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FACULTATEA DE ISTORIE ȘI ȘTIINȚE POLITICE**



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THE RESTITUTION LAWS AND POLAND'S MEMORY BATTLES

Florin ANGHEL*

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Abstract: This article seeks to identify the reasons behind Poland's decision to adopt a new law on the restitution of confiscated properties in 2021, although another law already stipulated the historical conditions for addressing the legacy of the Holocaust in 2018. The two laws were conceived on the premise that Nazi Germany bore almost exclusive responsibility for the Holocaust. The most recent law intended to regulate a segment of the valuable Warsaw real estate market which had been affected by numerous public scandals during the past two decades. Enacted on August 14, 2021, the new law blocked the former owners and their legal successors not only from recovering their former estates, but also from receiving rightful compensation. Legislators considered that the law had to conform to a 2015 ruling of the Constitutional Tribunal, which imposed limits on appeals against administrative decisions set between 10 and 30 years. Although the law concerns an administrative act, it also reflects the political disputes over the nation's historical memory and, in particular, one of the most tragic periods in the history of Poland: 1939-1945.

Keywords: Poland, Holocaust, Law of Restitution 2021, Jarosław Kaczyński, Law and Justice (PiS)



Rezumat: Articolul explică de ce Polonia a adoptat o nouă lege, după ce o alta din 2018 stipula deja termenii istorici ce pot fi utilizați pentru fenomenul Holocaustului. Responsabilitatea exclusivă a Germaniei naziste este tema publică fundamentală care reiese din argumentarea celor două legi. Pe de altă parte, legea privind restituirea proprietăților confiscate, adoptată în august 2021, are menirea de a reglementa juridic o parte a pieței imobiliare valoroase din Varșovia și care, nu de puține ori în ultimele două decenii, a provocat scandaluri publice. Legea restituirii proprietăților, intrată în vigoare la 14 august 2021, face posibilă introducerea unor reglementări care blochează nu numai revenirea imobilelor în sine, ci și despăgubirile pentru foștii proprietari și succesorii lor legali. Autorii Legii au considerat necesară alinierea la o decizie a Tribunalului Constituțional, care a stabilit în 2015 că ar trebui impusă o dată limită pentru orice contestație la o decizie administrativă. Prin urmare, Legea prevede o limită cuprinsă între 10 și 30 de ani, în funcție de caz. Chiar dacă se referă la un act administrativ, legea restituirii proprietăților este o parte importantă a disputelor politice referitoare la

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memoria istorică, în special a aceleia care se referă la perioada cea mai tragică din istoria Poloniei în secolul al XX-lea: 1939-1945.

Cuvinte cheie: Polonia, Holocaust, Legea privind Restituirea 2021, Jarosław Kaczyński, Partidul Lege și Justiție

I. Introduction

During the heated session of the Polish Parliament of August 12, 2021, the new Restitution Law received 309 votes in favor, no vote against and 120 abstentions.¹ President Andrzej Duda signed it into law two days later, despite strenuous protests issued by Israel and the United States.

This article seeks to identify the reasons behind Poland's decision to adopt this new law, after another law which already stipulated the historical conditions to address the Holocaust legacy was adopted in 2018. At their roots, the two laws were premised on the idea that Nazi Germany bore almost exclusively the responsibility for the Holocaust. The most recent law intended to regulate a segment of the valuable Warsaw real estate market which had been involved in numerous public scandals in the past two decades.

The Restitution Law, which refers almost exclusively to properties located in Warsaw, allows the Polish state to block former owners and their legal successors from recovering their properties and receiving due compensation. The legislators considered that the new law had to comply with a 2015 ruling of the Constitutional Tribunal, which imposed limits on appeals concerning administrative decisions. Indeed, the law allowed only appeals covering a period between 10 to 30 years, depending on the case. In 2001, a draft law that granted compensation for seized private property was approved by the Parliament but vetoed by the President Aleksander Kwaśniewski (in office during 1995-2005), a former communist minister before 1989. That comprehensive restitution bill granted claimants compensation of up to 50 percent of the value of the seized property.² Kwaśniewski claimed that the provision violated principles of social

¹ Maria Wilczek, "US and Israel Condemn Property Restitution Bill Passed by Polish Parliament," *Notes from Poland*, Krakow, 12.08.2021, <https://notesfrompoland.com/2021/08/12/us-and-israel-condemn-property-restitution-bill-passed-by-polish-parliament/>, accessed 13.09.2021.

² Michael Bazyler and Szymon Gostynski, "Restitution of Private Property in Postwar Poland: The Unfinished Legacy of the Second World War and Communism," *Loyola and Los Angeles International Comparative Law Review* 41, nr. 3 (2018): 278.

equality and that the large compensation payouts could hurt Poland's economic development. Instead, he urged owners to lodge their individual claims with the courts.³

In November 2016, *Pravo i Sprawiedliwość* (PiS), the conservative Law and Justice Party of Poland, proposed the creation of a special Verification Commission (*Komisja Weryfikacyjna*) mandated to investigate the legality of all decisions taken by public authorities and local government institutions in regard to the re-privatization of enterprises. Such enterprises had been created across Poland between the fall of the communist regime in 1989 and the PiS's victory in the parliamentary elections of October 2015. Created in March 2017 and chaired by Deputy Justice Minister Patryk Jaki, the nine-member parliamentary commission was able to revoke previous restitution decisions and send them back to the body that originally issued them for reconsideration. In June 2017, the Commission began its hearings, and the following month it already revoked two restitution decisions issued by the Warsaw municipal government.⁴ In October that year, the PiS government recognized the importance of restitution and addressed the issue by publishing a draft law which permitted some of the original owners and their families to make such claims. Notably, it excluded Holocaust survivors and their families from such claims.

Days before the elections for the European Parliament of May 26, 2019, PiS leader Jarosław Kaczyński stated that “Poland has no obligations resulting from the war, neither legally nor morally.”⁵ Interior Minister Joachim Brudziński insisted that as long as PiS is in power, not a single Polish zloty will be spent on compensation without justification, because “one must adhere firmly to the historic truth.”⁶ Prime Minister Mateusz Morawiecki opposed paying restitution to Jews who survived World War II: “If we reach a situation in which Poland pays compensation for World War II, it would be a victory for Hitler. As long as

³ Rebecca Klapper, “Poland Resisting Israel’s Call for Restitution for Jews During Holocaust,” *Newsweek*, 28.06.2021, <https://www.newsweek.com/poland-resisting-israels-call-restitution-jews-during-holocaust-1604709>, accessed 27.08.2021; Israel Hayom, “Poland One Step Closer to Adopting Controversial World War II Restitution Law,” 25.07.2021, <https://israelhayom.com/2021/07/25/poland-one-step-closer-to-adopting-controversial-wwii-restitution-law/>, accessed 26.08.2021.

⁴ Bazyler and Gostinski, “Restitution of Private Property,” 291.

⁵ Monika Sieradzka, “Poland and Israel at Odds over Holocaust Restitution,” *Deutsche Welle*, 13.05.2019, <https://dw.com/en/poland-and-israel-at-odds-over-holocaust-restitution/a-48724524>, accessed 27.08.2021.

⁶ Jo Harper, “Nationalized Jewish Property: Warsaw’s Restitution Problem,” *Deutsche Welle*, 27.01.2020, <https://www.dw.com/en/nationalized-jewish-property-warsaws-restitution-problem/a-52156875>, accessed 23.08.2021.

our party is in power it will not happen.”⁷ He added that “it would be an abuse of all of the basic principles of international law and would also be Hitler’s posthumous victory”.⁸

President Andrzej Duda’s statement, published by the official *Polska Agencja Prasowa* (PAP) the day after he promulgated the new law (August 15, 2021), explained that it aimed to protect current property owners from unexpectedly being disowned by the restitution claims, and stressed that it “will put an end to the insecurity felt when a flat or property bought in good faith can be taken away on the strength of a simple administrative decision”.⁹ Duda believed that with his signature “the era of legal chaos ends, the era of re-privatization mafias, the uncertainty of millions of Poles and the lack of respect for the basic rights of the citizens of our country [ends]”.¹⁰

In spite of these declarations, the new restitution law jeopardized the temporary and fragile peace which Poland and Israel were able to restore in 2018 after the adoption of the Holocaust Law in Warsaw. After the law’s promulgation, the Polish government found itself in an even more difficult position vis-à-vis its strategic partners in Jerusalem and Washington.

II. A Political Battle over Poland’s Memory: Poles and Jews

In a 2018 analysis of the reasons why the Polish Holocaust Law prohibited the use of the term “Polish extermination camps,” Anne Applebaum observed that the huge national and international political scandal generated by that law was but an “illiterate ‘debate’, with ‘more sordid results’.”¹¹ She further added: “the irony is that none of the protagonists of this story can actually remember World War II, or the terror that is brought to the Jews and to Poland. But that is

⁷ Ibid.

⁸ Gideon Taylor, “Debunking Myths about Calls for a Denationalization Law,” *World Jewish Restitution Organization*, 31.05.2019, <https://wjro.org.il/cms/assets/uploads/2019/07may-31-2019-wjro-op-ed-rzeczpospolita-english-translation.pdf>, accessed 20.08.2021.

⁹ Polska Agencja Prasowa, “Poland’s President Signed Property Restitution Amendments,” 15.08.2021, <https://pap.pl/node/929319>, accessed 20.08.2021.

¹⁰ David M. Herszenhorn, “Israel Recalls Top Diplomat from Poland Citing ‘Anti-Semitic’ Restitution Law,” *Politico*, 15.08.2021, <https://www.politico.eu/article/israel-diplomat-poland-anti-semitic-unethical-restitution-law/>, accessed 17.08.2021.

¹¹ Anne Applebaum, “The Absurdity of Poland’s Holocaust Law,” *Chicago Tribune*, 05.02.2018, <https://www.chicagotribune.com/opinion/commentary/ct-perspec-poland-nazis-death-camps-0206-20180205-story.html>, accessed 26.08.2021.

part of the explanation: As genuine memories of the horror recede, cartoon version of history, easily manipulated, have come to replace them.”¹²

Lavinia Stan, which studies transitional justice, recently wrote about the existence of “competing pasts” which assert themselves each time a regime or political power seeks to legitimize its policies or actions.¹³ In my view, this analytical framework applies to the competing jurisdictions of the memory of the Holocaust in Poland. That is, when analyzing the legacy of the Auschwitz-Birkenau concentration camps in the context of the 2018 law, the removal from the judicial application of the “Polish death camps” sparked an ample national debate and led to a heated international crisis.¹⁴

Where do the competing pasts come into play? To answer this question we must return to the signing of the additional Secret Protocol to the Ribbentrop-Molotov Pact on August 23, 1939. Days later, on September 1, 1939, Nazi troops invaded Poland, followed by the Red Army, on September 17. The Second Republic, whose independence was proclaimed by Józef Piłsudski on November 11, 1918, was divided by the two totalitarian states. Germany and the USSR also signed on September 28, 1939, at Brest-Litovsk a frontier treaty that enshrined the disappearance of Poland. After the President of the Republic, the government, the military leaders, and other 100,000 civilians and officials retreated to Romania on the night of September 17, 1939, Poland re-established a government in exile.¹⁵ First in France, then in London, this government functioned as the legal authority of Poland during World War II, in accordance with international law.

Between 1939 and 1945, the German-occupied Polish territory and the one annexed by the USSR endured one of the most terrible episodes of mass killings on the European continent that prompted Timothy Snyder to refer to this

¹² Applebaum, “The absurdity.” See also Lawrence Douglas, “The Political Battle over Poland’s Holocaust History,” *The Wall Street Journal*, 07.04. 2021, <https://www.wsj.com/articles/the-political-battle-over-polands-holocaust-history-11617803792>, accessed 22.08.2021.

¹³ Lavinia Stan, “The Problem of “Competing Pasts” in Transitional Justice,” *Annals of the “Ovidius” University of Constanța. Political Science Series* 10 (2021): 7-16.

¹⁴ Florin Anghel, “How to Deal with Lost Memory: Holocaust Remembrance Law in Poland (2018) between Politics and History,” *Annals of the “Ovidius” University of Constanța – Political Science Series* 8 (2019): 55-73.

¹⁵ On Polish refugees in Romania, 1939-1945, see *Polscy uchodźcy w Rumunii, 1939- 1947. Dokumenty z Narodowych Archiwów Rumunii*, 2 volumes, introduction by Florin Anghel (Warszawa: Instytut Pamięci Narodowej, 2013), 1576 p.; Florin Anghel, „Dictatura memoriei. Refugiați poloni în România (1939- 1945)”, *Revista istorică* 5-6 (2010): 409-431 and Florin Anghel, „Topografia memoriei exilului polon. Babadag, 1939-1940,” *Studii și materiale de istorie contemporană* XVII (2018): 191-206.

region as the “Bloodlands.”¹⁶ In the respective Polish territories occupied by the Nazis and the Soviets, extermination camps were set up to carry out an ample ethnic cleansing process. Snyder explains that between 1939 and 1945, the eastern territories of Poland were occupied successively by the Soviets, the Nazis, then the Soviets again, and starting in 1941, the most brutal massacres were perpetrated against Jews – massacres in which Lithuanians, Ukrainians, and Poles also took part not as victims.¹⁷ Analyzing Snyder’s work, Daniel Blatman wrote on the initiatives to reinterpret the Holocaust that:

“Attention to the internal violence that took place in these areas, with its murderous aspect – Poles murdering Jews, Ukrainian killing Poles, and vice versa – reveals that there were also patterns of violence and murder within ‘extinct landscape’, in the internal ecological systems of the societies and groups that, although all under the control of the genocidal regime, still found a way to engage in intergroup bloodshed.”¹⁸

Other historians provide a more nuanced view of the Poles’ relationship with the antisemitic historical memory of World War II. Jerzy Kochanowski writes that of the 3,400,000 Jews who lived in Poland in 1939, barely 300,000 survived, half of them in the territories occupied by the USSR; the remainder either went underground or returned from the extermination camps.¹⁹ Kochanowski agrees that the attitude of the Poles engaged in the Nazi operations perpetrated in the occupied territories was “condemnable” in so far as the “extermination of the Jews” was concerned. He draws attention to the actions perpetrated by the rural inhabitants, who collaborated with the Nazis and helped them apprehend the Jews who sought to flee those areas. The historian considers that the Polish

¹⁶ Timothy Snyder, *Bloodlands: Europe between Hitler and Stalin* (New York: Basic Books, 2010). A review by Neal Ascherson in “The Guardian,” 09.10.2010, in <https://www.theguardian.com/books/2010/oct/09/bloodlands-stalin-timothy-snyder-review>.

¹⁷ Timothy Snyder, “Echoes from the Killing Fields of the East,” *The Guardian*, 28.09.2010, <https://www.theguardian.com/commentisfree/cifamerica/2010/sep/27/secondworldwar-poland>, accessed 04.01.2022.

¹⁸ Daniel Blatman, “Beyond National Identities: New Challenges in Writing the History of the Holocaust in Poland and Israel,” in *New Directions in the History of the Jews in the Polish Lands*, ed. Anthony Polonsky, Hanna Węgrzynek and Andrzej Żbikowski (Boston: Academic Studies Press, 2018), 438.

¹⁹ Jerzy Kochanowski, “Les visages de l’occupation nazie en Pologne, 1939-1945: les expériences des Polonais. Le destin de la population juive,” *Guerres mondiales et conflits contemporains* 261, no. 1 (2016): 75-76.

peasants were not motivated by material reward, but rather acted out of fear of reprisals.²⁰

The reputed historian Norman Davies had some reservations regarding the claims of Yehuda Bauer, a significant Israeli historian of the Holocaust. In a 2019 interview given to a conservative Polish newspaper, Davies cited Bauer's very concise observation, formulated in 1974: “former perpetrators – Nazis (not Germans), victims – Jews, and witnesses – Poles.”²¹ However, in 2020, Davies argued that the term “liberation,” when utilized to describe the entry of the Soviet troops in Poland in 1939 and again in 1944, needs to be examined critically so that it also covers the relations between Poles and Jews in the *liberated* territories: “Auschwitz was chosen by Soviets as the showpiece of what they called the *crimes of fascism*.”²²

Anne Applebaum estimates that, after the war, only 10% of the 3.5 million Jews who lived within the borders of prewar Poland had survived. According to her, some 80,000 survivors came from Nazi-occupied Poland while the rest had spent the war in the USSR. In June 1946, around 220,000 Jews lived in postwar Poland – less than 1% of the entire population of the country which amounted to 24 million inhabitants at the time.²³

After the war, the Soviet occupation and the establishment of a communist regime put a stop to any discussion on Polish guilt in relation to the Holocaust. Applebaum did not think that “a more sensitive minefield existed in the history of the Jews from postwar Eastern Europe, and especially of the Jews from Poland.”²⁴ The political and scientific narrative advanced by the communist authorities held that Poland had been solely a victim of the war and bore no responsibility for what had happened on its territory during the period 1939-1945. In the aftermath of the war, Applebaum notes that Eastern Europeans and Jews participated in a *competing martyrology*. The former were resentful because the world knew about the Holocaust, but not about their own suffering at the hands of both the Nazis and the Soviets. Meanwhile, the latter considered

²⁰ Ibid., 95-97.

