



Slovenian Paneuropean
Movement

JOINT CITIZENS FORCES – COMMON EUROPEAN FUTURE



In necessariis unitas, in dubiis libertas, in omnibus caritas.

Dejan Hribar (ed.)

JOINT CITIZENS FORCES – COMMON EUROPEAN FUTURE

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INTRODUCTION



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The Slovenian Paneuropean Movement and its partners have successfully concluded the JOCIC-EF project, co-funded by the Europe for Citizens Programme of the European Union. During the project lifetime, from 1 September 2017 to 28 February 2019, we managed to involve over 600 citizens from 29 countries in discussions about the future of Europe and how Euroscepticism can affect it. With distinguished guest speakers, ranging from local, regional, national and EU decision makers, experts from think tanks, the academia, civil society organisations, foundations and others, we thoroughly addressed some key challenges that the EU has been facing for years: the causes behind the rise of Euroscepticism, the spread of populisms and political parties on the extreme left and right, mistrust in European institutions, citizens' involvement in the policy-making process, and the proposed scenarios for the future development of the EU. This project served as a starting point for further cooperation among partners and with other organisations, since many of them expressed a sincere wish to continue working with us. We came to a conclusion that the EU needs more than ever a strong support for its policies within the civil society, since we are aware of the fact that there is only one future for us: a common Europe.

We hope and believe that this monograph will add another stone in the mosaic of understanding EU politics and the EU policy-making process, as well as bringing citizens closer to each other and encouraging them to think about what European future they would like to live in. The authors of the articles collected in this monograph shared their views on issues stretching from the future of Europe, Euroscepticism and citizenship to security and the EU in the world. This is also the logic of how the articles appear in this book.

The EU is a living thing. The bloc is still in a deep political crisis. The aftermath of the migration crisis, Brexit, and the Catalan crisis show that we are still far from being a stable community, with a clear path ahead. The EU is still facing a sort of disorientation, and consequently it is our duty to answer this confusion. In order to encourage reflection on the role of the European Union and spur discussion on its development, the European Commission commendably delivered on 1 March 2017 a White Paper presenting five possible scenarios for the future, which range from reducing the Union to a single market and all the way to strengthened integration. As I said on 15 June 2017 in the Slovenian National Assembly, none of these scenarios will likely be realised. In the end, the real world will force all the members to realise a sixth scenario. Although we understand the White Paper as an intellectual tool aiming to spur general debate, the Commission regrettably made no reference to any option of regional cooperation or need to expand the understanding of the subsidiarity principle. Top EU institutions lead the debate towards scenarios centred on what member states want, treating citizens as a second-tier issue. In fact, citizens have been excluded from the debate on the future of Europe from the very beginning, despite the aim of the debate to "advance our project in the interests of our citizens". The latest geopolitical shocks that destabilised the Union have provoked a full comeback of sovereign states. The Maastricht Treaty's ambitious vision of a Europe of regions based on real subsidiarity, closer to citizens, is disappearing. Institutional reconfiguration has failed. But the Brexit issue and the Catalan crisis are here to tell us that something is not working. The European Union is not performing as people would wish because people will believe and support a higher structure only if it guarantees real freedom and democracy.

In many countries, institutions, the rule of law, financial systems and the judiciary are not working properly—they are still controlled by closed elites that run the states, perpetuating their own interests. Facade democracies that do not allow real political alternatives are the cancer of the EU.

Due to the international, fluid environment, the future could bring a contradiction that should be properly addressed: disaggregating states within a unifying European Union.

In order to survive as a relevant international player, the EU has to find its own path. The European Union is intimately linked to the North Atlantic security system. Should it one day disintegrate, Europe would have to walk alone without falling back into its own historical dramas. Such a hypothesis is unachievable today. We are weak in many areas. We cannot stand alone, but the Union cannot be merely a cockpit in a tower of Babel. A lasting European way is still to be found because our own survival is at stake.

The Slovenian Paneuropean Movement has always been committed to bringing together the brightest minds from around Europe, without limitation to particular political preconceptions, in order to constructively criticise the powers that be, to brainstorm, to deliver proposals and support solutions.

We took part in the founding of the International Paneuropean Union in Vienna in 1926, and started our activities within the Kingdom of Serbs, Croats and Slovenes. Ninety-three years ago!

The Nazi and communist regimes froze our ambitions but could not destroy our will. Thanks to the vision and the personal engagement of some of our members, the Slovenian Paneuropean Movement was re-established 27 years ago in Bled in the presence of the President of the International Paneuropean Union, Otto von Habsburg-Lothringen. Today our organisation is not only alive, but is in great shape! Our mission will continue also in the future, and our doors will remain open to everybody who shares our principles, without any political discrimination. We will continue to shape new generations of open-minded future leaders and encourage public political debate, criticise politics and policies when needed and support them when deserved.

Where someone has a vision, the purpose is a better world! Our humble purpose is and will remain to change and consequently to save the world.

We must not disappoint our fellow citizens. We have to find solutions; it is our duty in this large community. As Churchill once said, we are often mocked by the failure of our hopes. However, it is common sense to take a method and try it. If it fails, admit it frankly and try another. But above all, try something.

We proudly keep trying!

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ABOUT THE JOCICEF PROJECT

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The European Union is a unique and historic project, which has created an area of peace, security, stability and prosperity, based on shared values of the rule of law, human rights and democracy. Huge endeavours have been put into sustaining this project by many prominent politicians as well as citizens. Yet it seems the project is starting to fade, politically resembling somewhat the circumstances between World War I and II, particularly when it comes to the rise of political extremism, populism and Euroscepticism.

The Slovenian Paneuropean Movement, together with its JOCICEF project partners, has recognised the need to address these issues immediately before it is too late. The idea behind the JOCICEF project derives from the fact that when the economic crisis in 2009 and particularly the migration crisis in 2015 erupted, old national resentments and suppressed nationalistic sentiments came to light. European intercultural dialogue seemed to have started vanishing; Greeks did not like the Germans, Italians accused EU institutions of everything, Great Britain wanted to withdraw from the EU, etc. Suddenly, Europe was pervaded by Euroscepticism, a feeling that national politics had failed due to bad EU management and policies. Such an atmosphere paved the way for the growth of populisms, the extreme left and the extreme right, Eurosceptic groups, etc. We could argue that when we have economic prosperity all EU nations are friends, but once a crisis hits us we become “good old enemies”. The EU completely neglected the very basic Pan-European slogan: in necessariis unitas. Translated into the EU situation, when there are nationalistic tendencies to tear the EU apart, European nations and their politicians should stand together and advocate a united Europe. In reality, many politicians saw a window of opportunity for their own self-promotion by choosing populist rhetoric (we could see it all around Europe, from Spain, through Italy to Slovenia, Hungary, etc.). This was a clear message that this is simply not the way that the EU should go on. As part of the civil society, we were called to address these challenges that highly affect the future of Europe.

European citizens have very diverse attitudes towards EU institutions, decision makers, EU policies and the future of Europe as such. The level of trust can range from 20% to 80% in different periods, countries, societies, etc. Therefore, we need to start building on citizens, since they represent Europe. We decided to build on a strong bottom-up approach, empower citizens and civil society organisations to be able to understand the importance of continuing on the path of European integration. Moreover, building trust and fostering mutual cooperation between citizens and policy makers at the EU level is vital for the survival and prosperity of the EU.

The aim of the JOCICEF project was to attract and engage European citizens and civil society organisations in structured dialogue with EU policy and decision makers on how to reduce Euroscepticism, how to tackle the populisms and extreme political parties, and particularly to find what kind of future European citizens want to live in. The focus of the project was on increasing the level of understanding of the EU policy-making process, how to transform and translate citizens' ideas and needs in the EU decision-making process, how to improve the communication channels between citizens, civil society organisations and decision makers, and on the importance of having unified and strong common European policies and approaches.

Our project served as a forum and platform for engaging European citizens in debates on their and thus our common future, bringing a certain level of innovative, inclusive and interactive approaches.

Our activities were people-to-people oriented, meaning that we were working mainly with citizens in person (not as much through social media and other digital communication channels). It is our belief that the in-person approach is still the most important and leaves the most tangible footprint. To this end, we organised 5 major international conferences and 3 events for dissemination and raising awareness to address the topics of the project, offer a place for open discussions, and particularly to make room for exchange of experience, opinions and views about the future of Europe. We wanted to test the ground by a conducting a short survey, which was distributed among citizens with the help of our project partners. The results of the survey are presented in the next section.

The first international conference was organised in Ljubljana, Slovenia from 1 to 3 December 2017. Under the title *Joint Citizens' Forces – Common European Future*, the conference aimed at discussing the state of the EU and the outlook for its future development. In five sessions the discussions offered exchanges of different views on the concept of European citizenship, the relationship between EU institutions and member states, European institutional reform, translating EU policies to the national level, and the future of the European Union. The conference was attended by 109 participants from 20 different states. Guest speakers stressed that the European Union was faced with challenges that must be addressed, such as Brexit, the political crisis it is still facing, the issue of Catalonia, and the institutional reform the EU urgently needs if it is to maintain its legitimacy in international politics and in relation to its citizens. Moreover, they highlighted the importance of financial mechanisms for the civil society as the only way of successfully contributing to a formulation of constructive solutions and proposals.

The second international conference took place in Florence, Italy on 7 and 8 May 2018. Co-organised by the University of Florence under the title *Euroscepticism and its role in integrating the European Union*, the conference featured discussions on the rise and dangers of Euroscepticism in the European Union, the role of the media in addressing this phenomenon and in the European integration process, as well as the perspectives of other global players about the EU. The event was attended by 68 participants from 7 countries.

The third international conference took place in Orašje, Bosnia and Herzegovina from 25 to 27 May 2018. Organised by the Paneuropean Union of Bosnia and Herzegovina under the title *European Enlargement Process: Cross-Border Cooperation as an Instrument of European Integration*, the event aimed at discussing three key challenges facing Southeast Europe: the EU's messages to the countries of Southeast Europe regarding their European perspective, the role and contribution of multiculturalism in Southeast Europe to multiculturalism in Europe, and cross-border cooperation as an instrument of European integration. The conference, which was attended by more than 80 participants from 10 countries, featured esteemed representatives of universities, research institutions and NGOs, as well as politicians and members of the diplomatic corps.

The fourth international conference was organised in Szentendre, Hungary by the Slovenian Pan-European Movement and the Hungarian Paneuropean Union, and took place on 26 and 27 October 2018 under the title *Euroscepticism—roots, challenges and prospects*. The conference, which had 53 participants from 10 countries (Austria, Belgium, Czech Republic, Denmark, France, Hungary, Italy, Slovakia, Slovenia and Spain), aimed to shed light on the challenges brought about by Euroscepticism and different forms of populism for the present and especially the future set-up of the European Union. The EU is under increasing pressure from different forces that doubt the efficiency and even the rationality of European integration, so they resort to populist rhetoric, as well as nationalism, and mostly blame European institutions for domestic political problems. The speakers agreed that political populism and Euroscepticism feed mostly on poor knowledge about the historical value of the European project—and European policies in particular—which is why communication between citizens and European institutions needs to be improved. The event featured 4 panel discussions, opening addresses, a keynote speech and an active moderated discussion of participants.

The fifth and final international conference was organised by the Slovenian and the Austrian Paneuropean Movements, and took place in Vienna, Austria from 15 to 17 February 2019. The conference, which was attended by over 300 participants from 24 countries (Austria, Belgium, Bosnia and Herzegovina, Croatia, Czech Republic, Denmark, Finland, France, Georgia, Germany, Greece, Hungary, Italy, Kosovo, Latvia, Luxembourg, Montenegro, Poland, San Marino, Slovakia, Slovenia, Spain, Switzerland and Ukraine), was aimed at discussing the future of the European Union, the challenges related to the decision-making process (how to bring EU policies closer to citizens, and how to include the latter more actively in the process), as well as the importance of the upcoming election to the European Parliament for the future of European integration and managing Euroscepticism. The event featured 4 moderated panel discussions, introductory speeches and active inputs by participants.

Achieving to bring together 609 people from 29 different countries, we believe that we fulfilled our project mission—raising the level of understanding of EU policies, encouraging citizens to assume an active role in debates about the future of Europe, equipping citizens with the necessary knowledge about how to tackle Euroscepticism and different forms of populism, engaging citizens in direct communication with esteemed local, national and EU decision makers, and finally contributing to much needed intercultural dialogue within the European space.

ANALYSIS OF THE PROJECT SURVEY

The future of Europe depends on its citizens. This is why their trust in European institutions is vital. As long as citizens feel that European institutions work in their favour and to make their lives better, they will support their policies. It is of course normal and expected that trust in the EU varies, depending on economic, social and other circumstances. This is why we could see a major drop in trust in the EU during the economic and financial crisis (30%) and a relatively high support when these two crises were (temporarily) overcome in 2018 (60%). With the JOCICEF project, we wanted to check and analyse these numbers on a small sample, adding certain other elements that we also consider vital for the future of Europe (e.g. the perception of Euroscepticism, populism on the right and left, and questions related to the media and European institutional reform).

To this end, project partners compiled a questionnaire with 21 different (but interrelated) closed-type questions about how citizens perceive the future of Europe and its main challenges. The questionnaire was distributed among the project partners, who then shared it through their channels. Although the geographical scope is relatively wide, the survey was expected to receive more answers from project partners' countries. A total of 214 questionnaires were answered in full by respondents from 24 EU and non-EU countries. A majority of the respondents (80%) come from Austria, Slovenia, Germany, Hungary and Italy. According to age groups, the distribution of the respondents is as follows: 15% under 30, 63% between 30 and 65, 21% over 65. The most relevant and interesting results are presented in figures and tables below, while a brief analysis is provided at the end of this section.

The first set of questions referred to the future of Europe and its position in the world. In general, we can say that EU citizens are relatively optimistic about the future of Europe, but they mostly do not see the EU as a strong global player in the near future. Notably, there is a very positive attitude towards EU enlargement, which is primarily focused on Southeast Europe. A rather high share of respondents believe that subsidiarity, as one of the basic principles of the EU, is not respected in the EU policy-making process. Reflecting what could be heard from the speakers at the conferences, there is indeed a positive image about the future of the EU among citizens, particularly among citizens of candidate countries. It is interesting that citizens expect EU enlargement in the near future despite the fact that the European Commission explicitly said there would be no enlargement. This leads to a conclusion that citizens still believe in the EU, but decision makers need to be very prudent when it comes to candidate countries. They have to do their best so as not to push these countries to seek political shelter in other world regions. Last but not least, the principle of subsidiarity was discussed substantially, with guest speakers pointing out several times that it was not respected at the EU level. It is a widespread practice that this principle is abused to transfer national problem (which could and should be solved at the local or national levels) to the EU level, where decisions may not always be favourable for individual countries. Therefore, EU-level decisions are often regarded as pressure on EU member states, which is wind in the sails of Eurosceptics.

What is in your opinion on the future of the European Union? (1 – very pessimistic, 6 – very optimistic, 0 – I don't know)

1	2	3	4	5	6	0
8%	12%	20%	30%	22%	7%	1%

¹ European Commission (2012). *Standard Eurobarometer 78 Autumn 2012. Public Opinion in the European Union*. Available at: http://ec.europa.eu/commfrontoffice/publicopinion/archives/eb/eb78/eb78_first_en.pdf.

² European Parliament (2018). *Eurobarometer survey shows highest support for the EU in 35 years*. Available at: <http://www.europarl.europa.eu/news/en/headlines/eu-affairs/20180522STO04020/eurobarometer-survey-highest-support-for-the-eu-in-35-years>.

In 2030, the European Union will be considered the a so-called global super power (as it is like the USA, Russia, China). (1 – not at all, 6 – absolutely, 0 – I don't know)

1	2	3	4	5	6	0
19%	18%	21%	11%	18%	8%	6%

Do you think that the European Union will enlarge by 2030? (1 – not at all, 6 – absolutely, 0 – I don't know)

1	2	3	4	5	6	0
9%	17%	13%	14%	27%	20%	1%

Subsidiarity is one of the fundamental principles in the EU treaties. Do you think that this principle is respected in the decision-making process? (1 – not at all, 6 – absolutely, 0 – I don't know)

1	2	3	4	5	6	0
14%	20%	26%	16%	14%	6%	5%

The second set of questions referred to Euroscepticism and populism. We can see that the Eurosceptic and populist parties are on the rise across the EU. They have one major common feature, which is rejecting European integration. Taking a look at the survey results, we can see that most respondents perceive Euroscepticism as a threat to the future of the European integration process, and that this concept can be used as a tool for moving away from the common European project. But surprisingly, the split between those who understand the notion of Euroscepticism as positive or negative is almost even, with 57% of the respondents seeing it as negative (a tool of European disintegration), while 43% perceive it as positive (as constructive criticism of EU policies). The same goes for different forms of populism, which are seen as a threat to European integration. 55% of the respondents perceive both left- and right-wing populism as a threat, while 30% see a greater threat in left-wing populism and 14% in right-wing populism. We found that respondents from Western EU member states more often see left-wing populism as a threat, while respondents from Central and Southeast Europe are more inclined to see right-wing populism as a threat. Taking into consideration the historic framework, this is to certain extent reasonable and expected. Finally, another interesting result refers to intercultural dialogue. More than half of the respondents think that intercultural dialogue within EU member states should be enhanced. This result explains why this topic is slowly making its way on the EU political agenda again (as was also pointed out by EU politicians at our events). The crises that Europe faced revealed that European nations still harbour tacit or hidden resentments from the past. They do not come to surface as much in times of economic boom, but they erupted in times of crisis. One European year dedicated to intercultural dialogue (2008) was not enough to make real progress in this regard. We need more time, patience and work.

Do you see Euroscepticism as a threat to the future of European integration? (1 – not at all, 6 – absolutely, 0 – I don't know)

1	2	3	4	5	6	0
8%	14%	14%	12%	25%	25%	3%

**Do you think Euroscepticism can be used as a tool for European disintegration?
(1 – not at all, 6 – absolutely, 0 – I don't know)**

1	2	3	4	5	6	0
4%	10%	11%	15%	30%	26%	4%

How do you perceive Euroscepticism?

Negatively (as a mean to blame European institutions for the worsened national economic and social situation)	57%
Positively (as constructive criticism of the work of European institutions)	43%

**Do you perceive the raising populism as a threat to the future of European integration?
(1 – not at all, 6 – absolutely, 0 – I don't know)**

1	2	3	4	5	6	0
10%	11%	14%	14%	25%	23%	2%

In your opinion, which kind of populism is more dangerous for the future of Europe?

Both equally	55%
Left-wing populism	30%
Right-wing populism	14%

Do you think that the European Union should enhance intercultural dialogue within European member states? (1 – not at all, 6 – absolutely, 0 – I don't know)

1	2	3	4	5	6	0
1%	2%	9%	7%	25%	50%	5%

The third set of questions referred more to the EU policy-making process and communication. If we have take a look at the question if whether the EU policy-making process is comprehensible, we see that there is only 16 % of those who can say that the respondents said they understand it very well.

This results can be confirmed that On a similar note, 53 % of citizens the respondents have a feeling that they cannot actively contribute to the policy-making process. In this light, it is alarming that as many as 71 % of citizens the respondents have a feeling believe that lobbies have a stronger say than citizens, and only 9 % think that their voice is taken into consideration. Such results could also be affected by the fact that 53 % of citizens the respondents think that European institutions do not communicate well with its citizens. This is To some degree, this probably the consequence of the fact that results from national media do not communicate reporting well or enough about what is going on in European institutions. 46 % of the respondents citizens think that national media do not communicate well the news from the European institutions well, while 55 % think that the EU should have its own media / broadcasting channel. Considering that the European elections are in May 2019, it is interesting that citizens believe that these elections can turn the compass of the EU's future of the EU (45 %, compared to 20 % who believe that these elections cannot change much).

Do you perceive the EU policy-making process comprehensible to a citizen of an EU member state? (1 – not at all, 6 – absolutely, 0 – I don't know)

1	2	3	4	5	6	0
16%	28%	24%	13%	11%	5%	4%

Do you have a feeling that you can actively contribute in the European policy-making process? (1 – not at all, 6 – absolutely, 0 – I don't know)

1	2	3	4	5	6	0
24%	29%	16%	13%	9%	7%	2%

Do you feel that the voice of lobbies is stronger in European institutions than that of citizens? (1 – not at all, 6 – absolutely, 0 – I don't know)

1	2	3	4	5	6	0
2%	2%	10%	13%	30%	41%	3%

Do you feel that your voice is heard and taken into consideration within European institutions? (1 – not at all, 6 – absolutely, 0 – I don't know)

1	2	3	4	5	6	0
30%	25%	22%	11%	7%	2%	3%

Do you think European institutions communicate well with you as a citizen? (1 – not at all, 6 – absolutely, 0 – I don't know)

1	2	3	4	5	6	0
30%	23%	26%	13%	5%	1%	2%

Do you think that national media is are covering and broadcasting sufficient news from European institutions? (1 – not at all, 6 – absolutely, 0 – I don't know)

1	2	3	4	5	6	0
20%	26%	28%	12%	7%	5%	1%

Do you think that the EU needs its own media (e.g. TV channel and/or newspaper) for covering and broadcasting news from European institutions? (1 – not at all, 6 – absolutely, 0 – I don't know)

1	2	3	4	5	6	0
19%	8%	5%	9%	20%	35%	4%

The next European elections will be in May 2019. Do you think that these elections can turn the compass of the future of the European integration? (1 – not at all, 6 – absolutely, 0 – I don't know)

1	2	3	4	5	6	0
6%	14%	14%	18%	31%	14%	3%

Do you think that the president of the European Commission should be directly elected by EU citizens?

Yes	64%
No	29%
I don't know	8%

The final set of questions was comprised of statements, where respondents could choose whether they agree, disagree, or neither agree nor disagree. The results are presented in full in the tables below, but we wish to highlight two statements which can be related to the discussions at the conferences within the project. Guest speakers mainly advocated that the European integration process should be kept and enhanced, since a united EU is a guarantee of peace and stability, as well as being able to perform better in competition with global powers (such as the USA, Russia and China – 88% think that the EU can perform better in the world if it stands united). 75% of the respondents believe that the European integration process is generally positive. Interestingly, 85% citizens agreed that more emphasis should be put on European identity and values. As we could hear from EU policy and decision makers, this topic is slowly making its way back on the EU agenda. The crisis has taken its toll (this survey confirms that crises and the economic situation of citizens influence the perception of the EU) in terms of exacerbated relations among EU nations, therefore greater emphasis should be put again on intercultural dialogue among EU nations. On the other hand, there is still a high share of those who think that national solutions to European challenges are better than the ones at the EU level (21% agree and 36% cannot decide). This is closely related to the principle of sovereignty, where 45% of citizens think that EU legislation makes their nation states less sovereign. Therefore, it should be emphasised that member states maintain full sovereignty in implementing EU legislation.

The European integration process is generally positive.

I agree	75%
I disagree	11%
Neither nor	14%

The EU should put more emphasis on European identity and values.

I agree	85%
I disagree	5%
Neither nor	10%

The economic and social situation of an EU citizen influences their perception of the future of Europe.

I agree	89%
I disagree	2%
Neither nor	9%

Major crises (e.g. economic, migration, etc.) strongly affect people's trust in the EU.

I agree	86%
I disagree	3%
Neither nor	10%

National politics have better solutions for EU challenges.

I agree	21%
I disagree	43%
Neither nor	36%

EU legislation makes member states less sovereign.

I agree	45%
I disagree	25%
Neither nor	30%

The EU can achieve more in the international arena if it stands strong and united.

I agree	88%
I disagree	4%
Neither nor	8%

The questionnaire survey indeed served as a small test about how EU citizens see the EU and its future. Based on the results, we can conclude that there is a will among citizens do wish to build continue with on the European integration process and to make the EU more powerful within and outside its bordersboth internally and externally. We need more European intercultural dialogue (where the Portuguese understands Finnish, or and Slovenes understands the Dutch), since the EU primarily belongs to us, EU citizens. It is up to national and EU decision -makers to further support us and to translate our wishes and suggestions into policies in the a way that they will serve to improve our daily lives. The EU has erupted emerged on the basis of people-to-people connections, which were translated in to policies. It is our duty and the duty of politicians to take continue pursuing the same waypath.

THE FUTURE OF EUROPE

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Abstract: 2018 was and 2019 will be characterised by significant developments across Europe which demonstrate the raison d'être for the Europe's Peoples' Forum. As early as 2016 the analyses of the Brexit referendum showed that large population groups that voted for Brexit perceived themselves as economically and politically marginalised. Since then, protests against the political elite have turned into demands for democratic influence between elections and have gained ground across the EU and its member states.

INTRODUCTION

The fundamental distrust of domestic politics and state institutions in primarily Southern Europe and the new member states is spelled out repeatedly in Eurobarometer surveys published by the European Commission and Parliament. This distrust of the domestic systems is reflected in a similar lack of trust of the European institutions and perception of not being heard at EU level. Nationalistic parties and movements that question the benefits of multi-lateral cooperation are now present in most member states.

The article analyses how important it will be for all major decision at European level to ensure that the citizens are involved in defining how to solve the challenges and what decisions to take. Based on principles for independency and genuine participation in the policy making process, the article encourages European politicians and executive bodies to add new dimensions to European policy.

FROM RECIPIENT TO PARTICIPATING CITIZENS

The European Union is a union of states, but also a union of regions and of citizens with both political and social rights. Bob Cox described for Europe's Peoples Forum¹ how the rights of European citizenship are spelt out in the Treaty of European Union (articles (9 & 20):

- We can move and reside freely wherever we want within the area of the European Union
- We can vote and stand as candidates in municipal and European elections. So far only citizens of the country concerned can vote and stand in national elections
- When in need, outside the EU, we can seek protection from diplomatic and consular authorities of all EU member countries
- When we doubt our rights are being respected we can petition the European Parliament and complain to the European Ombudsman to seek redress

¹ www.europespeoplesforum.eu. *Debate on Europe, On being a European Citizen.*

- When unsure, we can contact and must have a reply from any EU institution in the official EU language of our choice
- Under certain conditions (such as privacy) we can get access Parliament, Commission and Council documents

However, these rights seem no longer to be sufficient for the citizens.

THE POLITICAL ELITES ARE CRITICISED

2018 was and 2019 will be characterised by significant developments across Europe which demonstrate the *raison d'être* for the Europe's Peoples' Forum. As early as 2016 the analyses of the Brexit referendum showed that large population groups that voted for Brexit perceived themselves as economically and politically marginalised. Since then, protests against the political elite have turned into demands for democratic influence between elections and have gained ground across the EU and its member states.

THE HARDER THEY COME

French President Macron has championed a stronger and more dynamic EU, which engages more directly with the citizens. However, his national politics has been fiercely contested by citizens, who protest against what they experience as economic and political marginalisation in a society that is characterised by wealth, income and educational inequality. The street protests of core Gilets Jaunes (Yellow Vests) deteriorated into sheer and shameful violence, but there has been and still remains large popular support to the highly diverse and often contradictory economic demands. The political elites are broadly criticised and citizens demand to be heard directly in the policy-making process. Similar protests took place in other European countries including new and old member states. In Italy, the leader of the 5-Star Movement, a member of the government coalition, offers organisational support to the French Yellow Vest protests. In Hungary, citizens have mobilised to protests against what is seen as a new harsh labour legislation and an undemocratic political control of the judiciary and the public broadcaster.

EU'S DEMOCRATIC DILEMMAS

The fundamental distrust of domestic politics and state institutions in primarily Southern Europe and the new member states is spelled out repeatedly in Eurobarometer surveys published by the European Commission and Parliament. This distrust of the domestic systems is reflected in a similar lack of trust of the European institutions and perception of not being heard at EU level. Nationalistic parties and movements that question the benefits of multi-lateral cooperation are now present in most member states.

Since April 2018, the EU wide European Citizens Consultations (ECC) proposed by French President Emmanuel Macron have taken place in all member states. A recent evaluation of the ECC and the questionnaire published online by the Commission have recently been evaluated by the European Policy Centre in collaboration with Democratic Society in their joint, ***The European Citizens' Consultations, Evaluation Report*** which points out that the consultations suffered from the fact that the participation of all 27 member states was only possible without adopting a uniform approach.

The consultations did not have identical names, structures, timeframes, choice of organisers, reporting procedures, or defined rationale for participation to guarantee the involvement of all population segments. This reduced the credibility and makes it difficult to synthesise a message reflecting views from all parts of European citizens that policymakers can acknowledge and act upon. The report concludes that

“Ultimately, the unstructured and under-funded process which unfolded through the ECCs never stood a chance of generating a critical mass of activities to fix the EU’s democratic dilemmas.”

FLAWED BUT NEVERTHELESS A BEGINNING

Europe’s Peoples’ Forum and its board members participated in the discussions and preparation phase of the EU-level questionnaire and voiced the same concerns found in the conclusions of the independent evaluation that the process and methodology would not result in systematic, coherent and representative citizen participation, which could reflect the synthesised visions and proposals of all the participating citizens fairly. In line with the declaration at the celebrations of the 70 years of the Rome treaty In March 2017, In 2017, the Europe’s Peoples’ Forum proposed to European Commission President Juncker to implement a European-wide citizen participation model where the citizens would voice their concerns and allow the European Commission to listen and respond as part of its policy-making. Europe’s Peoples Forum and its civil society organisations all over Europe built on a scientific methodology aiming to generate consistent and reliable data by reaching out to all segments of society in all 27 member-states. However, the Commission chose not to commit to considering the citizens’ conclusions in its policy-making process which was the overall purpose.

Despite its significant flaws, the European Citizens Consultations should be considered the first attempt at hearing citizens in all member states, but this approach must be professionally developed to form a reliable instrument in a stronger European democracy.

CRUCIAL DECISIONS AHEAD

Numerous very important European decisions need to be made in the near future. A major one is how to implement the commitment on the global climate agreement. A second important decision is linked to the current challenges to the multi-lateral free trade regime which demands will be new regulations and new trade agreements between EU and third countries. A third important decision concerns the uniform regulation of social rights and company taxation to complement the regulations of the Single Market with regards to the free movement of goods, persons, services and capital. A fourth area of concern is the future European security structure and the priorities in EU’s foreign policy.

WHAT TO DO NOW?

In the light of all these fundamental decisions it is urgent to acknowledge those groups of populations who perceive themselves as side-lined in times of accelerated changes.

