised crop production dominated (more than 70% of all Mediterranean farms), while in parts of North-West Europe (Ireland, Luxembourg, and the Netherlands) and Austria, specialised livestock production dominated (more than 50% of all North-West Europe's farms). On the other hand, in Croatia, Lithuania, and Romania, more than 25% of farms were mixed farms. In the case of Poland, farms up to 5 ha accounted for 52.1% of all farms in 2020, while farms with an area of 50 ha and more accounted for 3%. The main directions of agricultural production of Polish farms are crop production (43.6%) and animal production (55.8%) (GUS, 2021).

Member States' share of total EU agricultural production also varies significantly, reflecting differences in the volume produced, the prices received, along with the types of crops grown, animals reared and services offered. More than half (57.8%) of the total output value of the EU agricultural sector was generated in 2021 by the so-called "big four", i.e.: France (EUR 82.4 billion), Italy (EUR 61.2 billion), Germany (EUR 59.2 billion), and Spain (EUR 59.2 billion). The next group of Member States was the Netherlands (EUR 30.6 billion), Poland (EUR 27.9 billion), and Romania (EUR 21.1 billion). Thus, three-quarters (75.5%) of the total value of EU agricultural production in 2021 came from seven Member States (Eurostat, 2022b).

Successive enlargements of the EU with new Member States, particularly in 2004 and 2007, caused increased heterogeneity of agricultural sectors in the EU. The differences in agriculture between the EU and Central-East European Countries were presented in many studies, including those by Swinnen (2000), Pouliquen (2001), and Nello (2002). A good picture of EU agricultural sectors after seven enlargements is visible in Figure 1, which shows the number of farms and their standard output (expressing the economic size of agricultural farms) in the EU-27 countries.

The heterogeneity of the agricultural sectors in the EU contributes to the increasing diversity of national preferences of individual Member States. They are usually determined by the structure and size of the sector in a given country along with its competitiveness on the international area. To examine national preferences, the achievements of the public choice theory are most often used, whose important field is the study of the activities of interest groups and their impact on the functioning of the economy and the state (Olson, 1971). The groups seek to influence

Figure 1: The Number of Farms and Standard Output in the EU-27 Countries in 2020 (share of EU total, %)



Source: Eurostat, 2022a.

political choices in order to maximise their usefulness, i.e., to create legislative decisions that are favourable to them and to receive as much money through public funds as possible, an activity known as “rent-seeking” (Wilkin, 2009). This phenomenon indicates the presence of many shortcomings and imperfections in the allocation of resources in the conditions of political choices, wherein the benefits of selected interest groups are maximised, resulting in a permanent loss of social welfare. As a consequence, the allocation of goods and services through the state is permanently inefficient in relation to the market mechanism (Czyżewski, Kułyk, 2013).

The deepening diversification of the national preferences of individual Member States has significant implications for the EU’s decision-making process. During the consensual style of decision-making in the Council, there are numerous contestations, resulting in a significant number of “no” or “abstain” votes. According to research by Bailer et al. (2014), the share of contested decisions in the area of agriculture between May 2004 and December 2008 averaged 10% (from 0% for Slovenia to 24% for the UK and Denmark). The nationally determined preferences of Member States affect the bargaining space for agreements that have a chance of being adopted at the international level. Malang and Holzinger (2020), while analysing the differentiations in new CAP legal acts from 1993 to 2012, found that the more sectoral expectations within the country grew,

Table 1: Thematic Coverage of Eco-schemes in 28 Strategic Plans for CAP 2023–2027

Issue	No of Member States	Member States addressing the issue through at least one eco-scheme
“Biodiversity” (protection or enhancement), landscape features, non-productive areas	25	All Member States except AT, RO, and SE
Carbon sequestration/carbon farming	8	CY, DE, DK, ES, HR, LT, NL, PL
Integrated pest management/pesticide management	11	BE-FL, CY, DE, HU, LT, SK
Nutrient management	12	BG, CY, DK, FI, HR, HU, IE, LU, LV, PL, SI, SK
Precision farming	6	BE-FL, CZ, EL, IE, LV, SE
Permanent pastures – extensification and maintenance	12	BE-FL, BE-WA, BG, DE, ES, HR, IE, LT, LV, NL, PL, SI, SK
Permanent pastures – maintenance only	12	BE-FL, CZ, DE, DK, EL, FI, FR, HU, NL, PT, SI, SK
Soil conservation practices	26	AT, BE-FL, BE-WA, BG, CY, CZ, DE, DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, RO, SE, SI, SK
Organic farming	12	BE-FL, BG, DK, EE, EL, FR, LT, LV, NL, PL, PT, SE
Animal welfare/anti-microbial resistance	8	AT, CY, IT, LT, PL, PT, RO, SK
Other	6	BE-FL, CY, DE, HU, LT, SK

AT – Austria, BE-FL – Belgium-Flanders and BE-WA – Belgium-Wallonia, BG – Bulgaria, HR – Croatia, CY – Cyprus, CZ – Czechia, DK – Denmark, EE – Estonia, FI – Finland, FR – France, DE – Germany, EL – Greece, HU – Hungary, IE – Ireland, IT – Italy, LV – Latvia, LT – Lithuania, LU – Luxembourg, MT – Malta, NL – the Netherlands, PL – Poland, PT – Portugal, RO – Romania, SI – Slovenia, ES – Spain, SK – Slovakia, SE – Sweden.