²¹ Magdalena Rigamonti, “Holokaust, polski antysemityzm... Rewelacje prof. Daviesa o zamkniętym spotkaniu w ambasadzie Izraela,” *Dziennik Gazeta Prawna*, 07.10.2019, <https://wiadomosci.dziennik.pl/opinie/artykuly/609563,norman-davies-historia-holokaust-zydzi-polacy-ii-wojna-swiatowa-niemcy-hitlerowcy.html>, accessed 04.01.2022.

²² Norman Davies, “Auschwitz and the So-Called Soviet Liberation of Poland,” *Notes from Poland*, Kraków, 26.01.2021, <https://notesfrompoland.com/2020/01/26/norman-davies-auschwitz-and-the-so-called-soviet-liberation-of-poland/>, accessed 04.01.2022.

²³ Anne Applebaum, *Cortina de fier. Represiunea sovietică în Europa de Est, 1945-1956* (București: Editura Litera, 2015), 211.

²⁴ Ibid., 208.

that any discussion about wartime suffering, outside of their very own, was depreciating their uniquely tragic experience.²⁵

In 2000, historian Jan Gross published *Neighbors*,²⁶ a book on the events of 1941, which detailed what happened in the village of Jedwabne, where Polish locals killed their Jewish neighbors. After its publication, the discussion about the relations between the Polish inhabitants living under occupation and the Jewish minority became increasingly extensive and intensive, even gaining expressly political connotations after 2015. A Polish commentator supportive of the government's efforts remarked that until the end of the 20th century, the Holocaust remained exclusively a German-perpetrated phenomenon in the historical literature and the mass media. At the start of the 21st century, discussions about the Polish role in the Holocaust emerged initially in the national context, and the debate expanded outside the country after the publication of Gross' texts. The debate was framed in such a way that the responsibility of other countries in the Holocaust was completely erased, and therefore Poland found itself suddenly the only culprit.²⁷

According to the Center for Public Opinion Research, 17% of Poles never heard of the matter described by Gross, although Polish involvement in the persecution of Jews had already been discussed by almost all Polish media for several months in 2001. Of those who heard of it, 11% thought that Gross's work was a mere provocation aimed at slandering Poland, 41% believed that it was the Germans who murdered the Jews, and only 6% were able to accept the cruel truth about Polish involvement in those events.²⁸

In an interview given to an Israeli paper in 2018, Gross explained that the alienation that affected Polish memory of the Holocaust and the Jewish community was unique in the world: “Has there ever been seen in the history of any country that 10 percent of its citizens have been murdered in such an extraordinarily brutal way and this is not part of the country's history?”²⁹ Gross further noted that the Poles had participated “actively” in the Holocaust

²⁵ Ibid., 209.

²⁶ In Romanian: Jan T.Gross, *Vecini: suprimarea comunității evreiești din Jedwabne, Polonia* (Iași: Editura Polirom, 2002).

²⁷ Eugeniusz Guz, “Polska obwiniana o Holokaust,” *Tygodnik Przegląd*, 03.04.2018, <https://tygodnikprzeglad.pl/polska-obwiniana-o-holokaust/>, accessed 23.09.2021.

²⁸ Alina Cală, *Jew. The Eternal Enemy? The History of Antisemitism in Poland* (Berlin: Peter Lang, 2018), 326.

²⁹ Vanessa Gera, “Poland is trying to ‘gag’ history, says Holocaust historian who triggered debate,” *The Times of Israel*, 28.03.2018, <https://www.timesofisrael.com/poland-trying-to-gag-history-says-holocaust-historian-who-triggered-debate/>, accessed 30.08.2021.

although in their collective memory “Auschwitz is a place of Polish martyrdom, a [death] camp where many non-Jews had been imprisoned and executed.”³⁰

Jan Grabowski, who in early 2021 was condemned by a Polish court for his writings on the basis of the Holocaust Law of 2018, also remarked in an interview for *The Algemeiner*, that “the idea that Jedwabne became an everyday reality in 1942 and 1943 is something that is absolutely unacceptable to Polish society.”³¹ In another interview offered in 2021, Grabowski pointed out that Poland had “an official version of history” which was “optimistic.” According to it, Poles saved Jews during World War II.³² In his words, “history, and especially the one concerning World War II, represents a main concern for the nationalists who are in power, since it also happens to be the main topic of interest for their electorate.”³³

The conservative PiS government adopted the political decision around the Restitution Law in the context of a major attitude shift in the Polish society about the Holocaust, in general, and Auschwitz, in particular. The results of a survey conducted in 2020 and coordinated by sociologist Marek Kucia confirm the reasons behind these political initiatives. When asked with what they most associated Auschwitz, half of the respondents said “the martyrdom of the Polish nation,” followed by “the destruction of the Jews” (42.6%).³⁴ Kucia noted that a decade earlier more Poles associated Auschwitz with the destruction of Jews than with Polish martyrdom. He ascribed this attitude shift to the influence of the political narrative that recently underscored the notion that the Poles were victims of the war.³⁵

In this context, the 2021 law on the restitution of confiscated properties in Warsaw reopened older wounds that negatively affected the relation between Poles, Jews, the Holocaust and World War II, and sparked a debate over the

³⁰ Jan Tomasz Gross, “Des Polonais ont participé activement à la Shoah,” *La Croix*, 25.01.2020, <https://www.la-croix.com/France/Jan-Tomasz-Gross-Polonais-participe-activement-Shoah-2020-01-25-1201074050>, accessed 23.09.2021.

³¹ Ben Cohen, “This is Unprecedented: Leading Holocaust Experts Weigh in on Polish State’s Campaign to Rewrite History of World War II,” *The Algemeiner*, 24.08.2021, <https://www.algemeiner.com/2021/08/24/this-is-unprecedented-leading-holocaust-scholars-discuss-polish-states-campaign-to-rewrite-history-of-world-war-ii/>, accessed 31.08.2021.

³² La Rotonde, “Pologne, responsabilité et Shoah: le peretuel débat,” 21.02.2021, <https://www.larotonde.ca/responsabilite-holocauste-pologne-colere/>, accessed 18.09.2021.

³³ Ibid.

³⁴ Daniel Tilles, “Poles See Auschwitz Primarily as Site of Polish Martyrdom not Jewish Suffering,” *Notes from Poland*, Kraków, 05.02.2020, <https://notesfrompoland.com/2020/02/05/poles-see-auschwitz-primarily-as-site-of-polish-martyrdom-not-jewish-suffering-finds-study/>, accessed 22.08.2021.

³⁵ Ibid.

accusation that the Polish conservative government was rewriting history. The law was a byproduct of the unique historical context that shaped Poland after World War II and during the first years of communist rule. As a result of war losses and redrawing of borders, Poland's population dropped to 24 million people, that is, 30% less than in 1939.³⁶ Furthermore, after the Holocaust, Jewish life all but disappeared from Poland, and, especially, from Warsaw.³⁷

In several writings, Timothy Snyder insisted that when Poland disappeared as a country (1939), the state sought to transfer its Jewish population (some 3.5 million people) to the island of Madagascar, a French colony at the time. The idea of sending Polish citizens to Madagascar was first raised in 1926, when it was touted as a solution to the emigration of Polish peasants from the overpopulated countryside. According to Snyder, a decade later, after Pilsudski's death, the idea was resurrected. Józef Beck proposed the emigration of Polish Jews to Madagascar to the French Prime Minister Léon Blum in October 1936.³⁸ In 2018, Snyder warned that “the history of the Holocaust and the genocides of the 1930s and 1940s must remain alive so we can grasp the challenges facing us today. When we speak of memory, it seems to us that we know everything and that we were on the right side.”³⁹

Thus, Poland's relation with its historical memory and memory places remains uneasy. The disappearance of the state in September 1939, coupled with the destructions provoked by Nazi Germany and the USSR, irreversibly affected the state's capacity to both relate to its past and identify future options. Even today, major resentment persists within the Polish society toward the German and Russian states, regimes, and societies. Being so complicated and riddled with emotion, the memory of the relation between the Poles and the Jewish community, and especially as concerns the millions of Jewish Poles who died in the Holocaust, is an exhausting exercise for the Polish society today. A politically rewritten past is accepted, while reckoning with the real past and atoning for major historical misdeeds appear to be too overwhelming to

³⁶ Filip Musiał, “Stalinism in Poland,” *The Person and the Challenges* 9, no. 2 (2019): 13.

³⁷ Geneviève Zubrzycki, “The Politics of Jewish Absence in Contemporary Poland,” *Journal of Contemporary History* 52, no. 2 (2017): 250.

³⁸ Timothy Snyder, “When Poland Eyed Madagascar as a Future Homeland for Jews,” *Toronto Star*, 19.09.2015, <https://www.thestar.com/news/insight/2015/09/19/when-poland-eyed-madagascar-as-a-future-homeland-for-jews.html>, accessed 20.08.2021.

³⁹ FNP (Fundacja na rzecz Nauki Polskiej), “*History is always a warning*: interview with Prof. Timothy Snyder, 2018 Foundation for Polish Science Prize laureate,” 09.01.2019, <https://www.fnp.org.pl/en/historia-jest-zawsze-ostrzezeniem-wywiad-z-prof-timothym-snyderem-laureatem-nagrody-fnp-2018/>, accessed 20.08.2021.

address. In this context, some political leaders are taking advantage of this morally existential dilemma, obstructing any attempt to honestly and meaningfully reckon with the past.

III. The 1945 Decree and the Rewriting of History

After the Red Army occupied Poland in 1944-1945, power was transferred from the London-based government in exile that enjoyed internationally recognition to the one controlled by Moscow and the communists. Afterwards, the Polish communist authorities dutifully sought to install a totalitarian regime. Unlike the other Soviet-occupied capitals of Central and Eastern Europe (except Berlin), Warsaw was distinctly marked by the war, as more than 90% of it was completely destroyed. Its inhabitants were killed or had fled the city in order to survive. Given these circumstances, the Polish communist leaders felt compelled to take measures which, in many ways, anticipated the initiatives implemented in other countries of the region.

The Decree of 26 October 1945 on the Ownership and Usufruct of Land in the Capital of Warsaw, known as the “Bierut Decree” after the name of the communist leader who initiated it, transferred ownership of all property within the prewar boundaries of Warsaw to the municipality. Bolesław Bierut (1892-1956) led the United Workers’ Party in 1944-1956 and served as prime minister in 1952-1954 and head of state in 1947-1956.⁴⁰ He was the Polish communist leader closest to Joseph Stalin, joining him during the Potsdam Conference where the United States, the United Kingdom, and the USSR committed themselves to rebuilding the postwar world.

Under Article 7 of the 1945 Decree, former property owners had the right to apply for perpetual usufruct, a 99-year lease on the newly nationalized land or on another plot of land of comparable size. If the municipality dismissed the application for perpetual usufruct, ownership of the buildings found on the land was transferred to the municipality and, then, to the State Treasury.⁴¹ For

⁴⁰ A recent monograph is Piotr Lipiński, *Bierut. Kiedy partya była bogiem* (Warszawa: Wydawnictwo Czarne, 2017). For an analysis of Bierut’s actions and ideology, see Michał Jan Bednarczyk, “Cały kraj serdecznie wita swego pierwszego obywatela”. Przebieg obchodów 60. rocznicy urodzin Bolesława Bieruta na łamach “Trybuny Ludu,” in *Annales Universitatis Mariae Curie-Skłodowska* LXIX, 1-2 (2014): 49-74.

⁴¹ Michael J. Bazylar, Kathryn Lee Boyd, Kristen L. Nelson and Rajika L. Shah, *Searching for Justice after Holocaust Fulfilling the Terezin Declaration and Immovable Property Restitution* (New York:

Katarzyna J. McNaughton, the Decree sought to rebuild the Polish capital, which had been substantially destroyed during the war.⁴² She writes that according to official documents published by the Warsaw City Hall in 2016, former property owners whose property was nationalized by the Decree between 1947 and 1949 filed 17,000 applications to seek temporary ownership. A majority of these petitioners were rejected or are still waiting to receive administrative decisions.⁴³

Michael Bazyler and Szymon Gostynski argue that in the case of Polish Jews, the impact of the immediate postwar legislation, including the Bierut Decree, was limited because 90% of the Polish Jewry had already perished during the Holocaust. After the war, many Jewish survivors left the country never to return and those who stayed were often threatened if they attempted to recover their property.⁴⁴ In Warsaw, many former property owners died in the war, but no official records confirmed their death.⁴⁵ After 1989, third parties who wanted to take illegal ownership of properties in Warsaw had only to ask the courts to recognize them as the legal guardians of the rightful owners.⁴⁶

In recent years, some individual property owners from Warsaw have successfully claimed damages for the loss of property without having to challenge decisions made pursuant to the Bierut Decree. On June 25, 2015, Parliament amended the Law on Real Estate Management and the Family and Guardianship Code, known as the Small Reprivatization Law, to make it even more difficult to return property that was once seized under the Bierut Decree.⁴⁷

In a 2021 article, Aron Mor, founder of the Working Group for the Restitution of Jewish property, pointed out that on the eve of World War II, the value of Jewish property in Poland was second to Germany in Europe, followed by the Czech Republic, Hungary, and Romania.⁴⁸ One quarter of all Jewish

Oxford University Press, 2019), 327-328; Mirosława Pytlewska-Smółka, “Restytucja mienia objętego działaniem tzw. dekretu Bieruta z 26 października 1945 r. w świetle działań Komisji do spraw reprivatyzacji nieruchomości warszawskich,” *Radca Prawy. Zeszyty Naukowe* 3 (2018): 61-84.

⁴² Katarzyna J. McNaughton, “The Problem of Property Reprivatization in Warsaw,” *Loyola and Los Angeles International and Comparative Law Review* 41, no. 3 (2018): 447.

⁴³ McNaughton, “The Problem of Property Reprivatization in Warsaw,” 447.

⁴⁴ Bazyler and Gostynski, “Restitution of Private Property,” 276.

⁴⁵ McNaughton, “The Problem of Property Reprivatization in Warsaw,” 454.

⁴⁶ *Ibid.*

⁴⁷ Bazyler et al., “Searching for Justice,” 328.

⁴⁸ Aron Mor, “What’s the Solution to the Israel-Poland Crisis on Restitution?,” *Jerusalem Post*, 08.09.2021, <https://www.jpost.com/opinion/whats-the-solution-to-the-israel-poland-crisis-on-restitution-opinion-678952>, accessed 08.10.2021.

property in Europe was located in Poland, with an estimated value of around 3 to 4 billion dollars (in 1938 price rates). To date, Poland has return only 2% to 3% of the property.⁴⁹

A legislative measure concerning the Warsaw properties confiscated in 1945 is imperative. Such an initiative is all the more important when considering that after 1989, Poland failed to adopt a law on the restitution of properties nationalized by the communist regime.⁵⁰ A significant percentage of the estates which were the object of the Bierut Decree belonged to the Warsaw Jews. Yet because the original owners died in the Holocaust or afterwards and then a totalitarian regime was imposed on Poland, any restitution demands were rendered impossible. In some cases, no survivors were left among the immediate or extended family members, and no original documentation could be found. In sum, restitution or compensation proved difficult and cumbersome.