- These groups may not necessarily oppose the UN and European agenda on climate even though a small increase of the petrol tax sparked the protests of the French Yellow Vests. More citizens can be expected to protest when more efficient measures to reduce greenhouse gas emissions are implemented within the transport sector, in agriculture and food production or in construction and heating of private houses. Citizens must obviously be involved in this process because they are the ones who will ultimately have to change their life style and consumption habits. If this not the case, their opposition risks making it impossible to live up to the climate agreement.
- The same goes for continued GDP growth, globalisation and international trade. The citizens may not necessarily oppose international trade and globalisation, but they are bound to protest when they are left unemployed without any means to acquire new skills or a new job because production has shut down in the region and moved abroad. They will object if their salaries fall behind because of the international competition, or if wealth inequality increases. They will most likely mobilise if international companies obtain tax exemptions legally or siphon the surplus off to tax havens whereas leave the national tax burden to the citizens. The controversies surrounding the trade agreement between the EU and Canada exemplifies citizen opposition to large agreements. In this case, the Wallonia region in Belgium delayed the process, demonstrating how difficult it could be in the future to enter similar agreements. For this reason, citizen involvement is essential for the future design and development of European and member state economies.
- The Single Market is an advantage for European companies that gain access to a much larger market than the domestic one. Consumers benefit from lower prices and larger diversity. Individuals benefit from free movement when they substitute unemployment in one country with employment elsewhere and capital may be invested outside national borders to generate more wealth. Citizens may not necessarily object to the Single Market for ideological reasons, but they might very well mobilise if they experience immigration from other member states as a threat to labour market standards, welfare systems, or gives local companies access to immigrants as cheap labour. Citizens are bound to protest against the free movements of capital if capital takes advantage of free movement to avoid taxation rather than to contribute part of the surplus to economic development for the society in which the wealth was generated.

There are numerous reasons why politicians, businesses, labour unions and civil society organisations all over Europe must encourage every citizen to participate actively in member states' and European policy-making processes and it should not be seen as a threat to professional politicians and representative democracy. Firstly, citizens must be encouraged to vote in European and national elections. Secondly, those directly challenged by future developments are better positioned than others to identify concrete and effective solutions with the least impact on the citizens. Thirdly, if the citizen involvement is conducted professionally, the citizens may experience a much-needed genuine sense of ownership and influence to the future of European Union and member states.

PRINCIPLES FOR INVOLVEMENT OF THE CIVIL SOCIETY

Citizens involvement and participation in the European policy planning and development processes should obviously incorporate the lessons learned from the European Citizens Consultations in addition to certain important principles:

- 1.** The process must be transparent and perceived as politically independent, free from hackers and undue interference in order to win the confidence of all participating citizens and generate a reliable data that target the perceived challenges within the EU's democratic system.
- 2.** The detailed design, methodology and implementation should be carried out by independent civil society organisations including professional organisations from all member states. The European Commission, the European Council or the member states' governments should not be part of designing or managing the citizen participation process.
- 3.** Civil society organisations, media and online platforms should actively reach out to all adult 450 million citizens in Europe and through systematic tools give them the possibility to have their visions and opinions heard.
- 4.** Informed deliberative dialogues between citizens with different attitudes and opinions must be professionally and politically independent facilitated at national as well as European level to ensure that the dialogues add to useful policy proposals, which will be formulated and agreed with assistance from independent experts.
- 5.** The policy proposals developed through this comprehensive participation of citizens all over Europe must be acknowledged, analysed and considered as a contribution to policy planning by the European Commission, the European Parliament, member states parliaments and governments when relevant.

EUROPE'S PEOPLES' FORUM CALLS ON POLITICAL AUTHORITIES TO TAKE ACTION

Europe's Peoples' Forum and its current 60 partner organisations from more than 25 member-states have a strong methodology based on these principles which is supported by 19 former ministers of foreign affairs as well as several key influencers and civil society organisations.

Europe's Peoples' Forum and the Associations for European Democracy, hosted by the European Movement in Italy, support these principles to encourage the citizens to participate in the EU policy-making process. With Joint Citizens Forces – Common European Future, hosted by the Pan European Movements in Slovenia and Austria, Europe's Peoples' Forum aims to increase the support for the new additional citizens' dimension of European democracy.

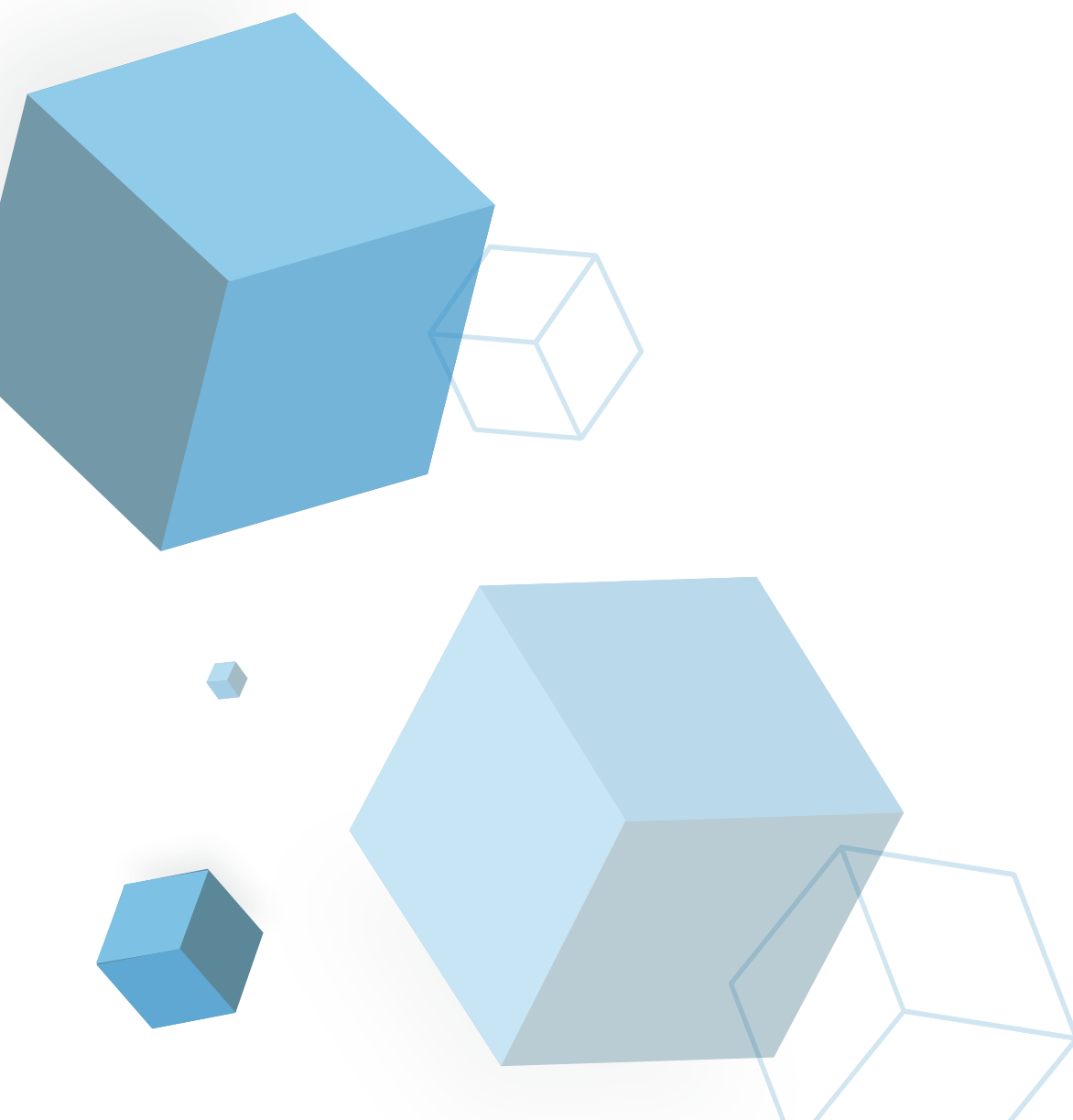
Europe's Peoples' Forum and its partners aim to make this one of the most important points on the agenda for the new European Parliament and the new European Commission.

The current version of representative democracy with regular elections must also encourage citizens' participation in policy making both in and between elections.

Over the last two years, citizens have discovered their power. Citizens today demand to be asked directly by their leaders and that they commit to respecting the citizens' concerns. The politicians and the executive authorities should take action and do it fast.

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THE FUTURE OF EUROPE: FEAR, ANGER, OR HOPE? LESSONS FROM COUDENHOVE–KALERGI & BREXIT

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INTRODUCTION

In 2017, the European Commission launched a *White Book on the Future of Europe*¹. The options ranged from “carrying on” (or: muddling through), “nothing but the single market”, and “doing less more efficiently”, to “those who want more do more”, and “doing much more together”. The White Book starts out with a quote by Robert Schuman, highlighting the notion of solidarity. However, this notion of solidarity gets lost completely in the White Book. The White book focuses on “the capacity to deliver.”

Yet, the process/project of European integration is more than a discussion of more or less Europe, in what policy domains etc. It is more than just interests, it is more than just ideas.

The EU bears a strong emotional connotation as well – both in a positive and negative way. Critical to our discussion of a future of Europe is the way in which emotions are connected to the past (i.e. anger and trust) or the future (i.e. hope and fear).

COUDENHOVE’S FUTURE EUROPE¹

To discuss the future of Europe in emotional terms, I would like to invite the reader to join me in an assessment of how Coudenhove–Kalergi, the founding father of the Pan European Movement, used emotional expressions to expand the horizon of expectations of his audience in thinking about Europe’s future.

Coudenhove’s text *Pan-Europa* (1923) is a canonical text of the interwar-era and had a transnational outreach. It was a bestseller of its time.

For Coudenhove there is no doubt about the role of emotions in politics – they are omnipresent. In particular, he argues that the German–French tensions point at the fact that emotions trump rationality and interests. He refers to the defining experience of his time: World War I. He identifies two master emotions that are connected to nationalism: fear and hate. Fulminating against the backward-looking attitude of his contemporaries, “the politics of yesterday”, he paints a picture of a vicious circle of revenge and destruction. Against this default option, Coudenhove aims to expand their horizon of expectation. His idea of a Europe of the future, Pan–Europa, is based on reconciliation and understanding. This clear break with the past comes at a cost – it is a sacrifice. Of interest is that this notion of sacrifice was strongly present in the war culture rhetoric of these years. By connection sacrifice to the notion of reconciliation Coudenhove gives sacrifice a different meaning. It turns feelings of enmity into solidarity.

So, Coudenhove's Pan-Europa starts from a strong appeal to fear of the past and then paints a picture of a future of Europe in very positive emotional terms: reconciliation and solidarity.

THE UK'S FUTURE EUROPE¹

More recently, European integration was at the heart of a very contentious campaign in the United Kingdom on the referendum whether to leave the European Union. The expectations were that a fear-driven euroscepticism would lead to Remain, while an anger-based Euroscepticism would lead to Brexit. Indeed, the campaign was dominated by negative emotions. Both campaigns appealed to fear. In the case of the Remain-campaign "Britain stronger in Europe" it was fear of economic losses. In the case of the Leave-campaign "Vote Leave" it was fear of migrants.

As *The Guardian* put it well, the day after the Brexit-vote: hope, the positive future-oriented opponent of fear, had been sidelined². However, it may very well be that the Leave-campaign had been able to connect fear to hope. The Leave-campaign did appeal to the United Kingdom as a superpower, as central hub of a reviving Commonwealth. In Johnson's speech, at the last television-debate before the Brexit-vote, he refers to the day of the referendum as "independence day."

CONCLUSION

In view of the upcoming election for European Parliament, in May 2019, the question is: what future for Europe will the *Spitzenkandidaten* present to us? A project based on anger, fear or hope?

The illustrations of the emotional campaigns on European integration by Coudenhove-Kalergi and in the United Kingdom show us, first, the strong mobilizing force of negative emotional vocabulary of fear. Second, it points at the importance of expanding the "horizon of expectation" of today's political elites and European electorates to move from fear to hope. To break a vicious circle of distrust and think of opportunities to "create a de facto solidarity" (Robert Schuman, 9 May 1950).

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CITIZENSHIP IN A UNITED EUROPE: TANGIBLE REALITY OR MERE AGREEMENT?

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Abstract: Europe united in the Pan-European tradition is realistically Confederal. And this for citizenship rights requires the exercise of three precious political virtues: balance, respect and prudence. Balance between the various levels of being a person and a citizen: the family, the local community, the regions, the national states, inspired by the Principle of Subsidiarity, one of the pillars of the EU project, but never realized at the institutional level. Respect for the historical, cultural and spiritual identities that make the plural roots of Europe, without which, instead of the European Union, there would remain only a simulacrum of an unreal "West" incapable of living. Prudence in the management of processes of change, first of all migratory flows. The European Union capable of making European citizens fall in love again will have to be the guarantor of balance, respect and prudence, regulating, for example, the relations between the great states still linked to the centralist tradition, the regions and local identities. The project by Richard Coudenhove-Kalergi is very revealing especially in the third millennium.

INTRODUCTION

A lively debate about the main features and foundations of a 'European Citizenship' and about its relations to the citizenship of the Member States of the Union has been going on for quite some time. In this debate, as in many others, we see once again a fight between completely opposing views and a range of standpoints in between, ranging from those who are dreaming about a common EU citizenship and those who consider it completely unnecessary, as individual national citizenships should be considered absolutely enough.

As it has been always the case in EU history the debate was running the risk of becoming a sterile catwalk-show of abstract ideological positions, which we will try to avoid by going back to the very roots of the issue.

FROM POLIS TO DIGNITAS HUMANA

The peculiarities of Europe's political history stem from the great tradition of the Greek poleis. It is there that citizenship becomes a specific quality, qualified in a different way for the first time, while citizens are bestowed with dignity, which is rooted in their being citizens. The citizens' dignity is not only based on genetics alone, but mostly on their actions within a community that is different from others in its habits, traditions and cults. From this point of view, ostracism (from the Greek ostrakon, στρακον - pottery shard) becomes more readily understood. By this punishment persons did not lose their lives but were banned from the community of the polis and therefore stripped of their citizenship and all related privileges. The Greek poleis, of course, not only had citizens living inside them. There large swaths of people, who never managed to rise to the dignity of a citizen despite living their whole lives within the city walls.

Although modern rhetoric loves to invoke 'Greek democracy' more often than not, the term in its current form is completely wrong. We should, probably, better talk about 'wide-spread aristocracy' generating a particular type of pride in belonging to it.

As the civilized world passed from Greece to Rome, the endemically self-centred view of the Greek poleis was widening and opening up to universal horizons. The Roman Imperium began gradually extending the reach of its citizenship in concentric circles and with Emperor Caracalla it was granted to all the inhabitants (slaves excluded) of the Empire, which came to span three continents. Such a universal extension was based on an array of specific civil rights that were the core of Roman citizenship, and then on a legal basis, which very clearly laid down the citizens' rights and responsibilities. Shared language, military service, the inclusion of local aristocracies among the Roman patricians and the spreading of civil cults were among the many tools that made *e pluribus unum*. We should also recall that the Roman political tradition was being perpetuated in the eastern part of the European continent until the early 15th century, i.e. for well over two millennia of history.

As Christianity was spreading across the Imperium becoming its official religion, it extended and--by abolishing slavery--completed the process of granting citizenship to everyone. Citizenship, however, did not replace their belonging to their closest communities, but introduced a hierarchy of layered belongings, each contributing in equal manner to creating a specific human being with universal citizenship of the Empire being the largest and last layer: from family and local communities, to professions, individual states (communal democracies, aristocracies, kingdoms) to the oecumene of the medieval Sacrum Imperium. European citizens of the 19th century, therefore, had a range of layers composing their European citizenship: their families and heritage; their local community; their professional community (guilds); their religious community (confraternity); their homeland, regardless of its political system; the universal empire and the universal Church.

The same hierarchy persisted as the basis for the social complexity of the Western Empire up until one hundred years ago and can still be found today, with some anthropological fine-tuning, as the foundation of the catholic social doctrine. It also accounts for the principle of the "hierarchy of sources" of Common Law and still applicable (in the case of my country) as a tangible foundation for the future European Law.

THE GREAT SHIFT

The revolutions between the 18th and the 19th centuries have radically changed many areas of society and--consequently--the very concept of citizenship, as well, turning it into belonging to an abstract ideological platform aimed at "regenerating the world" (Saint-Just). Citizenship should therefore be carefully destroyed together with all the other past identities and a 'new world' shall be built on their ruins. Karl Marx validates the effort in his Manifesto by appreciating the lengthy struggle of the commoners to free the persons from 'various feudal bonds' and hand them naked to the 'omnipotent modern state'. François-Athanase Charette de la Contrie, talking about the revolutionaries, echoes the thought from the other side of the barricades: "Our homeland is our villages, our altars, our graves, all that our fathers loved before us. Our homeland is our faith, our land, our king. But their homeland, what is it? Do you understand it? It seems that their motherland is just an idea; for us it is a land. They have it in their brain; we have it under our feet, it is more solid."

All the ideologies of the 20th century, born from the same womb, share the same abstract view of citizenship, founded on straightforward imposition, which rather often turns out to be violent. We see it first in the nationalist movements of the 19th century and then in communism and national socialism in the 20th century. Only those joining the winning ideological platform can be considered citizens of the 'New State'. All the others are considered foreigners, aliens and thus forced to emigrate or cave in. World War One was the last, extreme attempt of modern ideologies to demolish the last remaining vestiges of supranational civil shared spaces that were based on a hierarchy of identities.

A LESSON FROM SMALL EUROPEAN STATES

All of the above, however, is far from being only history. As the European project is being extended to the Balkans and already includes small European states (Andorra, Monaco, San Marino) the concept of European citizenship needs to be combined with the dire and cruel consequences of nationalism and communism, which only happened less than thirty years ago. The aggregating principle of small, secular states is not ideology but community. If we stop and analyse how this small and age-old communities managed to maintain their identities and liberties peacefully and for centuries, we discover a very ancient concept of citizenship that can be very modern, as well.

Citizenship in the Republic of San Marino, where I come from, is not a contract, but an honour. The foreigner coming to live and work in San Marino will initially be given the right of residence and--after enough time has passed to check the alien's capacity to blend in with the local community--the citizenship, as well. Citizenship is the maximum honour conferred on any citizen to the extent that all the remaining knightly orders of merit, the Republic usually awards to foreign citizens, are forbidden for citizens of San Marino.

Another example comes from history: after the short-lived communist rule of San Marino in the 1950s, the culprits were handed the maximum sentence conceivable, being exiled from the Republic, as in the old Greek poleis. The widely used and often misconceived notion of 'honorary citizenship' can thus be understood in a more tangible and substantiated way.

THE PARADOX OF ABSTRACTION

Political models only show their inherent inconsistencies and weaknesses once they are lowered from the cloudy universe of theory and applied to reality. Up until that reality-check moment, the beauty of the theory is fascinating enough to feed dreams of utopian and 'new' worlds, revamped, secular versions of a paradise on earth ripped out of medieval maps and Christian theology. It holds true for the Enlightenment and for Communism, as well as for globalisation which, for a short period after 1989, made (some) people dream of 'The End of History'.

As for our topic, the point of view of the heralds of hard globalisation is utterly simple and theoretically seductive: being the United Europe based in its essence on full respect of human rights, its citizenship needs to be accessible to all those who share its core values. Consequently, a refined South-Korean or Japanese politician shall be considered more European than Goethe, Dante or Augustus and Europe could not have existed before 1789. Ideological abstraction, aiming to enforce a shared principle, is thus forced to destroy history, identity and culture.

BACK TO REALITY: CITIZENSHIP FROM A PAN-EUROPEAN PERSPECTIVE

We are not trying to ignore the elephant in the room: The vast debate about the future of Europe will inevitably lead to considerable and urgently needed, unavoidable changes to EU institutions as demanded by parties of all colours.

The issue of European citizenship will therefore also have to be discussed on a new basis and the Paneuropean tradition has a few things that need to be emphasized today, more than any other time.

The European Union, in the tradition of the Paneuropean Movement, shall realistically be considered a confederation. The rights of its citizens therefore inevitably imply the enforcement of three very dear political virtues: balance, respect and precaution.

A balance between the various layers of being a person and a citizen: the family, the local community, the regions and the national states on the basis of the very principle of subsidiarity that seems to be one of the main pillars of the European project, which continues to evade implementation within institutions.

Respect for the historical, cultural and spiritual identities that compose the variegated texture of Europe, lacking which the European Union would simply become an empty simulacrum of an unrealistic and dying 'West'.

Precaution in managing the many aspects of change, migration in the first place.

A European Union capable of attracting the hearts and the minds of its citizens will have to be the ultimate promoter of balance, respect and precaution by, for example, balancing the relations between regions and local communities and the large member states, which are still partly tied to centralist, Jacobinist traditions. Richard Coudenhove-Kalergi's project is therefore more than topical in the third millennium.

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EURPSCEPTICISM OR EUROREALISM: THE EU AND THE “MORE OR LESS OR NO EUROPE” DEBATE

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INTRODUCTION

Two factors thwarted the debate between pro and against the EU. First, misinterpretation generated a distorted image of the EU. Second, traditional categories – such as State and Representative Democracy – were systematically used to interpret a “new” phenomenon such as the EU. In addition, centered on failures, the debate ended up ignoring the on-going positive participation of civil society (economic and social organizations as well as individual citizens) in the EU policy making process. What appears Euroscepticism might as well be labeled as *Eurorealism*.

WHAT THE EU IS NOT

Contrary to what many believe, the EU is not a huge bureaucracy. The Commission, the Council, the Parliament and the Court of Justice do not reach 50,000 employees, the same number of employees of the Paris and Vienna municipalities. The EU is neither a source of financial resources. Its 2017 budget amounted approximately to € 150 billion, while, for example, the Italian government's budget currently reaches € 800 billion.

Even the symbols have their importance. Altiero Spinelli – a founding father of the early European Community in the popular mythology – gathered his group at the very expensive Le Crocodile restaurant in Strasbourg, specialized in nouvelle cuisine, while Francois Mitterand, Chirac and t Kohl used to meet in the popular Chez Yvonne Brasserie. However, Spinelli's proposals had little or no impact on the construction of Europe, while the humble Chez Yvonne meetings contributed to the establishment of the European Union.

A last peculiarity regards the main Treaties. For simplicity, we usually refer to them with a “single” name the Maastricht, or the Amsterdam or the Lisbon treaties. In reality, each of them refers to two separate treaties. One regulates economic matters, whereas decisions are made by the majority rule and non-compliance by a member state is sanctioned via economic fines.

Another one regulates foreign and security policy, whereas decisions are made unanimously and no compliance by a member state is not sanctioned.¹

Our approach is influenced by the organizational studies which see a close “link between strategy and structure” of the organization² as well as by the familiar systems approach to political analysis – based on the distinction between “output functions” and “input functions”³

We will see, in particular, how the ongoing “evolution of functions” assigned to the EU determines the progressive establishment of institutional “structures” called to carry out the input functions.

SOME –NON HAGIOGRAPHIC- HISTORY

Research on evolution requires quite often the setting of phases in which some characteristics of the system change. We identified some official phases, marked by main EUs achievements. A tentative proposal (by no means final at the moment) of division the same period of time in Phases of System’s Inputs characteristics is presented in the next section

THE PHASE OF THE “AGENCIES OF INTEGRATION”

This terminology was used by Robert Schuman – at the signing of the ECSC Treaty – to avoid possible future Franco–German disputes for the control of border regions rich of metals. Here the evolution of the EU is influenced by the Cold War logic as it reacts to the USSR’s increased military power and its dominance over the Eastern European satellites⁴.

In this phase Commission and Council perform opposing roles. The former plays the role of “engine” while the latter plays the role of “the breaks”. A sort of checks and balances system between the supranational and the inter governmental.

Yet, in this phase inputs from civil society are extremely limited. Commissioners were nominated by the member states’ governments, who in the mixt of the cold war would present “safe” candidates, that is “atlanticists” rather than “easternists”, and in any case not communists. Though in charge of legislative initiative, the Commission also lacked the mechanisms and resources to hear the requests coming from civil society.

Roughly, this is picture during the period between the 1950s and the 1970s.

¹ Concerning Lisbon, *The Treaty on UEFT regulates the first and second pillar of the Maastricht Treaty, whereas the second Pillar has been in the meantime “commutarized”.*

² This is the situational approach or contingency theory cf. W. Staele, *Organization und Fuehrung sozio-technischer Systeme*, Stuttgart, Enke, 1975 and the approach of A. Chandler, *Strategy and Structure*, trad. it. of *Strategy and Structure* (Anchor Books, New York, 1966, Milan, Franco Angeli 1982.

³ **David Easton**, “An Approach to the Analysis of Political Systems”, *World Politics*, Vol 9, No 3, 1957.

⁴ When talking of “Agency”, nowadays, we tend to refer to the “Principal-Agent” theory born in Economics and then gradually used also in Political Science. With regard to the application of Principal-Agent. Theory to the European Union, see KASSIM, Hussein, *The Principal-Agent Approach and the Study of the European Union: Promise Unfulfilled?*, *Journal of European Public Policy*, Vol. 10, No. 1, 2003, pp 21-139.

THE JUDGES PHASE OR PHASE OF THE TREE

This is the phase in which several Decisions of the EU Court of Justice ended up forcing the expansion of the “scope of action” of the EU⁵.

Brussels EU functionaries call this “The Phase of the Tree”. For example, in the area of the free movement of workers in the EU, the free movement of “individuals seeking work” implies also the free movement of their “family members”, and, eventually even to the “mutual recognition of diplomas” between countries. If these implications were made by Decisions of the Court’s Decisions, we could argue that Court’s Decisions on a case are not Law.

Thus, in this phase, the input function was performed in large part by the Communities’ “magistrates”. In the absence of sufficiently powerful tools in the hands of the Commission and the Parliament, it was the Judges to take the driver’s seat⁶.

In this phase, the idea of a Europe united by shared juridical principles emerges among the experts working with the ECJ.

THE PHASE OF THE ROUND TABLE

In the 1970s – unpredictable by the victorious allied forces – scientific and technological R&D grew at an unexpected speed which shortened the time required to design and develop new products as well as new production processes – especially in the ICT and chemical industries. While until the late 1970s, in France, Italy, Germany or the UK, around 50 million consumers were enough to generate returns to finance the development of a new product, afterwards, a much larger market was needed. Well, indeed that is just what happened during the phase of the Round Table, the phase in which, the “Common Market” will evolve into a “Single Market”.

In 1983, VOLVO’s CEO, Pehr G. Gyllenhammer (though Sweden wasn’t yet a member of the EC), convened a round table including representatives of the European Trade Union Committee (ETUC) and of the Union des Industries de la Communauté européenne (UNICE; now Business Europe), the representatives of major European firms; as well as EC Commissioners Ortoli and Davignon (www.ert.eu) The subsequent Treaties Maastricht, Amsterdam 1997, Nice 2000, and Lisbon 2009 – maintained, and improved on, the internal market as the “Core” feature.

⁵ *Ibid.*

⁶ *Indeed, as mentioned above, at this point we are still under the regime of the Luxemburg Compromise, by which a unanimous decision of the Council was frequently required; Among them, it is worth to remember the Simmenthal Case (C-106/77, ECLI:EU:C:1978:49), which affirms the supremacy of EU law over national law. In a few words, a national judge confronted with a national law that conflicts with the supranational “acquis communautaire” must not apply the national law and apply the supranational EU norm. According to the FRIGERIO case C-357/06, ECLI:EU:C:2007:818) e Ceoli (C-224/97, ECLI:EU:C:1999:212) national public servants are supposed, to avoid compensation and fines, to disregard national standards and to implement Community standards.*

THE INTERNAL MARKET

Let's see in a basic and extremely concise way what the Internal Market is. In very broad terms it is a market (comprising all member states) in which goods, services capital and people circulate freely. Below are some of the major legal and commercial requisites for its implementation.

- A)** Any company of any Member State can sell its product directly all Member States without being required to set up a legal (controlled) entity in each Member State;
- B)** A single currency to avoid exchange risks;
- C)** EU-Wide Standards for Goods and Services. For example, before the Internal Market, a car made by FIAT in Turin, Italy, to be sold or bought in another member state, had to meet the regulatory requirements of that member state – and, the same, for each of the other member state. With the implementation and the updates to the Internal Market, the EU, gradually eliminated this lengthy procedure by setting up through frameworks directive and regulations
- D)** A Single Statute for European firms. Indeed, the EU, with the Nice Treaty (2000), set up a “single statute” for European firms. Until then, a European firm (take, for example, FIAT, an Italian car maker) in order to sell cars in France, had to set up a French company which would purchase FIAT cars and sell them in France. Things have changed with the Nice Treaty. FIAT, for example, can set up a FIAT “branch” in France, which can sell FIAT cars directly⁷.

Just as an example, we selected some EU measures regarding various areas of the Internal Market.

- European Financial System, a series of measures in 2010 created a new institutional architecture for European System for Financial Supervision (ESFS)⁸
- The freedom of movement of workers is crucial to achieve a European Labour Market. As much as a European Qualification Framework – equipped with a functioning System of Professional Profiles – would make the freedom of movement of workers not just a legal reality. We believe that this tool would very much benefit both workers with a job as well as unemployed workers⁹

⁷ Regulation (CE) n. 2157/2001, on the single statute for “European Firm”, gives the new firm a choice between two management models: (a) a German-type dualistic system, with, in charge, a governing body and a supervisory body, or else, (b) a model with, in charge, a single administrative body. Directive 2001/86/CE completes the model with regard to the employees involvement in the governance of the firm. It mandates the information of the firm's employees and it allows for the participation of the employees (from simple consultation to actual participation to the work of administrative bodies). Fiscal harmonization is still missing. Yet, the Commission is planning a consultation on a proposal for a “Statute of Private European Companies” better attuned to the needs of small and medium enterprises (SMEs).

⁸ The European Systemic Risk Board (ESRB). See Regulation (EU) No 1092/2010 establishing the ESRB.

The three Authorities that European Supervisory Authorities (ESAs):

1. The European Banking Authority (EBA). See Regulation (EU) No 1093/2010 establishing the EBA.

2. The European Securities and Markets Authority (ESMA). See Regulation (EU) No 1095/2010 establishing the ESMA.

3. The European Insurance and Occupational Pensions Authority (EIOPA). See Regulation (EU) No 1094/2010 establishing the EIOPA. Also in 2010, a EU regulation highlighted the need for the supervision of the ESRB itself, by the the European Central Bank (ECB). See Regulation (EU) No 1096/2010 conferring specific tasks upon the European Central Bank concerning the functioning of the ESRB. After their establishment, a new directive, further explained the powers of the new authorities, with a special attention to the Insurance Services sector. See the “Omnibus’ Directive 2010/78/EU.

⁹ With regard to this issue, see the European Qualifications Framework, available at: https://ec.europa.eu/esco/portal/escopedia/ESCO_Maintenance_Committee.

- The Internal Market and Information and Communications Technologies (ICT). The EU was a key actor in the creation of a Single European Market for the ICT¹⁰
- With regard to rail transport the directive in the footnote eliminates still existing national technical barriers Directive¹¹
- In the pharmaceutical industry the trend is to create a single European Pharmacopoeia, which should significantly reduce the contractual power of the producers with respect to the consumers¹²
- Finally, we should mention the significant contribution of the European Agencies whose job is to provide expertise in specific sectors¹³

IS THE EU A SPACE OR A SUPER STATE?

The EU has the power to set standards for products and services¹⁴. We see at least two reasons. First, the EU is the largest and richest market in the world. Second, EU standards are not set autonomously by the firms which are affected by it. They are the result of negotiations between stakeholders and the mediation of the Commission. In trade negotiation the EU tends to concentrate not just on quantity of goods and services but also at their quality. To the point that some commercial treaties are used as an escamotage to bypass European quality requirements. For all these reasons the EU represents a defense against the wild behavior of some actors in the global arena.