Source: European Commission, 2022.

the higher the level of exemptions from EU law could be obtained. The aforementioned authors demonstrated at the stage of negotiations in the Council of EU Ministers a strong impact of the economic bargaining strength of the Member States on differentiations in EU law. In their research, those countries that were economically stronger and applied high levels of protectionism to the domestic agricultural sector also achieved more exemptions from the existing law for their farmers.

Since both treaty revisions and accession treaties require unanimous intergovernmental agreement and ratification by all Member States, heterogeneity and conflict can cause deadlock in intergovernmental negotiations. According to Schimmelfenning (2018), differentiated integration is an opportunity to get out of this impasse, allowing Member States to cooperate at different levels of integration that suit their preferences and capabilities. This is particularly visible in the CAP 2014–2020, when significant opportunities were introduced to choose the applied agricultural policy instruments adapted to the specificity of the agricultural model in individual Member States. The process was deepening with the next reform of the CAP for 2023–2027, according to which Member States were obliged to create the so-called “strategic plans” tailored to the needs of their agriculture. Table 1 shows the differences between the agricultural policies of EU countries in only one instrument: eco-schemes. These are mandatory in all Member States, but countries can choose the scope and means of implementation.

Changes in the Decision-making Process Strengthening the Member States

It is no stretch to say that one of the most important drivers affecting the changes in the CAP after 2013 was the introduction, together with the Lisbon Treaty, of the co-decision procedure in the area of agriculture. As a consequence, the role of the European Parliament (EP) has been increased in the decision-making process. The work of the EP takes place in committees such as the Standing Committee on Agriculture and Rural Development (COMAGRI). While its composition reflects the political balance of Parliament as a whole, it is dominated by farmers, landowners, and rural stakeholders. Thus, the co-decision procedure could strengthen the group of Member States (through the actions of their MEPs) traditionally in favour of an interventionist interpretation of the CAP and a policy aimed at supporting the regions (Roederer Rynning, 2015).

Moreover, the increased influence of Member States on the decision-making process, in tandem with strengthening the possibility of pushing national preferences on the EU forum, has been visible since the economic crisis of 2008–2009. According to Ruskowski (2018), during a crisis, integration begins to develop according to national logic, i.e., the process “regresses to the capitals”. The specificity of agricultural negotiations in the EU, in particular the frequent modifications of the European Commission’s proposals by the Council, combined with the consensual

negotiation style and trade off processes between the Member States, favour the introduction of changes that meet the interests of individual countries.

A good example may be the negotiations on the Multiannual Financial Framework (MFF) for 2014–2020, also related to the reform of the CAP after 2013. The pressure existing at that time for a radical reorientation of priorities and a reduction of expenditure in order to achieve savings could have meant a significant reduction in the agricultural budget. However, that did not happen. Matthews (2015) pointed to the following links between the MFF and CAP negotiations: (a) the reform was shaped in accordance with the need to create a narrative that would legitimise spending on the CAP under the MFF, and (b) there was a significant reduction in the time needed for negotiations, because the key actors delayed finalising their position on the reform of the CAP until the budget proposals were agreed in early 2013.

The presented drivers, affecting a greater role of the Member States in the Council and in the European Parliament (through their deputies) could have contributed to increasing the flexibility in the implementation of the CAP after 2013, favouring the adaptation of agricultural policy instruments to the economic, social, and structural needs of a given country. The new, decentralised decision-making process encouraged the active participation of a wider range of actors and provided greater opportunities to adapt the overall EU framework to specific national circumstances (Greer, 2017). The new reforms in the EU also favoured the wider introduction of the principle of subsidiarity, which had not previously been applied in the management of the CAP (with the exception of rural development measures). The dependence on the European path dependency in shaping the CAP has decreased, replacing it to a greater extent than before with national paths of dependency shaped by national preferences (Henke, 2018).

However, the effect of the increased flexibility (or, as some have named it, re-nationalisation) of the CAP is a significant diversification of agricultural policies in the Member States, as well as of funds allocated to programs and measures supporting domestic agricultural sectors. Research commissioned by the European Commission has shown that a wide range and combination of choices made by Member States both under the first and second pillar of the CAP will have a significant impact on the implementation of the objectives set for the CAP (European Commission, 2017).

National Preferences in Intergovernmental Negotiations

From the perspective of liberal intergovernmentalism, the configuration of nationally-determined national preferences defines the negotiating space for agreements that have a chance of being adopted at the international level. The course and results of negotiations can be predicted using game theory in relation to MFF negotiations on the CAP. The main elements of game theory analysis are: determining the possible actions of the players (and their sequence), identifying the players' strategies, assessing the players' access to information, and defining payoff functions (Druckman, 2007). States negotiate based on the unanimity rule, which means that the results should be Pareto optimal. However, the results of the negotiations always reflect the national preferences and bargaining power of individual countries. Game theory models indicate that those governments which could benefit more from agreement than no agreement tend to offer more concessions. In turn, the governments of countries that do not gain much from the status quo conduct tough negotiations, threatening to veto the entire agreement or even leave the organisation (Moravcsik, 1998). The benefits and costs of countries are expressed in specific numbers, hence it is easier for players to relate and react to negotiation proposals. The rules of the game are known, the negotiators have full information, they are also knowledgeable about the possible payouts for individual players. The game is spread over time and is governed by specific procedures formulating sequences of actions.