As Joanna Tokarska-Bakir explains, at the end of the war, most Poles associated communism with the Jewish community⁵¹ so much so that even after the Kielce pogrom of July 4, 1946, ordinary people who attended a rally in Deblin chanted: “We want democracy but without Jews!”⁵² While the Kielce pogrom was not the first of its kind, it was the bloodiest and reflected stereotypes deeply entrenched in a society devastated both materially and spiritually by the horrors of the war and occupation: the Jews were to blame. Similar attitudes returned in 1968, when 13,000 Jewish Poles lost their citizenship and were expelled out of Poland.⁵³ True, the current Polish government took a public stand on these historical traumas. President Andrzej Duda issued an apology to the Jews expelled in 1968, but in the same speech he also stressed that “the free and independent Poland of today, my generation, is not responsible and does not need to apologize.”⁵⁴

⁴⁹ Ibid.

⁵⁰ Matthias Barelkowski and Claudia Kraft, “La Pologne et les biens allemands et juifs après 1945”, *Revue d'Histoire Moderne et Contemporaine* 61, no. 1 (2014): 62-96; Frances Millard, *Transitional Justice in Poland. Memory and the Politics of the Past* (London: Bloomsbury, 2021).

⁵¹ Joanna Tokarska-Bakir, *Pogrom Cries – Essays on Polish-Jewish History, 1939-1946* (Berlin: Peter Lang, 2019), 228.

⁵² Ibid., 242.

⁵³ Manfred Gerstenfeld, *Israel Must Remain Vigilant in Its Relations with Poland*, BESA – The Begin-Sadat Center for Strategic Studies, Bar-Ilan University, 01.09.2019, <https://besacenter.org/israel-relations-poland/>, accessed 23.08.2021.

⁵⁴ BBC, “Poland’s Andrzej Duda apologises to Jews expelled in 1968,” 08.03.2018, <https://www.bbc.com/news/world-europe-43330963>, accessed 23.08.2021.

Asked in 2018 how he would characterize the antisemitic events of the spring of 1968, Adam Michnik replied: “dry pogrom.” He specified that “the term ‘dry pogrom’ means that businesses were not vandalized, because there were no Jewish businesses at this time, and Jews at the universities were not physically attacked because the academic milieu was ‘anti’ anti-Semitism.”⁵⁵ In Dariusz Stola’s view, the pogrom of 1968 reflected symbolic aggression towards groups that belong to historically hostile camps.⁵⁶

After 1989, the relation between Poles and the Jews developed in ebbs and flows: if immediately after the collapse of communism, the wounds left by antisemitism could be openly discussed and analyzed, after Gross published his groundbreaking work in 2000, the relation was politicized and instrumentalized into an international polemic. The conversation was driven by Poland’s two most important strategic allies: the United States and Israel. In a speech delivered in the Central Synagogue of New York in 1991, Adam Michnik defined antisemitism as “a form of antiPolishness.”⁵⁷ He explained further: “Poland is a country without Jews, and so, whenever antisemitic opinions make themselves heard, they are not the real topic of discussion, instead the existence or non-existence of a Polish democracy becomes the main concern that needs to be addressed.”⁵⁸

In her history of antisemitism in Poland, Alina Cala wrote that after 1989 “the Antisemitic discourse functioned on the periphery of historical research as a separate (and critically reviewed) phenomenon.”⁵⁹ During the 1990s, other post-communist states such as Romania were able to recover a detailed image of the past with the aid of historiography and cultural memory, denouncing all the public figures which promoted racial hate in the interwar period. Amongst them, one could mention: Ion Antonescu, Vintilă Horia, Radu Gyr, Nichifor Crainic, Mircea Vulcănescu.

Three aspects distinguish themselves in the public discourse centered on this issue. On October 18, 1995, during an official meeting held at the Institute for Polish-Jewish Studies in London, Foreign Minister Władysław Bartoszewski

⁵⁵ The Center for Slavic, Eurasian and East European Studies, “A Conversation with Adam Michnik,” University of North Carolina, Chapel Hill, 03.10.2018, <https://cseecs.unc.edu/a-conversation-with-adam-michnik>, accessed 30.08.2021.

⁵⁶ Dariusz Stola, “Anti-Zionism as a Multipurpose Policy Instrument: The Anti-Zionist Campaign in Poland, 1967-1968,” *Journal of Israeli History* 25, no. 1 (2006): 175.

⁵⁷ Adam Michnik, „Polonia și evreii,” in Adam Michnik, *Restaurația de catifea* (Iași: Editura Polirom, 2001), 93.

⁵⁸ *Ibid.*, 91.

⁵⁹ Cala, *Jew. The Eternal Enemy*, 326.

declared that “after the First World the Jews contributed greatly to the development of many aspects of life in independent Poland and, in particular, in culture, the media and the professions – for example 56 per cent of doctors, 43 per cent of teachers, 33 per cent of lawyers and 22 per cent of journalists were Jewish.”⁶⁰ Two decades later, in June 2016, Foreign Minister Witold Waszczykowski told his Israeli counterpart during an official visit to Israel that “Poland was severely ravaged during World War II. Its borders changed dramatically, which, in turn, resulted in mass resettlement of populations living on Poland’s territory. That also affected the question of property and ownership. Restitution should not be regarded as an element of international politics. Nor should it be seen as a problem in Polish-Jewish relations.”⁶¹ By saying this, Waszczykowski defended the reasoning behind the law on the restitution of properties confiscated during the Holocaust and through the 1945 Decree.

After the Restitution Law was promulgated, Deputy Minister of Foreign Affairs Paweł Jąbłoński was keen to stress that Poland had entered a new stage in reconciling its relation to the Jewish past. In an interview given to the public radio station *Polskie Radio III* on August 16, 2021, Jąbłoński pointed out that “gone are the days when Poles harmed Jews without a response.”⁶²

IV. What’s Next: Poland’s Future with Israel and USA

A new law regulating the restitution of the properties confiscated by the 1945 Decree had long been envisioned by the conservative PiS. It was of great importance for Israel as well, since the law promulgated by President Andrzej Duda on August 14, 2021 referred to all the properties confiscated in 1945, without differentiating between Jewish and non-Jewish owners. This is precisely why the ensuing diplomatic scandal between Poland and Israel was not anticipated and, as such, was inadequately addressed. Poland is a key ally of Israel in the European Union and in all other international fora. Piotr Buras

⁶⁰ Władysław Bartoszewski, “Polish-Jewish Relations in the New Poland,” *European Judaism: A Journal for the New Europe* 30, no. 1 (1997): 87.

⁶¹ Bazyler and Gostynski, “Restitution of Private Property,” 303.

⁶² Tzvi Joffe, “Poland “Reexamining” Israeli Student Trips to Concentration Camps,” *Jerusalem Post*, 16.08.2021, <https://www.jpost.com/diaspora/poland-reexamining-israeli-student-trips-to-concentration-camps-676875>, accessed 18.08.2021.

considers that these legislative measures indicate the complexity of Poland's loss of direction in foreign policy.⁶³

Some analysts have linked the unusual situation involving Poland, a loyal ally of Israel in Europe, to the personal views of the family of Yair Lapid, Israeli Foreign Minister. Note that one of his grandmothers who was deported to Auschwitz lived in Poland,⁶⁴ while his father was a Holocaust survivor who lived in Hungary during World War II.⁶⁵ In 2014, Lapid said that “the Holocaust defined my father, and through him, it defined who I am.”⁶⁶ In 2018, Lapid, then leader of the opposition in Israel, made a series of assertions that were squarely rejected by prominent Holocaust scholars. Some of his claims focused on Poland's role in the Holocaust: “There were Polish death camps and no law can ever change that”; Poland “was a partner in the Holocaust”; and “Hundreds of thousands of Jews were murdered without ever meeting a German.”⁶⁷

The media reported the critical comments of the Israeli Foreign Minister, who stressed that:

“It is a horrific injustice and disgrace that harms the rights of Holocaust survivors, their heirs, and members of the Jewish communities that existed in Poland for hundreds of years”; “The State of Israel will stand as a wall of protection in defence of the memory of the Holocaust, as well as to defend the honor of Holocaust survivors and their property.”⁶⁸

⁶³ Piotr Buras, “How Poland Lost Its Foreign Policy Compass,” *BalkanInsight*, 29.06.2021, <https://balkaninsight.com/2021/06/29/how-poland-lost-its-foreign-policy-compass/>, accessed 01.09.2021.

⁶⁴ Olivier Bault, “Restitution of Property: Tempers Flare between Israel and Poland,” *Visegrad Post*, 23.08.2021, <https://visegradpost.com/en/2021/08/23/restitution-of-property-tempers-flare-between-israel-and-poland/>, accessed 01.09.2021. The article was promptly published in pro-government Hungarian media, Magyar Nemzet, “Restitution des biens: le ton monte entre Israël et la Pologne,” 23.08.2021, <https://magyarnemzet.hu/VisegradPost-fr/2021/08/65906-restitution-des-biens-le-ton-monte-entre-israel-et-la-pologne>, accessed 01.09.2021.

⁶⁵ Cnaan Liphshiz, “Yair Lapid Says the Holocaust ‘Defined’ Him. That’s Adding Fuel to the Fire in Israel-Poland Relations,” *Jewish Telegraphic Agency*, 25.08.2021, <https://jta.org/2021/08/25/global/yair-lapid-says-the-holocaust-defined-him-thats-adding-fuel-to-the-fire-in-israel-poland-relations>, accessed 01.09.2021.

⁶⁶ Ibid.

⁶⁷ Onet Wiadomości, “Izraelski polityk ostro: antysemita patrzy, co robi polski rząd: zauważają OK, to nam daje zielone światło,” 09.05.2019, <https://wiadomosci.onet.pl/tylko-w-onecie/izraelski-polityk-ostro-antysemita-patrzy-co-robi-polski-rzad-i-zauwazaja-ok-to-nam/wvsnvck>, accessed 02.09.2021.

⁶⁸ Amy Spiro, “Israel Slams New Polish Holocaust Law as ‘Immoral’ and ‘a Disgrace’,” *The Times of Israel*, 25.06.2021, <https://timesofisrael.com/israel-slams-new-polish-holocaust-law-as-immoral-and-a-disgrace/>, accessed 15.08.2021.

On August 11, 2021, Lapid tweeted “I condemn the Polish law that damages the memory of the Holocaust and the rights of its victims,”⁶⁹ while on August 14 he wrote “Poland approved – not for the first time – an anti-Semitic and unethical law,” adding that “Poland has become an anti-democratic and illiberal country that does not honor the greatest tragedy in human history.”⁷⁰

In turn, Polish Prime Minister Mateusz Morawiecki wrote on Facebook on August 15, 2021 that “Israel’s decision to lower the rank of the diplomatic representation in Warsaw is groundless and irresponsible, and the words of Foreign Minister Yair Lapid arouse outrage of every honest person,”⁷¹ noting that “Poland won’t pay a single zloty, euro or dollar for German crimes.”⁷² Morawiecki repeated this in an interview for *Polskie Radio*, the Polish national broadcast network.⁷³

The official reaction of the United States government echoed Israel’s discontent and came on the day when President Andrzej Duda promulgated the law, which was also the day when the Afghan state collapsed and the Taliban entered Kabul after the withdrawal of the American troops. Marek Jan Chodakiewicz, a researcher with the Institute of World Politics in Washington,

⁶⁹ Jonathan Lis, Ofer Aderet and Ben Samuels, “Israel Blasts Polish Vote on Holocaust Restitution,” *Haaretz*, 11.08.2021, <https://www.haaretz.com/israel-news/.premium-israel-condemns-polish-vote-on-holocaust-restitution-re-examines-join-statement-1.101109665>, accessed 17.08.2021; Rzeczpospolita, “Izrael: Nowelizacja KPA granicy z negowaniem Holokaustu,” 13.08.2021, <https://www.rp.pl/Polityka/210819764-Izrael-Nowelizacja-KPA-granicy-z-negowaniem-Holokaustu.html>, accessed 17.08.2021.

⁷⁰ Herszenhorn, “Israel Recalls Top Diplomat.”

⁷¹ Lahav Harkov, “Polish PM: Israeli Reaction to Restitution Law ‘Irresponsible’,” *Jerusalem Post*, 15.08.2021, <https://www.jpost.com/international/polish-pm-israeli-reaction-to-restitution-law-groundless-and-irresponsible-676780>, accessed 19.08.2021; Petru Clej, “Premierul Poloniei a declarat că decizia ministerului israelian al afacerilor externe de a reduce rangul reprezentanței sale diplomatice la Varșovia este „nefondată și iresponsabilă”, *G4Media*, 15.08.2021, <https://www.g4media.ro/premierul-poloniei-a-declarat-ca-decizia-ministerului-israelian-al-afacerilor-externe-de-a-reduce-rangul-reprezentantei-sale-diplomatice-la-varsovia-este-nefondata-si-iresponsabila.html>, accessed 20.08.2021.

⁷² Lahav Harkov and Tovah Lazaroff, “Polish PM: We Won’t Pay One Zloty for German Crimes”, *Jerusalem Post*, 26.06.2021, <https://www.jpost.com/israel-mews/lapid-slams-immoral-polish-law-denying-holocaust-survivors-restitution-671987>, accessed 14.09.2021; Ofer Aderet, “Polish Prime Minister to Lapid: ‘Poland Won’t Pay A Single Zloty, Euro or Dollar for German Crimes’,” *Haaretz*, 26.06.2021, <https://www.haaretz.com/israel-news/.premium-polish-prime-minister-to-lapid-poland-won-t-pay-a-single-zloty-for-german-crimes-1.9943459>, accessed 15.08.2021.

⁷³ Polskie Radio, “Mateusz Morawiecki: słowa Jaira Lapida budzą oburzenie każdego człowieka”, 15.08.2021, <https://www.polskieradio24.pl/399/Artykul/2789751,Mateusz-Morawiecki-slowa-Jaira-Lapida-budza-oburzenie-kazdego-ucziwego-czlowieka>, accessed 20.08.2021.

wrote that “the Poles Miss Bibi”⁷⁴ and added that “no sooner was Benjamin “Bibi” Netanyahu gone, that his successors have ripped into Poland over a restitution law that was newly passed in Warsaw. And the Biden Administration supports the Israeli moves.”⁷⁵

Towards the end of July, Cherrie Daniels, the US State Department Special Envoy for Holocaust Issues, declared that the Polish law “would cause irreparable harm to both Jews and non-Jews by effectively extinguishing claims for restitution and compensation of property taken during the Holocaust that was subsequently nationalized during the communist period.”⁷⁶ According to her, the State Department had identified six countries where significant compensation concerns have yet to be addressed, but of those countries only Poland had regressed. The others were Croatia, Hungary, Latvia, Lithuania, and Romania.⁷⁷

The negative reactions of the governments in Jerusalem and Washington were followed by Warsaw’s cutting rejoinder on the future of the Polish-European Union relations, in the context of a more consolidated representation of the conservative right in Brussels, reaffirmed after the European Parliament elections of 2019.⁷⁸ On October 7, 2021, the Constitutional Tribunal in Warsaw found certain articles in the European Union Treaties incompatible with the Polish constitution. Government spokesperson Piotr Muller explained that the “supremacy of constitutional law over other sources of law derives directly from the Constitution of the Republic of Poland.”⁷⁹ The Polish authorities

⁷⁴ Marek Jan Chodakiewicz, “The Poles Miss Bibi”, *The Institute of World Politics*, Washington, 23.07.2021, <https://www.iwp.edu/articles/2021/07/23/the-poles-miss-bibi/>, accessed 02.09.2021. In November 2022 Benjamin Netanyahu regained the position of Prime Minister of Israel.

⁷⁵ Chodakiewicz, “The Poles Miss Bibi”; Josef Federman, “Israel, Poland Agree to Talks on Proposed Holocaust Law: Netanyahu,” *The Globe and Mail*, 28.01.2018, <https://www.theglobeandmail.com/news/world/Israel-poland-agree-to-talks-on-proposed-holocaust-law-netanyahu/article37760041>, accessed 02.09.2021.

⁷⁶ Maggie Gile, “US Says Poland Legislation Preventing Holocaust Restitution Will Cause ‘Irreparable Harm,’” *Newsweek*, 28.07.2021, <https://www.newsweek.com/us-says-poland-legislation-preventing-holocaust-restitution-will-cause-irreparable-harm-1614051>, accessed 31.08.2021.

⁷⁷ Ibid.