The EU is not simply a system of “technical” standards, but also a system of “legal” standards. Article 6.1 of the TEU incorporates the Charter of Fundamental Rights of the European Union in the TEU. That Charter reaffirms the Rights derived from the Constitutional Traditions of the member states and the Obligations derived from International Treaties, from the European Convention for the Protection of Human Rights and Fundamental Freedoms, from social charters of the Council of Europe, and from the jurisprudence of the ECJ and the ECHR¹⁵. These fundamental principles are detailed in collaboration tools in the area of civil law¹⁶ and

¹⁰ G. Natalicchi, *Wiring Europe*, Rowman & Littlefield Pub Inc (2001).

2016/797 of the European Parliament and the Council, 11 may 2016, with regard to the relative inter-operability of the railway systems in the European Union see <http://data.europa.eu/eli/dir/2016/797/oj>.

¹² see, https://ec.europa.eu/health/human-use/legal-framework_en.

¹³ We mention here The Food Safety Agency <https://www.efsa.europa.eu/it>; we mention also two bodies very close to EU even not formally EU agencies i. e. European Patent Office <https://www.epo.org/index.html> and the European Space Agency <https://m.esa.int/ESA>.

¹⁴ The FT noticed that the EU attracts US firms and lobbies because European standards tend to become world standards. [<https://www.ft.com/content/f1435a8e-372b-11e7-bce4-9023f8c0fd2e> <https://www.ft.com/content/60881cfc-3358-11da-bd49-00000e2511c8>.

¹⁵ https://eur-lex.europa.eu/legal-content/IT/TXT/?uri=uriserv:OJ.C_2012.326.01.0391.01.JTA. And we should also consider that the Charter of Fundamental Rights had an impact on the level of “democratic legality” (ex.: the idea of “the right to a fair trial”) in several member states.

¹⁶ Legal Competences (Bruxelles I) Regulation (EU) n. 1215/2012 - 12 December 2012. | Civil and Commercial (Bruxelles I) Regulation (CE) n. 44/2001 - 22 December 2000. | Mutual Recognition of Protection Measures Regulation (UE) n. 606/2013 - 12 June 2013. | Divorce and Separation (Rome III) Regulation (UE) n. 1259/2010 - 20 December 2010. | Mediation Directive 2008/52/CE - 21 may 2008. | Low Grade Disputes Regulation (CE) n. 861/2007 - 11 July 2007. | Payment Orders Regulation (CE) n. 1896/2006 - 12 December 2006. | Maintenance Obligations Regulation (CE) n. 4/2009 - 18 December 2009. | European Enforcement Order (EEO) - Regulation (CE) n. 805/2004 - 21 April 2004. | Matrimonial Law - Regulation (CE) n. 2201/2003 - 27 November 2003. | Notification - Regulation (CE) n. 1393/2007 - 13 November 2007. | Legal Aid by the State - Directive 2002/8/CE - 27 January 2003. | Evidence - Regulation (CE) n. 1206/2001 - 28 Maj 2001. | Inheritance - Regulation (UE) n. 650/2012 - 4 July 2012. | Conservative Seizure - Regulation (UE) n. 655/2014 - 15 May 2014. | Compensation - Directive 2004/80/CE - 29 April 2004.

in the area of criminal law¹⁷. Collaboration in the legal area provides various information tools.¹⁸

A few years ago, two negative referenda – in France and in Holland – botched the dream of a single “Constitutional Treaty”. Currently we are governed (“vulgarly” speaking) by the so called “Lisbon” Treaty. Which is based on two Treaties: namely the TEU (Treaty on the European Union) and the TFEU (Treaty on the Functioning of the TEU). To meet the need for a solution to the recent financial crisis, the member states recently added some international treaties. However, on the positive side, with Lisbon, most policies (except for Foreign and External Security) became “common” policies and as such were all placed in the TFEU. Decision Making on common policies occurs by and large according to a regular legislative procedure including (very similar to the Codecision Procedure the Commission proposes legislation and the Council and Parliament approve it) and – if so desired – according to the Majority principle in the Council of Ministers. Not so for Foreign and Security Policy, where member states in the Council dominate the decision making. Could such an evolutionary picture justify the view of the EU as an “incomplete” State? Yes – if you want it to be one. But if you keep a detached view of it, it would be hard to guess what exactly it is going to be twenty years from now.

A crucial point about the EU is that the EU Budget is much smaller than what people believe it is. It amounts to roughly 150 billion of Euro; where the Italian budget amounts to 800 billion. As such the EU is not and cannot be a State. However it is for sure a “common space” based on a set of “common rules” and, as such, has a sort of individual identity, simply because it is indeed based on those rules. Those rules are based on common values, as human rights, free competition, and the rule of law, the quality of goods and services commercialized. These values are clearly stated in the Treaties, and most Europeans would not want it differently. EU is thus a regulatory mechanism which is similar to a Regulatory State even though it is not a state. Here we have to be careful not to use the conceptual tools of State¹⁹ Theory to make sense of the EU, which is something completely new.

DECISION MAKING IN THE EU: THE MECHANISMS

In this phase of the evolution of the EU, inputs grow rapidly and the Commission sets up sophisticated channels to gather them. Inputs come both from the individual national administration (bypassing the permanent representatives) and directly from civil society. Still operating nowadays, the mechanisms of this phase work on three dimensions.

¹⁷ In the area of criminal law we suggest the following links: https://eur-lex.europa.eu/summary/chapter/justice_freedom_security/ | <https://www.ejn-crimjust.europa.eu/ejn/> | <http://www.eurojust.europa.eu/Pages/languages/it.aspx>

¹⁸ European Judicial Atlas”. https://e-justice.europa.eu/content_european_judicial_atlas_in_civil_matters-321-it.do?init=true Citizens can also access the EU Commission “Justice” Portal, which provides a practical view of the *acquis communautaire* in justice as well as national judicial systems <https://e-justice.europa.eu/home.do?action=home&plang=it&init=true> In e-justice.europa.eu you can also access the Business Register, which, linking to national registers, provides detailed information on the legal situation of European enterprises. It is worth to consider the importance of the so-called Dialogue of the Judges (see art. 267, TFEU), an example of which is the European Judicial Network (EJN) See the interesting article by Monica Claes and Maartje de Visser, “Are You Networked Yet? On Dialogues in the European Judicial Networks”, *Utrecht Law Review*, Vol 8, Issue 2, May 2012. Quite interesting is also the system of justice-related networks. For example: - The Network of the EU Supreme Courts Presidents www.network-presidents.eu; The European Network for Judicial Training (EJTN) https://e-justice.europa.eu/content_european_training_networks_and_structures. In addition it is worth to consider: a) The exchange programs for magistrates, such as the AIAKOS. b) The various justice-related associations, such as the European Federation of Administrative Judges <https://www.aeaj.org/>; or d) the ECJ-sponsored Forum of the Magistrates.

¹⁹ EU was first linked to the idea of regulatory state by Giandomenico MAJONE, *Regulating Europe*, Routledge, 1996; where Majone avails himself of the concepts of regulatory and functional state see M. Balducci, *État fonctionnel et décentralisation*, Bruxelles, Story, 1987.

- I. Comitology. Comitology Committees “convert” major legislation into “detailed rules” required for an accurate application of legislation at the national level. This activity is crucial as broad pieces of EU legislation (ex: a directive or a complex regulation) are translated into more detailed rules and directions for an “accurate application” of legislation at the national level. Their activity is crucial also because it should guarantee a “uniform application” of legislation across the various countries of the EU. Comitology Committees are composed by experts from national administrations, and they are usually chaired by a member of the Commission. This process is followed closely by both Commission and Member States. The Commission wants to make sure that the objectives of the originating directive do not get manipulated or erroneously applied. The Council Members are concerned that this process may damage the interests of their countries. Using System Theory jargon one could say that this process completes the conversion process, as inputs are converted into outputs²⁰.
- II. An increasing participation of national bureaucracies to the development of legislation (called by Italian Politologues the “ascending” phase of the political process. In the development of legislation, the Commission is supported by “experts’ committees” (of members of the national administrations) and consultative committees (of experts from various policy areas).
- III. A greater use by the Commission of pre-legislative consultations of civil society. Furthermore, the TFEU involves national parliaments in the legislative process, though limited to questions of subsidiarity.

Two points need clarification here. First, regarding the distinction between democratic and technical-professional legitimacy. Second, with reference to the possibility and the opportunity to involve the stakeholders in the decision making process – especially nowadays with the increased potential of the ICTs.

With regard to the first point, most countries experience the difficulty of matching the requirement of a democratic process (e.g. popular elections) with the need for professional competence. The trend is towards governmental rather than parliamentary law-making, and towards the coupling of legal and technical-scientific competence, via ad hoc technical committees. Thus by providing technological-scientific support to the governments’ legal offices.

However, at the national level, the relationship is often informal and opaque, while at EU level that relationship is by and large formal and transparent.

²⁰ See Christian JOERGES & Ellen VOS (eds), “Good Governance Through Comitology?”, in *EU Committees: Social Regulation, Law and Politics*, Oxford, Hart, 1999, 311–338. First Comitology Decision of 1987 (Decision 87/373, of 13 July 1987). Second Comitology Decision 1999/468/EC. To adapt the rules to the new Lisbon Treaty to comitology a third act was developed in 2011 (Regulation (EU) No 182/2011) which lays down the general principles concerning mechanisms for control by EU countries of the Commission’s exercise of implementing powers. Con riguardo a quest’ultima vedi, Georg Haibach, “A New Comitology Decision for the 21st Century”, *Eipascopia* (1) 1999, pp. 1–9. See also the new art 291 of the TFEU

Indeed one special characteristics of EU is that of placing on its websites information that is usually not accessible (and sometimes not even available) in the member states²¹ With regard to the second point – the opportunities provided by digital technologies – we should consider the entire range of the Commission’s activities aimed at opening new channels for input coming from the economic system and civil society at large. The “democratic deficit” and “the transparency deficit” are more visible in the member states than in Brussels. The institutionalization of the relations between democratic legitimacy and technical professional legitimacy would indicate that the EU is more sensible to these issues.

THE COMMISSION’S DEVELOPMENT OF LEGISLATIVE PROPOSALS

As shown previously, two types of Committees assist the Commission in developing legislative proposals:

- Experts Committees – composed of national administrations officials (in Bruxelles actually called national administrations’ “representatives”) and chaired by the Commission.
- Consultative (or Advisory) Committees – composed of experts in specific policy areas and civil society representatives²².

SPECIAL DECISION MAKING PROCESS FOR LABOUR-RELATED LEGISLATION

For labour-related legislation the decision making process is slightly different. According to Art. 155 TFUE, on a request of the Social Partners, the usual procedure (“Commission proposes, Council and EP approve according to co-decision”) can be substituted by a Decision of the Social Partners, which, later, will also monitor the application of the new norms²³.

THE COUNCIL

The Commissions’ proposals are sent to the Council of Ministers (Council). They are assigned to one of the 260 Working Groups (composed by member states officials, as for the above mentioned Commission’s Expert Committees²⁴.

If the Group reaches an agreement, the text is placed on the agenda of the Council, which usually ritualistically approves it. If no agreement is achieved in the Working Group, the

²¹Lists of committees, dates of their meetings, and their agendas, as well as lists of their members. See, for instance, the Commission’s Inter-Institutional Agreement (IIA) proposal for a mandatory transparency register, and the Commission’s “report” on the application of Regulation 1049/2001 on the access to documents.

²²T. Christiansen & T. Larson, *The Role of Committees in the Policy-Process of the European Union*, E.E. Publishing, Maastricht, (2007), pp. 66–67. Official Information on Committees and their functions are available at: <http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=1803>. With regards to the Transparency of the Commissions’ Committees Procedures see: <http://ec.europa.eu/transparency/regexpert/index.cfm> | <http://ec.europa.eu/transparency/regexpert/index.cfm?do=faq.faq&aide=2> | <http://ec.europa.eu/transparency/regexpert/index.cfm?do=transparency.showList>. Proposals which developed by Committees are included in the agenda of the plenary meetings of the Commission. If no requests for clarifications or modifications are transmitted to the Commission’s Secretary General within 48 hours, the text of the proposal is considered “approved”.

²³ See: <http://ec.europa.eu/social/main.jsp?catId=329&langId=it>

²⁴ Information on the Working Groups can be found at: <http://www.consilium.europa.eu/en/documents-publications>.

problem is passed to the CoRePer (COMmittee of PERmanent REpresentatives, composed of permanent national high-level diplomats). If within the CoRePer an agreement is made, the text is placed on the agenda of the Council, which usually ritualistically approves it.

Less than 15% of the approved proposals is “actually” discussed by the Council or the Commission. The same occurs in most member states, where the Councils of Ministers work in a similar manner. However it is commonly accepted that EU institutions work in a more transparent manner than the member states institutions²⁵.

DIRECT “CONTACTS” BETWEEN THE EUROPEAN COMMISSION AND EUROPEAN CIVIL SOCIETY

One the most common critiques made to the EU regards its lack of contacts with Civil Society. If contacts really exist - critics say - they are not with citizens but with organized interest groups. And besides that, such contacts are less than transparent.

It is true that direct contacts with individual “citizens” are basically absent, and that, by and large, the contacts are with “organized groups in civil society”. But, to be fair, it is also true that European citizens do not seem so anxious to contacts the EU. The EU has one of the best and easy-to-use governmental websites in the world. Yet, only a small section of the population looks at it. Well this is no news: who in the world wants to bother with government websites? Even national government website does not attract many people. However, a problem comes up if you ask a different question: how much time national news dedicate to EU politics if compared with national politic? I could bet that the ratio would be 5% or less. What does that tell you? If most people hear something about national politics is through the TV and to a lesser extent through the newspapers. How can Europeans be interested in or feel close to something to them unreachable? Have you ever seen a public demonstration to get more information on what the EU is and does? Do national politicians bother explaining it? Why should they? First it would not attract votes. Second it could become a threat to their job!

In conclusion, a first very-basic-but-common-sense response to the “no-contacts-with-the-people” critique would be: under the current circumstances, what chance do people have to know the EU

Now, let’s turn to the second critique: “the-EU-contacts-only-organized-interest-groups”. As done with the first the response consists of other questions. If the democratic-circuit (based on elections) in the EU system is more symbolic than efficient (the vote is not based on the probabilities of a good return and on the fact that I am not willing or capable to verify the performance of the person I voted, due to the lack information) would you not want to be represented by an organization, more expert than me, in order to influence – even limitedly – EU decisions?

²⁵ See: <http://en.euabc.com/word/2011>.

If the answer is no, I would have to rethink about what rationality is! If the answer is Yes, I would congratulate you for your reasonable approach, but accuse you for using “anti-democratic methods”.

After defining the first dimension of civil society – meaning the individuals or the people we will now turn to civil society as made of organized groups.

Do contacts exist between the EU and such groups? First, although enjoying less resources than a median national government, the Commission, through the years, has created a very large network for a “direct” dialogue with civil society associations. Not just with “business” associations, but also with “socially motivated diffuse-interest” groups, such as labour, environmental, and health NGOs.

Second, this network is not as obscure as claimed by critics. Rather, the contacts, especially recently, have become more transparent – at least more clear than those between national governments and interest groups.

The contacts are maintained through a variety of (more or less formal) channels.

Going down the ladder of institutionalization – but without covering all cases – we find “Forums” and “Platforms”. They are not EU bodies or EU agencies, but associations organized around “a specific policy area” such as (for example) public health, environment, labour-safety, employment, telecommunications, and so on). You can easily find them on their own websites or on the European Commission’s Web Site. They “talk” to the Commission, the Commission “listens”, often participating to their meetings, and “helps” them organizing.

Going further down the ladder of institutionalization, we find the “Public Consultations”. These have become more and more frequent. At first based on “Traditional” means of communication and later “OnLine”.

Are the civil-society interested parties (“stakeholders”) to be considered as “lobbies”?

In a way yes. They exercise pressure on the Commission for more attention to their policy area and an opportunity to present their policy preferences. Indeed, the critiques are, by and large, directed at the more or less presumed “**exclusiveness**” and “**non transparency**” of the Commission’s contacts.

But in another way they are not. In terms of exclusiveness, through the years the Commission has expanded the range of groups with which it entertains a policy dialogue from “business” groups to “diffused-interest” groups in the area of environment, labor, public health, and other areas²⁶. As to “exclusiveness” the trend has been to gain control over consultations rather than have them totally controlled by individual DGs. Obviously DG’s remain the main sponsors and organizers of consultations as these usually relate to “one” policy area.

²⁶ See the three phases presented by Beate Kohler-Koch, in, *Beate Kohler-Koch and Christine Quittkat, “De-Mystification of Participatory Democracy: EU Governance and Civil Society, Oxford UP, 2013, pp. 43–47.*

Yet the consultations appear in a single directory through a single observatory – “Your Voice in Europe”.²⁷

But then, what is behind the Commission’s efforts to contact civil society. Staying away for the moment from “inter-institutional” power struggles, the Commission is well known to have an objective reason (if not the necessity) to listen to the voice of civil society. That is, to be informed on the subject matter on which it will have to develop policies from the interested parties as directly as possible. In addition, among the EU institutions, the Commission is the best suited forum for the articulation of interests at the European level.

Therefore, we accept the idea of a growing “European lobby”. But we have to recognize that such lobby (if this is the term we want to use for it) is increasingly organized and institutionalized (see Forums and Platforms). It also seems clear that, in terms of types of interests, inclusiveness has increased, and that therefore the so called public sphere is gaining in size. Whether and to which extent the Commission relative “institutional” gains from the increasing contacts with civil society is debatable. Yet, it would be hard to deny that the Commission (we’ll have to see for the EP) has become the major point of contact of civil society and the EU.²⁸

The numbers below show a basic stability in participation and an expansion of the stakeholders base, which do not support the hypothesis of a general retreat of civil society from the EU. It could be just a “lock-in” effect, but that would be very hard to prove.

A FEW FIGURES FROM THE “VOICE OF CIVIL SOCIETY”

During 2015 the Commission opened **99** new consultations
During 2016 the Commission opened **113** new consultations
During 2017 the Commission opened **114** new consultations
During 2018 the Commission as of June 14 2018 had opened **47** new consultations.²⁹

²⁷ See the Your Voice in Europe (YViE) website, under the EU portal ec.europa.eu. For an in depth analysis of the Commission’s OnLine Consultations, see, *The European Commission’s Online Consultations: A Success Story?*, *Journal of Common Markets Studies (JCMS)*, 2011. Vol 49, n. 3, pp 653-674].

²⁸ For an in depth discussion on this matter, see Justin Greenwood’s *Interest Representation in the European Union*, 3rd edition, Macmillan, London 2011, pp. 33-40.

²⁹ The figures indicated here were extrapolated by the author (on 14 June 2018) from the data shown in the website of “Your Voice in Europe” which reports on Commissions’ consultations from 2015 (<http://ec.europa.eu/yourvoice/consultations/<year>>) according to the sequential procedure indicated below.

- All Consultations opened from 1 Jan 2015 to today 14 June 2018 = 373.
- Consultations opened from 1 Jan 2016 to 14 June 2018 = 274. Therefore $(373 - 274) = 99$ consultations were opened between 1 Jan 2015 and 1 Jan 2016.
- Consultations opened from 1 Jan 2017 to 14 June 2018 = 161. Therefore $(274 - 161) = 113$ consultations were opened between 1 Jan 2016 and 1 Jan 2017.
- Consultations opened from 1 Jan 2018 to 14 June 2018 = 47. Therefore $(161 - 47) = 114$ consultations were opened between 1 Jan 2017 and 1 Jan 2018.
- And (as stated above) 47 consultations were opened so far (between January and June 2018).

In addition, the analysis shows that there has been a growth in the participation of Public Interest Organizations, relatively to the other types of organizations (Public Authorities, Professional, and Business)³⁰.

In conclusion, this extra short section suggests that the increasing attacks on the legitimacy of the EU Executive, the European Commission, are not quite justifiable. It would actually seem that the “European Crisis” did not very much upset the relationship between the Commission and Civil Society³¹.

SOME CONCLUSIONS

- EU is thus based on shared legal principles and technical standards.
- EU, differently from any state, does not have the possibility of using force.
- Standards worked out in Bruxelles are decided together by the member States according to the principle of pooling of authority.
- Decision making involves civil society in two ways: (i) decision making processes are transparent making it therefore possible for civil society to follow of is being prepared at the technical level; (ii) a direct linked is set up between civil society and the Commission so that the Commission can receive the demands of civil (inputfuncion).
- The relationship between professionally legitimated bodies and democratically legitimated bodies is established in a way more balanced and transparent than in any Member State.

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³⁰ *De-Mystification of Participatory Democracy. EU Governance and Civil Society. Oxford. Oxford UP, July 2013).*

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THE CHALLENGE OF POPULIST PARTIES AT BOTH ENDS OF THE IDEOLOGICAL SPECTRUM

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Abstract: Since the great recession, populist parties are involved in many of the key electoral battles in Europe. Within the right side of the political spectrum, populist right-wing parties have posed the most serious challenges to other right-wing parties, as the case of Italy illustrates, where the Lega has displaced traditional right-wing parties to a secondary role in the country's political life. Likewise, the battle for the left, which traditionally has involved the competition of socialists or social-democrats with communist or post-communist parties, has been transformed and populist left-wing parties have taken the place of post-communist ones. Again, in some countries, like Greece or Italy, traditional socialist parties have been outcompeted by their populist counterparts. On top of discussing the developments that brought this situation into being, this chapter presents the challenges posed by both populist right-wing parties and populist left-wing parties. It also discusses some of the factors that affect their success and the profiles of those who feel appealed by their programmes.

INTRODUCTION

European Union countries have recently faced the challenge of a threefold economic, political and migration crisis. Chronologically, the first of these was the economic one, triggered by the burst of the housing bubble and the misdeeds of many of the largest financial corporations (Havemann 2009). Only in the US, the catalogue of misbehaved financial companies included, among others, Fannie Mae and Freddie Mac (the country's largest mortgage agencies, bailed out in 2008), Washington Mutual (US' largest saving bank, founded in 1889 and defunct in 2008), Lehman Brothers (founded in 1850, the fourth largest investment bank before filing for bankruptcy in 2008), Bear Sterns (another large investment bank which also failed in 2008 after a bailout by the FED), American International Group (a finance and insurance corporation founded in 1919 and bailed out by the FED in 2008), or Merrill Lynch (founded in 1914 and sold to Bank of America in 2008).

Many European financial companies were also involved in illegal practices and were heavily fined for that, including the Swiss UBS and Credit Suisse; the German Deutsche Bank and Commerzbank; and the British HSBC and Royal Bank of Scotland. Most European countries, including France, Germany, Italy, Portugal, Spain and the UK, devoted large sums of money to bail out their sick financial enterprises, such as the Banco Comercial Português in Portugal or Hypo Real Estate in Germany. Spain needed the help of the EU to salvage its financial firms, given the large number of ill banks: Caja Madrid - now known as Bankia-, Caja Castilla-La Mancha, Caja Sur, Caja de Ahorros del Mediterráneo, Banco de Valencia, Caixa Catalunya, Novacaixa Galicia, Unnim, and several others (Traynor 2008). Iceland's three largest commercial banks, Kaupthing, Glitnir and Landsbanki, had to be rescued by the country's government, leading to a sharp devaluation of the national currency, the virtual collapse of the stock market, and a severe economic recession (Sunderland 2009).

To cut a long story short: a global economic depression initiated in 2008 and, due to its virulence, came to be known as the Great Recession (GR). The economic slump was soon to be followed by a political upheaval. The metastasis of the economic convulsion to the political realm was all but fortuitous. On top of slowing down the economic activity, the quake in the financial sector put in dire straits the equilibrium of public balances. Citizens throughout the developed world realized with contempt that the bill of the irresponsible decisions of financial corporations was passed on to them in the form of public rescues. It was an expensive bill: for instance, Spain devoted more than 62,000 million euros, or about six percent of its gross domestic product, and ten years later had recovered less than 4,000 (Garijo and Sánchez 2017).

Such a socialization of private losses was especially ominous for the 'common man' given the privileged backgrounds and political connections of the CEOs of most of the misbehaved financial corporations. Hence, it may well be that rescues of the financial sector were economically rational, but their political consequences cannot be overlooked: "As wages and incomes continued to languish, the rescue effort generated a populist backlash on both sides of the Atlantic" (Cassidy 2018).

The first political consequence of the Great Recession was the drop in the job approval of presidents and prime ministers in most European countries and the change in the governing parties in the first elections after the onset of the crisis almost all over the developed world. Soon it became clear that the evaluation of the leaders of the main opposition parties, which in most countries had backed the governments' measures to rescue the financial sector, had worsened as well. All in all, confidence in political institutions and trust in politicians reduced sharply, this being especially noticeable in those countries most affected by the crisis, like the so-called PIGS (Portugal, Italy, Greece, and Spain).

For instance, according to the World Bank's Public Trust in Politicians Index, trust in politicians fell in all PIGS during the 2008-2013 period (World Bank 2018).

Had resentment and disapproval affected only governing parties, it would have simply translated into alternation in power between the main parties in each country. However, this was not the case. Dissatisfaction was widespread and encompassed all the moderate, traditional mainstream parties, which had either carried out or supported the exceptional measures to rescue the financial system. In the eyes of European citizens, what had failed was the political market as such, not a given party within it. Mainstream parties were electorally punished to the benefit of more critical and sometimes more radical alternatives, which more often than not were also newcomers to the political arena.

As a consequence of the former developments, the political landscape is changing. The big picture is that overall (but not all of this everywhere), a series of transformations are taking place. First, electoral volatility is rising. Second, old mainstream parties, and especially Social Democrats, have lost much of their electoral appeal. Social democrats suffered from increased competition within the left ideological block with Green, far-left or left-wing populist parties, but also faced the competition of right-wing populist parties.

Because of these combined pressures, they only govern in a handful of EU countries and are expected to lose a meaningful part of their representatives in the 2019 EP election (Joannin 2018); a similarly negative outlook seems plausible for the upcoming national elections (Friedrich Ebert Stiftung 2019). Third, the effective number of both electoral and parliamentary parties has increased significantly: that is to say, party fragmentation has increased both in terms of votes (electorally) and in terms of seats in legislative chambers (parliamentary). Moreover, the upsurge in electoral fragmentation makes it more difficult to establish and sustain governments.

If the electoral support of socialist and social-democratic parties has declined, but the support of the main right-wing parties has also decreased, who are the key winners of these developments? It turns out that, with some exceptions, such as Macron's LRM (La République En Marche!) in France or Albert Rivera's Cs (Ciudadanos) in Spain, most of the new contenders in the European political space are either populist right-wing parties (PRWPs) or populist left-wing parties (PLWPs).

In the remainder of this chapter, we'll focus on these parties and, most specifically, on the different types of strategic competition in which they may be involved. But before proceeding further, a cautionary note is in order. The PRWPs label is not an undisputed one, to the very least because these parties are often referred to in an interchangeable manner with far-right or radical right-wing parties, which need not be populist, and because many populist parties in the right qualify as well as radical (let us characterize them as populist radical right-wing parties).

For the sake of convenience, we will not distinguish among them, and we will refer to all of them succinctly as PRWPs.

THE CHALLENGE OF POPULIST RIGHT-WING PARTIES TO RIGHT- AND LEFT-WING TRADITIONAL PARTIES

Electoral competition takes place both within ideological blocks, and between them. PRWPs may compete with (a) traditional right-wing parties; (b) traditional left-wing parties; and (c) PLWPs. Let us analyse them sequentially. In the past, electoral competition within right-wing parties typically faced conservative parties to liberal ones, but after the Great Recession, the most important battles in the right side of the political spectrum are being fought by non-populist right wing political parties (RWPs) and populist right-wing political parties (PRWPs).

This has been the case, for instance, of the ÖVP (Österreichische Volkspartei, Austrian People's Party) and the FPÖ (Freiheitliche Partei Österreichs, Freedom Party of Austria), which respectively got 31.5 and 26 percent of the popular vote in the 2017 legislative elections (Bundesministerium für Inneres 2017).

In some countries, PRWPs seem to be winning that war. This seems to be the case of Italy, where Matteo Salvini's Lega (previously known as Lega Nord, or Northern League) obtained less votes than Luigi Di Maio's M5S (Movimento 5 Stelle, Five Star Movement) and Matteo Renzi's PD (Partito Democratico, the social democratic party), but somewhat more than Silvio Berlusconi's FI (Forza Italia), his closest competitor on the right side of the ideological spectrum. If that were not enough, polling data over the last year are consistently placing the Lega as the first party (Turco 2019; Istituto Demopolis 2019).

Electoral competition can also take place between or across ideological blocks. In this case, the post-Great Recession most notorious electoral battle has been the one waged by socialist or social-democratic parties, on the one hand, and PRWPs, on the other.

A good case in point would be France's FN (Front National, National Front), which obtains significant support from traditional leftist strongholds in economically depressed deindustrialising regions (Lee and Sergent 2017). It seems reasonable to assume that an important element in the success of the FN, now RN (Rassemblement National) lies in its appeal to working-class voters who feel abandoned by traditional parties, thanks to its emphasis on immigration and anti-European Unionism or in its determination to fight the battle between patriots and globalists, as Marine Le Pen would have it (Schultheis 2017). Similar caveats can be applied to the social base of Germany's AfD (Alternative für Deutschland, Alternative for Germany), which has been found to be similar to that of other PRWP (Schmitt-Beck 2017), who capitalise on fear of economic decline and anti-immigration attitudes (Goerres, Spies, and Kumlin 2018), as well as on its harder Eurosceptic position (Lees 2018).

THE CHALLENGE OF POPULIST LEFT-WING PARTIES

Electoral competition within the left-wing ideological camp has been likewise transformed after the Great Recession. Before the crisis, it typically involved the competition between socialist or social-democratic parties, on the one side, and communist or post-communist parties, on the other. This was the case, for instance, of the PSOE (Partido Socialista Obrero Español, Spanish Socialist Party) and IU (Izquierda Unida, United Left) in Spain. In some countries, like Germany, the largest party in the left was still a social-democratic one, in the example, the SPD (Sozialdemokratische Partei Deutschlands, Social Democratic Party of Germany), but the second largest party was a green one (Bündnis 90/Die Grünen, Alliance 90/The Greens, often simply Greens; from 1994 to 2004, they were Germany's third largest party in federal elections) instead of a communist or post-communist one.

However, after the Great Recession, the battles have usually been waged between socialist or social-democratic parties, on the one hand, and populist left-wing parties (PLWPs), on the other. Allegedly, PLWPs have both populist traits (they are critical towards traditional elites, advocate direct democracy provisions, tend to be more authoritarian, and have a stronger community focus) and left-wing ones (most notably, they are broadly favourable towards redistribution). Oftentimes, PLWPs have been founded by members of traditional communist parties, or their origins can be traced back to a breakup of such parties, but they clearly developed a new momentum since the Great Recession.

Indeed, PLWPs often defeated communist parties in elections and sometimes absorbed them later into their structures. PLWPs are likely to compete with socialist or social-democratic parties; with other left-wing parties, such as green parties; and with other populist parties, i.e., PRWPs.