In Table 2, elements of the traditional theory of non-cooperative games and its extension in the form of the moves theory to predict the size and structure of the EU budget after 2020 on the example of selected actors' preferences are shown. The theory of moves assumes, in contrast to traditional non-cooperative game theory, that players are already in a certain state of the game and, should they remain in that state, they get their payoffs. Based on the possible payouts, players decide whether to change their strategy in order to get a higher payout. Players are able to anticipate an opponent's moves and reach a new state of equilibrium named by Brams (1993) as a "nonmyopic equilibrium". This equilibrium may or may not coincide with the Nash equilibrium (Kiryluk-Dryjska, 2012).

From the aforementioned analysis of the game between the European Commission and net contributors in accordance with the rules of game theory, it was concluded that in the budget negotiations for 2023–2027, contributors may initially accept an increase in the budget for the

Table 2: The Game Matrix for the European Commission and Net Contributors to the EU Budget

		European Commission	
		Increase of CAP budget	No change of CAP budget
Net contributors to the EU budget	Increase of CP budget	(2.4) ^N	(4.2)
	No change of CP budget	(1.1)	(3.3) ^B

N – Nash equilibrium, B – Brams equilibrium; CAP – Common Agricultural Policy, CP – Cohesion Policy

Source: Grochowska, Kiryluk-Dryjska, 2016.

Common Agricultural Policy (CAP) and Cohesion Policy (CP), with a more favourable solution for a larger scope of the CP budget. However, attempts to increase the CAP budget excessively in relation to the CP may eventually lead to a freezing of the EU budget at the current level. In recent years, there has been a gradual intensification and consolidation of the preferences of the net contributor countries in favour of a reduction of the EU’s budget size, with a simultaneous dispersion of the budgetary preferences of the net beneficiary countries. The group of countries striving either to freeze or reduce the budget is joined by its recent beneficiaries, i.e., countries in which the level of wealth is approaching the level of net contributors.

Member States’ approach to budget negotiations follows “the principle of *juste retour*”. Basing the EU budget mainly on the contributions of the Member States in relation to their gross national income means that each country, in accordance with the aforementioned principle, strives for a maximum recovery of funds paid into the common budget. The lack of sufficient own sources of the EU budget is the reason for analysing the situation of individual Member States in terms of the net position, i.e., comparing the contributions of a given state to the EU budget with the benefits, understood as the EU funds allocated and spent on the territory of that state. The net position account often becomes a point of reference for assessing the effectiveness of a given country’s actions on the EU forum. The process of determining the size and structure of the EU budget is, therefore, heavily dependent on narrowly-defined national interests. As a result, budget negotiations become a zero-one game, in which a larger pool of funds for one country causes their reduction for another, and is similar to EU policies; an increase in funds for one contributes to a decrease for the others.

The long-term monitoring of the CAP budget negotiations shows that the players have little room for manoeuvre with regard to agricultural policy. The United Kingdom has repeatedly tried to reduce spending on the CAP, but in exchange for keeping the British rebate, it resigned from having anything to do with the significant reforms of this policy. In turn, the largest beneficiaries of the first pillar of the CAP – France and Germany – concluded informal agreements aimed at maintaining the status quo. Direct payments were treated by the Member States as a simple redistributive instrument compensating payments to the EU budget. Taking into account the conditions that will determine the budget negotiations and the future of the EU in the coming years, it can be assumed that the change in the balance of power between the Member States after Brexit will strengthen the existing tendencies to maintain the status quo in relation to the EU budget.

Conclusions

In this paper, the circumstances of the significant change in the CAP after 2013 from the perspective of the liberal intergovernmentalism have been studied. The large heterogeneity of the agricultural sectors in the EU has been shown, resulting from several enlargements of the EU by new Member States. Consequently, it has led to an increasing diversification of national preferences, significantly affecting the shape of the CAP reforms proposed on the EU forum. Other important drivers influencing the changes in the CAP were the introduction of a co-decision procedure in the area of agriculture and the increasing influence of Member States on the decision-making process since the economic crisis of 2008–2009.

As a result, budget negotiations in the EU are dominated by narrowly-defined sectoral and national interests. The dependence of the EU budget on the contributions of the Member States in relation to their gross national income means that each country – in accordance with “the principle of *juste retour*” – strives for the maximum recovery of funds paid into the common budget. Member States focus on maintaining an acceptable net position which contributes to the status quo in terms of EU budget spending. There is, therefore, a risk that the deficit of European integration in areas assuming the distribution of costs and benefits between Member States may have serious consequences for the future of the EU. Purely distributive budget negotiations may intensify the processes of disintegration and renationalisation within the EU.

The presented study indicates the need to continue research on the deepening heterogeneity of agricultural sectors in the EU, which affects

the increasing diversification of the interests of agricultural lobbies in individual Member States and expectations in relation to the changing EU agricultural policy. It is reasonable to better understand the boundary conditions of this phenomenon, especially in terms of the principle of subsidiarity and the division of competences between EU institutions and Member States, particularly for the protection of the single market. Future analyses should also take into account the bureaucratic implications of CAP flexibility in terms of creating more complex administrative structures in increasingly heterogeneous national agricultural sectors.