⁷⁸ Mihaela Ivănescu and Luiza-Maria Filimon, “Mainstream Fringes or Fringe Mainstream? An Assessment of Radical Right (Re)Alignments in the European Parliament after the 2014 and 2019 Elections”, *European Review* 30, no. 1 (2022): 96-114.

⁷⁹ G4Media, „Tribunalul Constituțional din Polonia a decis că unele articole din tratatele UE sunt incompatibile cu Constituția țării: „Organele europene acționează dincolo de competențele lor”, 07.10.2021, <https://www.g4media.ro/tribunalul-constitutional-din-polonia-a-decis-ca-unele-articole-din-tratatele-ue-sunt-incompatibile-cu-constitutia-tarii-organele-europene->

categorically rejected the accusation that the decision was endorsing a backhanded Poxexit. In an interview given on October 18, 2021, the Polish Ambassador to Bucharest Maciej Lang stated that “the Constitutional Tribunal’s decision of October 7 was by no means a step towards Poland’s exit from the European Union. This matter was not even discussed by the Tribunal since it was not the subject of debate. No one in Poland wants to leave the European Union, and no one is even considering it.”⁸⁰ As Lang clarified, the Tribunal did not challenge all the provisions of the European Union Treaty, but only stated that the provisions of the Treaty would lead to the supremacy of the international law over the national constitution. This, in turn, would contradict the way in which the sources of law were ranked in Poland.⁸¹

Soon after Russia’s invasion of Ukraine in February 2022, Israel returned its Ambassador to Poland (recalled in August 2021) to rescue its citizens who had reached the country.⁸²

Russia’s invasion of Ukraine raised huge diplomatic, economic, security, and humanitarian challenges for Poland. The war in Ukraine, argued Aleks Sczerbiak, had come to overshadow all other issues and is likely to consolidate support for PiS, which was able to portray Warsaw as a key regional player while the opposition has no instruments to exert any real international influence.⁸³ Warsaw is set to become the linchpin of the West’s efforts to project power in Eastern Europe, as Michal Kranz wrote.⁸⁴ From being the European Union’s bad boy, Poland has become the star pupil thanks to Russia’s invasion of

actioneaza-dincolo-de-competentele-lor.html, accessed 23.10.2021; Łukasz Woźnicki, “Trybunał Konstytucyjny wydaje wyrok w sprawie konstytucyjności prawa UE,” *Gazeta Wyborcza*, 07.10.2021, <https://wyborcza.pl/7,75398,27660695,o-17-15-trybunal-konstytucyjny-wyda-wyrok-w-sprawie-konstytucyjnosci.html>, accessed 09.10.2021.

⁸⁰ Ion M. Ioniță, „Ambasadorul Poloniei la București: Nimeni din Polonia nu vrea să părăsească Uniunea Europeană,” *Adevărul*, 18.10.2021, https://adevarul.ro/international/europa/ambasadorul-poloniei-bucuresti-polonia-nu-vrea-sa-paraseasca-uniunea-europeana-1_616d5e2f5163ec42718377d5/index.html, accessed 23.10.2021.

⁸¹ Ibid.

⁸² Tovah Lazaroff, „Israel Returns Envoy to Poland, Pushes to Rescue Citizens from Ukraine,” *The Jerusalem Post*, 26.02.2022, <https://www.jpost.com/breakig-news/article-698732>, accessed 24.03.2022.

⁸³ Aleks Sczerbiak, “How Will the War in Ukraine Affect Polish Oolitics?,” *Notes from Poland*, 3.03.2022, <https://notesfrompoland.com/2022/03/03/how-will-the-war-in-ukraine-affect-polish-politics/>, accessed 16.03.2022.

⁸⁴ Michal Kranz, “How the Russia-Ukraine Crisis Is Turning Poland into a Strategic Player,” *Foreign Policy*, 23.02.2022, <https://foreignpolicy.com/2022/02/23/poland-ukraine-russia-crisis-nato-strategic-role-military-diplomacy-war/>, accessed 16.03.2022.

Ukraine.⁸⁵ “The end of the era of illusions opens up a completely new chapter in the history of the European Union, NATO and the west as a whole. This must be an era of responsibility,”⁸⁶ added Prime Minister Mateusz Morawiecki after the invasion.

The reevaluation of properties nationalized by the communist regime represents an important post-communist measure that signifies the return to civic, judicial, and institutional normalcy. The restitution of stolen goods is a fundamental principle in democracy. In this area, Poland has taken only mediocre steps after 1989, smaller than those taken by Romania and Bulgaria, two countries associated with the ever present “red flags” tagged on them by various post-communist rankings.

The Restitution Law of August 2021 attempts to address a theft that happened almost 80 years ago. Its provisions do not refer only to the Jewish properties, as the officials representing Israel and the United States implied. The lawmakers intended to rectify a situation that no prior political or administrative power had attempted to address. The conservative government believed that this chapter of the past could be closed by taking political ownership of the issue. While the external context might be disadvantageous, in the long term, the 2021 Law would end the administrative and urbanistic disagreements in the Polish capital.

V. Conclusions

In the short and medium terms, the Restitution Law should produce electoral outcomes that benefit the ruling PiS, while also seriously strain the bilateral relations between Poland and Israel, at least as long the right-wing coalition comprising Naftali Bennett’s New Right and Yair Lapid’s Yesh Atid form the government in Israel. The unprecedented deterioration of the bilateral relations will be hard to overcome and negatively affect Poland’s relation with the United States. While Washington retains influence in Warsaw, the PiS government’s

⁸⁵ Jan Cienski, “Poland Goes from Zero to Hero in EU Thanks to Ukraine Effort,” *Politico*, 3.03.2022, <https://www.politico.eu/article/poland-goes-from-zero-to-hero-in-eu-thanks-to-ukraine-effort/>, accessed 16.03.2022.

⁸⁶ Mateusz Morawiecki, “Europe Must Abandon All Illusions about Russia,” *Foreign Policy*, 25.02.2022, <https://www.ft.com/content/315a342d-d646-4061-ab4a-d2455b6a7221>, accessed 24.03.2022.

projects no longer enjoy the same levels of support as they did during the Trump administration.

The judicial regulation of the property market in Warsaw could bring clear urbanistic benefits, but its political drawbacks are equally, if not even more, significant. The Restitution Law, which follows the Holocaust Law of 2018, places Poland in a delicate relationship with its World War II and, in particular, the relations between the Polish majority and the Jewish community. In comparison to other controversial judicial and legislative measures, these ones pose a fundamental challenge to the long-term political viability of the ruling conservative government.

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NEGOTIATIONS FOR A UNION NEVER CONCLUDED. THE TWO DIOCESES OF THE ROMANIAN ORTHODOX IN NORTH AMERICA

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Abstract: In the first half of the 20th century, the Romanian community in the United States of America managed, after efforts that lasted several decades, to establish an Orthodox Episcopate connected to the Romanian Orthodox Church. The joy was short-lived due to the establishment of the communist regime in Romania, which also affected the spiritual life of Romanians across the Ocean. Trying to exercise control over the Romanians in the United States, the communist regime established another Episcopate, parallel to the existing one, producing a rift that is still preserved today. After the fall of the communist regime, the two dioceses of the Romanian Orthodox made mutual gestures of reconciliation and rapprochement, and from the mid-2000s they engaged in a surprising and accelerated unification process. This study traces the stages of this unification process, the content of the proposals that were made in this regard and its outcome. Also, in the conclusions, the study tries to provide some background explanations regarding the causes that led to the failure of the entire enterprise.

Keywords: Romanian Orthodox Church, Diocese of Vatra Românească, Romanian-American relations, Romanian emigration



Rezumat: În prima jumătate a secolului XX, comunitatea românească din Statele Unite ale Americii a reușit, după eforturi care au durat câteva decenii, să înființeze o Episcopie Ortodoxă legată de Biserica Ortodoxă Română. Bucuria a fost de scurtă durată din cauza instaurării regimului comunist în România, care a afectat și viața spirituală a românilor de peste Ocean. Încercând să exercite controlul asupra românilor din Statele Unite, regimul comunist a înființat o altă Episcopie, paralelă cu cea existentă, producând o ruptură care se păstrează și astăzi. După căderea regimului comunist, cele două eparhii ale ortodocșilor români au făcut gesturi reciproce de reconciliere și apropiere, iar de la mijlocul anilor 2000 s-au angajat într-un proces de unire surprinzător și accelerat. Acest studiu urmărește etapele acestui proces de unificare, conținutul propunerilor care au fost făcute în acest sens și rezultatul acestuia. De asemenea, în concluzii, studiul încearcă să ofere câteva explicații de fond privind cauzele care au dus la eșecul întregii întreprinderi.

Cuvinte cheie: Biserica Ortodoxă Română, Episcopia de la Vatra Românească, relații româno-americane, emigrația românească

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I. Introduction and Methodology

The present study is an analysis of publicly available information, which it seeks to identify, select and assemble in order to provide a cohesive whole and a coherent picture of the efforts concerning the process of uniting two ecclesiastical entities of the Romanian diaspora in the United States of America, information which are otherwise difficult to intuit, too little known and, in any case, too little presented, explained and analysed. In the tradition of church institutions and in their manner of functioning that we will refer to, there is the tendency and practice of giving the public only that information that they think the public needs. Most of the time this happens in their own publications, with an extremely limited print run and circulation, which makes them rather closed-circuit publications. If we add the lack of access to official documents or the silence of those involved in decision-making, the attempt to analyse such a topic is doomed to be partial and subject to future reconsiderations.

This being the situation, our study was based on following, for several years, official publications, statements and interviews, and based on them to reconstruct the stages of a process that was never carried to the end. Each of the two Orthodox dioceses of the Romanian diaspora in America publishes a magazine - *Solia*, *The Herald* and *Credința* [Eng. Trans: *Faith*]. For the most part, they are dedicated to the faithful and the clergy, the specifics of the published articles being mainly theological, pastoral or presenting events from the life of the community. In their pages, information, analyses or comments on important topics such as the relationship with other Orthodox communities, internal organization problems, or future projects are missing or rarely found. We found the News Agency *Basilica* and *Ziarul Lumina* [Eng. Trans: *The Light Newspaper*] more attractive and useful for our research. Although they still have a predominantly ecclesiastical and theological profile, the two publish more diversified and consistent materials on cultural, social, and even political topics.

Another clarification that is required from the start is concerns the methodological and terminological aspects. Ecclesiastical terminology appears to most as outdated, on the one hand, and complicated, confusing, on the other. It is the author's task to overcome these obstacles so that reading and understanding the essence does not raise problems. The present study deals with

two separate ecclesiastical entities, but whose names can cause confusion, especially when they are constantly repeated.

The first one is the Romanian Orthodox Episcopate in America (ROEA), also known among Romanians as The Episcopate of Vatra Românească (Episcopia de la Vatra Românească), after the name of its historical centre in Grass Lake, Michigan. This is part of the Orthodox Church in America and from an administrative and canonical point of view, is not subordinated in any way to the Romanian Orthodox Church (ROC).

The second one is the Romanian Orthodox Metropolia of the Americas. In the past, it was also called the Romanian Orthodox Missionary Episcopate of America and Canada and the Romanian Orthodox Missionary Archdiocese in America. Furthermore, the present Metropolia consists of two dioceses: the Romanian Orthodox Archdiocese of the United States of America and the Romanian Orthodox Diocese of Canada. This Metropolia maintains close administrative and canonical ties with the Romanian Orthodox Church.

For more methodological clarity, we have chosen that when we present the structure or leadership of these two entities, we do so separately, so that they are more clearly identified.

For a better understanding of the research theme, we found it useful to take some preliminary steps to familiarize the reader with the history of the two dioceses, a history that overlaps until the middle of the last century, with their current structure and leadership.

II. The History of a Schism

At the beginning of the 20th century, the first Romanian churches and parishes, whether of Greek-Catholic or Orthodox provenance, were established in the United States. Most of the Romanians who settled on American soil were peasants, raised in the ancestral faith and were forced, in the beginning, to attend services in Russian churches.¹ When their number increased, however, they agreed that it was necessary to bring priests from the country to establish Romanian parishes. The first such parish was established in Cleveland, in 1906, through the “Carpatina” society, but as its secretary was of Greek-Catholic faith, he turned to Blaj to send them a priest. This is how father Epaminonda Lucaciu

¹ Gabriel Stelian Manea, *Un adulter în familia comunistă. România și SUA în anii '60* (Târgoviște: Cetatea de Scaun, 2016), 38.

arrived in US. The Orthodox, who were also the majority among the Romanians in America, also sent for a priest, in the person of father Moise Balea, who founded an Orthodox parish in 1907.² Another name worth remembering is that of father Ion Podea, from the “Sf. Andrei” Church in Youngstown (Ohio), who struggled for years to raise the cultural level of Romanians. Through the efforts of father Ion Podea, in 1913, the Orthodox parishes on a wider territory formed a deanery, recognized by the American authorities. And in 1918, he also convened and presided over the congress that decided to establish the first Romanian Orthodox Episcopate in America, under the authority of the ROC.³

It took another ten years until the Church Congress of the Romanian Orthodox parishes in the USA and Canada, would meet in Detroit, between April 25-28, 1929, to establish the Romanian Orthodox Episcopate in America, under the authority of the Holy Synod of the Romanian Orthodox Church. The decision was approved by the Romanian National Church Congress on November 21, 1929, and on November 1, 1930, Patriarch Miron Cristea signed the decree no. 10219 by which the Romanian Orthodox Episcopate in America was canonically recognized. It was only in 1935, following the March 24 elections, that Archimandrite Policarp Morușca was elected and ordained bishop of this new diocese.⁴

However, troubled moments followed for the diocese and, above all, for the Romanian faithful, all because of the intrigues of the communist power in Bucharest. In July 1939, Bishop Policarp went to Romania; the years of war and the establishment of the communist power followed, so the high hierarchy could no longer return to his spiritual sons in the US. In this situation, a special Episcopal Congress, convened in Detroit, on March 28, 1947, refused to accept a new bishop, appointed by the church authorities in Bucharest, under the obvious influence of the atheist political power, in the person of Antim Nica, voting at the same time to assert total administrative autonomy from the Romanian Patriarchate.⁵ In response, under pressure from the communist regime, the Romanian Patriarchate registered in Michigan a new Romanian Orthodox Episcopate for North and South America. In addition, the widowed priest Andrei Moldovan was ordained in Sibiu, on November 12, 1950, and

² Theodore Andrica, „Americani de origine română”, *Revista româno-americană*, no. 4 (1946): 82.

³ Stelian Popescu-Boteni, *Relații între România și S.U.A. până în 1914* (Cluj-Napoca: Dacia, 1980), 163.

⁴ Gerald J. Bobango, *The Romanian Orthodox Episcopate of America. The First Half Century, 1929-1979* (Jackson, Michigan, The Romanian-American Heritage Center, 1979), 79-85.

⁵ *Ibid.*, 168-169.

become the new bishop. Arriving in the United States, Bishop Moldovan initiated a legal action against the old Romanian Orthodox Episcopate in America in order to obtain all its properties. However, the legal action was rejected by a decision of the Federal Court in Cleveland, Ohio, in July 1952, prohibiting him from using the usurped title of Bishop of the Romanian Orthodox Episcopate in America.⁶

Henceforth the rift between the two dioceses was evident and they continued to function separately and, worse, in an atmosphere of competition and even mutual hostility.

Meanwhile, the Congress of the Romanian Orthodox Episcopate in America, meeting in Chicago, between July 3-5, 1951, decided to break ties with the church authorities in Romania and elect the theologian Viorel (Valerian) Trifa⁷ as Auxiliary Bishop, until the death of Bishop Policarp (which occurred in 1958), who had not been able to return from Romania. On April 27, 1952, the new Auxiliary Bishop was ordained Hierarch, with the monastic name Valerian, by a Synod of Ukrainian Bishops. In March 1960, the diocese came under the jurisdiction of the Russian Orthodox Metropolia, the future Orthodox Church in America. In 1984, with the retirement of Archbishop Valerian, the Episcopal Congress elected Nathaniel Pop as Bishop, who leads the Diocese of Vatra to this day. In 1996, he was elevated to the rank of Archbishop, and since 2002 he has been assisted by an Auxiliary Bishop, in the person of Irineu Duvlea ordained on November 2, 2002, at the “Saint George” Cathedral in Southfield, Detroit, Michigan.⁸

In the case of the Romanian Orthodox Missionary Episcopate of America and Canada, after the death of Bishop Andrei Moldovan in 1963, both the ROC and the communist regime in Romania looked for a replacement. The risk was that the diocese would remain without leadership for a long time and eventually disintegrate, all the more so since the relations with the Episcopate of Vatra were as tense as possible. Several names had been circulated for the leadership of the Episcopate, including Teoctist Arăpașul, Bartolomeu Valeriu Anania, or Nicolae Mladin. Eventually, the Ecclesiastic Congress of the Romanian

⁶ Ibid., 192-196.