The list of countries where PLWPs compete with PRWPs is open to debate. Some of the potential candidates are France, where Mélenchon's FI competes with Le Pen's RN; Iceland, where The Pirate Party competes with the People's Party (XF); Italy, where the M5S competes with the League (and with Brothers of Italy); the Netherlands, where the SP competes with the Party for Liberty (PVV); Germany, where Die Linke faces AfD; Lithuania, where The Way of Courage competes with Order and Justice; and Greece, where Syriza competes with Golden Dawn.

What about the countries where the socialist-PLWPs battles are more salient? With the disclaimer that all lists of populist parties require, it may be argued that examples of these battles in EU countries could involve the following potential PLWPs: SYRIZA (Coalition of the Radical Left) in Greece; Podemos (We Can) in Spain; the Sinn Fein (Ourselves Alone) in Ireland; The M5S (Five Star Movement) and the List di Pietro Italy of Values in Italy; The SP (Socialist Party) in the Netherlands; Citizens Alliance in Cyprus; the CPE (Estonian Center Party) in Estonia, the PP-DD (People's Party – Dan Diaconescu) in Romania, or SMER-SD (Direction) in Slovakia.

The challenge posed by these PLWPs to socialist or social-democratic parties has been extraordinary (Santana and Rama 2018b). In some countries, they have already achieved a sorpasso of their former bigger brothers: this is the case of Greece, where SYRIZA (Synaspismós Rizospastikís Aristerás, Coalition of the Radical Left) has eclipsed PASOK (Panhellenic Socialist Movement) since 2012. In other countries, they may become the first party in the left in the near future: this is the case of France, where polls suggest that Jean Luc Mélenchon's FI (La France Insoumise, Unbowed France) will outperform the PS (Parti Socialiste, Socialist Party).

Finally, in other countries, like Spain, they have been close to attain leadership in the left: thus, it was not uncommon to hear that Pablo Iglesias' Podemos (We Can) would be able to outstrip the socialist PSOE. In any event, PLWPs have supposed a full-scale threat to traditional socialist and social-democratic parties.

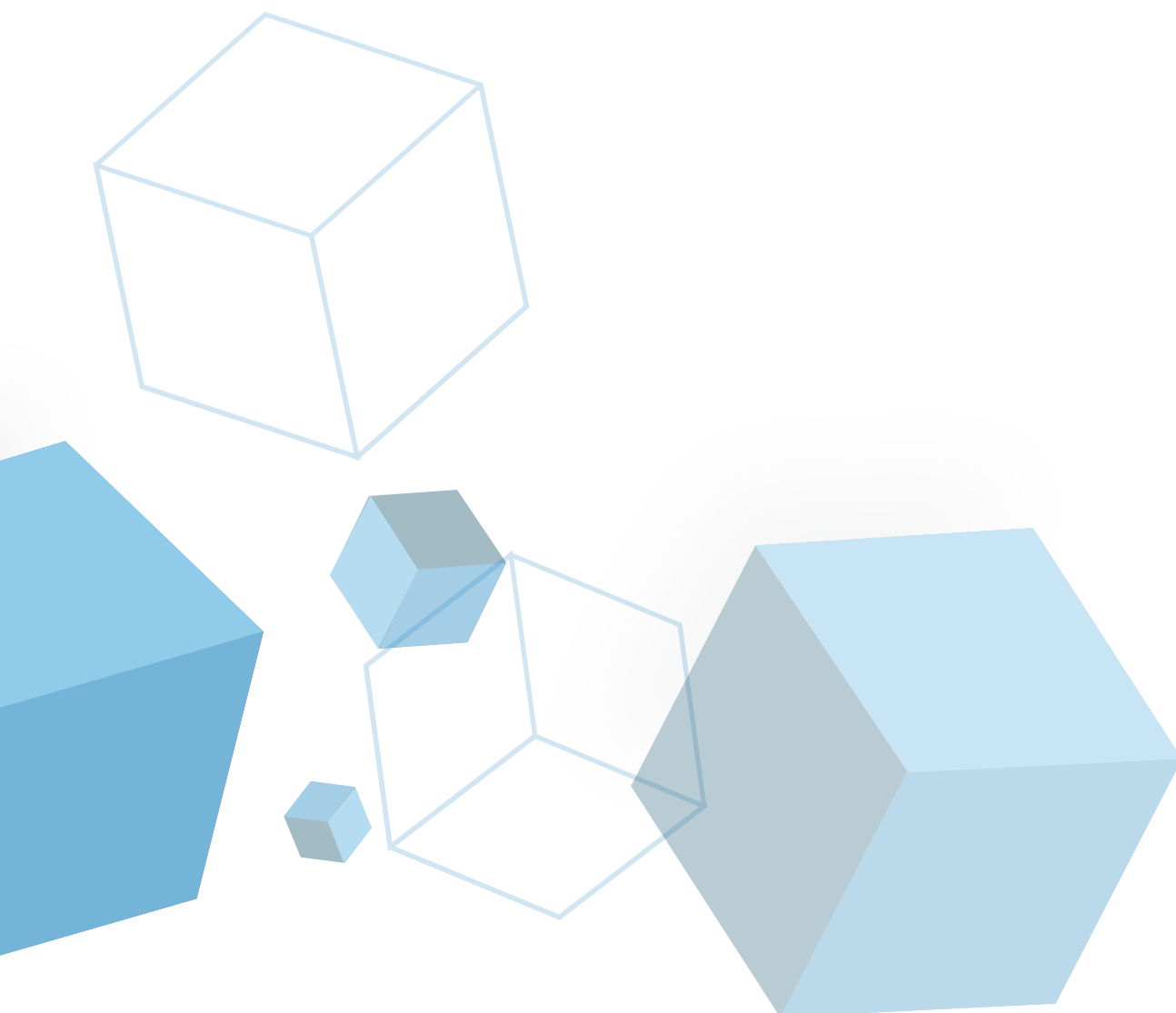
Why is the challenge of PLWPs so powerful? What do they offer? What is relevant in their competition with other left-wing parties? Following a recent study by Santana and Rama (Santana and Rama 2018a), we can provide several insights. First, PLWPs do seem to have a competitive edge (vis à vis other left-wing parties) in attracting those who express difficulties to pay the bills, and who are arguably not adequately covered by the Welfare States. Second, except for those who have financial difficulties to make ends meet, the sheer belonging to groups traditionally identified as the losers of globalization does not provide PLWPs any advantage in comparison to other left-wing parties; again, this makes sense, since arguably they are already covered by the Welfare States that other left-wing parties have long fought for.

Notice, incidentally, that, in this regard, the sociodemographic profile of PLWPs' voters is at odds with the one that is generally associated to PRWPs' supporters: PLWPs' voters are neither old, nor uneducated, unemployed or rural, at least, vis-à-vis other left-wing parties. Third, citizens who are against EU economic integration or who have anti-immigration feelings are more likely to vote for PLWP's than for other left-wing parties.

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THE COMMUNICATION DEFICIT: ANALYSIS ABOUT THE COMMUNICATION POLICY OF THE EUROPEAN UNION

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Abstract: How work the relations between the European institutions and its member states? What is the best way to share information about the European Union's institutions and activities with a diverse, diffuse and often uninterested public? These questions have in recent years come to be asked with ever increasing desperation. Since the signing of the Maastricht Treaty in 1992, the European Union faced with several setbacks, such as the global financial problems of the late 2000s and the migrant crisis during the 2010s. Despite the efforts made by the European institutions, the interaction between the institutions and the member countries has been poor. During the last migration crisis, the communication made by European Union, mainly about its decisions to its member states, has been considered very poor. Therefore, this research article aims to analyze how the European Union managed the current migration crisis to its members.

Keywords: Balkans, communication policy, European Union, Mediterranean

INTRODUCTION

The European communication policy is not governed by specific provisions in the Treaties, but stems naturally from the EU's obligation to explain its functioning and policies, as well as 'European integration' more generally, to the public. The need for effective communication has a legal basis in the Charter of Fundamental Rights of the EU, which guarantees the right of all citizens to be informed about European issues. Since its formal launch in 2012, the new European Citizens' Initiative has allowed citizens to become more directly involved in new legislation and European issues.

The Treaties do not contain any specific chapter or article concerning communication policy. However, the Charter of Fundamental Rights of the EU, rendered binding by the Treaty of Lisbon, gave the Charter the same legal status as the EU Treaties. It provides all European institutions with a common framework for linking EU achievements to the underlying values of the EU when communicating to the public at large. Relevant articles in the Charter include Article 11 (right to information and freedom of expression, as well as freedom and diversity of the media), Article 41 (right to be heard and right of access to documents relating to oneself), Article 42 (right of access to the documents of the European institutions) and Article 44 (right of petition). As there is no separate legal basis in the Treaty on the Functioning of the European Union (TFEU) for communication policy, any action at EU levels needs to refer to Article 352 TFEU.

Communicating with citizens has long been a primary concern of the European institutions, with the aim of fostering trust in the European project. With the 'no' votes in the referenda on the European Constitution in France and the Netherlands (May 2005), followed by the rejection of the Lisbon Treaty in Ireland (June 2008), the EU took a series of measures to improve communication between the institutions and the citizens of the Union.

These measures were intended to inform members of the public on EU policies and on how these have an impact on their everyday lives. On the background of this information, European citizens are better able to exercise their right to participate in the democratic life of the Union, in which decisions are supposed to be taken as openly as possible and as closely as possible to the citizens, observing the principles of pluralism, participation, openness and transparency. Since 2012, the European Citizens' Initiative (ECI), an innovation in the Lisbon Treaty, has allowed citizens to directly suggest new EU legislation.

Since 2005, the Commission has released a number of policy documents on communication. These reflect the high profile of this policy, which is based on three principles:

- listening to the public, and taking their views and concerns into account;
- explaining how European Union policies affect citizens' everyday lives;
- connecting with people locally by addressing them in their national or local settings, through their favorite media.

With the start of the Juncker Commission on 1 November 2014, the Commission's Directorate-General for Communication has become a presidential service working towards the following overarching objective: "Citizens perceive that the EU is working to improve their lives and engage with the EU. They feel their concerns are taken into consideration in European decision making process and they know about their rights in the EU."

The entry into force of the Treaty of Lisbon had an almost immediate impact on the work of the EU institutions, with a stronger focus on delivering results to EU citizens through more streamlined and democratic decision-making. In particular, the Reform Treaty has reinforced the role of Parliament in shaping Europe. As the directly elected representative of the body of European citizens, Parliament has a clear responsibility to communicate what Europe is about and to articulate and act upon citizens' interests in Europe.

In its reports, Parliament has therefore repeatedly made detailed proposals for improving the relationship between the EU and its citizens. For instance, in a resolution adopted in September 2010, it proposed concrete ways in which EU citizens can be more involved in debates on European issues. The report looked at how communication can initiate, encourage and further develop the European debate. It stressed that better communication by governments, political parties, universities, public service broadcasters and the EU institutions themselves is vital for constructing a 'European public sphere' of debate. The resolution also addressed the ongoing revolution in so-called 'social media' with platforms like Facebook, Twitter, MySpace and an array of blogs.

Parliament provides a wealth of information and documents on its website to the citizens, in all 24 official languages of the EU. Moreover, Parliament has a strong presence in social media. Visitors to Parliament can visit the hemicycle (in Strasbourg and in Brussels), the Parliamentarium (Parliament's visitor centre) and-in the near future-the House of European History (both in Brussels).

In each Member State, Parliament has at least one information office. The role of these information offices is to raise awareness of the Parliament and its Members by providing information, answering questions and building links with citizens, stakeholders and the media.

Despite Parliament's increasing power, the turnout in European elections has been falling steadily since the first direct vote in 1979. In order to reverse this tendency, Parliament is increasingly using the Internet to reach out to citizens online. This goes in particular for election years, which prove especially appealing for the use of social media and content-sharing web platforms. In the project "Share Europe online," which is currently receiving support from the EU budget as a preparatory action, the Commission and Parliament have found a way to share best practices and rapidly build expertise in digital communications while working through different languages and across cultures.

Current trends of increased indifference or even hostility towards the EU among European citizens—along with the current financial crisis and the apparent lack of solutions, as well as strong political responses from EU leaders—call in particular for appropriate communication strategies and policies at European level. Taking an active part in shaping such strategies and policies is not only one of Parliament's obligations towards the European citizens it actually represents, but is also in its own interests.

THE COMMUNICATION DEFICIT

Prominent critics claim that European institutions have acquired an undue measure of competences and that the role of member states has been diminished to an unacceptable, because democracy-eroding degree. European citizens have become estranged from the European project and what they feel as sealed-off elite in Brussels that is governing over their heads. In addition, the apparent lack of communicating with its citizens—commonly become known as the EU's 'communication deficit'—is considered among the main factors of the institutional crisis of the European Union. Indeed, the EU's problem in communicating with the general public manifests itself with extensive and widespread indifference reflected by the obvious discrepancy between the EU's highly significant influence on the political processes on the one hand and the near absence of a public debate on the EU's actions on the other. Unlike in a domestic context, there seems to be no debate in the form of a "European Public Sphere" that could act as an intermediary between Europe and its citizens.

The consequences of that deficit mainly emerged in the last decade, with the global financial problems of the late 2000s and the migrant crisis during the 2010s. The global financial and economic crisis has been hitting the European Union severely since 2008. Although the economic crisis began in advanced economies and then spread all over the globe, its impact and implications are far from being equally distributed geographically. This is particularly visible within the European Union.

While some countries, mainly in the North, have weathered the crisis relatively well and have managed to recover from the initial financial downturn, others, especially in the South, have been suffering from long-term financial instability, high unemployment rates and worsening living conditions among wide segments of the population. In this deteriorating socio-economic environment, EU citizens have developed a wide variety of strategies to respond to the crisis, such as undertaking training in order to adapt to the changing needs of the job market, reducing household expenditure, or taking to the streets to oppose the management of the crisis by their governments.

Crises tend to bring out in the open conflicts that are either dormant or quietly simmering beneath the surface. About the European Union, it seems plausible to argue that many EU institutions underestimated the 'threat' of nationalism, which mainly emerged in the Central and Eastern European countries in the last 5 years. Intense nationalism, sometimes coupled with authoritarian values, on the one hand, and a broadly liberal western-style outlook on the other, proved to be a much more consistent and transparent distinction for voters, and hence a more predictable guide as to what might be expected from a party or politician once elected (outside the realm of economic policy). Various divisions have always existed in the Europe, for example between the largely euro-skeptic North, the western European core of EU integration (Belgium, France, Germany, Italy, Luxembourg, and the Netherlands) and the newer Mediterranean states. This time, the main consequence has been a new 'dividing line' within the European Union and recurrent conflicts with governments that either represented a harder nationalist/authoritarian line or felt electoral pressure to make concessions to such politics.

The current refugee crisis marked a turning point, however. Not only were large segments of the central and eastern European region united in their total rejection of letting in refugees, but in this context, the relevance of the nationalist versus centrist-moderate divide disappeared almost completely; the left-right distinction, weak to begin with, proved almost irrelevant as well. Hardly any mainstream party in the region dared challenge the prevailing attitude of rejecting refugees. Supported by a band of smaller western allies, Germany took the lead in pushing for a European response that best reflected the dominant liberal self-understanding in Germany's political elite at the time. The German reaction was also a response to the lessons the country took from its role in World War II. The resulting position was that the European response to the unfolding humanitarian crisis at the doorstep of Europe should be decisive, generous and, above all, commonly shared by the EU member states. It was clear very early on that the policies of the German government, for example, which essentially opened the door to vast numbers of persons from far-flung segments of the globe, would be sustainable only if they were complemented by a community effort to help the most generous member states.

The success of the policies of what we might term the EU's generous half depended on the cooperation of the rest, both in terms of actual logistical support and in terms of common decision-making at the European level. It emerged quickly that such support would not be forthcoming. Some member states merely rejected the scope of the undertaking while they fundamentally expressed a willingness to share some of the burden. Others - and these were exclusively central and eastern European member states - made clear that they could not even agree to the underlying principle of helping refugees, much less the daunting numbers the German-led camp suggested absorbing.

This led to a basic schism between Eastern and Western EU countries, which was further complicated by divisions among Western EU countries, within individual member state governments and in the broader political discourse of member states.

THE MIGRANT CRISIS

Far-right populists in particular pushed for western countries to adopt the same position the Central and Eastern European states insisted on, and, in fact, the chief proponent of the Central and Eastern European line, the Hungarian prime minister Viktor Orbán, was held up as an example by many of these populist parties, such as the Austrian Freedom Party (FPÖ), the German AfD, or the French Front National (FN). Marine Le Pen, the leader of the FN, declared Viktor Orbán the “sole protector of the external borders.” Even before the refugee crisis of 2015, these parties were experiencing a massive surge for a variety of reasons. Populist parties made enormous electoral advances in the European Parliament elections of 2014, clinching first, second and third positions in an unprecedented number of countries, often with levels of support which, if sustained, would make them likely players in national governments.

The unofficial rhetorical alliance between far-right Western European parties and mainstream Central and Eastern European governments became a key influence in shaping the EU's handling of the crisis, or, rather, its inability to formulate a proper policy response. When central and eastern European leaders were under pressure from either western partners or western-oriented politicians in their own countries to be more open to compromise in coming up with solutions, they could argue that the western political elites were simply out of touch with their own electorates. Voters, they argued, demanded a much tougher line concerning migrants than the western governments pushed the Central and Eastern European countries to adopt. The growing popularity of far-right populists in the EU was a key indication of the gap between what the public presumably expects in Western Europe and what the political elites intend to do. Moreover, Eurobarometer surveys in the spring of 2017 showed that the EU's public was overwhelmingly apprehensive about immigration from outside the EU: according to a new poll, 73% of Europeans still want the EU to do more to manage the situation. However, 58% of respondents think the EU's actions regarding migration are inadequate, eight percentage points less than last year.

THE SLOVENIAN CASE

Recent refugee and migrant crisis reached Slovenia in September 2015 when the first group of refugees and migrants arrived. An unprecedented influx of refugees and migrants hit Slovenia as a consequence of Hungary closing its border with Serbia and Croatia. From October 2015 to January 2016, 422,000 refugees and migrants crossed Slovenia. Slovenia was only a transition country on their way towards Western European countries. After initial attempts by Slovenian authorities to apply standard border control protocols, Slovenia set up a humanitarian ‘corridor’ (organized transport for the refugees and migrants from Slovenian-Croatian border to Slovenian border with Austria) to enable the migrants safe passage. Migrants and refugees have been registered and were provided with basic care. The government set up reception and accommodation camps in the border areas.

October was marked by crisis situation as the Government (and other stakeholders) were not prepared for managing unexpected numbers of refugees and migrants, with their number reaching its peak at the end of month with 25,000 refugees and migrants entering Slovenia in one weekend; and the Government had troubles with handling the crisis on the operational level. Bilateral tensions arose with Croatia due to by the lack of coordinated approach with Croatian government and police, which led to refugees being stranded in so called “no man’s land” and/or their attempts to enter Slovenia via green border. In October, Slovenia (and Croatia) asked the EU for police to help regulate the flow coming from Croatia; it received assistance from 400 policemen from EU member states.

In November 2015, the Government decided to implement “temporary technical obstacles” (razor-wire fence) on the border with Croatia (although even in September, the Government was critical towards Hungary building the fence on its border). The measure was explained to be aimed at avoiding a “humanitarian disaster,” although the number of refugees and migrants was falling after its peak in October, and Austria—the next country along on the migrant route—was planning to restrict the daily number of new arrivals which could create a backlog in Slovenia. Partly, the decision was a response to the external pressures (to prove EU that Slovenia can protect Schengen since Slovenian Government has been active in advocating Slovenia’s position as the guardian of Schengen border).

Local inhabitants were mostly opposing the fence; therefore the government removed parts of it soon after its installation, and replacing it in some places with panel fence. In November, the Government also passed new amendments to the Defense Law, giving the military broad powers over the civilian population.

As the Government discourse was mostly focusing on security aspect (refugees and migrants as a threat to national security), so was the public opinion not favorable to refugees. Number of self-organized groups, volunteers, and NGOs were providing assistance to the refugees; their views were not shared by general public.

In March, Slovenia (and neighboring Croatia) announced it will refuse to allow the transit of most refugees through their territory (access only granted to foreigners meeting the requirements to enter the country, those wishing to apply for asylum, and refugees selected on a case by case basis on humanitarian grounds and in accordance with the rules of the Schengen zone) with the aim of shutting down the Balkan route, setting off a domino effect among Balkan states. The announcement followed Austria’s decision in February to cap the number of refugees passing through its territory, and was announced the next day after signing the EU-Turkey deal. The decision of restricting entry to refugees and migrants in Austria, Slovenia, Croatia, Serbia and Macedonia caused a bottleneck of 36,000 refugees stuck at the Greek-Macedonian border, unable to continue their journey.

CONCLUSIONS

Although the Balkan route is closed, unprecedented numbers of asylum-seekers and refugees represent a challenge for the Government. The crisis strengthened presence of international organizations in Slovenia. The Government is maintaining three reception/accommodation centers (Dobova, Šentilj, Lendava) on stand-by in case of repeating increased influx of refugees and migrants to Slovenia.

Public opinion still polarized but migration and refugee topics considerably less present in media and social media discourse. The Slovenian public attitude was more or less a reaction to the messages by politicians and media reports. Even though almost half a million migrants and refugees passed Slovene territory since September 2015, large majority of Slovenes did not have a direct contact with migrants and refugees and in fact did not see a single migrant or refugee during the whole course of the crisis, especially after “the corridor” was set up. After the refugee and migrant crisis hit Slovenia, the public opinion was very polarized, with one side advocating human rights and humanitarian principles, and the other security and national identity related concerns. The polarization is strongly linked with political affiliation, worldview and rural-urban divisions, which run deep in the Slovene society. According to the polls, the public opinion was changing through different phases, also in relation to the changing narrative of the Government; therefore an important segment of public does not have a fixed attitude. There are certain differences in public attitudes within different public spheres. The attitudes expressed at the social media were at times extremely negative and hostile, with little or no reaction from government. With the closing of Balkan route, the migration issue is less present in the media and especially on social media.

In the first part of the 2015, humanitarian concerns were prevailing. From the fall, the political discourse was mostly focusing on security aspect, creating negative attitude and fear in the public. Slovenia’s Prime Minister was greatly emphasizing the responsibility of Slovenia to protect its citizen – even before the refugee crisis reached Slovenia. In last period, security-based discourse has been renewed.

During the crisis, direct access of media to migrants and refugees was restrained by the police. Mainstream media was reporting on the crisis though a quite technical language, following the narrative used by the Government. They were quite willing to cooperate with NGOs and humanitarian organizations active in assisting the refugees; the refugee crisis has been a hot topic throughout the crisis. After closing of the West Balkans route, media attention shifted the humanitarian conditions on the border between Macedonia and Greece and in Turkey, which strengthened the perception of the humanitarian issues.

NGOs assisting the refugees clearly with welcoming attitude; during the mass flow of refugees, the public attitude was very polarized, after closure of the Balkan route the topic of migration became less present in the media.

The policy differences between western and eastern EU countries were also manifest in the communication about the crisis. While mainstream western parties and governments presented the issue primarily as a humanitarian problem, their eastern counterparts tended to portray it as an existential challenge that would undermine the economic substance and identity of Europe and their own countries unless met with great determination and a willingness to reject migrants. The inability of the parties involved to find a common ground was a serious impediment to the EU's ability to manage the crisis. This made the crisis much worse, of course, thereby giving more ammunition to those who had argued right from the start that the EU should react restrictively. In a sense, the rejection of any compromise generated its own "success" because a key underlying argument was that the EU would be unable to manage the crisis - and without compromises on policy, that was inevitably the case.

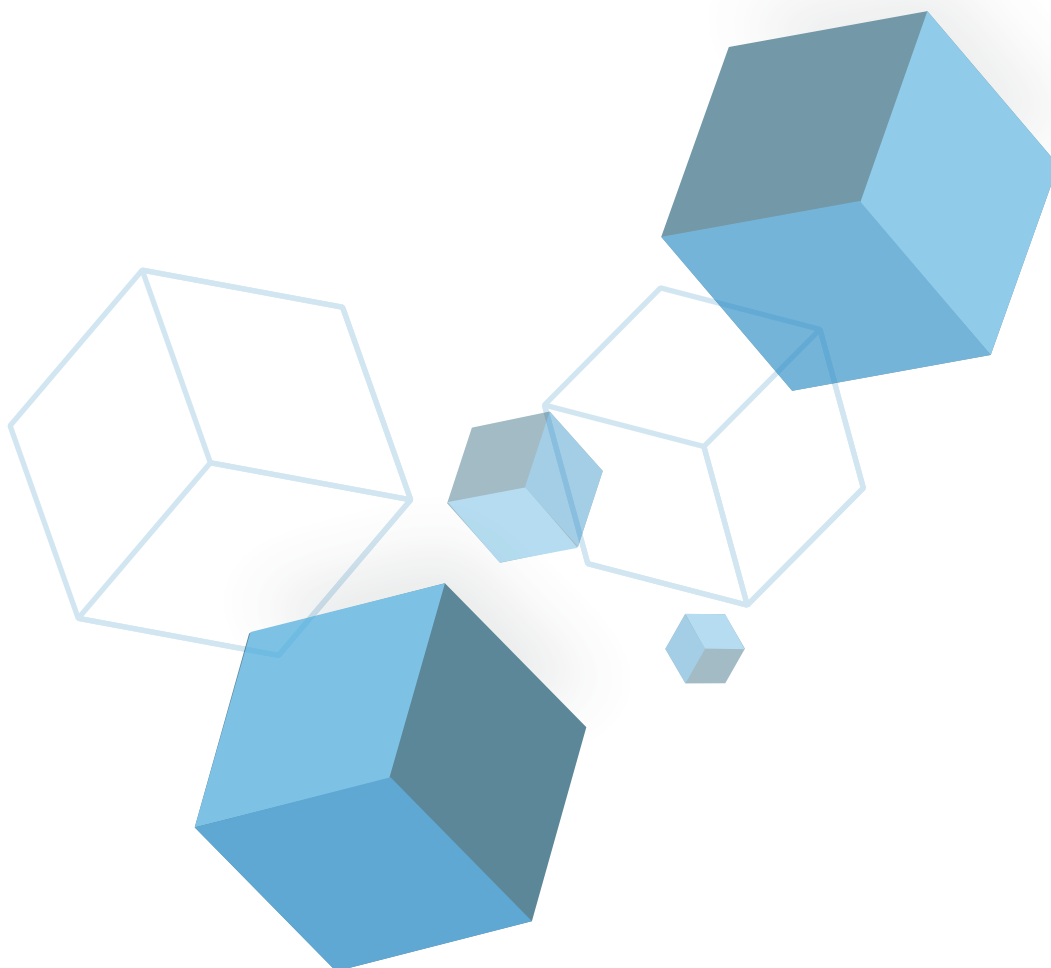
Though communication was only an instrument to interpret the events, ultimately the way governments and political parties talked about the refugee crisis emerged as a distinct tool for shaping public policy responses. The failure of a common action in this area is thus also a consequence of the political communication used by the various actors involved, and their respective success in framing the public's understanding of the crisis. There is also a feedback loop between political communication and the public's prevailing view of the refugee crisis, as they both continuously shape each other.

The consequences of this particular crisis and of similar crises in the future can be immense. The full impact of the refugee crisis is still impossible to fathom, but it might substantially retard the EU's functionality to a minimum when compared to the ambitious vision of broad integration that underlies it. In fact, as the member states are grappling with finding a common stance towards the crisis, it is difficult to imagine how integration might go forward in a community as divided the European Union is right now. This is a huge challenge for the EU, and it is vital to better understand the processes that have allowed the refugee question to turn into a full-blown crisis, and from which one of the most important deficits of the European institutions emerged, that is the communication.

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TROUBLED TIMES: A BRIEF APPRAISAL ON THE EU'S NEW INSTITUTIONAL INTERPLAY, ELITES, BREXIT, AND PESCO¹

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Abstract: The European Union is at a crossroads. In this article I put forward a brief overview of some of the most salient EU dilemmas: the new institutional interplay, the role of elites, Brexit, and the launching of the Permanent Structured Cooperation (PESCO), upon which I attempt to draw a few policy recommendations.

A NEW INSTITUTIONAL INTERPLAY

Firstly, it is important to note that after the Treaty of Lisbon we have a new institutional landscape. We no longer have the “commission method” – typically designated the “community method” – but rather a “council method”. The European Council has been formally recognized as the highest political institution of the Union which, by itself, represents a significant narrowing of the potential role of the Commission.² Indeed, that was already one of the earmarks of the Nice Treaty. But, with it, we also perceive a remarkable paradox. As Giuliano Amato has perceptively pointed out, more intergovernmentalism was expected, but what is happening is exactly the opposite: integration is replacing the pre-existing structures of co-ordination in economic, financial, and banking matters, with the European Council promoting this transformation, and, within it, principally Germany.³ In this regard, the new format, which is designed to tighten the grip of national governments over key issues, might actually sparkle claims that the EU is set, ironically, to become a more centralized entity, not around an independent Commission (which was actually a very smart arrangement designed by Monnet), but around power grabbing states. That is, more integration is actually occurring but outside the EU treaties. One of the pivotal developments can be seen in the European Stability Mechanism (ESM), set up in 2012, through a traditional international agreement which does not come under the scope of EU law. It is theoretically controlled” by the 19 governments of the Eurozone, but above all “fiercely protected by Germany” – its biggest single contributor – which does not accept turning the mechanism into a “commission-driven instrument”; symptomatically, as Mr. Jeroen Dijsselbloem – the former president of the eurogroup – declared, the intergovernmental nature of the ESM had “helped to build trust between member states” and the “independence of the mechanism was key to its credibility”.⁴ We can witness here a remarkable twist of the very notion of independence which, in the eyes of the ESM spokesperson, would not be “guaranteed” by an independent Commission, but by the political maneuvering of the larger member states themselves.

¹ I would like to thank Dejan Hribar and Igor Kovač for the invitation to attend the International Conference on “Understanding the European Union”, organized by the Slovenian Paneuropean Movement, held in Ljubljana on 1-3 Dec., 2017

² **Sieberson, Stephen C.** 2008. *Dividing Lines between the European Union and Its Member States: The Impact of the Treaty of Lisbon*. The Hague, The Netherlands: T.M.C. Asser Press.

³ **Amato, Giuliano.** 2011. “A new Inter-Institutional Interplay after the Treaty of Lisbon?”, *The Brown Journal of World Affairs*, Spring/Summer 2011, Vol. 17 (Issue 2): pp. 139-147.

⁴ “Eurozone nations set to contest Brussels bailout fund plan”, *Financial Times*, Dec.04, 2017: p. 3.

The paradox couldn't be more striking. This type of atypical *centralization* has a very negative impact on the member states' juridical parity, to say the least. We have to realize that it is particularly problematic to transpose a purely majoritarian logic to the EU realm. In my understanding, the on-going developments also explain much of Brexit. We have to be aware that our British partners do not accept, one way or the other, the idea of an EU "dominated" by Germany (the mere perception suffices for the end result). Indeed, it could be argued that this atypical trend could also explain, to a certain extent, the "No" vote to the constitutional treaty in The Netherlands, in 2005.