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The Employment of Ukrainians as an Opportunity to Fill the Labour Market in Poland – Selected Issues

Abstract

The labour market in Poland has undergone significant transformations over the past two decades. The observed changes have been influenced by various factors related to, among other things, the possibility of free movement of the population resulting from membership of EU structures, demographic changes, technological changes, and the automation and robotisation of production processes. Demographic change is becoming a significant challenge, highlighting the shortage of workers with different qualifications and competencies in the labour market in various sectors of the national economy. This paper aims to indicate to what extent Ukrainian citizens can fill the gaps in Poland's emerging labour market. To that end, a survey was conducted in the Qualtrics programme in May-June 2022 among Ukrainian citizens who arrived in Poland before 24th February 2022, i.e., before the outbreak of the war and who were registered in the Gremi Personal database. This particular company provides support connected to employment for Ukrainians. Due to the non-probabilistic sampling technique, the results cannot be generalised with regard to the entire population. To analyse the results, descriptive statistics were used

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to examine the population structure and determine the significance of the characteristics studied and the correlation between them. The research shows that labour shortages in Poland's labour market can be compensated to some extent by employing migrants from, for example, Ukraine. The commencement of the proper research was preceded by the preparation of a pilot study and the collection and analysis of statistical data related to the situation on the Polish labour market, taking into account the level and structure of employment and an indication of shortages in the labour market when the research was prepared, and the fact that complete statistical data ended in 2020, hence the decision to include this research period in the analyses.

Keywords: Immigration, Employment, Lack of Labour Force, Poland, Ukraine

Introduction

Europe's share of the global population is declining. In 1960, the population of the EU27 was approximately 12% of the world's population, falling to around 6% by 2020 and is projected to decline to less than 4% by 2070. The European Commission's *Report on the Impact of Demographic Change in Europe* from 2020 indicates that Europeans in the 21st century are becoming an older population each year, and life expectancy is increasing (European Commission, 2020). Health and medical systems that are among the most developed in the world contribute to this (OECD iLibrary, 2018; England, Azzopardi-Muscat, 2017). From the 1960s to the mid-1990s, the average number of births per woman in Europe went into decline and, by 2018, amounted to 1.55 children born per woman. This is below the considered level of 2.1 children per woman required to maintain a constant population size (Eurostat, 2020).

In Europe, the number of households is increasing. However, their size is decreasing. In 2019, there were 195 million households in Europe, an increase of 13 billion as compared to 2010. In that year, the average household consisted of 2.4 people whereas in 2010 it was 2.3 people. The number of one-person households increased by 19% from 2010 to 2019, and the general trend in Europe is towards that of households of couples without children, people living alone, and single parents (Rees, 2017; Olash, 2015).

Since 2012, the number of deaths in the EU27 has exceeded the number of births. Europe's population is projected to decline from

2030 onwards, from 449 million in 2019 to 424 million by 2070. The most significant population declines are projected to occur in Bulgaria, Greece, Croatia, Italy, Latvia, Lithuania, Hungary, Poland, and Romania (European Commission, 2020). The impact of demographic ageing on the labour market is becoming most evident, as the number of people of working age will decrease from 59% to 51% between 2018 and 2070 (Ritchie, Rosner, 2019; Krupowicz, Kuropka, 2022). Europe needs a highly skilled, well-trained workforce, so millions of Europeans must therefore retrain. Attracting skills and talents from abroad will also help the labour market.

Population growth in a particular region can be influenced by several factors: the environment, access to services (childcare, those for people with disabilities, high-quality education, health care, long-term care, housing, and cultural services) or the availability and quality of infrastructure (roads, rail, energy supply, transportation, and access to boarding schools). Demographic change also affects economic prospects and the ability to offer attractive jobs, which can become a reason for migration (Guzi, Kahenec, Ulceluse, 2021). Many people migrate from regions with low GDP because of job opportunities and a better quality of life in their target destinations.

Poland is one of the countries for which the European Commission has predicted a population decline. In the 1990s, there was a gradual increase in life expectancy and a decline in fertility rates which contributed to the ageing of the labour force (GUS, 2022). The population aged 50 and over is projected to increase by 2030 (GUS, 2017). Poland's accession to the European Union allowed its citizens to travel and work in Community countries, with more than 2.4 million citizens leaving Poland between 2004 and 2019 (GUS, 2021). Many of Poland's specialists and skilled workers have left the labour market. The mass migration of Poles to EU countries in search of work after 2004 increased labour shortages in the labour market, but, conversely, Poland's accession to the EU also increased interest in the Polish labour market among residents of post-Soviet countries. The document "Polish Migration Policy – the Current State and Proposed Actions" and the implementation plan of this document had a significant impact on the number of arrivals and their taking up work. It played a crucial role in changing the treatment of migration from that of an undesirable phenomenon to a necessary one due to shortages in the Polish labour market.

Migration policy is defined in documents concerning departure and stays, taking up work, integration, acquiring citizenship, and obtaining refugee status. Since Poland's accession to the EU, under the applicable

law, citizens of post-Soviet countries could take up work based on their getting a work permit (OECD, 2016). Another facilitation in taking up gainful employment was the introduction of a simplified employment system based on employers' declarations of their intention to entrust work to a foreigner. A major change in immigration policy was triggered in 2016 by the annulment of migration policy documents and the announcement of the creation of documents that would consider new socio-economic needs. The published "Strategy for Responsible Development until 2020 (with a perspective until 2030)" indicated, *inter alia*, the shortage of a qualified workforce, the increase in the importance of migration, and the need to prepare a strategy for managing human capital flows. The pro-family and targeted migration policies highlight opportunities to eliminate the threats related to the ageing of society (*Serwis Rzeczypospolitej Polskiej*, 2017). Recommendations were also prepared to guarantee easier access to the labour market for foreigners and their quick integration into society (*Serwis Rzeczypospolitej Polskiej*, 2017). In a document entitled "Socio-economic Priorities of Migration Policy", it was stated that this policy should be adapted to the labour market's requirements and focus on supplementing it with migrants from industries and professions to fill the industry-related gaps, all while ensuring employment standards and state security (*Priorytety społeczno-gospodarcze polityki migracyjnej*, 2018). The need to acquire foreign employees with appropriate competencies to supplement human resources in the labour market was emphasised by a Ministry of Interior and Administration project entitled "Migration Policy of Poland. Draft of June 10, 2019" (Łoziński, Szonert, 2023). Another document from January 2021 underlined the inevitability of Poland making use of immigrants due to significant population losses. Immigration processes can strengthen an economy and foster social integration (*Serwis Rzeczypospolitej Polskiej*, 2020). Further attempts to specify the principles of migration policy and adopt documents after 2021, however, have failed (Łoziński, Szonert, 2023).