⁷ Bishop Valerian Trifa's connections with the Legionary Movement in Romania, the interwar period, are not the subject of this study, but they represent one of the major themes that decisively influenced the history of Romanian Orthodoxy on American soil.

⁸ Ciprian Bâra, „După 61 de ani de istorie paralelă: Ortodoxia românească din America, din nou pe drumul unității”, *Ziarul Lumina*, June 20, 2008, <https://ziarullumina.ro/actualitate-religioasa/documentar/dupa-61-de-ani-de-istorie-paralela-ortodoxia-romaneasca-din-america-din-nou-pe-drumul-unitatii-55513.html>, accessed June 14, 2022.

Orthodox Missionary Episcopate in America took place between April 22th - 23th 1966 and had unanimously decided the election of Archimandrite Victorin Ursache for the vacant see of Bishop. On June 7 1966, the Holy Synod of the Romanian Orthodox Church recognized the election of the new Bishop and decided that his ordainment and enthronement to take place in August, the same year.⁹ After the retirement of Archbishop Victorin, there was an interim period at the head of the Archdiocese, the Holy Synod appointing His Grace Teofan as *locum tenens* of the Archdiocese, to be followed shortly by His Eminence Iosif of the Romanian Orthodox Metropolia of Western and Southern Europe. Meanwhile, in July 2000, the Congress of the Romanian Orthodox Archdiocese of America and Canada decided to establish a special commission, with a mandate to study the possibilities of ensuring succession to the archbishopric seat. Consequently, in September 2001, at the proposal of the special commission, the Diocesan Council of the Romanian Orthodox Archdiocese in America and Canada nominated Father Nicolae Corin Condrea and Brother Casian (Livius Ionel) Tunaru as possible candidates for the archbishop seat. On March 9, 2002, the Congress of the Romanian Orthodox Archdiocese in America and Canada elected Father Nicolae Condrea as Archbishop of this Diocese. Eventually, on July 14, 2002, in the “Saint John the Baptist” Cathedral in Montreal, Canada, His Eminence Nicolae Condrea was ordained and installed as Archbishop of the Romanian Orthodox Archdiocese of America and Canada. The event was attended by a delegation of the ROC, led by Patriarch Teoctist, representatives of the other sister Orthodox Churches in America, as well as many personalities from the ecclesiastical, cultural, and social life of Romania and America.¹⁰

Until now, the Romanian Orthodox Episcopate in America remained under the canonical jurisdiction of the Orthodox Church in America,¹¹ and in parallel, there was also the Romanian Orthodox Metropolia of the Americas, canonically dependent on the Romanian Orthodox Church.¹²

⁹ See: Gabriel Stelian Manea, “An Episode in the History of Romanian Orthodox Communities in America: The Election of Bishop Victorin Ursache, in 1966”, *Historical Yearbook* XIV (2017): 75-84.

¹⁰ Bâra, „După 61 de ani de istorie paralelă”.

¹¹ The Romanian Orthodox Episcopate of America, <https://www.roea.org/>, accessed August 13, 2022.

¹² Mitropolia Ortodoxă Română a celor două Americi, <https://mitropolia.us/>, accessed August 13, 2022.

III. The Current Structure of the Dioceses

Regarding the structure and dimensions of the two dioceses, two observations can be made. The Diocese of Vatra Românească has twice as many parishes as the Metropolia. However, the Metropolis has a more complex organizational structure due to the fact that it also includes two other dioceses with their parishes.

The Romanian Orthodox Episcopate in America includes a total of 102 parishes. Of these, 67 are in the United States, organized into 6 deaneries, and the remaining 35 are in Canada, organized into 3 deaneries. Also, within the Episcopate there are 4 monastic communities.¹³

The Romanian Orthodox Metropolia of the Americas has a more complex structure. It includes two dioceses, namely the Romanian Orthodox Archdiocese of the United States of America and the Romanian Orthodox Diocese of Canada. The first has under its jurisdiction 30 parishes and missions, as well as two monasteries. The second one includes 26 parishes and missions, to which is added a monastery.¹⁴ In addition, there are also two parishes in South America (Argentina and Venezuela) under the jurisdiction of the Metropolia.¹⁵

IV. The Current Leadership of the Dioceses

The Romanian Orthodox Episcopate in America is led by His Eminence Dr. Nathaniel (Popp). Archbishop Nathaniel was born in Aurora IL, in 1940, to a family of Romanian heritage (from the county of Satu Mare) who attended the Saint Michael the Archangel Romanian Greek-Catholic Church in Aurora. He attended Saint Procopius College, a Benedictine-operated liberal arts school and “Pontifical Eastern Rite Center” in Lisle IL. Called to Rome, Italy, he studied at Gregorian University and resided at the Greek College of Saint Athanasius.

¹³ The Romanian Orthodox Episcopate of America, “Deaneries”, <https://www.roea.org/deaneries>, accessed August 9, 2022.

¹⁴ Mitropolia Ortodoxă Română a celor două Americi, „Director Parohii”, <https://mitropolia.us/index.php/ro/structura/director-parohii>, accessed August 9, 2022.

¹⁵ Gheorghe Anghel, “FactBox: Mănăstiri, parohii și misiuni din Arhiepiscopia Ortodoxă Română a SUA”, *Agenția de știri Basilica*, July 4, 2021, <https://basilica.ro/factbox-manastiri-parohii-si-misiuni-din-arhiepiscopia-ortodoxa-romana-a-sua/>, accessed August 7, 2022.

During his stay in Europe, he visited extensively Greece, Germany, Italy, and had a powerful and revelatory encounter at Mount Athos. His first visit to an Orthodox church was at this time as well. The spirituality deeply moved him, but the interior conflict of history and loyalty to the “Unia” made him keep Orthodoxy at a distance. He was ordained into the Holy Diaconate on July 17, 1966, and on October 23, 1966, he was ordained into the Holy Priesthood in the Romanian Uniate Church “San Salvatore” in Coppele, Rome. In January of 1967, he returned home and was appointed Assistant Priest of his home parish, Saint Michael. The spirituality, theology, and call of Orthodoxy, which had been dormant, began to beckon. Through father Vasile Hațegan, he was introduced to Archbishop Valerian (Trifa) who worked with him to be received into the ranks of the clergy of The Romanian Orthodox Episcopate of America (ROEA). He fully embraced the Orthodox Faith in the Chapel of “The Nativity of the Birthgiver of God,” Vatra Românească, Grass Lake MI, in the presence of Archbishop Valerian on February 15, 1968. For several years, he resided in a small monastic community on the Vatra property until he was appointed rector of the Holy Cross Church in Hermitage PA. At the Archbishop Valerian’s request for assistance in the administration of the expansive diocese, he was called to the Hierarchy by a Special Congress of The Romanian Orthodox Episcopate on September 20, 1980. His Consecration to the Episcopacy took place at Saint George Cathedral in Southfield/Detroit MI, on November 15, 1980. He was installed the next day as Bishop of Dearborn Heights, and was named an Auxiliary Bishop for The Romanian Orthodox Episcopate of America. He assisted the Archbishop in this capacity until 1984, when the latter retired. On Sunday, November 17, 1984, Bishop Nathaniel was enthroned at Saint George Cathedral as ruling Hierarch of The Romanian Orthodox Episcopate of America.¹⁶

The Romanian Orthodox Metropolia of the Americas is led by His Eminence Nicolae Condrea. Born in Constanta (Romania), in 1967, Metropolitan Nicolae Condrea attended high school in Constanta and Bucharest (1981-1985), followed by theological studies at the Theological Institute/Faculty of Orthodox Theology in Sibiu (1988-1992). Between 1994 and 2001 he continued his studies at the Marc Bloch University in Strasbourg, where he obtained a diploma of Advanced Studies (1995) and was awarded the title of Doctor of Theology (2001) by the Faculty of Catholic Theology in Strasbourg.

¹⁶ The Romanian Orthodox Episcopate of America, “Ruling Hierarch - Archbishop Nathaniel”, <https://www.roea.org/rulinghierarcharchbishopnathaniel>, accessed August 8, 2022.

In parallel, between 1997-2001 he served as an unmarried priest in the Romanian Orthodox parish in Stuttgart, Germany. He was ordained a monk in December 2001 at the Radu Vodă Monastery in Bucharest and for a short period, he was secretary at the Patriarchal Chancellery, until March 2002, when the Electoral Church Congress of the Romanian Orthodox Archdiocese in America and Canada elected him as hierarch, election validated by the Holy Synod of the Romanian Orthodox Church. Ordination as bishop and installation took place in July 2002 in the “Saint John the Baptist” Cathedral in Montreal, Canada. In 2016, when the Romanian Orthodox Metropolia of the Americas was established, the Holy Synod of the ROC elected him to the dignity of Metropolitan.¹⁷

V. Negotiations and Proposals for the Union of the Two Dioceses

Since the mid-2000s, the signs of a cautious rapprochement between the two dioceses have become more and more frequent and full of significance, announcing an evolution that while unexpected, would end abruptly a decade later. For example, starting in 2006, the *Basilica News Agency* began to constantly publish news and information regarding the activities and important events in the administrative or liturgical life of the Diocese of Vatra Românească. A meeting of the priests in the deaneries of New York, from March 2006, led by Auxiliary Bishop Irineu himself, was widely presented by the news agency, which covered all the administrative, financial and pastoral decisions taken at that time.¹⁸ The press agency of the Romanian Patriarchate was also interested in some minor construction works at the eparchial center in Vatra Românească, where, in a new annex, a museum and an archive were to function,¹⁹ but, also, in

¹⁷ Iulian Dumitrașcu, ”5 ani de când IPS Nicolae a fost întronizat ca Mitropolit al celor două Americi”, *Agenția de știri Basilica*, April 30, 2022, <https://basilica.ro/5-ani-de-cand-ips-nicolae-a-fost-intronizat-ca-mitropolit-al-celor-doua-americi/>, accessed August 7, 2022.

¹⁸ The Editorial Office, „Ședința preoților ortodocși din Protopopiatul de New York”, *Agenția de știri Basilica*, March 24, 2006, <https://basilica.ro/sedinta-preotilor-ortodocsi-din-protopopiatul-de-new-york/>, accessed June 28, 2022.

¹⁹ The Editorial Office, „Lucrări de extindere pentru Episcopia Ortodoxă Română din America”, *Agenția de știri Basilica*, May 10 2006, <https://basilica.ro/lucrari-de-extindere-pentru-episcopia-ortodoxa-romana-din-america/>, accessed June 28, 2022.

the administrative and logistical preparations for the 75th Congress of the Episcopate, in 2007.²⁰

What can be observed starting from the second half of the 2000s is that there were several steps, several attempts from both Romanian dioceses established in America, attempts in which the Romanian Patriarchate was also co-opted, to restore the unity of Romanian Orthodoxy across the Ocean.

The first of these steps towards reconciliation was taken at the beginning of 2008, when on February 24-27, a delegation of the Romanian Orthodox Episcopate in America, led by His Eminence Archbishop Nathaniel, paid a visit to Romania and had discussions at the Patriarchal Palace with the representatives of the Romanian Patriarchate, led by His Eminence Archbishop Nifon of Târgoviste.²¹ The topic of discussions, according to the *Basilica* news agency press release, was “Practical ways of respecting religious freedoms and the canonical order for Orthodox Romanians in the USA and Canada”. According to the subsequent accounts of Archbishop Nathaniel, the official discussions addressed some historical issues of the relationship between the Diocese of Vatra Românească and the Romanian Patriarchate, including the sufferings of Bishop Policarp Morușca and Archbishop Valerian Trifa, at the hands of the Romanian communist regime. More importantly, the representatives of the Romanian Patriarchate also opened the topic of a possible union between the two Romanian Orthodox dioceses in North America.²²

The result of this historic meeting was a Joint Declaration containing several points. First of all, it was recognized that “the break between the Romanian Orthodox Episcopate in America (...) and the Romanian Patriarchy was caused by the establishment of the communist regime in Romania” and the diocese in America “did its duty to denounce, to clearly reject and to dissociate itself from all the evils of atheistic communism, which separated this diocese from its very mother Church...”. Being forced “to break its canonical ties with the Romanian Patriarchate (...) The Romanian Orthodox Episcopate never renounced the Romanian Patriarchate as the mother church”, but was forced to affiliate with

²⁰ The Editorial Office, „Au început pregătirile pentru Congresul Episcopiei Ortodoxe Române în America, *Agencia de știri Basilica*, April 15, 2007, <https://basilica.ro/au-inceput-pregatirile-pentru-congresul-episcopiei-ortodoxe-romane-in-america/>, accessed July 2, 2022.

²¹ The delegation of the overseas diocese included Archbishop Nathaniel, Fr. Laurentiu Lazăr, Fr. Remus Grama, Fr. Cătălin Mănescu, Fr. Ian Pac-Urar, Fr. Romey Rosco. On behalf of the Romanian Orthodox Church, Archbishop Nifon, Archbishop Nicolae, Bishop Ciprian Câmpineanul, Fr. Mircea Uță and Fr. Ioan Armaș attended the meeting.

²² Î.P.S. Arhiepiscop Nathaniel, „Dialog cu Patriarhia Română”, *Solia – The Herald* LXXIII, no. 3-4 (March/April 2008): 19.

the Russian Orthodox Church of North and South America, later known as the Orthodox Church in America. The sufferings endured by the faithful and hierarchs of the Romanian Orthodox Church during the communist persecution were also recognized. The document welcomed the fact that, as early as 1991, the Holy Synod of the Romanian Patriarchate recognized the canonicity of the Episcopate and the apostolic succession of its hierarchs, and since then relations had evolved positively. The last and most important point of the Declaration stated that “the representatives of the Romanian Patriarchate and the Romanian Orthodox Episcopate in America express their sincere desire to achieve the unity of Romanian Orthodoxy on the American continent, in canonical connection with the Romanian Orthodox Church.”²³

The next concrete steps were taken in the summer of 2008. On June 4-6, the 76th Congress of the Romanian Orthodox Episcopate in America was held, which discussed the union of the two dioceses, starting, as mentioned by the adviser of the Romanian Patriarchate for external communities, Mircea Alexa Uță, from “the sincere desire for reconciliation of the hierarchy and the faithful of the Romanian Orthodox Episcopate, which was actually achieved through the mutual request for forgiveness between the members of the delegations of the two Romanian Orthodox ecclesial structures in America”.²⁴ A document entitled “Proposal for the establishment of the Romanian Orthodox Metropolia of North America” was adopted.²⁵ Actually, the delegates to the Congress intended to ask the Romanian Orthodox Church “to recognize the Romanian Orthodox Metropolia of the two Americas formed by the unification of the current Romanian Orthodox Episcopate of America and the Romanian Orthodox Archdiocese of the two Americas”. The conditions for the establishment of this new church structure were that the Romanian Orthodox Church, named in the document “Mother Church”, to “irrevocably entrust the Romanian Orthodox Metropolia of the two Americas with all care for the Romanian Orthodox faithful in the two Americas”.

²³ Ibid., 20.

²⁴ The Editorial Office, „Cel de-al 76-lea Congres al Episcopiei Ortodoxe Române din America dezbată unirea cu Arhiepiscopia Ortodoxă Română din America și Canada”, *Agencia de știri Basilica*, July 4, 2008, <https://basilica.ro/cel-de-al-76-lea-congres-al-episcopiei-ortodoxe-romane-din-america-dezbat-unirea-cu-arhiepiscopia-ortodoxa-romana-din-america-si-canada/>, accessed July 2, 2022.

²⁵ The Romanian Orthodox Episcopate of America, „Propunere pentru înființarea Mitropoliei Ortodoxe Române din America de Nord”, <http://roea.orthodoxws.com/files/Press%20Releases/Propunerea-Mitropoliei-JUN08.pdf>, accessed August 10, 2022.