ON THE ROLE OF ELITES

The concept of *consociational democracy* provides a clarification of what I perceive as some confusion regarding the role of enlightened democratic leadership. Consociationalism classifies European politics as a process of competing national alliances of state bureaucratic and business elites which have an interest in increasing the "size of the cake" and the "share" obtained by their own segment. According to Paul Taylor (1990) – who first extended Arend Lijphart's consociational argument to European political dynamics – decision-making in the EU takes place through a group of pro-European leaders and elites in which interests are traded off against each other until consensus is reached.⁵ The consociational argument rationale also provides a way out of the often sterile controversies between intergovernmentalists and neofunctionalists. In my assessment this creative notion conceptualizes more realistically European interconnections where control fundamentally remains with the nation state. It also predicts that as integration proceeds, tensions will arise between the economic and social links needed to foster economic growth in the EU-at-large. Somewhat in the same vein, Johan Galtung – a renowned Norwegian political scientist – suggests that the political history of European integration, according to his "stair case hypothesis", is made of qualitative leaps forward, fostered by the pro-European elites – what might be called positive integration.⁶ So, our past undertakings could have been pragmatic but they are not exactly synonymous of gradualism – let's just think about the huge revolutionary steps all the way from the Single European Act through the Maastricht treaty. And, that is precisely what happened every time national committed and enlightened pro-European democratic elites moved ahead or were determined to move ahead. And, that is also why, in the present-day, the European endeavor requires increased compromise and a stronger sense of common purpose. We should not lose sight of a fundamental and virtuous feature of the post-World War II European project: We *negotiate* democratically around the table, not in the battlefields – unto itself a truly remarkable exploit in European history.

BREXIT: A (VERY) SERIOUS SETBACK

Brexit is really bad news for the whole European endeavor. Strictly speaking, it impacts very negatively the overall EU international status.

⁵ **Taylor, Paul**, 1990. "Consociationalism and Federalism", in Groom, A.J.R. and Paul Taylor (Eds.), *Frameworks for International Co-operation*. London, UK: Pinter, pp. 172-184. The consociational model was first developed by Arend Lijphart.

⁶ **Galtung, Johan**, 1977, as quoted in P.-F. Gonidec. *Relations Internationales*, 2e Édition. Paris: Éditions Montchrestien, pp. 516-517.

It weakens Britain, does not strengthen Europe, and creates a significant distraction at the very moment the EU needs to address not only America's change of focus to Asia-Pacific, but also the enormous security dilemma that China's restated ambitions represent. Strategically, the British withdrawal is a serious setback for the EU, given that the United Kingdom still retains the most considerable military capability among European countries. It is a recognized "global power" which, according to recent data, ranks fifth in the world in terms of defence budget. In matters of security and European diplomacy the old realities of international politics in an increasingly uncertain world – truly an understatement in the current contest – demands a clear-eyed focus on European interests. But that may mean not so popular news:

We need to spend more on our own defense. The plan on Permanent Structured Cooperation (PESCO) – launched on November 13, 2017 – presupposes more binding common agreements and increasing defense budgets in real terms. Not only because of ourselves, but due to the simple fact that our American friends' discourse is fundamentally marked by the central idea of a more proportional distribution of responsibilities between NATO members – a call for *burden-sharing* that was bluntly put forward not only by the US president Donald Trump, but indeed by the three previous American administrations. In this particular context it is imperative to avoid *diminution* of NATO, *duplication* of existing efforts, and *discrimination* against non-EU members and non-PESCO participants – the famous "three Ds" laid down by Madeleine Albright.⁷

PERMANENT STRUCTURED COOPERATION (PESCO)

I now turn more specifically to the European Union "Permanent Structured Cooperation" (PESCO) with an emphasis on one of its dimensions – the "European Defence Industrial Development Programme" (EDIDP). I seek mainly to (1) assess the timing and main reasons for the PESCO initiative, its scope and limits within the European Union's current efforts in delivering improvements in the defence realm, and (2) to evaluate the importance of the Programme for the industrial development of European defence capabilities. I address the topic based on the assumption of the need to launch an inclusive and more ambitious Permanent Structured Cooperation to strengthen Europe's security and defence.⁸ PESCO represents a significant development, which Federica Mogherini, the EU foreign and defence policy chief, has hailed as "historic".

Soon after the Brexit vote in June 2016, France and Germany identified the realization of PESCO as an important instrument to deepen integration. In particular, the so-called roadmap of the Bratislava Declaration of 16 September 2016, as well as the guidelines defined at the European Council of 22 June 2017, fundamentally made the case for the strengthening of the EU's common security and defence policy. Both declarations, along with French president Emmanuel Macron's strong call for "A Europe that protects Europeans", appear to signal that Europeans want to move ahead on defence integration, something that is perceived as key for the future of the EU.

The president of the European Commission, Jean-Claude Juncker, has even talked of the awakening of the Lisbon Treaty's "sleeping beauty" – the EU's major overhaul of 2009 – which laid dormant for eight years.

⁷ Secretary Madeleine Albright's remarks to the North Atlantic Council ministerial meeting, Brussels, December 8, 1998.

⁸ Lobo-Fernandes, Rodrigo. 2017. "Strengthening EU's common security and defence policy: PESCO and its potential", University of Ljubljana, Faculty of Social Sciences. Unpublished manuscript.

PESCO will allow a group of 25 EU member states (Denmark and Malta did not join the agreement) to work together more closely in terms of military planning. France and Germany – the remaining “big two” – appear to have managed to find a compromise that accommodates their somewhat different desires for an “ambitious” (Paris) and “inclusive” (Berlin) defence structure, by putting PESCO in progress. PESCO is launched at a time when the American administration sets the goal to guarantee a more proportional distribution of responsibilities between the NATO member states, and when it appears to be less focused on Europe’s security. However, as J.E. Larik has also pointedly cautioned, a more effective role in defence on the part of the EU should avoid duplication of existing NATO efforts.⁹

THE EUROPEAN DEFENCE INDUSTRIAL DEVELOPMENT PROGRAMME (EDIDP)

The European Defence Industrial Development Programme, known as EDIDP, is a key pillar of the European Defence Fund (EDF) – an initiative embedded in PESCO – intended to promote greater collaboration between EU member states on defence spending.¹⁰ The EDF consists of two separate funds – the European Development Research Programme (EDRP) and the European Defence Industrial Development Programme (EDIDP), covering research and industrial policy purposes, respectively. The creation of these instruments contrasts with the traditional member states’ resistance to provide the resources needed for the projection of EU power (Giegerich and Wallace, 2010).¹¹ We could speak of the EDIDP as a sort of “capability window” of the EDF, through which member states will pull financial contributions to jointly develop and acquire key defence capabilities. Any preliminary assessment of the current initiatives in defence shows that the EU’s defence industry is still highly fragmented. That appears to be the reason why the EDIDP is intended to foster cross-border cooperation between European companies and member states, in order to support more “competitiveness” and “innovation capacity” in the EU defence sector as a whole. Specifically, the programme creates incentives for member states to cooperate on the joint development of defence equipment and technology, in order to produce fully interoperable technologies and equipment, as member states are producing equipment with different standards (European Commission, 2017a). Therefore, one of the first effects in the security realm of the EDIDP – and its development of collaborative capabilities – is the very improvement in the quality of the defence products and technologies (through standardisation and interoperability). In turn, such improvement will open opportunities for more effective joint operations, ultimately contributing to the reinforcement of the security of the EU and its member states (European Commission, 2017b). The underlying rationale for the EDIDP is that of “subsidiarity”, meaning that the optimization of cooperation among companies of the member states presupposes more initiatives of cross-border nature, as it cannot be pursued satisfactorily by each member individually.

⁹ Larik, J.E. 2017. “Europe moves on defense integration: Someone tell Uncle Sam,” *The Hill*. Washington, DC: Capitol Hill Publishing Corp. (November 15). <http://thehill.com/opinion/international/360513-europe-moves-on-defense-integration-someone-tell-uncle-sam>. Accessed December, 18.

¹⁰ European Commission. 2017a. Press Release Database. “European Defence Fund: Commission welcomes Member States’ agreement”, Dec. 12, 2017. Available at: http://europa.eu/rapid/press-release_MEX-17-5247_en.htm. Accessed Dec. 16, 2017. See, also, European Commission. 2017b. Commission Staff Working Document. Ex-ante Evaluation. Accompanying the document. Proposal for a Regulation of the European Parliament and of the Council establishing the European Defence Industrial Development Programme aiming at supporting the competitiveness and innovative capacity of the EU defence industry {COM(2017) 294 final}

¹¹ Giegerich, B. and Wallace, W. 2010. *Foreign and Security Policy: Civilian Power Europe and American Leadership*. In Wallace, Helen, Mark A. Pollack, and Alasdair R. Young. *Policy-Making in the European Union*, 6th ed. Oxford, UK: Oxford University Press.

Thus, by creating positive incentives, action at the EU level has an “added value” for the European defence and security. Through co-financing from the EU budget (500 million euros for the 2019-2020 period covered by the EDIDP), the purpose is not only to incentivize cooperation but also to leverage national financing. Consequently, it will enable to address some of the current weaknesses of the European industry: lack of new programmes and investments, fierce international competition, and increasing difficulty to maintain a highly skilled work force. Another important goal of the EDIDP is for smaller countries to find a niche for themselves in other member states’ supply chains. For that reason, to be eligible projects have to involve at least three companies from at least two countries.

A proportion of the budget is allocated to projects enabling cross-border participation of small countries in the major defence projects. In fact, smaller countries have difficulty to participate in the pan-European defence market, and the EDIDP intends to help them overcome those difficulties (as an illustration, weapons procurement contracts are still locked into national supply chains). As the EDIDP is designed to support the capability pillar of PESCO, funding will have higher co-financing rates for defence capacity projects developed within the structured cooperation, therefore incentivizing member states’ participation in PESCO. For some critics, the EDIDP will enhance the EU Commission powers over national industries of national defence interest, as the programme is embedded in the Single Market rules; for them, the EDIDP is perceived as “endangering” the ability of each member state to defend itself, as each nation will have to be reliant on Brussels decisions.

POSSIBLE RECOMMENDATIONS

We could say that PESCO and its related extensions (such as the EDIDP and EDF) do not define a European “strategic thinking” unto itself, nor are they aimed at establishing an “EU Army”. PESCO is an initiative with limited ambitions, without grand declarations of principle, but rather “action-oriented”, “pragmatic” and “cautious”. However, it appears to prepare the EU to make more binding security commitments for the future, with a “view to more demanding security missions” (Witney, 2017). In that sense, it offers a small step towards future security commitments, and could contribute to strengthen the EU’s security pillar.¹² Based on the potential of PESCO and its EDIDP programme, as well as on the constraints, challenges and main criticisms to the establishment of PESCO and the development of Europe’s industrial defence base, I tentatively outline below some recommendations that, in my understanding, are crucial for the success of PESCO and its industrial programme.

On PESCO:

- PESCO should avoid “diminution” of the role of NATO.
- The EU needs to ensure a good articulation with NATO in order to assure “transparency” between PESCO and NATO.
- Notwithstanding PESCO, the European allies need to carry a much larger share of the security burden (the so-called burden-sharing) within NATO.
- PESCO should not represent a “duplication” of existing security efforts.
- PESCO should avoid “discrimination” of non-EU members, namely Britain in the context of Brexit.
- PESCO should avoid discrimination of the two EU member-states that have decided not to join the policy – Denmark and Malta.

¹² **Witney, Nick.** 2017. “Europe defence efforts miss the open goal again”. *European Council on Foreign Relations (ecfr.eu)*. (November 15). Available at http://www.ecfr.eu/article/commentary_eu_defence_efforts_miss_the_open_goal_again. Accessed Dec.1, 2017.

On EDIDP:

- While the EDIDP aims to make a new use of EU funding to bring different countries together, EU funding must actually be an increase in Europe's combined defence budget, and not just a "reshuffle" of previous financial commitments made by member states.
- The programme should effectively ensure inclusiveness in terms of member states and industry, namely smaller member states.
- As political factors tend(ed) to be pervasive in the process of getting a defence industry contract – which distort Europe's industrial base – political pressures should be minimized and monitored.
- Member states will have to understand exactly what their companies' competitive edge is, if they are to succeed, and if the EDIDP is to make a difference in terms of streamlining and integrating Europe's defence industry.

In concluding, the plan on PESCO appears to be tantamount in face of the current European security needs, and as a result of two particularly sensitive political developments: Brexit and the fact that EU member states will need to carry a much larger share of their security burdens.

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ON SUBSIDIARITY

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Abstract: The European Communities, which based their development on a functional approach, could be considered the winners of the Cold War. The European Union is the continuation of the project, but built on a unionist model. The crisis that stressed EU in the last decade proved that the latter approach is strictly connected with a growing citizens' disaffection toward the common European institutions. Where political trust declines institutions become vulnerable and instable. A new concept for further European integration is needed and could be found in the guidelines concerning active regional cooperation already defined in the Maastricht Treaty, but especially in the connected application of the principle of subsidiarity.

Keywords: *European Union, subsidiarity, stability, cohesion, regional cooperation*

INTRODUCTION

If in the past the European countries developed specific collaborations in fields of common interest, creating an atmosphere of mutual confidence for each individual case, today – after Maastricht Treaty – the methods are different. The functional approach meant convergence of national interests and represented a mechanism multiplying the strength of each country. The unionist approach is a top down process that sometimes lacks of legitimacy and seems to make the common structure feeble. Since 1989 the greatest EU's achievement is without any doubt the enlargement process toward the East. The enlargement allowed stabilisation and democratization of numerous countries, some of which have never before experienced full independence, and the shaping of the greatest common market area in the world. It was a multilayer process fostered by unique geopolitical environment on the bridge between the first and the second millennium. The expansion of EU space was based on firm will of a part of the international community and implied a complex and coordinated approach. The EU's enlargement process, many times anticipated by NATO's enlargement, could be considered the greatest achievement of EU policy in the last twenty years but today the international scenery is changing and the process is slowed down. The international financial crisis, the migration crisis, the renewed Russian geopolitical activity, the Obama's US pivot to Asia, the MENA instability, the Brexit and a proved lack of political leadership are factors influencing the EU's development as well stability.

THE EUROPEAN UNION AT CROSSROAD: THE DISCONNECTION

During the last years European Union has been facing a moment of disconnection: disconnection between EU and member states together with a disconnection between EU and citizens. Both internal and international issues shown the EU's lack of strategy and vision, but they have illustrated even more the general weakness of our common institutions.

interest is still an unavoidable concept characterising the final decision of any member. EU citizens are far from being unified. Not having common vision or common principles it means they have a lack of common internal politics. Several fracture lines prevents EU social and political cohesion putting at risk its own future stability (Gaiser 2014). According to Radičova (2014), former prime minister of Slovakia, the heterogeneity of national institutions plays a crucial role in the European integration process. Moreover, differences among countries are the effect of correlation between different environments, their institutions and interactions between environments and institutions. The consequence is the division of EU countries around three main axes: economic and social institutions (north vs. south), political and civic institutions (east vs. west) and governmental and financial institutions (small vs. big governmental countries). Always Radičova is convinced that there is one more axis among EU members: countries with a communist history in the process of transition vs. old member states. The former communist countries face a much more complex road toward common coexistence full of trials and tribulations (Court of Justice of the European Union 2014). Even though in people's mind the 1989 revolution in Europe, which brought the fall of communism, has become one of the most positive events in modern history, we still cannot say that the majority has enthusiastically embraced the new way of life, formed under the influence of complicated social and economic transformation. The democratization of totalitarian regimes itself was not linear, simple or without perils. Tendencies towards authoritarianism and the undermining of democratic institutions, problems with consolidation of democracy and the establishment of democratic institutions accompanied the transition towards a new regime (Radičova 2013).

THE EUROPEAN UNION AT CROSSROAD: THE WEAKNESS

European politicians are always proud to underline that, even if not perfect, the European Union is successful in protecting people from a continental war. This cannot be denied. So far, the major European nations have not experienced a waged conflict since 1945. This is the longest period of peace on the old continent since the Congress of Vienna in the 19th century. However, times are changing. The international and European balances of power are shifting. Carlo Pelanda (2013) affirms the unionist approach is deepening frictions between EU states and, what is much more important for a longstanding stability, among citizens. Instead of stability, we are facing an era of latent, incessant political confrontation. Periods of crisis, as well as periods of geopolitical change, are stressful for any international player, but they are even more stressful for an institution that has no equal in history of international relations or law.

The unification of two Germanys and the Maastricht Treaty represent the only moments during which different European countries have tried – even before the fall of the Soviet Union – to actively influence a new global order on the basis of a growing political collaboration. Unfortunately the following steps, despite their preparation during the negotiations for Maastricht agreement, have not achieved the predetermined objectives. The European Union has enlarged its borders without moving on the process of the necessary institutional transformation building a political structure able to create greater homogeneity. It widened without deepening (Gaiser 2019). A choice that after twenty years has made clear all the possible contradictions of the system.

It showed the unsuitableness of a monetary, financial and legal system managing crisis with a lack of political unity and democratic support. De Michelis (2013) defines this period as the two lost decades, when European elites have not been able to take advantage of the right insight that they had at the end of the bipolar confrontation. Thus the unionist paradigm resulted in a bind, at least for the moment, according to Pelanda.

The phase of Euro-paralysis exacerbated in the years after the financial and migration crisis shows the inadequacy of the European common house's rules. Specifically on the economic side, the rigidity of Stability and Growth Pact, along with the lack of rebalancing measures among European economies, triggers economic barrenness and impoverishing effects, causing instability. As a paradox, the French strategy to Europeanize Germany, by exchanging its union with the acceptance of a single currency had the effect to Germanize Europe, which is no longer able to manage the political integration since the Treaty of Nice. The destiny of EU has been during the last decade in the hands of politicians who administrated Euro as if it were the old German Mark.

The European non-union showed all its weakness during the debt crisis of Greece and during the migration crisis. Instead of quick a common reaction, European Union hesitated in giving appropriate answers, thus deeply compromising its own credibility (Gaiser 2016). Due to the above mentioned reasons and according to Eurobarometer reports, the attitude of European citizens toward the Union has been alarming decreasing in the last decade.

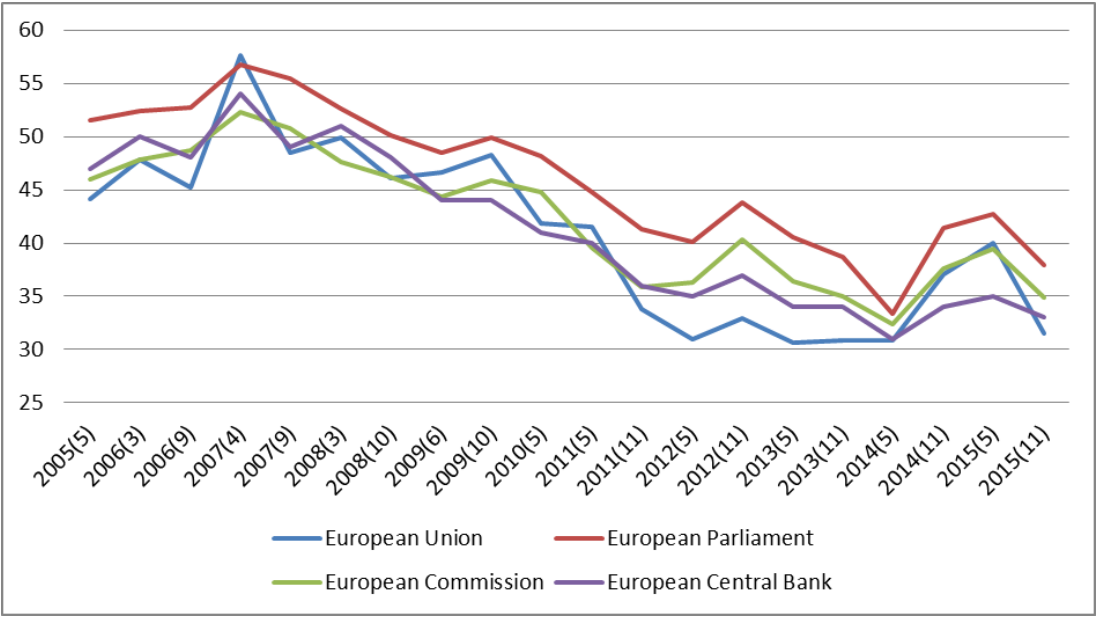


Figure 1: EU-average of citizens claiming that they “tend to trust” the specific institutions of the EU and the EU based on Eurobarometer reports.

The Eurobarometer programmes of research published in spring 2017 and autumn 2018 noted a first trend reversal recording an average of 43% of Europeans citizens tending to trust in the EU (Eurobarometer 2018). Nevertheless the data is still worrying given that less than half of EU population does not believe in common institutions.

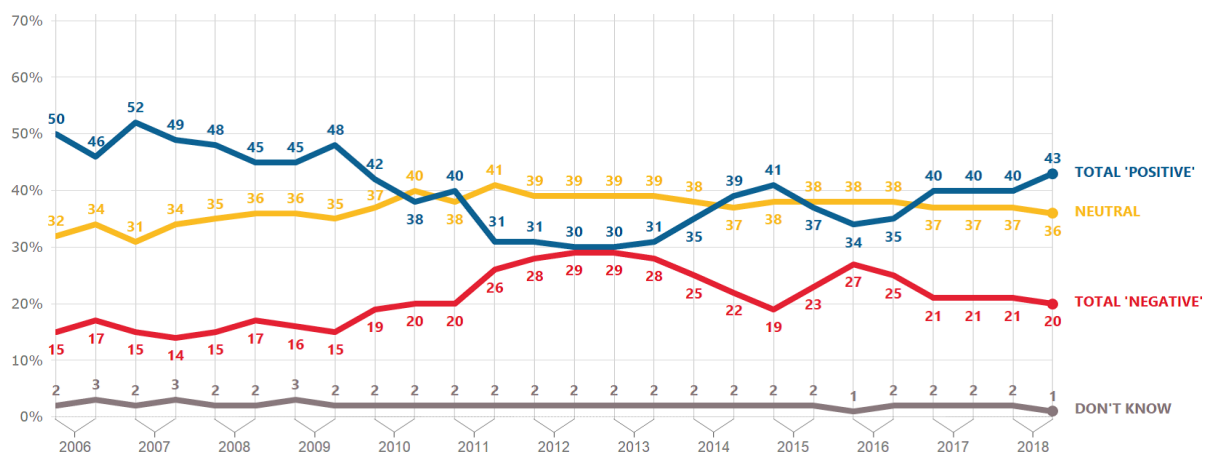


Figure 2: Eurobarometer autumn 2018 trends.

Figure 3: Trust of Slovenians toward the EU.

Year	Tend to trust
2004	56
2005	55
2006	70
2007	65
2008	60
2009	50
2010	48
2011	38
2012	39
2013	34
2014	37
2015	36
2016	47
2017	37
2018	38

In Slovenia, a country that owes its independence to the change of geopolitical scenario at the beginning of the Nineties and specially to the presence of the European Communities, understood always as the final safe harbour for this small nation, the support to EU membership reached its peak at 60% in spring 2008, but started decreasing quickly after that arriving at the lower point in 2013 when only 34% of Slovenians were standing for European Union.

If for a long time the EU has been perceived as a guarantee for some kind of both political and social stability within the EU-area, since the start of global financial recession in 2008 the public focus has to a larger extent been shifted to the perceived side effects of European integration and the failure of the EU in handling the financial recession and the following Euro-crisis.

Taking also the additional development within the EU-area into consideration, first and foremost the migration crisis, it is undoubtedly becoming harder and harder for the European citizenry to remember the original idea behind European integration (Karv 2016).

When political trust is declining it is usually a sign that the political regime is not performing accordingly to the demands of the citizenry. Short-term fluctuations in political trust are usually to be expected, but more long-term trends in declining trust is usually perceived to be more challenging also to the political system as a whole. The European Union is especially vulnerable for declining levels of political trust because as a, relatively, new political regime the EU is still trying to legitimize itself in the eyes of the European citizenry. To legitimize the EU in the minds of the European citizenry was hard also during the “good years” when the more integrated Eurozone members also were performing economically better than the less integrated non-Eurozone EU-members.

REINVENTING THE EUROPEAN UNION: A FAILED RECONFIGURATION

The Nineties have been characterized as a period of national State withdrawal and consequently the Maastricht Treaty codified an ambitious geopolitical ideology based on the Committee of Regions. Politicians and lawyers, following the Paneuropean ideal of the founding fathers, tried to shape an EU based on Regions: smaller political and territorial entities that could perform better, being closer to the citizens’ needs, but also not representing a challenge to the EU unity, not being enough powerful. It was a strong pro-European and at same time antinational vision. However, the institutional reconfiguration failed.

The role of State, for years under criticism, regained importance within a setting characterized by a fluidity of international relations, mainly based on strong economic competition that has forced countries to tackle global confrontation in such a way to achieve the best possible outcome in term of profits, development and wealth. States returned to be active economic players, whose role it was to act as catalysts and push through reform strategies that would enable countries to maintain their competitiveness (Gaiser 2016).

The consequences of these changes have been the EU disorientation and the institutional alienation from citizens’ horizon. Today, as proved by Brexit, the Union is still a conglomerate of sovereign States, it is not a geopolitical subject and especially it is not felt as a common family by subjects.

The above reported figures show the people’s disaffection toward a not working EU. A lack of democratic legitimacy, understood as popular acceptance and not as governing concept, for super-national institution can be fatal.

Short-term fluctuations are to be expected accordingly to the performance of the European regime, but short-term fluctuations in supranational trust are still commonly regarded to more alarming than short-term fluctuations in trust in national political institutions. It is easier to leave an international political cooperation than to change the national political system. More and more Europeans are starting to question whether there is a future for European integration under the guidance of the EU regime, a development that has been especially evident in the successes of Eurosceptic parties in the two latest European Parliament elections (2009 & 2014). So far the EU seems to always have been strengthened through crisis, but in the words of David Easton, there is always a limit for the amount of stress a political system can withstand without imploding (Karv 2016).

The concept of support is important, because it is assumed to provide a political regime with political legitimacy. As an increasingly politicized union, the EU and its legitimacy are dependent on the approval of the EU-citizens.

According to David Easton (1965), the concept of support should be divided into two interrelated but theoretically separable levels of support, specific (utilitarian) and diffuse (affective). At the aggregate level specific support touches on the more observable levels of support and is assumed to function quite rationally: A supports B because A benefits from supporting B. Diffuse support on the other hand indicates more deep held loyalties and does not change solely according to performance. It is also much harder to create.

REINVENTING THE EUROPEAN UNION: THE FIVE SCENARIOS

In order to encourage reflection on the role of European Union boosting the discussion about its development, the European Commission delivered on 1st March 2017 a White Paper presenting five possible future scenarios which range from reducing the Union to a single market all the way to strengthened integration.

In the first Carrying on scenario EU simply continues to muddle through, achieving some of its goals, underperforming on others, and failing to anywhere close to achieving others due to lack of ambition or will. The extremes are covered by two other scenarios. In the first, the EU winds back down into a single market, rolling-back some of its follow-on policies, such as employment and social policy, and stops pushing ahead on internal and external security, or better governance of the euro zone. The other extreme scenario describes a major leap forward, with more Europe for all the 27 member states in 2025, which is the ideal scenario from an integrationist point of view.

The more challenging scenarios appear to be those between the extremes. The Commission has developed two middling alternatives. The Doing less more efficiently envisages an EU that engages in much deeper integration on areas such as border management, foreign policy and defence, where it can add most value, while reducing its ambitions in other areas where it is perceived to add less value, such as securing the core functions of the single market and the common currency.

These issues would be left to individual member states. Its second middle-ground scenario is that member states that want more Europe go ahead and seize it. This scheme suggests the emergence of more flexible coalitions, featuring a new group on internal security and justice, and one on defence. According to the White Paper, these integrated groupings would also establish separate common budgets (Janning 2017).

By presenting reflections and scenarios, the Commission has regrettably not provided a clear political vision for Europe, but what is even more interesting is that no scenario makes reference to the role of regions or contemplates any option of regional cooperation.

Once again, the EU apical institutions are heading the European debate toward scenarios centred on what the member states want treating the citizens as a second-order problem. Completely forgetting the indications given by the Maastricht Treaty, European leaders are trying to shape a common house on a structure that will miss solid foundations. A regional approach, wisely coordinated with States' sovereignty concept, and the respect of the principle of subsidiarity are both sides of the same medal, but especially they represent a safe net for any institutional instability.

REINVENTING THE EUROPEAN UNION: BRINGING DIVERSITIES TOGETHER

The coexistence of national and supranational identity lies in ways how to bring closer and hold together diversity. If the respect for regional realities and for the principle of subsidiarity could positively transform the political interaction helping the Union to get, at same time, an utilitarian and affective support than Pelanda's proposal based on a more functional and less unionist approach could be helpful in drawing different future options of EU development. The goal of any solution shall be the preservation of the Union as an institutional framework guaranteeing peace and stability among members, the containment of any potentially lethal tension that could jeopardize EU future and the boost of citizens' sense of affiliation. The Brexit together with the Catalan independence movement are the last evidences proving the failure of EU subsidiarity and consequently regional policy.

Considering the ongoing situation, it could be preferable to opt once again for a functional approach based on ad hoc communitarisation of certain areas instead of continuing to pursue a unionist agenda that could bring to undesirable disagreements. Making one step back today could help EU make two steps forward tomorrow but especially to preserve the European Union as a conflict solving institution, guaranteeing further economic development, as well as social security. Within such scenario, the deepening of regional cooperation inside EU could be promoted for it to become more institutionalized in order to create a new level of interstate collaboration. Respecting the Union, Bruxelles could even support the formation of new political entities of the intermediate level between member States and the Union following the example of those existing in Scandinavia or, more specifically, in Benelux. The need for such macro-regional coordination, based mainly on the logics of economic, cultural and infrastructural cooperation, should be considered a priority.

For example Central European countries are historically able to create disorder because of their unclear ethnic borders as well as because of their position between west and east geopolitical spheres of influence. The addition of a regional level of coordination between member States and the Union could seem contradictory with the spirit of EU only if we accept the prevalent, interested, political interpretation of EU institutional framework. Actually, its functionality should be interpreted as the realization of regional policies sponsored by the European Commission in the last decades and, of course, of the fundamental subsidiarity principle. The Czech Republic, Slovakia, Austria, Hungary, Slovenia and Croatia are nations characterized by a common history, culture and political inheritance that come from centuries of common life within the Habsburg Empire. Therefore it should not be so difficult to build a new regional system of political and economic coordination in order to facilitate reciprocal dialogue, stability and development.

This experience has been working for decades in another part of Europe with similar features: the region including Belgium, the Netherlands and Luxembourg. A Mittel-European Union would have the advantage of being built in quite a short amount of time on the basis of the common historical inheritance and on an approach based on the already existent founding of macro-regional strategies. Most importantly, it would show its efficacy in protecting Brussels from being a constant scapegoat for the failure of national political choices (Gaiser 2014). Too often it occurs that politicians attribute their own mistakes to the choices made by the EU. Such behaviour makes new nationalisms arise easily, triggering a big risk for the project of the Common European Home. The existence of local coordination systems, where it is possible, would support the compensation of tensions and above all it would make local elites responsible for their choices (Gaiser 2016).