As part of the immigration process, Ukrainians were the largest group coming to Poland to work (Duszczyk, Matuszczyk, 2018; Górny et al., 2019). In 2019, 444,738 people received work permits, of which 330,495 were Ukrainians, i.e., more than 70% of the total number of immigrants in 2019 (*Rocznik Demograficzny*, 2020). Their number showed an increasing tendency until the outbreak of the Covid 19 pandemic.

This study aimed to indicate to what extent Ukrainian citizens can fill the gaps in Poland's emerging labour market shortages. The study period covered the years 2005–2020.

The research hypothesis of the study: Immigrants from Ukraine taking up employment in Poland only partially contribute to filling the shortages in the labour market.

To verify the hypothesis, the following research questions were formulated:

- 1) In which sectors and occupations were shortages identified in the Polish labour market between 2004 and 2021?
- 2) What were the reasons for emigrating to Poland?
- 3) In which sectors did immigrants take up work?
- 4) Is there a correspondence between the education received in Ukraine and the work performed?

The following methods were used in this study: literature studies, an analysis of CSO statistical data, and an online survey by Qualtrics.

State of the Study

On the Polish labour market, it is possible to note the shortage of workers in specific professions and skills. This problem is also characteristic of foreign labour markets, including Germany, Spain, and others. However, it occurs to a lesser extent than in Poland, as Weber, Adascalitei (2021), and Kocór (2017) write about. Many labour market researchers consider the problem of labour market shortages by identifying their direct causes. Lipka (1997) identifies the economic situation, labour productivity dynamics, demographic changes, the working-age population, the socio-occupational structure of people who are looking for work, and the lack of adequate infrastructure to which urban entrepreneurs have access as causes of the aforementioned shortages. Kryńska (2007), Gawrycka, Szymczak (2015), Borowiec (2015) and Krzyżowski et al., (2014), and Okólski (2018) emphasise that by 2030 the number of people aged 50 plus will increase in Poland, which is associated with a change in the number of people of working age, changes in the demographic structure, consequently the ageing of labour force, the economic deactivation of elderly people, and the occurrence of a generation gap. Klementowska, Fraczyńska (2018) conclude that labour shortages are more common in the private sector and most often affect highly qualified workers and those performing manual work. Turek (2015), Górniak (2015) and Chojnacki (2018) prove that labour shortages in Poland are also the result of an increased tertiary education of people born during the baby boom in the 1980s along with a lack of a sufficient number of jobs for university graduates. A study by Jończy, Rokita-Poskart (2011) found that in the two decades of the 21st century, many new jobs were created that require workers with

a secondary vocational education. These are lacking in the market due to faulty education policies and a failure to attract workers. Gajdzik (2016) and Duszczuk, Matuszczyk (2018) claim that companies lacking human resources should prepare employment offers that encourage potential candidates to take up employment. Finally, a gap in the labour market appears through vanishing professions, e.g., craftsmen, whose work is only partly replaced by automated production, writes Kobosko (2021). Poland is still a country where human labour is cheaper than investment in automation. Another reason for the occurrence of shortages is, according to Długosz-Zabrocka, Stasiowski (2019), and Piotrowski, Modrzejewska, Matysiak (2020), the occurrence of Polish citizens emigrating after 2004 to EU countries in search of work and decent wages.

Kryk (2021) and Wiktorowicz (2018) claim that shortages in the Polish labour market can be alleviated by extending the employment period of people from Generation X and BB, despite their lower matching from the point of view of qualifications and competencies to the requirements of the current labour market. Olak, Olak (2017) believes that immigrants can fill shortages in the market. Rzhavkina (2022), Vedeneeva (2019), Górny, Madej, Porwit (2020), and Górny et al., (2018) believe that Ukrainians coming to Poland can at least partially fill the gap in the labour market, as the demand for simple jobs in Poland is greater than the number of people willing to do them. Czaplinski, Dzhaman (2019) point out that the decline in GDP in Ukraine, low wages and the poor protection of labour rights, along with a lack of social protection and social security are reasons for Ukrainians emigrating to Poland. The scope of work undertaken by immigrants in Poland is changing. Increasingly, in addition to simple jobs, they also work in the specialist services sector.

Shortages on the Polish Labour Market in the Years 2005–2020

The CSO has recorded labour market shortages since the early 1990s. For the present study, data from 2005 to 2020 were adopted.