The chapter relating to the governance of the new Metropolia stipulated that it would be “totally independent” and would be governed according to its own Statute. It was also supposed to benefit from its own Metropolitan Synod which, together with the Metropolitan, would have maximum autonomy. “The Metropolitan Synod – the document stated – will be the highest spiritual and legal authority in all matters related to the Metropolia”. In addition, “the Romanian Orthodox Church will not impose any privilege of supervision or adjudication in any matter concerning the Metropolia”. Very important were the provisions related to the “election, ordination and enthronement of hierarchs”, all being “in the exclusive competence of the Metropolia”. In other words, the hierarchs, be they bishops, archbishops, and the Metropolitan Primate, were to be elected by the Metropolitan Congress. As a sign of the canonical links with the Mother Church, the elected Metropolitan, before his ordination or enthronement, was to be recognized in time by the Holy Synod of the Romanian Orthodox Church, and the patriarch could present the Grammata at the invitation of the Metropolitan Synod. The Metropolitan Congress was envisaged as the sole legislative body of the Metropolis, “subject only to the canonical authority of the Metropolitan Synod”, and its decisions “are not subject to the approval or ratification of the Romanian Orthodox Church”. However, “in case of any canonical problem that the Metropolitan Synod cannot solve, it (...) can invite the Romanian Orthodox Church to help solve that problem.”²⁶

As for the canonical links with the Romanian Orthodox Church, they referred to details regarding the cult, for example, the Metropolia receiving the Holy and Great Oil from the ROC or the fact that during the Holy Services, the Metropolitan had to commemorate the Patriarch. Also, as a testimony of the canonical ties, the Metropolitan or his delegate could have attended the meetings of the Holy Synod.²⁷

The document was debated by the Episcopal Congress in Vatra Românească, and His Eminence Archbishop Nathaniel stated in a letter addressed to the other Romanian diocese in America that “the delegates decided to recognize the “Proposal” as an acceptable basis for the work of the Joint Dialogue Commission towards a final proposal that will be presented to the Romanian Orthodox Church”.²⁸ In response, His Eminence Archbishop Nicolae Condrea

²⁶ Ibid.

²⁷ Ibid.

²⁸ The Editorial Office, „Al 76-lea Congres al Episcopiei”, *Solia – The Herald* LXXIII, no. 7-8, (July/August 2008): 21.

sent a letter to the delegates informing them that “[while] meeting in a working session this morning (July 5), the Congress of the Archdiocese discussed the proposal of the Joint Dialogue Commission (...) the delegates decided to unanimously approve the document in principle and authorize the Joint Dialogue Commission to continue its work....²⁹” Moreover, he also proposed a deadline by which point, a final form of the “Proposal” had to be ready, so that in April 2009, a festive Congress of unity would be organized, celebrating the 80th anniversary of the first Congress.³⁰

In an interview given to the *Lumina* newspaper, His Eminence Nicolae Condrea admitted, however, that there was still much to solve on the path of unification: the elaboration of a statute of the metropolia, the organization of a joint congress, the election of a metropolitan. Interestingly, the hierarch was talking about unification efforts undertaken since the 1990s, through the establishment of a Dialogue Commission in 1992, which had the mission of exploring the possibilities surrounding the issue of unification, but which did not work effectively until 2007-2008. Moreover, certain apprehensions related to a possible union were caused by the status of autonomy that the new metropolia would have had. But these apprehensions were dispelled after the visit of Archbishop Nathaniel to Romania and the meeting with Patriarch Daniel.³¹

At the time of the interview, in 2008, on the American continent there were several Orthodox communities, several hierarchs, each with its own diocese, more or less connected to a *mother church* in Europe. There was a Conference of Orthodox Bishops, established in 1961, but this was not a canonical structure, i.e. the bishops gathered within it did not form a synod, instead, it was only a form of collaboration based on “the brotherhood of the Orthodox bishops of the American continent”. This aspect was very important because in the eventuality of a union of the two Romanian dioceses and the creation of an autonomous metropolia, the latter organization would have become a model for the rest of the Orthodox communities in America: autonomous, but keeping the connection with the *mother church*.³²

After the decisions of the two Diocesan Congresses, on August 12, 2008, their Joint Dialogue Commission met in Southfield (Michigan). The discussions focused on improving the text of the “Proposal” for the establishment of the

²⁹ Ibid.

³⁰ Ibid.

³¹ Augustin Păunoiu, „Interviu cu Înalț Prea Sfințitul Nicolae Condrea, Arhiepiscopul românilor din cele două Americi”, *Lumina de Duminică*, no. 29 (143) (July 20, 2008).

³² Ibid.

Metropolia in accordance with the decisions of the mentioned Congresses. The commission members also agreed that the process will be a lengthy one, requiring the clarification of many historical and current issues.³³

The next stage was a joint meeting of the Councils of the two dioceses, a meeting that took place at the Saint Mary's Cathedral in Cleveland, on March 21, 2009, with the participation of His Eminence Archbishop Nicolae and His Eminence Archbishop Nathaniel. The meeting, described as *historic* by the news agency *Basilica* of the Romanian Patriarchate, discussed a series of issues related to the unity of Romanian Orthodoxy in America. The debates were mainly at the level of general principles and referred to: “the nature of the autonomy provided for in the Proposal; how this unity promotes the eventual administrative unity of all Orthodox Christians under one church authority in North America; the relationship of the future autonomous Metropolia with the Romanian Orthodox Church; the need for mutual research of the specific realities of both parties, but especially the way to reach the spiritual healing of the current division of the Orthodox Romanians in North America.”³⁴

Meanwhile, evidence of closeness to the Romanian Orthodox Church was also visible on another level. For example, in March 2009, His Eminence Teofan, the Metropolitan of Moldova and Bucovina, thanked His Eminence Nathaniel in a letter, for the financial aid worth 5,500 dollars intended to help the families in the north of Moldova, affected during the floods of July 2008. This amount of money, together with other donations, was used for the construction or consolidation of ten houses in the township of Rădăuți-Prut, Botoșani county.³⁵

The year 2009 and the Congress held by the Romanian Orthodox Episcopate from Vatra between July 2-5 did not bring any special update on the union issue. This is primarily because the various commissions established a year before to analyze legal, financial, and statutory issues had not completed their work, so no additions had been made to the “Proposal”. This did not mean that the efforts were abandoned. On the contrary, in the speech delivered before the diocesan Congress, Archbishop Nathaniel saw in the unity of the Romanian Orthodox

³³ The Editorial Office, “Comisia Mixtă de Dialog s-a întâlnit după Congres pentru a continua discuțiile despre unitate”, *Solia – The Herald* LXXIII, no. 9-10 (September/October 2008): 21.

³⁴ Ibid.

³⁵ The Editorial Office, „Scrisoare de mulțumire din partea Înalț Prea Sfințitului Mitropolit al Moldovei și Bucovinei, Teofan”, *Solia – The Herald* LXXIV, no. 3-4 (March/April 2009): 21.

communities in America a first step towards a “completely unified autocephalous Church in America”.³⁶

Unfortunately, the developments were insignificant in the following period, the changes and improvements brought to the “Proposal” were not consistent, and at the Congress of the Romanian Orthodox Archdiocese of the two Americas, held in Chicago, between July 1-4, this impasse was finally recognized. One of the delegates, father Nicholas Apostola, accepted that little progress had been made, but still recommended that discussions and meetings of the joint commissions should be held as often as possible. On the other hand, at the Congress of the Romanian Orthodox Episcopate, held on October 1-2, 2010, in Cleveland, the financial commission once again postponed the presentation of a report.

However, signs of rapprochement and desire for unity were there. For example, on April 29, 2011, on the occasion of the Feast of Life-giving Fount of Mother of God, the two archbishops celebrated the Holy Liturgy together at the Cathedral of the Holy Emperor Constantine and his mother Helen in Chicago. Both expressed their desire to repeat the service together “until the fulfilment of the plan of unity of the Orthodox Romanians in America”, as announced in the press release.

Though both parties expressed a willingness to cooperate, the financial and legal issues put the commissions of the Romanian Orthodox Diocese of Vatra in difficulty. These committees had nothing to do with ecclesiastical and canonical issues, but they had to analyze these aspects because the proposal essentially involved the union of two corporations, as some voices appreciated. In addition, they also had to determine how the new Metropolis was to function legally and financially.³⁷ In an interview given in April 2012, Archbishop Nathaniel recognized that from a theological and dogmatic point of view nothing separates the two Romanian dioceses, but he insisted on solving the legal-administrative and financial details, arguing that “the administrative and financial functioning of our diocese is done according to American laws, which are different from those in Romania”. These problems needed to be overcome before he could give a deadline.³⁸

³⁶ The Editorial Office, „Congresul Episcopiei 2009”, *Solia – The Herald* LXXIV, no. 7-8, (July/August 2009): 19.

³⁷ The Editorial Office, „Congresul Episcopiei pe anul 2011”, *Solia – The Herald* LXXVI, no. 9-10 (September/October 2011): 24.

³⁸ Adrian Ardelean, „Interviu cu Î.P.S. Nathaniel în timpul vizitei la comunitatea românească din Montreal”, *Solia – The Herald* LXXVII, no. 5-6 (May/June 2012): 18-19.

But this process of legal and financial analysis that the Americans call *due diligence* and which the representatives of the Diocese of Vatra regarded as foreign to the spirit of the Orthodox Church, had caused some dissatisfaction and impatience among the members of the other diocese. These complaints and even accusations were expressed in a “Report to the Congress of the Romanian Orthodox Archdiocese of the two Americas from 2012, regarding the status of the dialogue with the Romanian Orthodox Episcopate in America”. The report, prepared by father Nicholas Apostola, the president of the Dialogue Commission, pointed out that “Our Archdiocese has engaged in patiently searching for a solution”, but the leadership of the Diocese of Vatra “acted unilaterally, interrupted and conditioned the dialogue on several occasions”, and in 2008, “unilaterally introduced a due diligence process into the discussion”. In this situation, the dialogue was at an impasse because of this process “mandated by the Episcopal Congress, without consultation or negotiation with the Archdiocese”. In the opinion of the author of the report, the practice of due diligence was borrowed from the world of corporate affairs, but the process itself could also take place after the signing of the merger or acquisition for mutual confirmation of financial and legal statements during negotiations. Thus, in the unification plan of the two dioceses, this process could have been carried out after the adoption of a decision in this regard.³⁹ The report also showed that, in March 2012, Archbishop Nicolae sent several proposals to Archbishop Nathaniel aimed at convening the Dialogue and Due Diligence Commissions, which in the presence of the hierarchs would identify the unresolved issues. The proposals remained unanswered. Under these conditions, the end of the report was far from hopeful: “patience based on hope and faith must eventually give way to reality (...) without immediate evidence to the contrary, we must admit the lack of will of our Romanian Orthodox brothers and sisters to work for a common future...”⁴⁰

The Congress of the Archdiocese, held in Montreal from June 28 to July 1, 2012, voted a three-point resolution: 1) In the opinion of the Archdiocese, the due diligence process had fulfilled its purpose and was now closed; 2) “The wish was expressed to open a new stage in the dialogue with the Romanian Orthodox Episcopate in America, designed to build trust between the clergy and the

³⁹ Mitropolia Ortodoxă Română a celor două Americi, „Raport către Congresul Arhiepiscopiei Ortodoxe Române din cele două Americi din 2012, privind stadiul dialogului cu Episcopia Ortodoxă Română din America”, <http://www.romarch.org/ro/news.php?id=3412>, accessed June 20, 2022.

⁴⁰ Ibid.

faithful of our dioceses, (...) a stage characterized by a process of openness and transparency, including through regular face-to-face meetings, both of the clergy and of other governing bodies; 3) The Archbishop is asked to study the ways and means by which this dialogue process with ROEA can be initiated”.⁴¹

Finally, the congress voted to establish a new commission to discuss the establishment of a Romanian Orthodox Metropolia in America, a commission to present a first report in 2014, with recommendations regarding the viability of the proposal and the steps necessary for its application.⁴²

However, gestures of goodwill continued to be made, especially from the Diocese of Vatra to the ROC, some of them even contained a strong symbolic importance. For example, during 2012, in all the parishes of the Romanian Orthodox Episcopate in America, funds were collected for the recently started works at the People’s Salvation Cathedral in Bucharest. Archbishop Nathaniel urged his parishes to “encourage and promote the collection for this unique project” every Sunday. Consequently, 16,000 dollars were collected, which were transferred to the accounts of the Patriarchate in October 2012.⁴³ As thanks, Patriarch Daniel sent a letter to Archbishop Nathaniel, emphasizing that it is “a sign of fraternal love and appreciation”, a “gesture of solidarity and cooperation” that must be appreciated all the more as it comes “in a period of economic and financial crisis, which affects us all, but which, behold, is a blessed opportunity for practical cooperation of Romanians from the United States of America with those from Romania”.⁴⁴

Likewise, the contacts of the Diocese of Vatra were becoming more and more cordial with the institutions of the Romanian state in the US, for example with the Romanian Embassy in Washington, as shown by a book donation that Archbishop Nathaniel made in September 2013, a donation warmly received by Ambassador Adrian Vierța.⁴⁵

However, since there was no progress regarding the unification and establishment of a Metropolia, during the 83rd Congress of the Romanian Orthodox Episcopate in America, held between September 3-6, 2015, a motion

⁴¹ Ibid.

⁴² Ibid.

⁴³ The Editorial Office, „Episcopia a Contribuit Financiar la Ridicarea Catedralei „Mântuirii Neamului” din România”, *Solia* – *The Herald* LXXVII, no. 11-12 (November-December 2012): 23.

⁴⁴ Ibid, 22.

⁴⁵ The Editorial Office, “Episcopate Shares Romanian-American Publications with Romanian Embassy”, *Solia* – *The Herald* LXVIII, no. 9-10, (September-October 2013): 7.

was voted requesting for a letter to be sent to the Romanian Orthodox Archdiocese from the two Americas, to state its position regarding the union.⁴⁶

The end of these administrative attempts to unify the two Romanian dioceses and to establish a metropolia came in 2016, when the Archdiocese was elevated to the rank of metropolia, in other words, it undertook on its own what should have been done together. On the occasion of the 80th congress of the Archdiocese, held between July 1-3, 2016, in Hamilton, Ontario, at least two decisions were adopted that changed the ecclesiastical landscape for Orthodox Romanians in North America. First, the Romanian Orthodox Diocese of Canada was established, with headquarters in Montreal.

Secondly, the Romanian Orthodox Metropolia of the Americas was established, comprising the two dioceses – the old Romanian Orthodox Archdiocese of the two Americas and the newly established Romanian Orthodox Episcopate of Canada.⁴⁷ Aside from these decisions, His Eminence Archbishop Nicolae Condrea was elevated to the rank of metropolitan. All these new decisions were confirmed in the meeting of the Holy Synod of the Romanian Orthodox Church on October 28-29, 2016.⁴⁸

On this occasion, which speaks to the total rupture of the two sides, the representative of the Romanian government, namely the State Secretary for Cults, Victor Opaschi, did not find it appropriate to mention in his message the existence of two Romanian dioceses, but referred, in general terms, to the Romanian *bishopric* in America and its role to “testify about the values and traditions of the Christian-Orthodox faith” and to “promote our image, of Romania and the Romanians”.⁴⁹ The enthronement of Metropolitan Nicolae Condrea took place on April 30, 2017, in the Cathedral of the Holy Emperor

⁴⁶ The Editorial Office, „Congresul Episcopiei 2015”, *Solia*. – *The Herald* LXXX, no. 9-10, (September-October 2015): 16.

⁴⁷ Mitropolia Ortodoxă Română a celor două Americi, „Istoric”, <https://mitropolia.us/pdf/istoric-mitropolie.pdf>, accessed June 28, 2022.

⁴⁸ Iulian Dumitrașcu, „Noi hotărâri ale Sfântului Sinod al Bisericii Ortodoxe Române relevante pentru viața bisericească a românilor din cele două Americi”, *Agenția de știri Basilica*, October 28, 2016, <https://basilica.ro/noi-hotarari-ale-sfantului-sinod-al-bisericii-ortodoxe-romane-relevante-pentru-viata-bisericeasca-a-romanilor-din-cele-doua-americi/>, accessed July 2, 2022.