THE PRINCIPLE OF SUBSIDIARITY: THE STATE INEFFICIENCY

Subsidiarity is an organizing principle that matters ought to be handled by the smallest, lowest or least centralized competent authority. The political decisions should be taken at a local level if possible rather than by a central authority. The Oxford English Dictionary defines subsidiarity as the idea that a central authority should have a subsidiary function, performing only those tasks which cannot be performed effectively at a more immediate or local level. For the Catholic Church it is a principle of social doctrine that all social bodies exist for the sake of the individuals: what individuals are able to do, society should not take over, and what small societies can do larger societies should not take over. The principle was first formally developed in 1891 by Pope Leo XIII in his Enciclica Rerum Novarum as an attempt to articulate a middle course between laissez-faire capitalism and the several form of communism, which subordinate the individual to the state. It was further developed and firmly fixed in the Enciclica Quadragesimo Anno in 1931 by Pope Pius XI in which it is defined as a fundamental principle of social philosophy, fixed and unchangeable, that one should not withdraw from individuals and commit to the community what they can accomplish by their own enterprise and industry.

Just as it is gravely wrong to take from individuals what they can accomplish by their own initiative and industry and give it to the community, so also it is an injustice and at the same time a grave evil and disturbance of right order to assign to a greater and higher association what lesser and subordinate organizations can do. For every social activity ought of its very nature to furnish help to the members of the social body, and never destroy and absorb them.

Subsidiarity is a social theory, it is about economy and it is about family as fundamental nucleus of a society. Family, social unit of human ordering and the principal unit of a functioning society is also the basis of a multi-generational extended family which is embedded in socially as well as genetically inter-related communities, nations. This is the link between a single person and the State.

States and any other political social over-structure exist for its citizens but States passing through different evolution phases are today giant bureaucratic structures, Leviathans out of control. The modern state is overloaded.

An overloaded State is a threat to democracy: the more responsibilities Leviathan assumes, the worse it performs them and the angrier people get, which – as in a vicious circle- makes them demand still more help, more state. The Western State passed through three different revolutions:

- A) For Hobbes the Leviathan existed to provide security
- B) For John Stuart Mill it was for liberty
- C) For the Fabians it was the welfare of the mankind

Following the Westphalia treaties the modern state concept was official born in 1651 when Thomas Hobbes published his Leviathan. The first duty of the state was for him to provide law and order. There was only a single year in the first half of the seventeenth century that was free from wars between European States (1610) and only two in the second half (1670 – 1682). Europe's nation states focused on competing with one another for secular supremacy. John Locke (1689) reshaped a bit Hobbes and thought that people delegate power to a sovereign for reasons of convenience rather just for fear. David Hume added the division of power and the rule of law to the State concept. In the nineteenth century Stuart Mill wanted a minimal, noninterfering state – the night-watchman (Micklethwait, Wooldridge 2015). The Victorians, fighting against the so called Old Corruption of the system that was oppressing the free development of the society, insisted that the state solve problems rather than simply collect rents. William Gladstone (1835) wrote at that time in a party manifesto: "nothing should be done by the state which can better or as well done by voluntary effort" (pag.19).

Gladstone died in 1898 revered but seen as a man of a different era. In Europe more interventionist state became the norm at the beginning of XX century. Bismarck created the mightiest Continental state. The rise of Germany transformed Hegel from a marginal figure – "a nauseating, illiterate, hypocritical scribbler" in Arthur Schopenhauer's famous put-down – into the prophet of a new era. During the consolidation of the Reich in Great Britain Beatrice and Sidney Webb founded the Fabian Society and establish the London School of Economics to train a new breed of social engineers from around the world and create a New Statesman. The welfare state was on the way. The misinterpretation of John Maynard Keynes thoughts open the way to big governments. Keynes was a liberal rather than a socialist. He was an elitist that presented the way of saving capitalism from itself by the careful use of government spending. Keynes firmly believed that the hidden hand of the market needed the assistance of the visible hand of government. Unfortunately people increasingly forgot the caveats of Keynesianism and it became the doctrine of a "New Jerusalem" (Micklethwait, Wooldridge 2015). The Second World War demonstrated the state's power to deploy resources on the scale not seen before. Dwight Eisenhower proclaimed that "gradually expanding federal government was the price of a rapid expanding national growth" (Perlestein 2001). Lyndon Johnson called his welfare state program "the Great Society" after the title of a book written by Graham Wallas (1914), a close friend of the Webbs. Richard Nixon defined himself a Keynesian and even employed a young Donald Rumsfeld to impose price and income controls. America needed a big state to control communism, to send a rocket on the moon, to police the world and in the words of Senator Joseph Clark (Pen.) "to rid our civilization of the ills that have plagued mankind from the beginning of time" (Samples 2010). The State became the universal provider. The night-watchman standing guard at the gate, become the nanny inside the home and the office. But, not a very good nanny.

The state accumulated ever more responsibilities and imposed ever more hidden costs to everybody else. But its ability to meet those responsibilities has declined.

As Friedman (1993) foreseen, temporary government programs became permanent, state enlarged the welfare network, equality of opportunity became equality of results. Friedman always believed that there was a direct correlation between government intervention and national decline. He took Greek, Roman and British history as an example. Across the West a growing number of people are asking probing questions about the size and the scope of the State, prodded by both the size of the current crisis and the inadequacy of the establishment's response. Left and right politicians are engaged in finding an answer. Conservatives think-tanks, such as Sweden's Timbro, recognize that it is no longer enough just to preach deregulation. They are increasingly focused on redesigning the state. Left wing think-tanks, such as Britain's Policy Network, recognize that, if the Left wants to have a future, it needs to conquer its addiction to the almighty state. The social contract between the state and the individual needs to be scrutinized in much the same spirit that Hobbes and Mill re-examined it. In XX century state has become bloated and overwhelmed. Even if it is run by the most efficient technocrats, the state would still be a gigantic mess: supersized by ambitions it is an enemy of liberty. We are facing the Old Corruption of Victorians memory. The State today is a Master rather than a Servant. Politicians are tempted to burden the state with ever more obligations (Micklethwait, Wooldridge 2015). The modern State is a threat to liberty, freedom, but specially – and it is the worse part of the problem – to democracy. Democracy sometimes looks as if it were digging its own grave. According to Freedom House report in 2000 we had 120 countries covering 63% of the world population as democracies. Today numbers are lower. A worrying number of countries have rejected democracy for strongmen. Many people, supposing the Western state is out of fashion and inefficient, are fascinated by the Asian alternative.

The authoritarian models however have a problem: it is an elitist nanny, just – sometimes slimmer. In case of China it is not even slimmer. They know democracy is a big part of the West's problem, but intellectual freedom is needed to come up with breakthrough ideas and broader cultural freedom to have vibrant cultural industries. Far from being a splendid example of efficiency, China is a country where a fiscal crackdown is also likely. While the central government's debt is only 25% of GDP, the provinces have a lot higher debts. Fixing the machinery of the state also applies to the machinery of democracy. The spirit of the state servant and security bringer should be recapture. It can be done by subsidiarity. Subsidiarity is a security principle. It makes the single person more responsible. It empowers citizens, but especially subsidiarity decentralize the power stabilizing it. It preserves societies and governments moving them away from deeper frictions. European Union, our Common House, is under pressure. Support for European project is falling drastically. We risk to find us soon on the old Continent with old countries governed by old politics. EU began as a project of elites. Having seen our continent destroyed by popular passions, our leaders wanted to design a machine that would keep those passions under control. The result is a complex giant with antidemocratic dynamics.

Technocrats prefer technocrats and – as Pelanda (2013) pointed out in his book *Europa Oltre*– we discovered that it is true that a common currency pretends a common government, but we discovered also that common currency is not bringing us common government. Due to its incapacity to react, to its procedures as well as due to the inadequacy of State governments and political elites, EU was in the last decade at least twice close to collapse. Unprepared, local, political elites are blaming EU for all their inefficiency, EU is compromising and broadening its duties becoming the target of citizens' dissatisfaction. The combination of inefficient states and heavy, bureaucratic, Union could result in a lethal poison.

REINVENTING THE EUROPEAN UNION: SUBSIDIARITY IN THE TREATY ON EUROPEAN UNION

Subsidiarity is a principle that per se should decentralize, discharge Brussels' burden and make democracy working, but reading carefully EU documents it will be easy to discover subsidiarity, as unsuitably formulated. European Union documents generally refer to the issue as a principle which governs the distribution of responsibilities between institutions of the Union and the Member States. According to the Treaty Preamble: "community institutions should have only those powers required to complete successfully the tasks they may carry out more satisfactorily than States acting independently". The Treaty on European Union, art.5(3) clearly states: "In areas which do not fall within the Union's exclusive competence, the principle of subsidiarity, laid down in the Treaty on European Union, defines the circumstances in which it is preferable for action to be taken by the Union, rather than the Member States". Moreover the official explanation of the principle that can be found on the EU Parliament (2013) website says that it "seeks to protect the capacity of the Member States to take decisions and to take action and authorizes intervention by the Union when the objective of an action cannot be sufficiently achieved by the Member States. (...) The purpose of including a reference to the principle in the EU Treaties is also to ensure that powers are exercised as close to the citizens as possible".

The subsidiarity principle inside EU treaties is nothing else than the warranty of States' sovereignties. Instead of being a solution the EU principle is part of the problem. Subsidiarity becomes a limit. It does not push states to decentralize, to apply the same principle or to reshape themselves in order to survive. It does not pave the way to different networks of collaboration between EU and the States' levels. Every day more stressed states stress EU.

According to Juliet Lodge (1986) the principle is a safeguard against integration for integration's sake, something of which the Commission was in the past deemed culpable. Instead of being shaped for getting policies closer to the citizens, its meaning is misused becoming the guard against countries refusing to act in common where it can be shown that common action could be more effective. Even Arturo Spinelli supported the subsidiarity principle as keeping open the possibility of advancing integration to ensure transition from cooperation to common action and a higher level of unity. It is, therefore, very far from being primarily a means of ensuring that policy-making will be devolved to the lowest most appropriate level. Rather, it has to be seen against the concurrent allocation of competences between States and the Union. Herein lies the centripetal federal spectre.

Due to such very restrictive interpretation the political leaders tried to reshape the understanding of the principle with the Lisbon Treaty. It incorporated the principle of subsidiarity into Article 5(3) TEU but especially it also added an explicit reference to the regional and local dimension of the principle of subsidiarity.

It is a first step in the right direction. The interpretation shall be in the future even more expanded according to the original meaning of subsidiarity. It shall become the crown principle ordering all the social and political relations within EU borders. If the divide between the political legitimacy of national parliaments and governments and the competences of the structures in Brussels continues to grow, incontrollable frictions may quickly arise. Devoid of decision-making powers but democratically responsible, local governments will put all the blame on the Union, which, on the other hand, does not answer directly to citizens. Support for the European project will start falling drastically and the system will come to a seemingly unexpected demise.

Subsidiarity does not affect at all the International Relations system, given that it does not favour one political order over another. Even if first mentioned as a defined object in XIX century, it was always present in humankind history and many scholars tried to push subsidiarity in their political theories. According to Walter Ullman (1975) there are two competing theories of power in the Middle Ages: an ascending and a descending. In the descending theme of power, the authority of the king flows down from God and is not therefore dependent on any support or acceptance by the people. The ascending theme of power can be traced back to Aristotele's theory of politics, and was recovered in the second half of the XIII century as part of the challenge to theocratic-descending ideas of government. In the free cities of northern Italy and Germany the ascending theme was combined with the idea that citizens are not subordinated to the power of the king, but have rights of their own. Citizens established political communities and had genuine claims for bottom up sovereignty. According to Ullman's theory of subsidiarity the elected or those representing the upper stage of the community are accountable only to the people. The Ruler is the representative of the people and is responsible to the people.

Rulers must be able, and cannot escape, from deciding for the good of the state and for the good of their citizens. In order to do so, to do it in efficient and correct way, they cannot be overburdened by problems. The less they are under stress, the better they can decide. The better they can decide the more stable a State is. The more stable the state is, the more citizens trust in it. Subsidiarity is about avoiding to overwhelm the Ruler with issues that will obstruct its efficiency. Only in this way the highest instance of a subsidiarity system will not avoid its accountability, a responsibility that must be carried out in respect of the rule of law but also of higher ethics and without back-thoughts. Many times the Austro-Hungarian Empire was an example of multicultural cooperation based on subsidiarity. It was a leading example at least if compared with other contemporary states. Today European Union is many times far from being multicultural and as we have seen is very much far from being an example of efficient subsidiarity. EU should move forward, back to subsidiarity.

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EUROPEAN INTELLIGENCE: THE DIFFERENCE BETWEEN INTELLIGENCE DATA AND SECURITY DATA

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Abstract: The actual threats obliged EU security agencies to change their approach. Islamic terrorism is striking everywhere, especially in Europe, with unpredictable attacks, few soldiers and massive shootings. That's the future: a multidimensional, fluid and hybrid terrorism. A domestic enemy that is easily moving through our countries, crossing our borders. The solution to an international problem must have an international approach. Sharing security data (and not the intelligence data) between the security European agencies is the only answer. A Belgium security agency must have the possibility to know if an Islamic terrorist, arrived in Italy and then transferred to France, is ready to strike in Brussels. Sharing intelligence data can undermine our governments, but sharing security data against terrorism shall certainly increase our safety levels.

Keywords: EU, intelligence, security, safety, agencies, data, information, terrorism, borders, share

INTRODUCTION

When an important part of the population starts to dislike a government, the situation quickly becomes clear: there is a big problem. Sometimes there is more than one problem and usually these are very difficult to solve, like mass protests against the government; further to these events, the whole community understand that something is changing.¹

Since EU's birth, many academics, researchers, ambassadors and politicians have expressed their own opinions about the future of Europe and researched the political future of the administrative structure. By analyzing this particular topic, we could understand that the development of an international political subject depends on several aspects: the most important one is the organization built around people's support. Brexit *docet*.²

The massive part of the population, that the political structure wants to control, must be convinced about the need to support their own politicians. The massive part of the population must also be addicted to that kind of government. Without the support and the action of the citizens, the structure is destined to collapse.

The EU's case is a very important and a particular one. At the present time EU, in its own political and administrative structures, represent the possibility to control other countries. Many academics confuse EU with an economical subject or a political one, and that is a very big mistake. Since the beginning, Brussels was managed in order to create a circle of power.³

¹ **Oliver Wright**, *Euroscepticism on the rise across the Europe as analysis finds increasing opposition in France, Germany and Spain*, *Indipendent.co.uk*, 7 June 2016.

² **Peter Kellner**, *The pools are clear: support for staying in the EU has rocketed*, *The Guardian*, 20 December 2018.

³ **Mark Leonard**, *Europe: the new superpower*, *The Irish Time*, 18 February 2005.

Control and mastery were the most representative words that described the structure. But there was a stumbling block: in order to express their power, the European government had to convince the population that they were right, positive and they were working for them.

THE NEED OF SECURITY

The first problem that the European political leaders had to solve was the need of security. The majority of the population perfectly knew the last news of the topic, spread by newspaper, radio and TV. Europe was under attack by the international Islamic terrorism. Many citizens died under the fire of Islamic terrorist attacks in Paris, Barcelona, Madrid, Oslo, London and so on. Especially after 2015, people in Europe are afraid of walking around in the streets.⁴ All the victims were normal people, killed during a normal daily situation. Some of them have been killed while they were in a restaurant, others while shopping in a market. These were normal activities during the life of common people. That's terrible.

This is the most important reason that caused widespread panic. A global fear about the new terrorism was growing in the middle of Europe. The fear of being murdered in their own homes, encouraged all the European citizens to change their routine. People started to be suspicious of the stranger, especially of the Muslim⁵; consequently, people started to be afraid and confidence slowly disappeared.

This was the particular situation that security and intelligence structures had to face during the last 15 years in Europe.⁶ The Islamic terrorism, that is striking the EU citizens, is an international atypical crime. It has been brought to an international level through ISIS⁷ and Al-Qaeda⁸. It can be defined atypical because of their own way to plan and strike in the middle of the Europe: very fast radicalization, few soldiers, and unpredictable attacks.

This is the most important problem that the intelligence and security services are obliged to face in Europe. In which way could they work to prevent the attacks? How could they penetrate the domestic terroristic cells? Domestic terrorism is an indigenous phenomenon that has been born especially within the 2nd and the 3rd generation of immigrants.⁹

They were, and are even nowadays, the most appropriate bunch of people to feel the disagreement, between the strictly Islamic qualities and the occidental ones. This fight between two particular social groups creates an emotional conflict inside all these people, and they become unable to recognize themselves in the society. Their families and countries opposition has stressed them.

⁴ **Europol**, *European Union terrorism situation and trend report (TE-SAT) 2016*.

⁵ **David Reid**, *Europe's fear of Muslim immigration revealed in widespread survey*, *CNBC – Europe News*, 8 February 2018.

⁶ **Artur Gruszczak**, *Intelligence and Security in the European Union: building a strategic Intelligence community*, *Palgrave Macmillan, Basingstoke*, 2016, p. 209.

⁷ **Andrea Foffano**, *L'ISIS*, *New Books, Rome*, 2017.

⁸ **Bruce Hoffman**, *Inside terrorism*, *Columbia University Press, New York*, 2006, Chapter n. 9 – p. 257.

⁹ *Why Italy has not yet suffered Islamist terrorism*, *The economist*, 30 September 2017.

This particular situation has been used by all criminal spiritual guides and imams; they enlist soldier to fight Jihad.¹⁰ They are interested in finding weak people and convince them to join terrorism cells. This particular virus of terrorism is a very dangerous one and it has spread throughout Europe. It's very similar to dust: it's going everywhere.

A government security service must fight against this phenomenon by using their own structures at maximum level, even by penetrating the terroristic cells and knowing their own way to plan an attack. All intelligence and security services have the possibility to prevent the events. However, there is a problem: every intelligence and security service works alone and only for its country of origin. What happens then, if a terroristic cell is planning an attack against another country? Shall the intelligence service share its valuable information with the ally? That's a good question.

THE DIFFERENCE BETWEEN INTELLIGENCE DATA AND SECURITY DATA:

All academics and experts perfectly know that a power of a nation is its intelligence service, and the power of the intelligence is its possibility to find out information and data about allies before anyone else. The importance of information is its value in an international contest. If I know something that other nation does not know, I am catching their eyes. So I become more powerful. But how does it work in case of terrorism? Am I obliged to share all the data or only a part of them? Is it correct not to share information about an imminent terroristic attack against with an ally? In order to all these questions, we have to make some clarification.

If we want to face an international problem, we're obliged to have an international approach.¹¹ It is impossible to solve a problem, such as Islamic terrorism, by facing it only by ourselves. It's foolish. An international problem must be approached with an international solution. In this case the international solution could be centralization of data. This particular way to proceed is typically Italian. Many years ago in order to fight the Mafia, the Italian authorities had created the DIA ("Direzione Investigativa Antimafia").¹² By using the centralization of the information and the data, the security services and the police forces started to prevent the attacks by arresting many criminals. That result was possible thanks to the new possibility: a fighting structure that shared all information.

Therefore, we could say that in Europe our intelligence and security structures could be able to fight and win against Islamic terrorism if only they share their information with the other states.¹³ By accepting this idea, we can answer the next question: which information need to be shared? All security data, but not intelligence data. We must distinguish between intelligence data and security data. An intelligence data is an information on the availability of a security service and concerns the powerful or weak position of a government towards the allies. On the contrary, a security data regards the national security and entirety towards a common enemy.

¹⁰ **Ed Thomas, Noel Titheradge**, *Manchester mosque sermon "called for armed Jihad" say scholars*, BBC News, 16 August 2018.

¹¹ **Loch K. Johnson**, *The Oxford Handbook of National Security Intelligence*, Oxford, 2017, pp. 212-228.

¹² <http://direzioneinvestigativaantimafia.interno.gov.it/>

¹³ **Pauline Neville-Jones**, *Sharing intelligence is vital in preventing terrorist attacks*, Evening Standard, 26 May 2017.

By using this distinction, we are able to understand which kind of data the intelligence agencies should share to prevent terroristic attacks. In the middle, we find a certainty: we can beat terrorism only by creating a sort of European collaboration. Europol¹⁴ is an example of an investigation agency that works: it manages an innovative data system and tries to develop the collaboration between several European police departments. It's the symbol of what the EU could do in the security area. Sharing data means an increase of the security level between people.

BORDERS, PRISONS, ABUSIVE MOSQUES AND ILLEGAL AREAS: AN EUROPEAN APPROACH:

Another particular theme comes from the control of the border. It's unbelievable that nowadays European borders aren't controlled the same way in all states. The migration policy must be one of the most important topics and goals that the EU's government has to discuss as soon as possible.¹⁵ Safety in the streets means control of the situation. Control means providing social and political inclusion of immigrants that arrive in Europe. In order to do that, the security and intelligence agencies must improve their activities in all the dangerous areas. Abusive mosques, prisons¹⁶ and illegal areas are at the topic level of control.

CONCLUSION

In order to do that, it's impossible not to share a small part of security data.¹⁷ A terrorist, that starts from Italy and passes through France in order to strike in Belgium, represent an international dangerous problem.¹⁸ How could we solve that, if we don't inform the other security agencies about the situation? We must leave the old attitude "me, myself and I": from this point of view, the EU is an opportunity. It's the possibility to stay safer all together¹⁹. It's the instrument for reaching solutions, but there's a condition: we must be aware that we'll be not safer alone in the future. The threats are coming: they're international, multidimensional, fluid and unpredictable. So sharing security data is the solution, not the cause.

¹⁴ See: <https://www.europol.europa.eu/>

¹⁵ **Angela Giuffrida**, *Matteo Salvini says Italy and Poland could build new Europe*, *The Guardian*, 9 January 2019.

¹⁶ **ICRS Team**, *Criminal pasts, terrorist futures: European jihadists and the new crime-terror nexus*, *The International Centre for the Study of Radicalisation and Political Violence*, 11 October 2016, p. 29-30.

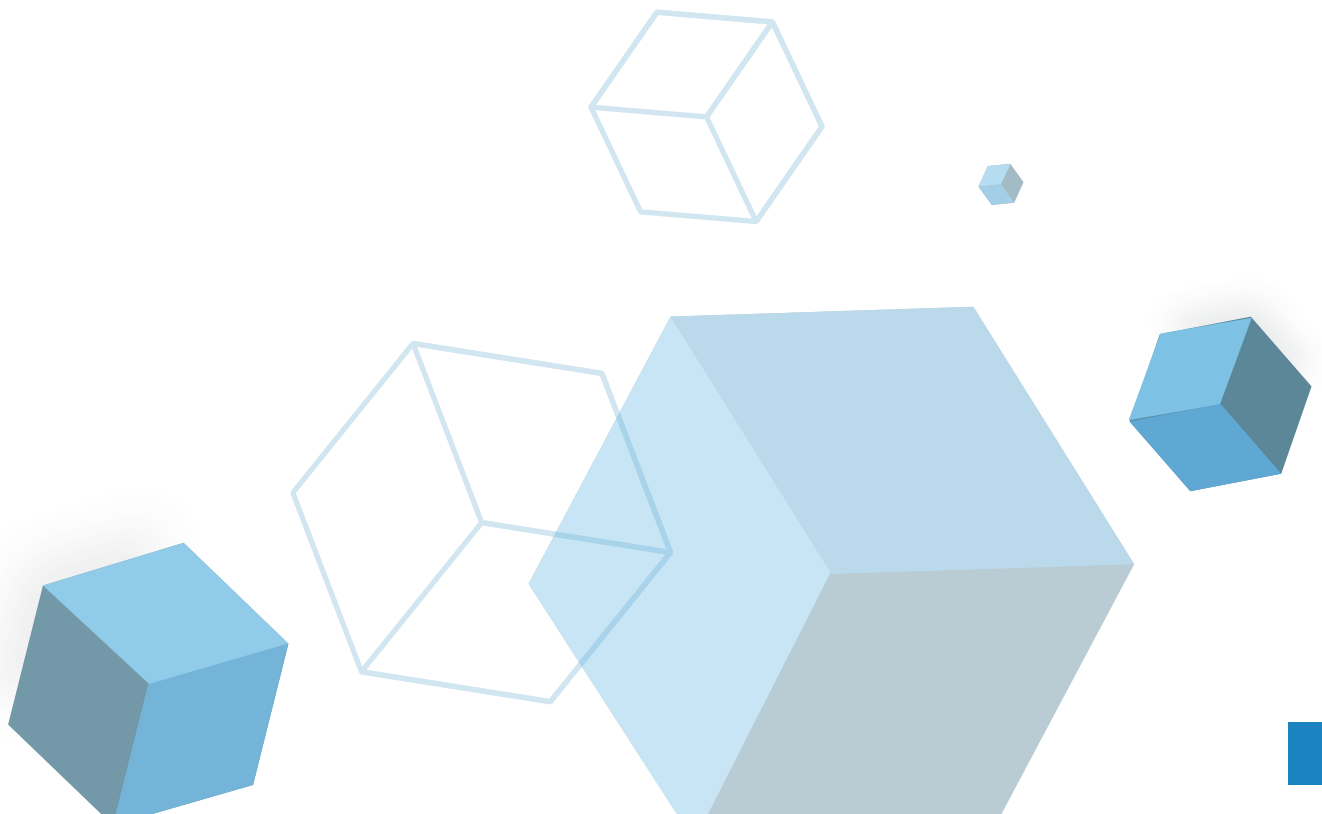
¹⁷ **David Lowe**, *Terrorism: law and policy*, Taylor and Francis Ltd, Abingdon, 2018, Chapters n° 5-6.

¹⁸ **Kate Connolly, Chris Stephen**, *Berlin attack suspect Anis Amri had been on watchlist since January*, *The Guardian*, 21 December 2016.

¹⁹ **Sarah Leonard**, *European Security, Terrorism and Intelligence: tackling new security challenges in Europe*, Palgrave Macmillan, Basingstoke, 2013, Part III – Chapter n. 6.

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ANTICIPATORY BORDER GOVERNANCE IN THE AGE OF THE SECURITY UNION

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Abstract: Within the Security Union, EU’s “smart borders” play a crucial function for the screening and filtering of “unwanted” migration. Thanks to the integration of sensor networks with IT databases, they form part of a model of anticipatory border governance, aimed at the integral traceability of human mobility. Having described the design of the newly-crafted EU’s smart borders, this paper outlines the main legal challenges linked to their implementation, focussing, in particular, on their impact on the protection of migrants’ fundamental rights.

Keywords: *Anticipatory border governance, smart borders, Security Union, interoperability*

The external borders of the European Union can be described as a buffer zone, functionally-connoted and administratively interconnected with its external neighbourhood. The external area of this buffer zone is presided by satellite and sensor networks, which provide pre-frontier intelligence pictures and build up the necessary situational awareness to eliminate blind spots. The frontier area is characterised by the recourse to biometric identifiers, security scanners and other high-tech systems, advancing the automation of administrative processes of fingerprinting, identity verification and flow monitoring. Its internal dimension is managed by tightly interconnected IT databases. The functional design of the European Integrated Border Management (IBM) is completed by the European Border and Coast Guard Agency (Frontex), entrusted with two principal tasks: the coordination of cooperation between EU Institutions, EU Member States and third parties, and the administration of high-tech devices for migration and border control. In the aftermath of the so-called refugee crisis, the EU’s “smart borders” have been completed as a fully interoperable environment, put in the service of the Security Union.¹ What are the main features of EU’s “smart borders” and which are the legal challenges they may raise as regards the protection of migrants’ fundamental rights? The following paragraphs will provide a concise appraisal of these aspects of the current EU border policy.

ANTICIPATORY BORDER GOVERNANCE THROUGH “SMART BORDERS”

The construction of EU’s smart borders has required the adoption of legislative instruments, alongside the strengthening of operational and institutional components of the EU border policy.

¹ *Communication from the Commission to the European Parliament, the European Council and the Council of 11 December 2018, Seventeenth Progress Report towards an effective and genuine Security Union, COM(2018) 845 final.*

The key legislative development, enabling EU's smart borders, is the accomplishment of the project of the European Commission to establish the "Entry Exit System" (EES).² This project was re-launched in 2016, with partial amendments concerning the aspects that led to the failure of the 2013 package.³ Its technical infrastructure is integrated with the Visa Information System (VIS)⁴ and the European Travel Information and Authorisation System (ETIAS).⁵ In addition, the adoption of the EES led to an amendment of the 2016 Schengen Border Code (SBC), aimed at operationalising automated border controls via the introduction of "e-gates" and "self-service systems" for pre-enrolling data.⁶ At the same time, the strengthening of the IBM counter-terrorism component was pursued through another amendment of the SBC, allowing for systematic checks against relevant law enforcement databases on all persons.⁷ Furthermore, three other amendments to existing legislation substantially contribute to shaping the EU's smart borders: the recast of the Schengen Information System (SIS II),⁸ to improve the use of biometric identifiers and include automated fingerprint search functionality for law enforcement purposes; the extension of the European Criminal Records Information System to third country nationals (ECRIS-TNC);⁹ and the empowerment of the EU Agency for the operational management of large scale IT systems in the area of freedom, security and justice (eu-LISA).¹⁰ Finally, the pervasiveness of control over unwanted human mobility, required by the Security Union, has been boosted by means of enhanced interoperability of information systems for borders and visa, on one hand, and for police and judicial cooperation, asylum and migration, on the other hand.¹¹

Moving on to the operational component, the strengthening of maritime surveillance, within the framework of Eurosur,¹² can be considered a key development in the construction of the EU's smart borders. Eurosur is defined as "a common framework for the exchange of information and for the cooperation between Member States and [Frontex] in order to improve situational awareness and to increase reaction capability at the external borders of the Member States of the Union ('external borders') for the purpose of detecting, preventing and combating

² Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES), OJ L 327/20.

³ "Smart borders: enhancing mobility and security, IP/13/162 of 28 February 2013.

⁴ Council Decision of 8 June 2004 establishing the Visa Information System (VIS), OJ L 213/5.

⁵ Regulation (EU) 2018/1241 of the European Parliament and of the Council of 12 September 2018, amending Regulation (EU) 2016/794 for the purpose of establishing a European Travel Information and Authorisation System (ETIAS), OJ L 236/72.

⁶ Regulation (EU) 2017/2225 of the European Parliament and of the Council of 30 November 2017, Amending Regulation (EU) 2016/399 as regards the use of the Entry/Exit System, OJ L 327/1.

⁷ Regulation (EU) 2017/458 of the European Parliament and of the Council of 15 March 2017, Amending Regulation (EU) 2016/399 as regards the reinforcement of checks against relevant databases at external borders, OJ L 74/1.

⁸ Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018, On the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, OJ L 312/14.

⁹ Proposal for a Regulation of the European Parliament and of the Council of 29 June 2017, Establishing a centralised system for the identification of Member States holding conviction information on third country nationals and stateless persons (TCN) to supplement and support the European Criminal Records Information System (ECRIS-TCN system) and amending Regulation (EU) No 1077/2011, COM(2017) 344 final, 2017/0144(COD).

¹⁰ Regulation (EU) 2018/1726 of the European Parliament and of the Council of 14 November 2018 on the European Union Agency for the Operational Management of Large-Scale IT Systems in the Area of Freedom, Security and Justice (eu-LISA), OJ L 295/99.