During the period under study, labour shortages increased until 2019. In the year of the start of the COVID-19 pandemic, there was a decrease in job vacancies due to the introduction of lockdown. The most significant shortages persisted in the manufacturing sector. In the mining industry, mine closures were the cause of the decline in demand for workers. The level of scarcity of labour in the car trade, transport and warehouse management, and the construction sector increased dynamically. In terms of occupations, the most significant deficiencies were recorded among manufacturing

Table 1: Job Vacancies by Occupational Section in 2006–2020 (in thousands)

Sections	2005	2009	2011	2014	2016	2018	2019	2020
Mining industry	0.2	20.7	11.2	.				
Manufacturing	16.4	16.5	5.3	13.3	20.4	41.2	27.7	21.2
Electricity supply	0.2	17.1	1.4					
Construction	3.9	5.4	3.1	3.9	6.0	17.4	20.6	8.9
Car trade and repair	4.5	17.1	7.5	10.0	13.7	21.1	19.2	11.7
Hotels and restaurants	0.7	3.3	0.0	2.6	3.3	5.0	4.9	1.2
Transport, warehouse management and communications	2.0	5.4	0.1	4.7	6.3	11.7	10.9	7.6
Information and communication	.	2.4	1.3	3.9	5.8	5.5	6.3	5.3
Financial and insurance intermediation services	1.0	2.5	1.4	1.4	2.2	2.4	2.6	1.3
Real estate and business services	4.5							
Professional scientific and technical activities		3.7	2.4	4.2	3.0	7.2	6.7	5.1
Public administration, defence, compulsory social security and health insurance	3.5	6.2	1.5	2.6	3.6	5.7	5.5	5.7
Administrative and support service activities		4.0	0.1	2.4	1.4	4.7	4.1	3.1
Education	0.9	2.2	0.6	0.9	1.2	3.0	3.3	2.5
Health protection and social assistance	2.3	4.2	2.1	1.8	2.5	6.8	6.0	6.6
Service, communal, social and individual activities, and other	0.7							
Arts, entertainment and recreation		1.0	0.4	0.5	0.5	0.8	2.5	0.7
Total	40.9	93.4	45.5	54.4	78.0	139.2	125.4	85.4

Source: Author's own elaboration based on the Yearbook of Labour Statistics 2006–2020, Warsaw: CSO.

workers, craftsmen, machine and equipment operators and assemblers, drivers and vehicle operators, workers in simple jobs, service and sales workers, office and middle staff, and customer service workers. At the end of the first quarter of 2022, shortages in the Polish labour market amounted to 158,700. Their distribution is similar to that of the previous period.

Studies to date show that there are labour shortages in the Polish labour market in various sectors of the national economy. Unfavourable demographic changes also negatively impact the labour market situation in Poland. That is why an attempt was made to examine to what extent immigrants can contribute to reducing labour shortages in the Polish labour market.

Results of the Author's Own Research and Discussion

The research was conducted from May to June 2022 among Ukrainian citizens who arrived in Poland before 24th February 2022, i.e., before the outbreak of the war. It was registered in the database of Gremi Personal, a company that supports the employment of Ukrainians. This is of great importance as the reasons for the migration of Ukrainian citizens have recently changed due to the political situation.

Over the aforementioned period, 1256 Ukrainian citizens received a link to a survey, which the study's authors used the Qualtrics software to prepare. The questionnaire was completed by over 30% of the target group. However, having considered the completeness of the responses, 243 questionnaires were accepted for the study, i.e., 19.3% of the respondents. The sample was selected on a non-random basis and was non-representative. Due to the non-probabilistic sampling technique, the results cannot be generalised as regards the entire population. The chosen research method is similar to random sampling or convenience sampling. The surveyed people were included in the sample randomly rather than being selected on a random basis, which was due to the fact that they were in the right place and time to take part in the research. It should be noted that an essential feature of the selected sampling technique is the fact that only a portion of a population, which is unspecified, can participate in the study and qualify for the sample. According to Szreder, even though it does not ensure the sample's representativeness, random selection allows one to learn about the population. Assuming certain opinions are often repeated in a randomly selected sample, they are no longer random and become regular. Furthermore, a certain regularity and accuracy can be noticed regarding the survey results, which makes it possible to state that the random selection of respondents for the sample does not mean depriving it of its cognitive value (Szreder, 2004, pp. 48–50).

Based on the research, most immigrants were employed in Ukraine before coming to Poland (as indicated by more than 70% of the respondents). Fewer than 11% of Ukrainians were unemployed before their departure.

Over 7% of the respondents were looking for a new, better-paying job, and the same percentage were employed part-time. The majority of the migrants were young people under the age of 45 and who accounted for over 80% of the respondents (Górny, Madej, Porwit, 2020). It is worth adding that women were the majority among the migrants, and over 65% of them were unmarried. Among the migrants, more than 38% of the respondents had families, which meant the need for financial support for the family members. Bearing in mind that the survey included people who arrived in Poland before the beginning of the hostilities, economic factors were the main reason for migration, with more than 30% of the respondents claiming that they would earn much more in Poland than in Ukraine. Over 16% of the respondents indicated their willingness to help their families as the reason for migrating, which can also be considered an economic reason. The research was conducted during military operations, which is why over 25% of the respondents claimed that the reason for their stay in Poland was the geopolitical situation. Given that the surveyed migrants were mostly young people who are more likely to decide to migrate primarily for economic reasons, it was interesting to learn about their place of residence in Ukraine. Based on the conducted survey, before coming to Poland, almost 40% of Ukrainians had lived in cities with more than 50,000 residents, and over 20% of them had been inhabitants of rural areas. This may indicate that people in larger cities are more determined to migrate. Among those who came to Poland, almost 60% were guaranteed employment at the time of their decision to relocate. Nearly 21% of the respondents intended to start looking for a job upon their arrival in Poland. The survey showed that Ukrainians positively assessed job opportunities in Poland, which was confirmed by the fact that 20.63% of the respondents who were not offered employment in Poland before their arrival stated that they would find a job within a month. The above might indicate that people who had already migrated to Poland provided such information to their compatriots on the possibilities of finding a job in Poland. The research results confirm this, as over 40% of the respondents learned about employment opportunities in Poland by word of mouth. More than 30% of the respondents found job offers online, with 11% of those respondents finding job vacancies via social media. It is worth adding that, in this case, recruiting companies played a smaller role in sourcing employees from Ukraine; according to the research, less than 21% of the respondents obtained information from such organisations (Kindler, Szulecka, 2023).