⁴⁹ Gheorghe Anghel, „Victor Opaschi: Episcopatul român din America a dat mărturie despre valorile și tradițiile credinței creștin ortodoxe într-o lume din ce în ce mai seculară”, *Agenția de știri Basilica*, October 30, 2016, <https://basilica.ro/victor-opaschi-episcopatul-roman-din-america-a-dat-marturie-despre-valorile-si-traditiile-credintei-crestin-ortodoxe-intr-o-lume-din-ce-in-ce-mai-seculara/>, accessed July 2, 2022.

Constantine and his mother Helen in Chicago, in the presence of a delegation of the ROC led by His Eminence Metropolitan Nifon, Archbishop of Târgoviște.⁵⁰

VI. Conclusions

In the absence of concrete and direct explanations from the protagonists, the causes that led to the interruption of the unification process of the two Romanian dioceses in the United States and, therefore, to its failure, can only be surmised and, therefore, partial and subject to future corrections.

We should start with a specific feature of Orthodox churches in general, namely that they are organized on a national basis. The autocephalous Orthodox churches exercise their jurisdiction, both canonically and administratively, exclusively within delimited political borders. Canon 34 of the Holy Apostles states that: “each (bishop) should do only those that concern his parish (eparchy) and the villages under his rule”.⁵¹ More explicit is Canon 2 of the Second Ecumenical Synod, in Constantinople: “The bishops placed over a diocese should not extend over the churches outside their borders, nor disturb the churches, but according to the canons, the bishop of Alexandria should rule only those in Egypt, and the bishops of the East to administer only the East; (...) and the bishops of the diocese of Asia to administer only those of the diocese of Asia; and those of Pontus should rule only those of Pontus and those of Thrace only those of Thrace”.⁵² Finally, canon 8 of the Third Ecumenical Synod, in Ephesus, contains the following wording: “... none of the bishops who love God should include another diocese that was not previously and from the beginning under his hand or those before him”.⁵³ However, the present situation is much more complicated than the fathers of the Church could have ever envisioned. On the North American continent, as in the western part of Europe, immigration brought the development of Orthodox communities belonging to one or another national church. Several Orthodox Christians, originally from Central and Eastern Europe, settled in these regions. This situation put the Orthodox world in a new position: Churches with a strong

⁵⁰ Gheorghe Anghel, „30 aprilie 2017: Intronizarea Mitropolitului Ortodox Român al celor două Americi”, *Agenția de știri Basilica*, April 26, 2017, <https://basilica.ro/30-aprilie-2017-intronizarea-mitropolitului-ortodox-roman-al-celor-doua-americi/>, accessed July 2, 2022.

⁵¹ Ioan N. Floca, *Canoanele Bisericii Ortodoxe. Note și comentarii* (Sibiu: 2005), 27.

⁵² Ibid., 71.

⁵³ Ibid., 82.

national connection now had their members scattered in other countries. The *Orthodox Diaspora* is a new phenomenon that Orthodoxy has just begun to address. In this context, one of the major challenges it faces is the existence of several overlapping jurisdictions, a phenomenon that contradicts the canonical tradition according to which any territory should fall under a single ecclesiastical authority. Taking all this into consideration, we believe that one of the causes of the failure was the impossibility of finding an answer, of deciding to which autocephalous church the new Metropolia resulting from the union would belong to: the Romanian Orthodox Church or the Orthodox Church in America. Of course, during the negotiations and in various proposals, autonomy was insisted on, but the canonical question of belonging to an autocephalous church remained unresolved.

Another cause could be traced to the different visions on the issue of unification that each of the two Dioceses had. For the Romanian Orthodox Archdiocese of the two Americas, unification represented a way to heal the wounds of the past, to put an end to the divisions that did no honor to the Romanian communities in America. For this diocese, ecclesiastical, canonical, historical issues were a priority, its vision being, rather, an emotional one. In contrast, the Romanian Orthodox Episcopate in America was, as we have seen, the one with more parishes, with more believers, more comprehensive and, therefore, richer. For this reason, it is possible that the Diocese of Vatra would have insisted much more on the practical dimension of the unification and would have required a strict clarification of financial and administrative issues. The former wanted the union of some communities of Romanian Orthodox brothers, the latter believed that two companies must also unite, but added that the union should address all the legal and financial complications as well. From this rift, mutual accusations arose, with one camp arguing that financial matters were far from the Orthodox spirit, while the other highlighted the need to respect certain requirements of American legislation.

Finally, never during the negotiations, in any proposal, was the leadership of the new diocese resulting from unification discussed. Who would lead? His Eminence Nathaniel or His Eminence Nicolae? The matter was not one of personal pride, even less of resume, but one with deep ecclesiastical and administrative implications. A decision on this was delayed, ultimately avoided, because it had the potential to create animosity and jeopardize the entire process.

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THE STRATEGIC USE OF PRESIDENTIAL REFERENDUMS IN POST-SOCIALIST ROMANIA

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Abstract: Praised by many as a remedy for various democratic deficits and criticized by others for their capacity to promote populist agendas, referendums are key participatory devices of representative democracy. However, a rich corpus of literature describes numerous occasions in which they become merely strategic levers in the hands of politicians instead of substantive popular consultations on policy issues. The Romanian post-socialist political system is no exception to this trend. Among the referendums held between 1990 and 2020, this paper analyses a particular class, those initiated by the President of Romania according to the article 90 of the Constitution, with the aim to discern the general features and the specific context of their strategic use, emphasizing especially the 2019 referendum concerning the justice system, the most recent one of the entire series. My observations confirm and further reinforce prior generalizations regarding the instrumentalization of referendums in post-socialist Romania.

Keywords: referendum, consultative referendums, presidential politics, mobilization, anti-corruption, populism, Romania



Rezumat: Lăudate de mulți drept remediu pentru diverse deficite ale democrației și criticate de alții pentru capacitatea lor de a promova agende populiste, referendumurile sunt dispozitive participative cheie ale democrației reprezentative. Totuși, un număr mare de lucrări descriu numeroase ocazii în care acestea devin doar pârguri strategice în mâinile politicianilor, în loc să fie consultări substanțiale asupra politicilor publice. Sistemul politic românesc post-socialist nu face excepție. Dintre referendumurile organizate între 1990 și 2020, acest articol analizează o categorie particulară, cea a consultărilor inițiate de Președintele României în conformitate cu articolul 90 din Constituția României, cu scopul de a discerne trăsăturile generale și contextul specific al utilizării lor strategice, evidențiind în special referendumul din 2019 privind sistemul de justiție, cel mai recent din întreaga serie. Observațiile mele confirmă și consolidează generalizări formulate anterior referitoare la instrumentalizarea referendumurilor în România post-socialistă.

Cuvinte cheie: referendum, referendumuri consultative, politică prezidențială, mobilizare, anticorupție, populism, Romania

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I. Introduction: Referendums as Strategic Levers

The contemporary theoretical framework of liberal democracy relies upon a series of principles that recommend representative government as a practical and relatively reliable method of conveying the political preferences of the public, however diverse, to decision-making bodies that convert them into policy. This does not mean that mechanisms of direct democracy do not have any significant place in the process of representation. In fact, they may play a crucial role in compensating participation deficits when party systems are not fully able to perform their function of aggregating political demand¹, or in finding a cure for the “democratic fatigue” established electoral democracies tend to suffer from². Frequently seen as a necessary complement to elections, such institutional devices “are not intended to supplant representative democracy but rather to serve as intermittent safety valves against perverse or unresponsive behavior of representative institutions and politicians”³.

Referendums in particular, defined as devices of direct democracy “by which the people are asked to vote directly on an issue or policy”⁴, are increasingly present in contemporary politics. The number of national level referendums held worldwide has been growing, as well as the number of referendums held in European democracies⁵. It goes without saying that frequent use of referendums does not tell much about how they are used. On the cautionary side, while the

¹ Matt Qvortrup, “Introduction: Theory, Practice and History”, in *Referendums Around the World. The Continued Growth of Direct Democracy*, ed. Matt Qvortrup (London: Palgrave Macmillan UK, 2014), 12-13.

² David Altman, *Citizenship and Contemporary Direct Democracy*, 1st ed. (Cambridge: Cambridge University Press, 2018), 2-3.

³ Ibid., 30. David Altman, *Direct Democracy Worldwide* (Cambridge: Cambridge University Press, 2010), 2.

⁴ Laurence Morel, “Referendum,” in *The Oxford Handbook of Comparative Constitutional Law*, ed. Michel Rosenfeld and András Sajó (Oxford: Oxford University Press, 2012), 502.

⁵ Saskia Hollander, *The Politics of Referendum Use in European Democracies* (Cham: Springer International Publishing, 2019); Laurence Morel, “The Rise of Government-Initiated Referendums in Consolidated Democracies,” in *Referendum Democracy: Citizens, Elites and Deliberation in Referendum Campaigns*, ed. Matthew Mendelsohn and Andrew Parkin (London: Palgrave Macmillan UK, 2001), 47–64; Maija Setälä, “Referendums in Western Europe – A Wave of Direct Democracy?,” *Scandinavian Political Studies* 22, no. 4 (1999): 327–338.

avoidance of referendums is usually being considered suspicious in itself⁶, recent events reminded that also overemphasizing the need for popular consultations can be, to a great extent, problematic. Referendums can be used as a means of undermining state sovereignty during violent geostrategic confrontations. A referendum was used to assert economic sovereignty against European Union under the heavy influence of a short-sighted partisan campaign (the Brexit referendum of 2016). Even the history of the concept is eloquent of the perils of authoritarian and personalistic instrumentalization of *referenda*, in the form of plebiscites. Over time, numerous studies questioned the relation between referendums and populist, illiberal tendencies, which encourages majorities to take “bad decisions” or to force their will upon minorities⁷. Nevertheless, the mere fact that referendums initiated by the legislative or executive seem to be by far the most common globally⁸ may explain by itself the appreciable growth of interest in searching for more insightful depictions of how state officials employ them to attain their strategic objectives.

The manner in which politicians may use large-scale popular consultations to achieve their goals can vary greatly. Some strategic uses stem from the communicative function of referendum campaigns, others from the ability of leaders to exercise control over public agenda, other from the capacity of referendums to mobilize voters. Motives that describe why political parties make use of referendums to pursue their plans can be broadly classified in two main categories: policy-related and institutional⁹. From the policy-centered perspective, agents that favor popular consultations may act to support their parties (party-oriented or centripetal goals: agenda-setting, popularity, and

⁶ See the reluctance with which top officials in Sweden and Finland received the idea of organizing a referendum on joining NATO (Reuters, “Swedish PM Rejects Referendum on Possible NATO Membership,” April 28, 2022, <https://www.reuters.com/world/europe/swedish-pm-rejects-referendum-possible-nato-membership-2022-04-28/>, accessed May 29, 2022; Jon Henley, “Finland and Sweden Confirm Intention to Join Nato,” *The Guardian*, May 15, 2022, <https://www.theguardian.com/world/2022/may/15/finland-formally-confirms-intention-to-join-nato-russia>), accessed May 29, 2022.

⁷ Laurence Morel, “The Democratic Criticism of Referendums: The Majority and True Will of the People,” in *The Routledge Handbook to Referendums and Direct Democracy*, ed. Laurence Morel and Matt Qvortrup (London and New York: Routledge, 2018), 149–169; Cecilia Emma Sottiolotta, “The Strategic Use of Government-Sponsored Referendums in Contemporary Europe: Issues and Implications,” *Journal of Contemporary European Research* 13, no. 4 (2017): 1361–1376.

⁸ Abdurashid Solijonov, “A Statistical Look Back at Referendums through the Years,” *International Institute for Democracy and Electoral Assistance*, last modified December 21, 2016, <https://www.idea.int/news-media/news/statistical-look-back-referendums-through-years>, accessed March 13, 2022.

⁹ Sergiu Gherghina, “How Political Parties Use Referendums: An Analytical Framework,” *East European Politics and Societies* 33, no. 3 (2019): 683–687.

legitimacy), and/or to subvert other competitors (centrifugal goals: mobilization against parties or leaders). Thus, on the institutional side, they may act centripetally, having objectives relevant to party organization, and centrifugally, to displace deadlocks, by-pass institutions they do not fully control, or determine early elections.

According to Walker, whatever the forces at play in a particular political environment, referendum politics operate on the same basic mechanism:

1. Referendums are part of a bargaining process between elites who have their basis of power in different institutional settings.
2. Referendums give political actors the political legitimacy to pursue change and potentially alter status quo institutions.
3. Executives can better position themselves than legislatures along a policy spectrum to win when introducing referendums¹⁰.

This makes such consultations a tempting lever to be applied in domestic politics, especially in highly polarizing situations, and in institutional settings that foster intense confrontations between executive and legislators. Semi-presidential republics are of special interest in this respect, as they make possible intense intra-executive conflicts during cohabitation periods, when presidents and prime-ministers do not share the same political allegiance, and even outside the cohabitation time frame¹¹.

The complexities of transitional politics in Central and Eastern Europe tend to add further layers of uncertainty to the precarious equilibrium of semi-presidential regimes. Romania, like other East-European countries, took the path of semi-presidentialism shortly after the dismantlement of his socialist institutions. While conflicts between the two branches of the executive were not absent or negligible, it is only after 2004 that its turbulent transitional politics registered the first instance of cohabitation. A new configuration of competition came into play as president Traian Băsescu abandoned the traditional, constitutionally prescribed, stance of “mediator” to enter effusively the partisan battle. Thereby, he inaugurated an adversarial dynamic that was involved in various degrees in all subsequent referendums – six out of a total of ten held

¹⁰ Mark Clarence Walker, *The Strategic Use of Referendums: Power, Legitimacy, and Democracy*. 1st ed. (New York: Palgrave Macmillan, 2003), 3.

¹¹ Anthony Murphy, “Semi-Presidential Reform and Referendums in France and Romania,” *European Journal of Comparative Law and Governance* 7, no. 4 (2020): 384–407; Thomas Sedelius and Olga Mashtaler, “Two Decades of Semi-Presidentialism: Issues of Intra-Executive Conflict in Central and Eastern Europe 1991–2011,” *East European Politics* 29, no. 2 (2013): 109–134.

from the inauguration of Romanian post-socialist regime until now. Among those, the most numerous were president-initiated consultative referendums (2007, 2009, 2019), compared to just two impeachment referendums (2007, 2012) and one bottom-up constitutional referendum (see Table 1).

This paper will highlight one distinct category of national consultations, those initiated by the President according to the article 90 of the Romanian Constitution, in order to discern the general features, the dynamic, and the specific context of their strategic use. Therefore, along with the objective of tracing the intricacies of Romanian presidential politics in relation with the use of consultative referendums, the paper aims to point out some key interactions that could help get a better grasp of the political strategies of their initiators. In addition, I will examine if the 2019 “referendum on Justice” initiated by President Klaus Iohannis can be considered a further example of direct democracy instrumentalization compared to similar instances of president-initiated referendums organized in Romania, and how does it fit in the analytical framework advanced by Sergiu Gherghina¹² with respect to the strategic utilization of referendums.

Following the taxonomy proposed by Hollander, who centers his approach on the criterion of “who triggers the referendum”, I will refer to the category of referendums under scrutiny as “presidential referendums”¹³. This is particularly suitable for an analysis of political action, as it emphasizes the dominant actor who may exercise control over the political agenda. It is even more fitting for the referendums initiated by the President of Romania, which, unlike in other post-socialist semi-presidential systems where the president has the power to initiate such consultations on issues of national interest, do not depend on the support of the prime minister or of the Parliament¹⁴. According to the

¹² Sergiu Gherghina, “Hijacked Direct Democracy: The Instrumental Use of Referendums in Romania,” *East European Politics and Societies: and Cultures* 33, no. 3 (August 2019): 778-797; Gherghina, “How Political Parties Use Referendums”, 682-684.

¹³ Saskia Hollander, *The Politics of Referendum Use in European Democracies* (Cham: Springer International Publishing, 2019), 43. Hollander distinguishes 5 types of referendums: “(1) referendums triggered by a parliamentary majority (i.e. legislative majority referendums), (2) presidential referendums, (3) referendums triggered by a parliamentary minority (i.e. legislative minority referendums), (4) citizen-initiated referendums; and (5) mandatory referendums, triggered not by an actor but by the constitution”.