¹¹ Proposal for a Regulation of the European Parliament and of the Council of 12 December 2017, On establishing a framework for interoperability between EU information systems (borders and visa), COM(2017) 793 final; Proposal for a Regulation of the European Parliament and of the Council of 12 December 2017, On establishing a framework for interoperability between EU information systems (police and judicial cooperation, asylum and migration), COM(2017) 794 final.

¹² Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European border surveillance system (Eurosur), OJ L 295/11 ("Eurosur Regulation").

illegal immigration and cross-border crime and contributing to ensuring the protection and saving the lives of migrants”.¹³ The upgrading of its functionalities entails the integration of Eurosur Fusion Services within the European Maritime Information Sharing System by means of a massive deployment of sensor and satellite technology and enhanced inter-agency cooperation. The prime aim is to register all events of irregular migration and cross-border crime, enabling Frontex Risk Analysis Unit to deliver accurate reports on pre-frontier situation.¹⁴

This development goes hand in hand with the expansion of Frontex’ mandate, representing the institutional volet of the design of EU’s smart borders. It plays a crucial role in buttressing the IBM risk-adverse rationale by means of strengthened tools of regulation by information and an influential say in the debate over the use of cost-effective quasi-automatic border checks and border monitoring Unmanned Aerial Vehicles (UAVs).¹⁵ Through the development of common risk indicators for border checks, the Agency is capable of supporting the identification of foreign fighters by national border guards.¹⁶ In addition, it has been charged with monitoring “the capacity and readiness of Member States to face threats and challenges at the external borders”,¹⁷ a task that is performed on the basis of intelligence collected in the context of joint operational activities.¹⁸ Lastly, Frontex has been mandated to boost the “operational interoperability” between Eurosur¹⁹ and a complex web of non-EU risk analysis networks dispersed along key migratory routes.²⁰ In this way, EU’s smart borders put forward an anticipatory border governance, based upon pre-emption of flows and automated data gathering.

LEGAL CHALLENGES LINKED TO ANTICIPATORY BORDER GOVERNANCE

There can be identified at least four features of the EU’s anticipatory border governance that may affect the fundamental rights of migrants. The first two are related to the “scale effects” produced by interoperability of EU databases, while the other two are linked to the digitalisation of maritime and land border controls.

The first feature is the quantitative dimension of data collection and retention. The smart borders are based upon large-scale sharing of vast quantities of real time data, retained in the centralised system. This architecture may challenge the principles of privacy by design and data security, whose respect would require a limitation of data collection and retention.

¹³ *Ibidem*, Article 1.

¹⁴ *Joint Staff Working Document of the European Commission and the High Representative of the Union for Foreign Affairs and Security Policy of 14 June 2017, Second Report on the implementation of the EU Maritime Security Strategy Action Plan, SWD(2017) 238 final*, p. 14.

¹⁵ *Frontex, Guidelines for Processing of Third-Country Nationals through Automated Border Control*, European Union, 2016.

¹⁶ *EU Counter-Terrorism Coordinator, JHA agencies’ role in counter-terrorism, LIMITE 6146/18 ADD 1, 27 February 2018*, para.3.

¹⁷ *Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard, OJ L 251/1, Article 8(1)(b)* (“Frontex Regulation”).

¹⁸ *Ibid.*, Article 47.

¹⁹ *Article 12 of Eurosur Regulation*.

²⁰ *Frontex Regulation, Article 8(1)(s)*.

Indeed, as with all large-scale interoperable data systems, such data collection raises concerns over illegal access, unlawful sharing and wrong matches,²¹ which should be carefully evaluated and compensated with sufficient safeguards, ensuring effective access to a remedy.²²

The second feature is the blurring of purposes. While full access rights remain restricted, according to existing rules and procedures established for each EU information system, the first step of the new data consultation approach allows all potential end users to cross-check all systems within the Common Identity Repository (CIR). Therefore, law enforcement authorities will have the possibility to identify, in one single search, the IT system containing information on an unknown individual (first step) and then their access rights will differ according to the regulation of the database of their competence (second step). This may go against the principle according to which personal data, including biometric identifiers, should be collected and processed for specified, explicit and legitimate purposes.²³ Since data processing is not neutral, changing the intended use of sensitive data may render them inadequate or excessive.²⁴

The third feature is an unprecedented recourse to automatic systems for data interconnection and simultaneous consultation, which may affect fundamental rights in different ways. First, automation of border management may widen the room for mismatches and inaccurate data cross-checking; second, it may disproportionately impact certain categories of third country nationals (e.g. irregular migrants)²⁵ and EU citizens (e.g. those holding multiple nationalities); third, it risks fast-tracking rigid pre-packaged solutions in cases requiring careful evaluation (e.g. unaccompanied minors' age determination).²⁶ In addition, since pre-determined criteria for data mining have a risk-adverse rationale, automation may increase the risk of social sorting and discriminatory profiling, in contrast with the consolidated jurisprudence of the EU Court of Justice on border controls.²⁷ The last feature is the diffusion of UAV technology for sky patrolling and pre-frontier surveillance, coupled with the expansion of data transfer to third countries for purposes of counter-terrorism, migration management and return. Eurosur allows cooperation with third countries "to detect, identify, track and intercept persons, attempting to enter the EU illegally outside border crossing points".²⁸

²¹ FRA, *Under watchful eyes: biometrics, EU IT systems and fundamental rights*, European Union, 2018, p. 88 ff.

²² EU Court of Justice, *Joined Cases C-293/12 and C-594/12 Digital Rights Ireland and Seitlinger et al.* [2014] ECLI:EU:C:2014:238, paras. 54-66. In general, on the effectiveness of the right to access a remedy, see *Case C-562/13 Centre public d'action sociale d'Ottignies-Louvain-la-Neuve v. Moussa Abdida* [2014] ECLI:EU:C:2014:2453, para. 45 ff.

²³ EU Court of Justice, *Digital Rights Ireland cit.*, paras. 61-62.

²⁴ EDPS, *Opinion 06/2016 of 21 September 2016 on the Second EU Smart Borders Package. Recommendations on the revised Proposal to establish an Entry/Exit System.*

²⁵ As pointed out by the Advocate General Sharpston, in its *Opinion delivered on 12 February 2015 in the Case C-554/13 Z. Zh. and O. v. Staatssecretaris van Veiligheid en Justitie*, ECLI:EU:C:2015:94, para 63, in some cases migrants with false papers try to escape identification to protect themselves, even though their fear does not amount to a fear of persecution for asylum purposes or these persons do not seek asylum in Europe. It is for national authorities to determine "what [public order] interests require protection and in what respect the individual concerned constitutes a danger to [public order]. In other words, there should be no automatic decisions depriving an individual of a right to voluntary departure simply because he is convicted of travelling with a false document and could therefore be an illegally staying third-country national".

²⁶ For instance, the law adopted in Italy for the protection of unaccompanied minors foresees a complex process of age determination, involving numerous specialists and precluding the use of technological tools for automatic age determination. See the Law No. 47 of 7 April 2017, in O.J. ("Gazzetta Ufficiale" No. 93 of 21 April 2017 (so-called "Legge Zampa"), Article 5(3) ff.

²⁷ EU Court of Justice, *Joined Cases C-188/10 and C-189/10 Aziz Melki e Sélim Abdeli* [2010] ECLI:EU:C:2010:363, para. 75; *Case C-23/12 Mohamad Zakaria* [2013] ECLI:EU:C:2013:24.

²⁸ European Commission, *Examining the creation of a European border surveillance system (EUROSUR)*, MEMO/08/86, Brussels, 13 February 2008, para. 3.

Its functioning is based upon different sources: bilateral agreements between EU Member States and third countries, sometimes authorising the operation of drones, satellites or sensors on their skies;²⁹ working agreements between Frontex and the competent authorities of third countries, containing obligations *de contrahendo* for the conclusion of separate (and secret) security protocols on intelligence exchange;³⁰ and working arrangements between Frontex and third parties, to set up and run Risk Analysis Networks.³¹ Intelligence sharing within the Eurosur “hub” must be in compliance with fundamental rights. However, the use of UAVs for maritime surveillance pose specific challenges, which are mainly connected to the intrusiveness, discreetness and unaccountability of sense-and-detect technology for intelligence and data gathering, bypassing individual consent for data acquisition,³² while allowing mass data collection and dual use.³³ In addition to legal issues linked to data protection, UAVs challenge the effectiveness of fundamental rights in operational activities related to border management, by complicating the attribution of responsibility in case of accident.³⁴

CONCLUDING REMARKS

The construction of EU’s smart borders enhances the predictability of human mobility, becoming a key enabler of the EU’s anticipatory border governance. This paradigm is based on the prevention of both border offences and crimes, by means of a limitation of human self-determination via cooperative deterrence³⁵ and consensual containment.³⁶ EU’s anticipatory border governance also triggers the establishment of a functional nexus between the EU border policy and the EU external action in the field of migration, allowing an extension of the operational area of joint interdiction and surveillance well-ahead of the external line of demarcation of EU Member States’ territory.³⁷

²⁹ For instance, on the Italian technical agreements with Libya of 28 November 2013, authorising the use of UAVs on Libyan skies, see: Ministero della Difesa, Italia – Libia: accordi di cooperazione, Roma 28 novembre 2013.

³⁰ See, for instance: Working Arrangement (“WA”) of 16 April 2013 establishing operational cooperation between Frontex and the State Border Service of the Republic of Azerbaijan, para. 3.2; WA of 22 February 2012 establishing operational cooperation between Frontex and the National Security Council of the Republic of Armenia, para. 3.2; WA of 19 January 2012 establishing operational cooperation between Frontex and the Nigerian Immigration Service, para. 4; WA in the form of an exchange of letters between Frontex and Migration, Asylum, Refugees, Regional Initiative (MARRI) Regional Centre, para. 1. The text of Frontex’ WAs is available on the website of the Agency.

³¹ They are: Frontex Risk Analysis Network, Eastern Borders Risk Analysis, Western Balkans Risk Analysis Network and Africa Frontex Intelligence Community. On their function within the “defence–security nexus”, see EU Counter-Terrorism Coordinator, *cit.*, p. 13.

³² EDPS, *Opinion on the Communication from the Commission to the European Parliament and the Council on “A new era for aviation – Opening the aviation market to the civil use of remotely piloted aircraft systems in a safe and sustainable manner”*, para. 16.

³³ United Kingdom, House of Lords, 7th Report of Session 2014–15 on *Civilian Use of Drones in the EU*, London: The Stationery Office Limited, 5 March 2015.

³⁴ It has to be recalled, *inter alia*, that the Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018, *On common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency*, OJ L 212/1, does not apply to drones “while carrying out military, customs, police, search and rescue, firefighting, border control, coastguard or similar activities or services under the control and responsibility of a Member State, undertaken in the public interest by or on behalf of a body vested with the powers of a public authority, and the personnel and organisations involved in the activities and services performed by those aircraft” (Article 2(3) (a)). In these fields, it is for the Member States to freely decide whether to apply their national law or the abovementioned Regulation “in particular with a view to achieving safety, interoperability or efficiency gains” (Recital 10).

³⁵ T. Gammeltoft–Hansen, J.C. Hathaway, *Non–Refoulement in a World of Cooperative Deterrence* (2015) *Columbia Journal of Transnational Law* 235.

³⁶ V. Moreno–Lax, M. Giuffrè, *The Raise of Consensual Containment: From “Contactless Control” to “Contactless Responsibility” for Forced Migration Flows*, in S.J. Satvinder (ed.), *Research Handbook on International Refugee Law* (Elgar, forthcoming).

³⁷ See *amplius*, V. Mitsilegas, *Extraterritorial Immigration Control, Preventive Justice and the Rule of Law in Turbulent Times* (Queen Mary University of London, School of Law, Legal Studies Research Paper No. 278/2018).

Its design is inspired by the goals of the Security Union; however, its implementation may complicate the establishment of responsibilities for abusive conducts in data collection, processing, analysis and exchange, while making access to an effective remedy extremely difficult in practice.

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DELIVERING THE SINGLE MARKET WHILE THE MEMBER STATES “PLAY DEFENCE”

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INTRODUCTION

The Single Market is at the heart of the European project and is considered the foundation of EU economic integration. European integration has primarily been a process of market-making, aiming to eliminate market barriers stemming from national borders. As member states have made significant efforts to align regulatory boundaries to allow for the free movement of goods, services, capital and labour, it is generally believed that the integration of national markets has been widespread (Egan and Guimarães, 2012). Despite this general perception that the single market is performing well, its benefits do not always materialize and its economic potential remains unrealized.

This article explores the extent to which the single market has become a reality, by looking at how single market policies are translated into EU member states, and trying to identify the main obstacles to market Europeanization. We find out that member states remain defensive in respect to the making of a single market in Europe. By looking at how single market policies are translated into the national level, it is possible to assess how well the single market functions in practice. With that purpose, we examine the persistence of barriers to trade in goods markets as a proxy for the level of Europeanisation of member states national markets. Then, we scrutinize how effective are formal and informal governance measures to resolve the obstacles and protectionist practices that still undermine the EU single market. Despite the continued attention towards its functioning, only recently have compliance studies explored this core area of European economic integration (Angelova et al. 2012, Egan and Guimarães, 2017).

OBSTACLES IN “DELIVERING” A SINGLE MARKET

The cornerstones of single market are the free movement of people, goods, services and capital, and significant progress has been made in furthering these four freedoms, which constitute its defining features. However, some significant barriers to market integration remain. When we zoom in into the free movement of goods in the EU, we see the persistence of member states protectionist practices, i.e. the continued use of trade barriers. Business complaints suggest that single market law is not implemented on the ground, sometimes leading firms to forego access to specific markets. The causes for this market fragmentation are diverse. Domestic technical regulations, standards, or licensing practices segment markets, preventing European companies from expanding beyond their national borders, or creating additional production and compliance costs linked, for example, to different consumer protection rules, contractual terms, or national tax regulations (cf. European Parliament, 2014). Countries can, and do, impose national requirements on foreign suppliers that may be more burdensome than necessary to satisfy legitimate public policy objectives. Even the principle of mutual equivalence of regulatory norms is sometimes not effectively implemented.

Moreover, misapplication of single market rules due to national administrative practices, delays in transposition or implementation, neglected enforcement, deliberate non-compliance, or gold-plating of rules, all create obstacles to a more effective functioning of the single market. This regulatory heterogeneity and uneven compliance with European legislation implies that firms face substantial uncertainty in their cross-border trade, and that the EU economy bears an overall cost estimated at €10 billion per year (AmCham, 2012).

While there are concerns about the cost of non-compliance with single market law (Eurobarometer, 2010; EBTP, 2011), addressing barriers to trade is difficult as it is often hard to separate the protectionist intent of regulations from their legitimate objectives, such as environmental protection or consumer safety. Since the benefits of protectionism are highly concentrated, domestically-oriented firms can push policymakers to maintain the status quo, facilitating domestic interest groups to retain specific trade barriers (Milner, 1989).

MEMBER STATES' BARRIERS TO TRADE IN THE SINGLE MARKET

According to a European Commission dataset, there were more than 2300 business complaints regarding violations of the free movement of goods (Articles 34 and 36 TFEU) across the EU15 between 1961 and 2002. These complaints to the Commission denote the prevalence of cross-border trade impediments within the EU single market. Substantial obstacles to trade exist in France, Germany and Italy, which account for over half of the notified restrictions, though this percentage has to be weighed by the large size of these countries' economies. Two sectors – automotive and agrifood – account for half of these infringements. The agrifood industry is the most problematic (cf. Jervelund et al., 2012), as it is well-organized, has significant political leverage across EU member states, and is highly involved in lobbying national governments to protect their national market shares (Grant, 2012). The automotive industry is the second most affected by barriers, particularly in France and Italy, where companies have sought protection from national governments to face competitive imports. More than half of these barriers are technical and administrative measures such as product requirements, labeling, and packaging, while government restrictive policies (on intellectual property rules, for example) rank second, and are concentrated primarily in the health care industry. Overall, the data brings empirical evidence on the difficulties of 'delivering' a single market, and on member states defensiveness regarding the application of its norms on the ground.

EFFORTS AT IMPROVING COMPLIANCE

These restrictive practices mean that compliance levels fall short of what is needed to have a real single market. How to tackle this partial liberalization of the single market? In face of member states temptations to circumvent their market commitments, the EU has strengthened single market governance. Member states may choose ex ante cooperation but may also opt for ex post correction and sanctioning of norms violations – often to give them time to make adjustments before downloading European law into their national legal system. Different remedies to compliance problems have been used in the EU, which has widened the range of governance options to address non-compliance, including both informal and formal instruments.

Informal mechanisms, such as dialogue, exchange of information, persuasion, learning or voluntary agreements, can facilitate compliance with market rules (Héritier and Rhodes, 2011; Christiansen and Neuhold, 2013), and can offer more effective means of compliance than judicial enforcement, both in terms of costs as well as time to solve a complaint on cross-border trade. Opening infringement proceedings is the judicial means to address non-compliance, and was the key governance mechanism until the Commission chose to expand its more informal mechanisms in the early 2000s.

MEMBER STATES' DIFFERENT PREFERENCES FOR FORMAL GOVERNANCE

Infringement proceedings are a two-step process to resolve a non-compliance case – first, by promoting a pre-litigation solution, and then, if the attempt is unsuccessful by initiating litigation in the Court of Justice of the European Union (CJEU). While the vast majority of cases is settled in the early stages of infringement proceedings (see Menindrou, 1996; Guimarães, 2016), member states have different preferences on whether or not to refer a case to the CJEU (Egan and Guimarães, 2017).

Smaller economies with resource constraints, and member states with specific socio-legal traditions of litigation avoidance prefer quick solutions. As they want to avoid costly judicial proceedings, they fear sanctions and retaliation, and want to avert the reputational and credibility costs associated with the negative publicity of a CJEU decision, (see also Panke, 2012), therefore these countries are more likely to solve their cases outside the Court. Moreover, member states are less likely to use the CJEU when the case involves highly concentrated industries, characterized by large companies present in many EU countries and with cross-border investments. They want to avoid the reputational costs of an unfavorable Court decision, as well as confrontation with specific member states, and possibly retaliation, all having a negative impact on their market shares abroad. Hence, these industries pressure national governments to solve complaints in the pre-litigation phase. On the contrary, industries with nationally-based markets are more likely to resist changes in domestic laws, and tend to press governments not to cave in to the Commission's initiatives to make them resume compliance.

These industries try to retain domestic regulations to protect their national market-shares, and to control competition from foreign companies based on health and consumer safety arguments. They prefer to influence governments to seek judicially-based solutions, and wait for a Court decision, hoping that national restrictions are upheld as proportional and legitimate. When there are problems of translation of the key single market principle of mutual recognition into national law, these tend to be solved outside the CJEU, as mutual recognition involves aligning a diversity of regulations among member states, and businesses often need 'practical guidance about what is "recognized" in markets' (Pelkmans 2010). Thus, dialogue is necessary to clarify the equivalence of the national norms. Regulatory measures, in turn, may disguise arbitrary discrimination, and may be used as trade barriers, as they tend to blur illegitimate market protection intents with legitimate public concerns. In such instances, member states are less prone to voluntarily agreed solutions, which would call for mutual trust and involve cooperative solutions.

Finally, if the member State implements the barrier through national legislation, rather than by bureaucratic practices, it is more likely that it is going to resort to the CJEU, before finally applying the EU norm in the national realm. Legally bound measures tend to be harder to change than bureaucratic practices, as they may imply changing or revoking an existing national policy, and often need to be assessed against the 'law on the books' (Versluis 2007). Therefore, they are less prone to informal solutions, and member States tend to use up all infringement proceeding stages, including the last resort one, the CJEU.

THE EFFECTIVENESS OF INFORMAL SUPPORT TOOLS

While the single market is notable for having hard economic integration competences, the EU has chosen to supplement the more formal infringement proceedings with new informal mechanisms to induce compliance with single market rules. These more informal support tools that the EU has been promoting are in line with the member states preference for solving infringement proceedings out of the CJEU. The Solvit network – a channel for businesses and consumers to report barriers in the single market – is key among these alternative dispute resolution mechanisms on internal market law. The network, covering EU member states as well as the three States of the European Economic Area (EEA) – Norway, Liechtenstein and Iceland, is designed to address barriers created by the misapplication of single market rules through informal coordination among member states' administrations. As the misapplication of EU law occurs even after the transposition of EU rules into national legislation, Solvit's purpose is to avoid legal proceedings, and to provide pragmatic and rapid solutions to specific trade barriers in the single market. Indeed, Solvit has become more frequent than infringement proceedings as a mechanism to address trade barriers, denoting a shift in member states preferences towards less formal dispute resolution mechanisms, when single market norms were not adequately translated into national law. In terms of its effectiveness as a governance mechanism (measured by problem-solving capacity and case resolution speed, as in Martinsen and Hobolth, 2016), the average resolution rate of Solvit cross-border trade cases between 2002 and mid-2013 is about 75 percent, pointing to the good acceptance of this non-judicial procedure to address complaints (cf. Egan and Guimarães, 2017). The average time to close the cases is 92 days, in contrast with infringement proceedings, which take on average 1 year and 4 months to be solved (Single Market Scoreboard, 2014). Actually, closing an infringement proceeding is time consuming, and is one of the main reasons why judicial solutions are often avoided (Siegel, 2011). The pattern of business complaints on the enforcement of single market policies to the Solvit network varies across member states (cf. Egan and Guimarães 2017), where Central and Northern European States bring the largest number of complaints to Solvit. While some countries concentrate their complaints against a small set of specific EU trade partners, others diversify their market access efforts across a large number of EU member states.

FORMAL AND INFORMAL GOVERNANCE: ALTERNATIVE OR COMPLEMENTARY?

While informal mechanisms address a large number of problems of misapplication of European policies, there are barriers that require more formal means of enforcement to induce member state compliance, and cannot be resolved through informal problem-solving, as pointed out above.

These are cases that may involve changes in member states legal frameworks or broader structural issues. Thus, formal modes of enforcement have to coexist with non-adversarial solutions for trade barriers. While “judicialization” remains the last resort option when compliance gaps are difficult to close, the EU developed the new informal mechanisms with the purpose of creating a “more coherent enforcement system in which infringement procedures and informal problem-solving mechanisms constitute form a “seamless web of remedies against breaches of EU law” (Monti, 2010, p. 9). As such, informal mechanisms operate under the “shadow of hierarchy” (Scharpf, 1997), of both the Commission (with its capability of opening up an infringement proceeding) and the CJEU (with its binding enforcement powers). Conventional infringement proceedings and referrals to the CJEU are not displaced by the informal tools, though the informal coordination efforts are increasingly important and effective in tackling member states defensiveness regarding the translation of single market policies into their national legal frameworks.

CONCLUSION

In a time in which there are increased pressures for protectionism, the EU faces a difficult challenge – to realize the single market goals while member states continue to be defensive regarding the translation of single market policies to the national level. Consequently, though the single market is the nucleus of European economic integration, its policies are not always fully embraced and adopted by EU member states. Though it is perceived as the most integrated economic area of the EU, obstacles to a market making Europe persisted across member states, as they may seek to protect domestic markets.

Tackling deviations from the regulatory intentions of the EU policy makers, and addressing the complaints that a fragmented single market generates, involves a combination of dispute resolution strategies, ranging from cooperation and dialogue to litigation mechanisms. These tools and instruments contribute to bridge remaining gaps in the implementation and enforcement of the single market regulatory framework. Indeed, one of the present EU strategic objectives for the single market is ensuring an EU-wide coordinated and coherent response to noncompliance issues.

Soft law, non-coercive mechanisms such as Solvit, are effective in addressing discretionary behavior and select distortions in the single market. In other instances, obstacles are not amenable to informal problem solving, which explains why infringement proceedings and judicial enforcement remain key to the governance of the single market. Litigation is still the default option when informal compliance does not achieve its goals; therefore, soft law solutions thrive if in the “shadow” of both the Commission and the CJEU enforcement powers.

When member states want to adjust to adverse economic circumstances, they seek to preserve their national regulatory discretion, and they resort to non-compliance as a defensive strategy. The recurrence of these national obstacles may explain the difficulties in “delivering” the EU single market.

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RUSSIAN PERCEPTIONS OF THE EU: EVIDENCE FOR A PREVENTIVE- DIVERSIONARY THEORY?

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INTRODUCTION

In this chapter, I review competing explanations for Russia's annexation of Crimea, and find that the most convincing is a variant of diversionary theory. Official statements of the Russian leaders and data on Russian perceptions of the European Union suggest that the process of European enlargement toward Eastern Europe has worried the Russian leadership, which was apprehensive about losing domestic legitimacy if wealthy, liberal-democratic countries were established close to its borders. Both Russia's 2008 war against Georgia and its annexation of Crimea in 2014 can be seen as an attempt to prevent these countries from becoming part of the Western liberal system.

This has serious implications for European foreign and security policy. If offensive realists, like John Mearsheimer (2014), are right that Russian behavior is caused by the threat posed by NATO expansion, then improving relations with Russia would require, first and foremost, to give Russia security guarantees. If, however, the problem is not NATO, but the EU, and the "threat" is not military, but one related to liberal-democratic values undermining the legitimacy of the Russian leadership, then addressing it by offering security guarantees is unlikely to be a key move for ameliorating the relations between Russia and the West.

RUSSIAN POLICY TOWARD UKRAINE: COMPETING EXPLANATIONS

In this section, I review competing explanations for Russia's annexation of Crimea: 1) realist explanations, according to which Russia's behavior is a defensive response to the threat of NATO's expansion; 2) a rationalist explanation based on the bargaining model of war; 3) ideological explanations, predicated on the assumption that Russian leaders are not rational and self-interested, but rather under the sway of a conservative-imperial ideology; 4) diversionary explanations, stressing the need, for the Russian leadership, to cement their domestic standing by preventing the Eastward enlargement of the European Union.

REALIST EXPLANATIONS

Many scholars, mostly realists, have argued that NATO expansion would pose a security threat to Russia. Even before the Ukraine conflict, John F. Kennan (a classical realist) described NATO expansion as a "the beginning of a new Cold War," a "tragic mistake" "that would make the Founding Fathers of this country turn over in their graves" (quoted in Friedman, 1998; cf. Danner, Kennan, Talbott, and Hamilton, 1998). Despite democratic-peace theory is often framed as an alternative to realist thinking, prominent democratic-peace scholars shared this concern and predicted that NATO expansion could bring about either an isolated and hostile Russia or, in a much dangerous, but also more likely scenario, a China-Russia alliance against the US (Russett and Stam, 1998: 362).

Even Kenneth Waltz, the father of structural realism, predicted that NATO expansion would alienate Russia from the US and facilitate Sino-Russian cooperation (Waltz, 2000: 31).

After the outbreak of the conflict in Ukraine, John J. Mearsheimer (2014) has argued that "the Ukraine crisis is the West's fault" and sought to interpret the conflict through the lenses of his theory, offensive realism. His arguments go as follows: great powers have offensive capabilities and, in anarchy, are insecure about each other's intentions. They are particularly jealous of the area near their territory and fearful that other great powers intrude into their region. In this light, Russia's behavior is seen as a defensive response to the "threat" posed by NATO's Eastward expansion.

This line of argument has both strong points and weaknesses. There is ample evidence that the Russian leadership was upset by NATO expansion: Putin's well-known Munich speech is an example. However, Mearsheimer (2014) seems to think that today's great powers are afraid of military invasion, or of attacks to their territories. He notes that Napoleonic France's, Imperial Germany, and Nazi Germany crossed Ukraine to attack Russia and suggests that the situation today is pretty much the same, with Russia wanting to preserve Ukraine as a buffer state for strategic reasons. But as James Fearon (2014) has noted in a polemic with Mearsheimer and his reading of the Ukraine crisis, it is doubtful that XXI-Century, nuclear-armed states are scared of large-scale military invasion. So it is possible and even probable that the Russian leadership was irked by NATO expansion, but Mearsheimer, with his misleading comparisons with Napoleonic France and other precedents, does a poor job at explaining why this is so.

RATIONALIST EXPLANATION

One alternative, then, is that Russian leaders were worried by the possibility that NATO expansion gave the US more leverage during a crisis. The terms of the settlement during a crisis are influenced by states' estimates of the probability of victory in a total war, as well as by their estimates of the costs of war (see, among others: Fearon, 1995; Wagner, 2007, 137-154). NATO Eastward expansion and weapons deployments have arguably changed the likely outcome and costs of a total war, and thus weakened the Russian bargaining position in any future crisis, and, even worse, in a series of future crises. If Putin and the Russian leadership understood this, then, perhaps, they have decided to try to halt NATO expansion not out of fear of being military invaded (an implausible scenario in the XXI Century), but to safeguard their bargaining power. So Mearsheimer (2014) is right that NATO expansions upset the Russians, but his emphasis on offensive weapons and uncertainty over others' intentions is hardly a compelling explanation for why this is so. Fearon (2014), in turn, is right that Russia does not need to fear being "invaded by tanks from another great power", but he nowhere this implies that NATO expansion played no role in explaining the Russian decision to annex Crimea and to support separatists in the Donbass region.

Like the realist explanations, even the bargaining or rationalist explanation has both strong points and weak points. Differently from Mearsheimer's, the rationalist explanation is logically sound. As for the weak points, there is little evidence that people in the Russian military, or Putin himself, reason like game theorists and anticipated that NATO expansion could affect the likely outcome of a possible, future crisis between Russia and the US. Only wading through the Russian archives can tell whether this is so, which means that the rationalist story will remain, for some years to come, an unproved conjecture.

IDEOLOGICAL EXPLANATIONS

Perhaps, neither a realist nor a rationalist account adequately explain the Russian decision-making. Some see Putin as an ideologue, not a rational, self-interested actor. His actions toward Ukraine and his decision to annex Crimea are thus accounted for by his ideology and the ideology of his inner circle:

As with most academic realist analysis, [Mearsheimer's] is nonsense. Putin is not driven by cold calculations of rational self-interest, because no human is.[...] Putin believes hegemony over Russia's near-abroad is necessary for Russian security because of his beliefs about Russian nationhood and historical destiny. Putin (and, perhaps more so, his inner circle) [...] appears to be driven by peculiar form of Russian nationalism infused with religion, destiny, and messianism (Miller, 2016).

Again, this explanation has both strengths and weaknesses. There is abundant evidence that Russian foreign policy is influenced by ideological considerations. Putin's regime has strong ties with the Orthodox Church (Anderson, 2016), and Putin is alleged to have been influenced by thinkers such as Alexandr Dugin and Vladislav Surkov. His speeches and interviews often cast Western materialism against Russian spirituality. United Russia's official ideology is "Russian Conservatism", based on Russia's "history, culture, and spirituality" (White, 2011, 362).

One problem with ideological explanations is that in the Russian narrative not only Crimea, but Ukraine as a whole is seen as sharing a common Slavic-Orthodox cultural heritage with Russia. Granted, Crimea and the Caucasus occupy a special place in Russian imagination (largely due to the writings of such authors as Babel, Lermontov, Pushkin, and L. Tolstoy), but Russian nationalists see modern Russian culture as springing from Kievan Rus' (for historical background, see Pelenski, 1977; Pelenski, 1998; cf. the observation of Wilson, 2000: 33, first par.). One has to wonder why, then, Putin has annexed Crimea and provided support for separatists in Eastern Ukraine, but has shrunk from invading all of Ukraine. A related argument can be made that given the cultural and historical importance of the Caucasus for Russia, it would have been all too natural for Moscow to try to annex Georgia.