Based on the Statistics Poland data (Table 1), there were 40 to 125 thousand job vacancies in various sectors and sections of the national

economy. It is worth analysing what kind of jobs the citizens from Ukraine took up in Poland. The research showed that most Ukrainians found employment in the service sector (almost 56% of the respondents to be precise). Also, a significant percentage found employment in manufacturing and construction (over 40%). The remaining persons were employed in agriculture and fishing (sector 1 of the national economy). The dominant private sector in the Polish economy employed almost 85% of those surveyed. Those remaining found employment in the public sector in Poland. The positive economic situation on the Polish labour market is confirmed by the low average annual unemployment rate of below 7%, in particular in the years 2015–2020 (GUS, 2023), and which had an impact on the length of the job search period. The survey showed that Ukrainians had no problems taking up employment in Poland; in their opinion, they found jobs immediately, or it was “waiting for them”. The above was the case for almost 60% of the respondents. Only 1.75% of the respondents spent more than three months looking for a job (Górny et al., 2020). Bearing in mind that there are shortages in the Polish labour market in various sectors of the economy, which is related to the search for employees with different qualifications and levels of education, it was worth analysing who the Ukrainians were who started working in Poland. Based on the study, almost 70% of the respondents found employment inconsistent with their qualifications, skills, and formal education as they did not speak Polish. Over 8% of the respondents could not take up jobs matching their education as their diplomas were not recognised in Poland. Nearly 20% of the respondents stated that in Poland there were stricter requirements for employment according to a learned profession than in Ukraine. Therefore, they did not work in positions matching their education.

The conducted research showed that the structure of migrants was dominated by young people up to 45 years of age, i.e., those in the period of the greatest mobility. It seemed interesting to analyse the duration of the stay and the plans of the immigrants to settle down in Poland. This is important, as the demographic situation in Poland is undergoing tremendous changes, and the migration policy of Poland toward Ukrainians might, at least to some small extent, contribute to the reduction of the shortages of employees in the labour market in the coming years. The research showed that more than 20% of the respondents stayed in Poland longer than a year, and more than 60% stayed for several months. The remaining persons remained for less than a month. It was therefore difficult to expect them to know their plans related to their stay in Poland. According to the respondents,

a significant group of Ukrainians considered staying in Poland for over a year (almost 60% of those surveyed). Only 8.45% of the respondents were not interested in long-term employment. The remaining persons, i.e., more than 30% of the respondents, did not specify their plans. The reason for all of the above might have been that the great majority of those surveyed were offered fixed-term employment contracts (almost 58% of the respondents). Nearly 40% of the respondents were granted contracts indefinitely. The rest – constituting less than 2% – were not legally employed. Many factors can influence long-term migration decisions, e.g., age, marital status, and income (Gawrycka, Ziętarski, Maier, 2018), therefore, it was essential to analyse job satisfaction. According to the survey, 46% of the respondents were satisfied with their jobs, more than 30% considered changing their workplace, and the remaining persons, who represented a group of less than a quarter of the respondents, held no opinion. Due to the state of war, the difficult situation in Ukraine after 24th February, 2022 was a reason to analyse whether, following the current situation, Ukrainians and their families wanted to settle down in Poland. 21.53% of the respondents confirmed that they had families planning to settle permanently in Poland. Just over 2% of the respondents considered migrating to another EU country. The majority of those surveyed, more than 75%, could not state whether or not they wanted to stay permanently in Poland. Additionally, the migrants were asked when they were planning to return to their homeland. Most of the respondents, over 50%, did not indicate a specific date. Interestingly, more than 13% of the respondents did not want to return to their home country. In turn, more than 5% of the respondents stated their desire to return to their country in a few years.

One of the factors determining migration is the income from performed work (Brunowska, Grotte, Lesińska, 2012; Brzozowska 2022). Based on the respective research, the economic factor was one of the most essential criteria for Ukrainian citizens. Considering the income level in Ukraine and Poland, over 60% of respondents earned up to EUR 300 per calendar month (pcm) in the former country. In comparison, only 9.82% of Ukrainians staying in Poland declared such a level of income. There were more minor discrepancies in the range of EUR 300 to EUR 600 pcm, which the higher income level could explain. Thus, in Ukraine, the percentage of respondents with an income in the above-mentioned range was 32.12%, with over 46% of Ukrainians staying in Poland. In the case of income above EUR 600 pcm, the discrepancies were much more significant, with only 7% of the surveyed Ukrainians declaring that they achieved such income in their country. In comparison, more than

EUR 600 pcm was obtained by over 40% of the respondents staying in Poland.

For more detailed research, elements of descriptive statistics were used to analyse the correlation between selected features based on the chi-square test of independence. Taking into account the factors determining a migrant's arrival in Poland, the duration of migration, and the current economic and social situation due to the war, it can be concluded that the variables are statistically significant (significance level 0.05) and, based on the calculated V-Cramer coefficients, there is a moderate correlation between the features (0.22). Among the respondents who declared that they were working in Poland mainly because of the war, as many as 75% stayed for several months in the territory of Poland. It can therefore be concluded that those were primarily war refugees who wanted to wait out the period of war in their country. Indeed, only 31% of the respondents, whose primary motivation to work in Poland was the war, declared that they intended to work in Poland for more than a year. Only 9% of those respondents stated they wanted to settle in Poland permanently, while as many as 61% were unsure. It is worth noting that the respondents who indicated that they did not intend to stay in Poland permanently, despite the war in Ukraine, were women aged 26–45.

Similarly, one can interpret the correlation between being employed in Ukraine, be it full-time or part-time, and employment opportunities in Poland over a short period. The features related to the level of remuneration in Ukraine ($p = 0.029$) and the remuneration in Poland also turned out to be statistically significant. However, in this case, according to the V-Cramer coefficient (0.1616), there is a weak correlation between the examined features. It turned out that people who received remuneration of up to EUR 300 pcm in Ukraine obtained higher remuneration in Poland (only 13% declared that they remained in the same pay group). For those who earned EUR 300–600 pcm in Ukraine, the financial situation improved for 53% of the respondents. The results were also confirmed by a statistically significant correlation between the salary achieved and the main motivation to stay in Poland, as 52% of the respondents who declared that they work in Poland because they earn more than in their home country achieved salaries above EUR 600 per month. In contrast, those who declared war as their main motivation for working in the country mostly had incomes of EUR 300–600 pcm (59% of the respondents). The analysis showed a statistically significant correlation ($p = 0.003$) between having family/friends in Poland and being informed about job opportunities. It turns out that among the respondents who declared their intention to come to Poland because of

their acquaintances, as many as 65% obtained information about possible work opportunities from their relatives. The V-Cramrer coefficient of 0.2293 demonstrated a moderate correlation between the main factor in deciding to come to Poland and sources of employment information. The importance of having a network of acquaintances was also indicated by the statistically significant correlation between the time of looking for a job and the declaration of having a job in Poland (question 4), as 30% of the respondents who declared that they had a job guaranteed in Poland obtained the job offer from their friends or family. There was also a statistically significant correlation between work compatible with education and length of stay in Poland. As many as 50% of respondents who indicated that they did not work in their learned profession due to a lack of adequate knowledge of the Polish language had stayed in Poland for less than a year ($p = 0.006$). There was also a statistically significant correlation between jobs compatible with education and the gender of the respondent, as we found that 35% of women declared that they had a job consistent with their education. In comparison, for men, it was only 23%. There was also a statistically significant correlation between the sector of employment and salary earned. 52% of the respondents working in trade or services indicated wages in the range of EUR 300–600 pcm, while in the case of employment in manufacturing/construction, 58% of respondents indicated salaries above EUR 600 pcm, and 35% indicated wages in the range of EUR 300–600 pcm. While for men, the percentage of employment trade vs manufacturing was close to 1:1, for women, there is a clear dominance of services (56% of female respondents) over manufacturing (35%).

Conclusions

Poland's labour market changed enormously between 2010 and 2020. The positive economic situation affecting high employment in the labour market and the accompanying low unemployment rate resulted in a shortage of workers with varying qualifications and competencies. The high share of the human factor in production processes contributed to searching for new workers or mobilising those hitherto economically inactive. In addition, unfavourable demographic changes depicting constraints on the resources of the working-age population require the search for new workers, possibly meaning migrants from countries with lower levels of development. The achieved research results confirm that the previous conclusions formulated by, among others, Kryńska (2002), Borowiec (2015) and Piotrowska, Modrzejewska, Matysiak (2020) regarding the observed, unfavourable demographic changes in the

labour market require the implementation of decisive measures aimed at increasing access to the labour force. Undertaking research on the employment of Ukrainians in the Polish labour market was intended to indicate whether this group of migrants can reduce labour shortages. The study conducted is consistent with the conclusions of, among others, Rzhhevkin (2022), Vedenev (2019) and Olak, Olak (2017), who consider that migrants coming to Poland, in this case, Ukrainians, can at least partially fill the gaps in the Polish labour market. Statistical data confirm that Ukrainians are among the most numerous migrants settling in Poland. The research shows that the ideal situation in the labour market in Poland favoured the employment of Ukrainians in various sectors of the national economy, i.e., in services and manufacturing, as well as in the construction sector. It is worth emphasising that an opportunity for the Polish economy may lie in appropriate solutions in the area of migration policy, which will favour the employment of migrants from Ukraine, i.e., workers from outside the EU for whom Poland is an economically attractive country (Gomółka, Gawrycka, 2020). In addition, research confirms that relatively young people up to 45 years of age, who have had no problems with employment so far, are coming to Poland to work. All this leads us to confirm the research hypothesis posed in the introduction. However, it should be emphasised that some immigrants are not fully satisfied with their work in Poland, which may result from finding employment incompatible with their formal qualifications. In this case, the provisions of Poland's migration policy adapted to the current situation in the labour market may play a significant role.

The research carried out does not fully cover the issue of bridging labour market shortages in Poland. Attention should be paid to the current situation of the Ukrainian population and the ongoing war, which may impact decisions related to staying in Poland. The issue should be approached from different perspectives, and it should be considered that demographic processes are long-term.

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