Some claim that in the future Putin might pursue more ambitious goals (Dempsey, 2018; Schwartzbaum, 2019).

Perhaps so, but at the moment Russia is pursuing a more limited, negative goal: preventing neighboring countries from becoming integrated with the West and Western institutions. If the Russian leadership were so obsessed with "religion, destiny, and messianism," shouldn't it engage in some true-believer kind of behavior, such as invading the whole of Ukraine?

DIVERSIONARY EXPLANATIONS

Russia's pursuit of a "limited goal", such as preventing Ukraine from becoming integrated with the West, and annexing part of it, but not invading and annexing the whole of Ukraine, may be explained by some variant of the diversionary theory of war. Tobias Theiler has argued that the conflict in Crimea increased national pride among Russians, and he found evidence for this thesis in attitude surveys (Theiler, 2018). This is an application of the traditional version of diversionary theory; it is plausible, but, like in the case of the ideological explanation, it leaves unclear why the Russian leadership has decided to pursue the rather limited goal of preventing neighboring countries (Georgia, Ukraine) from joining the West, without mounting full-scale invasions. If the purpose was to exploit the "rally 'round the flag" effect, and to garner consensus on foreign adventures, why annex Crimea and provide support to separatists in Eastern Ukraine, but not try some bolder move like, say, try to annex Georgia and the whole of Ukraine? Moreover, Fearon (2014) noted that Putin's popularity was not in decline when he decided to annex Crimea, which means that the surge in Russian national pride may be a side-effect, but not necessarily the ex-ante reason for the annexation.

Another, less developed variant of this argument blends preventive-war arguments and diversionary theory. This approach has been somehow neglected by the literature, and consequently it's under-theorized. To the best of my knowledge, the first formulation of what can be called a preventive-diversionary theory can be found in the work of Marie Mendras:

Moscow has perceived the democratization of its former vassal states as a real danger [...]. If Ukraine, Georgia, Moldavia and Belarus simultaneously worked toward the consolidation of constitutional states and were preparing to join Europe [...] Putin's regime would find itself besieged, because the considerable gap between political systems would destroy the legitimacy and authority of the Russian regime (Mendras, 2012: 265; cf. Mendras, 2012: 200).

Mendras does not say that Putin's foreign interventions are a by-product of him fearing that democratic states along the Russian borders would delegitimize its authoritarian rule, but the point is implicit in her analysis. In answering a question about what has driven Putin's actions in Ukraine, James D. Fearon has reached conclusions very similar to Mendras':

Putin has [...] acted in ways to suggest that he's very worried about a large-scale domestic mobilization against him and his regime. What's probably freaking him out is that he genuinely thinks the US in particular wants to put in place a regime in Kiev that would be, from his perspective, a dangerous demonstration - the kind of thing that happened to Yanukovich is the kind of thing he doesn't want to see happen to himself (Fearon, 2014).

The causal mechanism that Mendras and Fearon refer to can be generalized as follows. The system that we live in is what Aron would call a «heterogeneous system», one «in which the states are organized according to different principles and appeal to contradictory values» (Aron, 1961: 100). If a state is organized according to an authoritarian principle and appeals to authoritarian values, it will find it dangerous to have democratic countries thrive near its borders, not necessarily out of fear of military invasion, which is less of an issue in the nuclear age, but because democratic neighbors may embolden the country's domestic opposition, or trigger large-scale migrations from the authoritarian to the democratic countries. This may lead an authoritarian state to target neighbors countries which undergoing democratization, or are on the verge of joining a community of democratic nations.

Traditional diversionary theory maintains that when their domestic standing is precarious, leaders in one country may attack another country to shore up consensus for their rule. And Fearon (2014) noted that "it's not as if Putin was in big domestic trouble at the start of [...the conflict over Ukraine]", a fact that, as already noted, poses a problem for the traditional version of diversionary theory.

But the modified version of diversionary theory which I sketched out (based on Fearon's own observations, as well on Mendras') maintains that a country's democratization, its joining a free-market area, or a super-national community of democratic states, may threaten the popularity of leaders in another, more authoritarian country in the future.

The authoritarian leaders anticipate that their domestic standing will be weakened by democratic regime change in another country, and act preventively by attacking the latter country to prevent democratization. This may be called a preventive-diversionary dynamic, and solve the problem of why a ruler may decide to attack even at a moment when its domestic standing is not particularly brittle.

EVIDENCE FOR A PREVENTIVE-DIVERSIONARY THEORY

In the previous section, I reviewed several theories that explain the Russian annexation of Crimea. While all have some merits, all have problems, too. Although it was not explicitly formulated as an explanation or a theory, I have relied on the writings of Marie Mendras and James Fearon to sketch out the traits of what I call preventive-diversionary theory.

According to this theory, what upset the Russian leadership is not so much the threat that Ukraine could join NATO, but rather the threat that a truly democratic and wealthy Ukraine could pose to the legitimacy of the Russian leadership. In this reading, the threat came less from NATO and more from the European Union, and was not a present threat, but a future one. Now, I set forth to demonstrate that there is some evidence which makes this explanation preliminary plausible. To do so, I will focus on the concept of sovereign democracy and the Russian Foreign Agent Law, on the one hand; and the Russian perception of the European Union, on the other.

SOVEREIGN DEMOCRACY AND THE "FOREIGN AGENT LAW"

The notion of "sovereign democracy" and Putin's own public statements on the matter seem broadly consistent with the logic of preventive-diversionary theory. Vladislav Surkov has defined sovereign democracy as:

[...A] mode of the political life of society in which the state authorities, their bodies and actions are elected, formed, and directed exclusively by the Russian nation in all its unity and diversity for the sake of achieving material well-being, freedom, and justice for all the citizens, social groups, and peoples that constitute it (Surkov, 2009: 9)

Note how this definition postulates the existence of a Russian nation which purportedly acts as a single entity ("in its unity and diversity"), and whose citizens, groups and people are seemingly bearers of common interests. It's typical of populism to define "the people" as one cohesive entity, whose interests the populist leaders claim to understand and to serve. Also note the complete lack of any references (in the definition as well as in the rest of Surkov's article) to separation of powers, the institutional independence of the judiciary, checks and balances, open and competitive elections, and minority rights. Surkov (2009: 10) uses the fact that democratic regimes come in a variety of different forms (e.g., pluralistic vs. majoritarian democracy; the fact that in the past democratic countries restricted the rights of women and minority) to blur the difference between democratic and authoritarian regimes and to hide the fact that Russia is increasingly becoming less democratic.

Putin's own statements on the matter, and even his rhetorical strategies, echo Surkov's. When foreign journalists shared concern about the Russian electoral system being not democratic, Putin replied that it's hard to tell what democracy is, but seemed inclined to consider direct democracy as the sole authentic form of democracy. Yet, he observed, direct democracy is impossible in a huge, multi-ethnic, and multinational state such as Russia. Different countries, he concluded, adopt different electoral systems, and it's hard to say whether a system is more democratic than another. After this attempt to evade the question posed by foreign correspondents, Putin concluded that "[...W]e categorically oppose the use of all levers, including arguments on the need for us to democratise our society, in order to intervene in our internal affairs" (Putin, 2006).

The Russian "Law on Non-Commercial Organizations," better known as Foreign Agent Law, has put this concept into practice. According to it, any organizations that are recipients of funds from abroad (any amount), and engage in "political activities" (broadly defined) are requested to register as foreign agents and to submit to stringent requirements. The law has had a dramatic negative impact on ONG operating in Russia (see Flikke, 2016). In late 2017, the law was extended to media outlets. Russia's slide toward authoritarianism requires to hush up information and views that contradict the prevailing narrative of Russian media. A Giles (2016: 30) noted: "It is easy for Russian media to provide accounts or translations of statements by foreign leaders or organizations which are misleading or entirely false, without being challenged within the country". The foreign-agent law, and its application to Russian media, contribute to preserving this state of affairs.

Together, the elaboration of the concept of a sovereign democracy, Putin's susceptibility to foreign concerns that Russia is no longer a democratic country, and his attempt to shield the Russian public from alternative views and opinions suggest that the spread of democratic countries near Russia's borders would be seen as a "threat" by the Russian leadership. The evidence is indirect, though, partly because no Russian leader would openly admit that the Russian regime might be undermined by democratic values and institutions.

RUSSIAN PERCEPTION OF THE EUROPEAN UNION

The Russian public came to see the European Union in increasingly positive terms during the early 2000s. According to the polls, in 2000 a total of 21% Russians gave a very positive or rather positive assessment of the European Union; in 2005, the number rose to 49%. Those who gave either a very negative or a rather negative assessment remained the same (11%). Those who were strongly in favor or somewhat in favor of Russia joining the EU were 47% in 2000, a number that rose to 56% in 2005. Those who were strongly against or somewhat against were 11% in 2000, and 19% in 2005 (White, 2006: 138).

Yet the process of European enlargement was accompanied by uneasiness by the Russian elite, a feeling which is evident in a number of remarks. In March 2009, the Russian Foreign Minister Sergey Lavrov asked "whether [the European Neighborhood Policy] is not intended to derail [former Soviet] countries from the course which they should be able to choose freely" (quoted in Gretskiy et al, 2014, p. 379). As Gretskiy et al. (2014: 380) conclude "[...]o the assessments of most Russian officials and experts, the ENP had implemented the desire of the EU "to sanitarily cordon itself off from Russia." Put it simply, many in Russian elite saw the Eastward expansion of the EU as an intrusion within the traditional Russian geo-cultural sphere of influence, in an effort to peel countries away from Russia (see the quotes and evaluations in Secrieru, 2010: 16-17).

But this attitude of suspicion and this competitive mindset often betrayed an inferiority complex by Russian policy-makers. As a Russian diplomat once put it: "it is not the all-knowing EU playing God and descending to earth to modernize the savages" (quoted in Secrieru, 2010: 23). This idea that the EU was arrogant in its attempt to impose its moral standards on Russia, as if Russia was backward, was sort of a common motif in Russian diplomatic circles. Vladimir Putin himself began this trend (and others, later, followed him) by comparing the Western attitude toward Russia to "the arguments some western countries used to justify their colonial expansion into Africa and Asia" (Putin, 2006).

The conflict over Ukraine had the effect of aligning the public's perceptions to the elite's. The transmission belt, of course, was the politically-controlled Russian media. As Chaban et al. (2017: 5; cf.: 17) argue, after Maidan, Russian media increasingly came to represent the EU has been "ridden by economic and political crises," which contradicted the previous representation of the EU as wealthy and strong. This, in turn, has generated a shift in the Russian public's view of the EU "as weak and decadent."

According to the polls, in 2012 the total positive assessments amounted to an impressive 62%, while the total negative to a paltry 7%. Yet in 2015 the total positive had dropped to 23%, while the total negative had surged to 40% (Chaban et al, 2017: 13). A similar trend can be found in polls that break down the assessment of the Russian public into a number of markers. In 2012, respondents described the European Union as modern (roughly 70%), united (60%), likeable (almost 50%), peaceful (slightly above 40%). Yet already in 2012 almost 30% of respondents described it as hypocritical and less than 20% as aggressive.

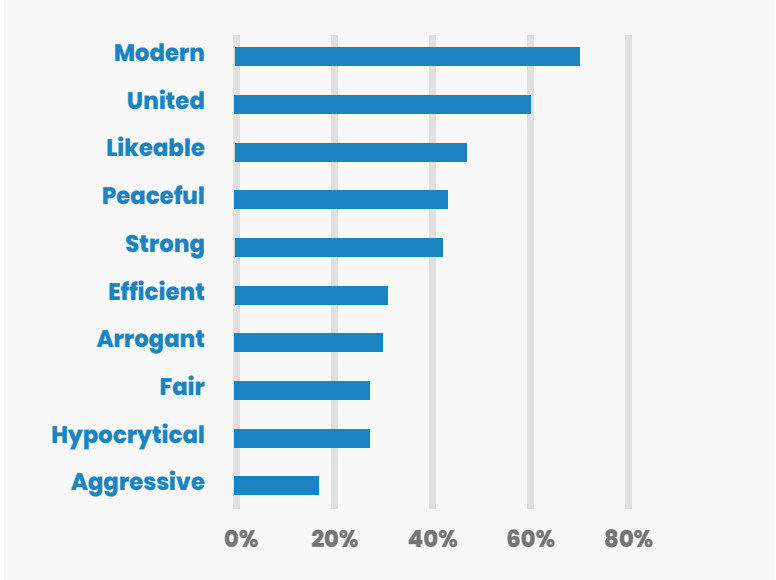


Figure 1. The Russian public's perceptions of the European Union in 2012 (source: Chaban et. al., 2017: 14)

The data reversed after 2014, with almost 50% of the respondents now willing to describe the European Union as hypocritical, almost 40% as arrogant, and very few (less than 10%) willing to describe it as either trustworthy, peaceful, or united.

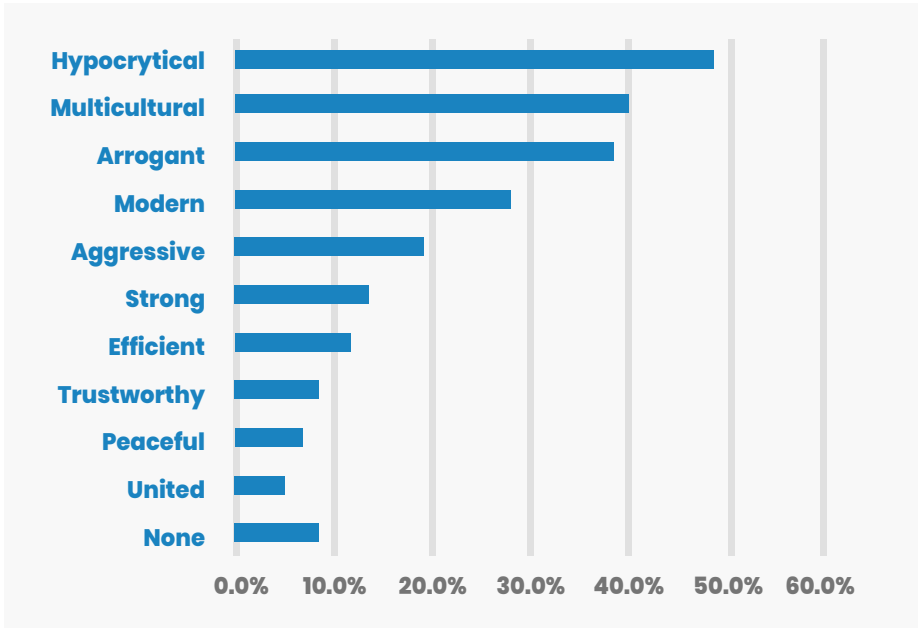


Figure 2. The Russian public's perceptions of the European Union in 2015 (source: Chaban et. al., 2017: 14).

A possible explanation for this trend may be that Europe has imposed economic sanctions on Russia over its annexation of Crimea. Yet as we have seen the data show that Russian leadership's uneasiness about Europe predates the outbreak of the conflict in Ukraine. Another interpretation seems plausible. At a moment where many, in Ukraine, advocated getting closer to the European Union and farther from Russia, it became necessary, for the Russian leadership, to convince the Russian public that the EU is not an attractive alternative.

Hence the need to portray the EU as divided and politically weak, unable to cope with the growing flow of immigrants, crippled by economic problems and social tensions. The theme of the failure of multiculturalism, both in Europe and in the US, is typically pitted against a positive image of Russia as a strong country, able to assert itself against terrorists and migration flows, and to preserve its unique culture. This narrative suggests that for the Russian leadership having wealthy, successful democratic countries near its borders would pose a major problem.

Again, the evidence is indirect, but it seems at least preliminary plausible that, for the Russian leadership, quashing the democratic aspirations of its neighboring countries was a preventive-diversionary move.

CONCLUSION

In this chapter, I have reviewed competing explanations of Russian behavior toward Ukraine. Although all have merits, I have argued that the most convincing explanation is a preventive-diversionary theory. Authoritarian leaders may try to prevent neighbor countries from democratizing, or from joining a community of democratic states because they perceive that having democracies near their borders would threaten their legitimacy.

During the Cold War many people fled permanently from East to West Germany attracted by the higher standards of living and more tolerant democratic institutions. This was the main reason behind the Berlin crisis of 1958–1961 which culminated with building of the Berlin Wall. And Lerner (2008) has provided evidence that the repression of the Prague Spring was in part related to a perception that the Czechs were becoming fascinated by Western ideas and its market culture. Russian behavior today can be seen, by and large, as the continuation of the same historical trend.

To the degree that NATO's expansion irked the Russian leaders, halting the expansion can serve to improve the relations between Russia, on the one hand, and the EU and the West, on the other. But if the conflict largely hinges (and I submit that it does) on the Russian leadership feeling threatened by European democratic institutions, a military solution can improve the situation only up to a point.

Russian media will arguably continue to represent the EU as a decadent and weak, but also, hypocritical and malevolent actor. Russia's meddling with democratic process and elections in the West will probably continue, too; it's seen as a response to the perceived meddling of Western institutions and NGOs which "threatens" the current Russian leadership. Short of a regime change in Russia, there appears to be no easy solution to improve Europe–Russian relations.

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CHANGE OR PERISH: THE DESTINY OF THE EU IN A VOLATILE GLOBAL POLITICAL SYSTEM

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Abstract: This chapter discusses the current trends of EU actions in the global political system. On the one hand, the EU is impacted by its member states' preferences and objectives. On the other, EU institutions have contributed to Europeanising several policy fields. It is here sustained that this uncertain balance is more visible when it comes to the EU's perception as an actor at the global level. Three main factors can be used for better understanding such a perception: firstly, the failure to efficaciously manage regional crises, like migration and refugees' movements in the Mediterranean; secondly, the decline in the deployment of its missions, and thirdly, the increasing distrust of its member states, which brought to Brexit. Despite its weakness, the piece maintains that cooperation is always the most rational choice. The EU should, however, be transformed, leaving excessively ambitious goals aside and trying to revitalize actual and achievable projects by applying all the lessons learned.

Keywords: *EU, security, solidarity, populism, adaptation*

These are difficult times for the European Union (EU). A series of relevant political processes, economic trends, social phenomena, and global crises are challenging the fundamentals of the integration project and its capacity to resist. According to dominant opinions almost everywhere, the idea of the integration itself is at risk. Unions are crumbly, as it is well known. They require the will of all parts to accommodate different preferences and objectives, to identify common goals and practices, to share interests and to finally understand that cooperation is a collective benefit which allows members to decrease costs and improve resources. During some historical periods, this happened in an easier and more productive way, such as all the times the Treaty has been discussed and reformed, especially in those international contexts in which multilateral policies prevailed, together with the need to strengthen peace and security along borders. It happened again in 2001, after the terrorist attacks of 9/11, when the EU decided to shape its security culture, as it was described in the European Security Strategy, issued by Javier Solana¹. It looks more difficult in the present period, marked by the renewed return to sovereignty, global populist trends, and closeness.

On the one hand, the EU is composed of its member states and is essentially the result of them. If global crises impact the political changes inside member states, this obviously affects the EU's performance as a whole. On the other, one can observe that member states have contributed to grow and nurture the spirit of the Union, and that the socialization processes which have produced policies and practices have a European dimension. As a result, communitarian institutions have reached an extremely high level of sophistication and independence, with several policy issues having been almost entirely Europeanised.

¹ Council of the European Union. *A Secure Europe in a Better World. European Security Strategy. December 2003.*

This uncertain dimension is even more visible when it comes to the EU's perception as an actor at the global level, squeezed between its unquestionable strengths and potentialities and its massive signs of weakness.

As stated in the EUGS², since its beginning, the European integration project has been aimed at bringing peace and prosperity to the region and keeping war and conflicts far away from it. Over 60 years, the project has become even more ambitious, enlarged to the creation of a common foreign policy and defence, an increased commitment towards humanitarian aid, and more transparent support for civil society. Today the EU is the biggest and most powerful group of democratic, rich and developed countries. It is the world's largest single market with more than 500 million consumers and it is the biggest export market too, being open to 80 countries. Since 2002, the European Union has deployed more than 30 civilian and military missions in three continents (Europe, Africa and Asia). The EU is the largest provider of aid to developing countries, has established a Civil Protection Mechanism to monitor disasters and support people, and regularly deploys Election Observation Missions to supplement transition countries along their path to democracy.

However, the aspiration to bring peace and prosperity even outside its borders, firstly along its neighbourhood and secondly all over the world, in addition to the dream of appeasing populations exposed to poverty, deprivation, and violence, has pushed the EU towards the creation of a complicated political and bureaucratic system which, over the years, has revealed some inefficiencies.

As most recent events have demonstrated, the global actorness of the EU has been dramatically reduced. Three main factors are paradigmatic of such reductions: firstly, the failure to efficaciously manage regional crises, like migration and refugees movements in the Mediterranean and along the Balkans; secondly, the decline in the deployment of its missions, and thirdly, the increasing distrust of its member states, which had its most visible peak in the Brexit affair.

Massive amounts of people who cross the sea to escape conflicts and look for a better life have inevitably involved coastal States and pushed them to boost their responsibilities, but also required the development of new capabilities and the update of existing rules and practices on the part of the EU.

Since 2014, some Non-Governmental Organizations have started to carry out Search and Rescue (SAR) operations in the Mediterranean, thereby alleviating the humanitarian emergency and rescuing people. In the spring of 2017, they reached about 100,000 rescues³. The Mediterranean has become a space in which several actors, governmental and non-governmental, have tried to face the most visible and upsetting effects of the crisis by fulfilling different responsibilities and with various levels of commitment and legitimacy. The most striking effect was the visibly weak performances of the EUNAVFOR Med mission.

² Council of the European Union. *Shared Vision, Common Action: A Stronger Europe. A Global Strategy for the EU's Foreign and Security Policy*. June 2016.

³ Maritime Rescue Coordination Centre Rome (2018), *Rapporto Annuale 2017 – Attività SAR nel Mediterraneo Centrale*, in <http://www.guardiacostiera.gov.it/stampa/Documents/Annual%20Report%202017%206%20Reparto.pdf> accessed on 10 August 2018].

The burden of ethical, legal and political arguments in favour or against non-governmental SAR operations has contributed to emphasising the lack of a common strategy and, more importantly, the absence of any collective solidarity. Finally and worse, this also raised more concerns on the relations with Turkey and Libya and the danger of violations of human rights and liberties.

As for the first one, the so-called Refugee Facility has been celebrated as a way to manage the emergency and prevent additional implications. The need to keep the Balkan route calm and safe and to satisfy the complains made by Member states located in that area are balanced with the one to monitor whether Syrian refugees are suitably treated, in accordance with basic principles of human rights protection.

As for Libya, the main concern deals with the fact that West and North African countries are already turned into favourite transit hubs for a variety of illicit activities, including human beings, drugs, and arms trafficking. The worrying increase is mainly due to the large scale of profits brought by high demand, yet it is facilitated by the lack of any local countermeasures and or prevention programs. The presence of illicit trafficking and transnational criminal organizations fuels conflicts and insecurity in the area which does not help the management of migrants' and refugees' flows.

Migration issues are demonstrating that the rules and procedures the EU has established in the past for facing asylum and economic migration issues do not adapt to the global and regional trends. In principle, member states should have all the tools and capacities which are required in this field, but in practice, they fail to be part of a comprehensive strategy which manages both internal and external aspects of the issue. The lack of any solidarity in this approach and the incapacity to find common positions is now the mirror of a broader political disagreement on how to cope with various issues and which also impacts the EU commitment outside its borders. As previously said, the EU has deployed several missions in different continents. The EUGS has reaffirmed the need to adapt to the changes in global and regional security and particularly, to understand the rising of more hybrid threats. In a recent study commissioned by the European Parliament, hybridity threats are defined, by using Hofmann, as a *'full range of different modes of warfare including conventional capabilities, irregular tactics and formations, terrorist acts including indiscriminate violence and coercion, and criminal disorder. Hybrid wars can be conducted by both states and a variety of non-state-actors'*⁴.

If the hybridity dimension is perceived as the new normal, it then impacts tools and response policies to cope with them also⁵. Crises – whatever natural and geographical dimensions they may have – are transboundary, as they affect multiple dimensions and require the development of capabilities and tools which involve various actors and competences. The EU foreign policy, that is to say, the co-existence of European, multilateral and bilateral relations, has produced many overlaps and needs to be tailored to the different contexts and preferences as expressed by member states.

⁴ **F. Hoffman** (2007), *Conflict in the 21st Century; The Rise of Hybrid Wars*, Potomac Institute for Policy Studies.

⁵ **I. Facon, N. Mazzucchi, J. Patry** (2008), *Countering hybrid threats: EU and the Western Balkans case*, European Parliament's Sub-committee on Security and Defence, Brussels.

This means having convergent positions – or at least not too much divergent – in respect to the more relevant conflicts and crises (from Syria to Donbass) and towards the crucial political actors. At the same time, it seems necessary to re-focus on defence and re-discuss the role of missions. The establishment of Permanent Structured Cooperation on security and Defence (PESCO), a Treaty-based framework to deepen force cooperation among member states, has been presented as the last frontier of joint commitment to this on a regular basis, yet it is also analysed as a complicated system dependent on states' preferences and national goals⁶.

Clearly, the effective deployment of more than 30 missions, in all continents, and the expansion of the civilian dimension and the economic and social investments in peace- and state-building in several conflict zones represents a plethora of lessons learned which cannot simply be put aside. At the same time, the creation of a unique EU army is an ambitious project which has turned into a dream which cannot, in any way, diminish or change member states' prerogatives.

Therefore, the unique EU approach should be reconsidered and adapted, enhancing those lessons which can be reapplied and leaving aside excessively ambitious objectives.

The difficulty in expressing a convergent set of policies towards the rest of the world reflects a general fragmentation and uncertainty of European peoples which are partly misjudged and partly manipulated by current political elites.

The process, which culminated in Brexit, has been slow and multifaceted. Nationalism and Euroscepticism are recurrent phenomena which can represent a comfortable setting for protecting citizens in hard times and for facing a difficult crisis. As events in Europe are demonstrating, populist leaders are provided with good communication and mobilization capacities. Their language is proficient, convincing, and action-oriented⁷. In the long-term, however, they have no organizational abilities and are hence unable to produce practical responses.

European leaders are aware of the fact that they cannot manage the reality on their own. The Visegrad countries have demonstrated their inability to turn aggressive (although convincing) discourse into lasting policies and even a Brexit deal is far from being secured. Alas, there are several political and economic consequences – not exactly explained when the referendum was offered to the British voters – which will be handled in a very unclear way.

Migrants and refugees, security and defence, populism and mistrust are not different issues in a contested European agenda. They are rather similar manifestations of a world order which is rapidly changing – a world order which is focused on nationalism, sovereignty, closeness, and hybrid warfare, paradoxically demonstrating how the EU is different.

⁶ **S. Biscop** (2018), *European defence: give PESCO a chance*. *Survival*, 2018, 60(3), pp. 161-180; **N. Koenig**, **M. Walter-Franke** (2017), *France and Germany: spearheading a European security and defence union?* *Policy Paper*, 202.

⁷ **M. Freedon** (2017), *After the Brexit referendum: revisiting populism as an ideology*, 'Journal of Political Ideologies', 22(1), pp. 1-11.

Despite the clouds on the horizon and the current insecure and unpredictable times, the EU can survive following a process of adaption, particularly in those policy fields which are more sensitive and most difficult. Being an EU member can be stressful and expensive, but leaving the Union altogether is uncertain and similarly demanding.

The EU cannot be easily destroyed, yet it needs to be transformed, perhaps by becoming less ambitious. Political leaders need to identify and comprehend a motivation (or more than one) for making people understand that cooperation is always the less expensive and most rational choice. Ultimately, they must see it as the only tool for securing the neighbourhood and dialoguing with the rest of the global system.

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CONCLUDING REMARKS AND POLICY RECOMMENDATIONS

Slovenian Paneuropean Movement

The Slovenian Paneuropean movement has concluded the JOCICEF project, which ran from 1 September 2017 to 28 February 2019. During the project lifetime, we carried out all the planned activities, i. e. five international conferences, which were attended by 609 participants from 29 countries, and prepared a booklet with contributions by guest speakers. We hosted a total of 109 guest speakers from 25 countries, with whom we discussed the future of Europe, Euroscepticism and populisms, as well as the role of citizens in the European decision-making process.

With the project, we managed to bring the European policy-making process closer to citizens, raised awareness about how to become part of the process, drew up some scenarios of future development of the EU, explained the phenomenon of Euroscepticism and the role of populisms in further European integration. Citizens should be more actively involved in the decision-making process through mechanisms that are already available (discussions, petitions, consultation, etc.).

Along with this, policy makers should strive more actively to bring policies closer to citizens not only through media and social media, but particularly in the field, among the people. Citizens play an important role when it comes to European policy development and particularly the future path of the EU. The biggest threat for the EU is citizens' passiveness in creating policies (e.g. electoral abstinance), which gives power to populists.

The second biggest threat to the future of the EU are populisms and extreme political parties both on the left and right, whose goal is to weaken the European integration process and turn back towards closed-in nation states. We need to be aware that populists build on promises without a real basis. At the same time, they often incite negative Euroscepticism, meaning that they blame the EU for all the problems on the national level. The 2019 elections to the European Parliament will be crucial for the future of Europe. Therefore, high electoral participation and unbiased communication of EU policies are vital. Peace, prosperity and security are not public goods that can be taken for granted even in Europe—we have to work hard to maintain them every day.

The key messages of participants can be summarised as follows:

- Europe needs to remain an area of peace, security and political stability. This is the most important task of political decision makers. Their primary role is to preserve and foster the heritage of the founding fathers, who turned Europe into the most developed world region based on dialogue.

- Political decision makers need to approach citizens in their local areas, since social media and other communication channels can distort their information and messages. Policy makers should not be trapped in communication spirals of infighting on social media. Discussions about European policies and the future of Europe have to maintain dignity and be based on arguments, dialogue and respect for diversity of opinions and views.
- Regardless of citizens' trust towards EU institutions, they must strive to maintain communication with them and include them in their policy-making processes.
- Euroscepticism is not an answer to poor knowledge of European politics and policies or national problems. Politicians have the task of respecting the principle of subsidiarity and solve national problems at the national level. By transferring them to the European level, they do not get rid of the responsibility, but significantly contribute to a negative image of European institutions. European decisions are not and cannot always be exactly what citizens want, since the European decision-making framework is completely different than the national one.
- The biggest threat to the European project are populisms, which are on the rise across Europe. The most successful cure against populism are well informed citizens who cross-check the statements of populists and demand concrete solutions and development strategies.
- Citizens need to demand from decision makers clear answers to the challenges facing the EU. At the same time, we need to assume of our own share of responsibility by actively and constructively contributing proposals and solutions, and thus supporting the European decision-making process.

We are strongly committed to fulfill our (Pan)European mission, since we believe that a common European future can be achieved only through joint citizens' forces, built on intercultural dialogue, mutual understanding, respect and citizens' friendship.