¹⁴ For instance, among EU member countries, in Poland, in order to trigger a referendum on issues of particular importance for the state, the president should have the consent of the Senate given by absolute majority. In Croatia the president needs the support of the prime-minister. (see Maciej Hartliński, “The Effect of Political Parties on Nationwide Referendums in Poland after 1989,” *East European Politics and Societies* 33, no. 3 (2019): 738; Hollander, *The Politics of Referendum Use*, 94; Silvia Suteu, “Recourse to the People in Semi-Presidential Systems: Lessons

comprehensive classification proposed by Morel, this kind of popular consultations could be included in the category of top-down, executive-initiated, propositive, advisory referendums (Type 7), the one withholding a minimal amount of legislative power compared to the rest¹⁵.

The article proceeds with a brief outline of the legal provisions related to the organization of national referendums in Romania, showing how the legislation itself became, in some instances, a strategic lever in the hands of the parliament – or the government, through the means of emergency ordinances. Then, it presents the consultative referendums initiated by president Traian Băsescu during his first term in office, the tumultuous political clash that inaugurated an extended period of political cohabitation. Finally, it will delineate the 2019 referendum on justice-related issues, the most recent in the entire series.

II. National Referendums in Romania: Legal Provisions

The Constitution of 1991 refers to the prerogative of the President to initiate referendums in Art. 90, which states: “The President of Romania may, after consultation with Parliament, ask the people of Romania to express, by referendum, their will on matters of national interest”¹⁶.

A referendum is also necessary during the so-called “suspension procedure”, part of the process of impeachment, in order to remove a president from office (Art. 95). The Constitutional Court has the power “to guard the observance of the procedure for the organization and holding of a referendum and to confirm its returns” (Art. 146). Aside from the top-down referendums gravitating around the institution of the Presidency, the fundamental law also contains provisions for national popular consultations in the matter of constitutional laws.

Leaving the task of establishing a more detailed normative framework to be picked up by the organic law (Art. 73), the text remains silent with respect to the possibility of initiating bottom-up referendums on policy issues. In fact, Romania has been noted as being one of the former socialist countries that do

from Romanian Referendum Practice During Periods of Divided Government,” *UCL Working Paper Series*, no. 4 (July 15, 2020): 10-11, <https://papers.ssrn.com/abstract=3652220>, accessed September 19, 2022).

¹⁵ Laurence Morel, “Types of Referendums, Provisions and Practice at the National Level Worldwide,” in *The Routledge Handbook to Referendums and Direct Democracy*, ed. Laurence Morel and Matt Qvortrup (London and New York: Routledge, 2018), 29-34.

¹⁶ ***, *Constitution of Romania - Republished* (București: Monitorul Oficial R.A., 2012), <https://www.ccr.ro/wp-content/uploads/2020/11/constitutie-engleza.pdf>.

not have an explicit constitutional basis for the citizens-initiated referendums, together with Czech Republic, Poland, and Estonia¹⁷.

Many other constitutional issues were left by the Constituent Assembly to future parliaments to decide. However, the organic law regarding the organization of referendums came later than expected, not long before the first revision of the constitution that took place, in 2003. The Law No. 3 of 22 February 2000 on the organization and conduct of referendums distinguishes between two main categories of consultations, national and local. According to the Article 2 of the law: “The national referendum is the form and means of direct consultation and expression of the sovereign will of the Romanian people regarding: a) revision of the Constitution b) dismissal of the President of Romania; c) issues of national interest.”

With two types of national referendums revolving around the presidential branch of the two-sided Romanian executive and a highly-charged political atmosphere, it is unsurprising that the legislation itself would become a strategic lever in the conflict between the Parliament and the Presidency during the prolonged cohabitation period that followed the 2004 presidential elections.

From its adoption until now, the above-mentioned law suffered no less than 28 revisions¹⁸, the most controversial of which related to quorum provisions introduced to facilitate the impeachment of the president. Less controversial, but questionable still¹⁹, the presence of a general attendance quorum in the original version of the law raised a high bar in terms of turnout, requiring that any national consultation have at least half plus one of the voters on electoral rolls participating in order to be valid (Art. 5.2). Together with the approval quorum stipulated exclusively for the class of impeachment referendums (Article 10: “The dismissal of the President of Romania is approved if it meets the majority of votes of the citizens registered on the electoral rolls”²⁰), this

¹⁷ Hollander, *The Politics of Referendum Use*, 92.

¹⁸ Romanian Parliament, “Law no. 3/2000 on the organization and conduct of referendums with all subsequent additions and modifications,” <http://legislatie.just.ro/Public/DetaliuDocument/21139>, accessed January 14, 2022.

¹⁹ Mihaela Ivănescu, “Insurmountable Rules, Absenteeism and Political Strife: A Comparative Analysis of the Romanian National Referendums (1990-2018),” *Annals of the „Ovidius” University of Constanța – Political Science Series* 7 (2018): 138-139.

²⁰ See the synopsis provided by the European Commission for Democracy through Law (European Commission for Democracy through Law, “Opinion on the Compatibility with Constitutional Principles and the Rule of Law of Actions Taken by the Government and the Parliament of Romania in Respect of Other State Institutions and on the Government Emergency Ordinance on Amendment to the Law N° 47/1992 Regarding the Organisation and Functioning of the Constitutional Court and on the Government Emergency Ordinance on

secured an enhanced political protection for presidents in office against hostile parliamentary majorities.

The fact that a relatively high general turnout threshold needed to be applied in every nationwide referendum became an obstacle even in the case of the first revision of the 1991 Constitution, in 2003, when the government felt necessary to schedule the voting over two days instead of just one (Government Emergency Ordinance no. 92/2003). Subsequent governments continued to make extensive use of emergency ordinances when introducing new revisions. In 2007, before the first impeachment referendum against President Traian Băsescu, the approval quorum was lowered by law as an explicit derogation from the rule regarding the attendance quorum: “By derogation from Article 5 paragraph (2), the dismissal of the President of Romania is approved if it meets the majority of valid votes cast at country level by the citizens that took part in the referendum” (article 10 of the Law no. 129/2007). After that, the same article was modified multiple times, reverting to the majority of votes of the citizens registered, just to be lowered once again and to stabilize in the end to the “majority of the valid votes cast”. This prolonged struggle over legislation gave the experts of the Venice Commission sufficient grounds to state that “both in 2007 and in 2012, the quorum required for the adoption of a referendum on the suspension of the President was changed while a suspension was imminent” and that “such event driven changes of electoral legislation amount to a violation of the legal certainty and the principle of the stability of the referendum process”²¹.

Finally, the article 5 of the Law no. 3/2000 was revised once again in 2013, the general attendance quorum being expressed to this day in a twofold manner: in order to be considered valid, at least 30% of the number of citizens registered on the permanent electoral rolls should participate, and the number of valid votes should be equal to at least 25% of those registered on the permanent electoral rolls (Law no. 341/2013).

No approval quorum exists in the case of presidential referendums, due to their consultative nature, and this feature remained remarkably stable over time. However, the parliamentary majority did not refrain from trying to prevent the organization of the 2019 referendum on judiciary at the same time as the

Amending and Completing the Law N° 3/2000 Regarding the Organisation of a Referendum of Romania, Adopted by the Venice Commission at Its 93rd Plenary Session (Venice, 14-15 December 2012)” (December 14, 2012), 9, [https://www.venice.coe.int/webforms/documents/CDL-AD\(2012\)026-e.aspx](https://www.venice.coe.int/webforms/documents/CDL-AD(2012)026-e.aspx), accessed January 14, 2022).

²¹ Ibid.

election of Romanian representatives in the European Parliament, by amending the Law on the organization and holding of European Parliament elections. The text amending was struck down by the Constitutional Court (Romanian Constitutional Court Ruling no. 146/2019)²², a decision entirely predictable taking into account the prior jurisprudence of the Court with regard to the issue of simultaneity of national referendums and presidential, parliamentary, local or European Parliament elections (Romanian Constitutional Court Ruling no. 147/2007). Table 1 shows the complete list of nationwide referendums held in post-socialist Romania, chronologically ordered and pointing out the occasions in which invalidation occurred:

Date	Topic	Initiative	Advisory?	Turnout (%)	Votes yes (%)	Votes no (%)	Votes null (%)	Validity
1991, 8 Dec.	Adoption of a new constitution	Parliament	No	67.3	77.3	20.4	2.3	Valid
2003, 18-19 Oct.	Constitution revision	Parliament	No	55.7	89.7	8.8	1.5	Valid
2007, 19 May	Presidential impeachment	Parliament	No	44.5	24.8	74.5	0.7	Valid
2007, 25 Nov.	Electoral system (two-round majority vote)	President	Yes	26.5	81.4	16.1	2.5	Not valid
2009, 22 Nov.	Unicameral Parliament	President	Yes	50.9	72.3	20.7	7.0	Valid
	Decrease the number of MPs to 300				83.3	10.5	6.2	Valid
2012, 29 Jul.	Presidential impeachment	Parliament	No	46.2	87.5	11.2	1.3	Not valid
2018, 6-7 Oct.	Constitutional ban on same sex marriage	Parliament	No	21.1	91.6	6.5	1,9	Not valid
2019, 26 May	Banning amnesty and pardon regarding corruption offences	President	Yes	43.3	81.5	13.4	5.1	Valid

²² Adelina Rădulescu, „Mizele organizării unui referendum simultan cu alegerile pentru PE, după pronunțarea CCR,” *Europa Liberă România*, March 13, 2019, <https://romania.europalibera.org/a/referendum-alegeri-europarlamentare-justitie/29819489.html>, accessed October 1, 2022.

	Banning the use of emergency ordinances concerning crime, punishment and the organization of the judiciary			43.4	81.8	13.1	5.1	Valid
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Table 1. Referendums in post-socialist Romania (1991-2019)

Source: Data compiled from Autoritatea Electorală Permanentă, *Cartea Albă a Referendumului Național din 22 Noiembrie 2009* (București: Autoritatea Electorală Permanentă, 2009); Mihaela Ivănescu, “Insurmountable Rules”, 141-142; Biroul Electoral Central, „Proces verbal privind rezultatele referendumului național pentru revizuirea Constituției din 6 și 7 octombrie 2018,” October 11, 2018; Biroul Electoral Central, „Proces verbal privind rezultatele referendumului național privind interzicerea amnistiei și grațierii pentru infracțiuni de corupție din 26 mai 2019,” March 6, 2019; Biroul Electoral Central, „Proces verbal privind rezultatele referendumului național privind interzicerea adoptării de către guvern a ordonanțelor de urgență în domeniul infracțiunilor, pedepselor și al organizării judiciare corelată cu dreptul altor autorități constituționale de a sesiza direct Curtea Constituțională cu privire la ordonanțe din 26 mai 2019,” March 6, 2019; Gherghina, “Hijacked Direct Democracy”, 782.

The president decides when the consultation should take place as well as puts forth the questions under consideration. The parliament is invited to give its own opinion on the subject matter. The referendum statements are approved at the polls with the majority of valid votes cast.

It should be noted that from the point of view of the constitutional design, while not being kept in check by a possible veto from the head of the government or by the Parliament, the referendums initiated by the President of Romania are optional and not legally binding (advisory) plebiscitary devices. Thus, we can theorize that, from a checks-and-balances standpoint, it was originally intended to provide a political “recourse to the people”, giving the Presidency the ability to influence the decision-making process, without having the possibility to take over. On the other hand, from the perspective of the liberal theory of democratic representation, regardless how prominent the role of the president, this kind of popular consultations can be considered genuine mechanisms of direct democracy insofar they allow a readjustment of the mandate entrusted by the people to the representatives during elections, giving to the voters a say in the decision-making process²³, within the limits established by the president.

²³ Carlo Invernizzi Accetti and Giulia Oskian, “What Is a Consultative Referendum? The Democratic Legitimacy of Popular Consultations,” *Perspectives on Politics* 20, no. 1 (March 2022): 123–138.

III. Presidential Referendums During the First Two Cohabitation Terms: Pushing for Electoral Reform (2007) and Parliamentary Reform (2009)

Anthony Murphy²⁴ accurately noted that, paradoxically, Romania entered its tumultuous cohabitation era (2004 to present day) only after a constitutional reform which was supposedly designed to improve the stability of the post-socialist political system. As a result of extending the presidential mandate to five years, the presidential and legislative elections went out of sync according to the new electoral calendar, thus allowing for the possibility of a presidential mandate politically separated from the parliamentary majority. Certainly, reassured and contented by the economic and diplomatic achievements of his government²⁵, the prime minister in office at the time, Adrian Năstase, leader of the Social Democratic Party (PSD), was not expecting to see the above-mentioned consequence taking effect so soon. Nevertheless, he failed to secure the presidential mandate with a narrow margin against his challenger, Traian Băsescu (the candidate of Justice and Truth Alliance, a grouping of opposition parties combining the forces of National Liberal Party and Democratic Party), who immediately started to corrode the electoral alliance that obtained the majority of votes in the legislative elections, and forced an *ad-hoc* coalition by nominating fellow Alliance member, Călin Popescu Tăriceanu, as prime minister²⁶. Adrian Năstase became head of the Chamber of Deputies, PSD being able to get a hold of the leadership of both chambers of Parliament. It was the inauguration of a turbulent cohabitation term that began with a justice system and property rights reform that gave to the executive, through the Presidency and Justice Ministry, overall control over the appointment of chief prosecutors (Law no. 247/2005 on the reform in the fields of property and justice), continued with the indictment of Adrian Năstase²⁷ on corruption

²⁴ Murphy, “Semi-Presidential Reform and Referendums”, 390.

²⁵ In March 2004, Romania entered NATO, and succeeded to advance on the road to EU membership leading even to the announcement of a definite date for its accession, set to be made at the European Council from December 2004.

²⁶ William M. Downs and Raluca V. Miller, “The 2004 Presidential and Parliamentary Elections in Romania,” *Electoral Studies* 25, no. 2 (June 2006): 409–415.

²⁷ Radio Free Europe, “Former Romanian PM Nastase Indicted on Graft Charges,” February 7, 2006, <https://www.rferl.org/a/1065534.html>, accessed March 23, 2022.

charges, and culminated with the breakup of the Justice and Truth Alliance and a failed impeachment attempt against President Băsescu.

These are the overall circumstances describing the first presidential referendum, one held on the same day as the first elections for the European Parliament organized after Romania's official accession to EU. It is worth mentioning that all three presidential referendums under analysis were organized together with different types of elections: the elections for the European Parliament (2007, 2019) and the presidential elections (2009). Thus, a strong relation to the electoral interest of the parties that gained presidential support is to be expected.

Having survived the impeachment, Băsescu found itself in a position to capitalize on his previous success. A referendum initiative, first of its kind, would have been the best way to both reinforce the image of a leader deeply engaged in the fight against the corrupt parliamentary elite and to support his party during the first elections of Romanian representatives in the European Parliament, as the Democratic Party could have benefited from a “popularity transfer” during the referendum campaign.

He selected an older issue, riddled with technicalities of little interest for the general public: the electoral reform. Outlined initially by a civic association, the electoral reform initiative already under parliamentary debate aimed to replace the traditional list proportional representation system with a mixed-proportional one. To clearly distinguish his position, Traian Băsescu embraced the more radical and less likely option, a two-round majority system, and called for a national consultation on the matter, insisting on presenting it as a step forward towards the “cleansing of the political class” or “the reformation of the political class”²⁸. Unsurprisingly, the referendum failed to attain the turnout required for validation. However, the level of mobilization of Băsescu's sympathizers was enough to guarantee the victory of his party in the supranational electoral contest.

The opinion according to which, in this instance, “the important stake was not necessarily representation in the European Parliament but more of a rehearsal before the 2008 legislative election”²⁹ is entirely legitimate. Having said this, the symbolic influence of European elections in Romanian domestic politics should not be underestimated. At the time, opinion polls reported high

²⁸ Carmen-Cristina Catargiu, “A Critical Discourse Analysis of the Political Discourse of President Traian Băsescu,” *Synergy* 7, no. 2 (2011): 170.

²⁹ Gherghina, “Hijacked Direct Democracy”, 791.

approval ratings regarding the European Union and its institutions, in sharp contrast with the general dissatisfaction showed in relation to the government³⁰. In addition, the Democratic Party had just acquired the status of Associated Member to the European Peoples Party³¹ after leaving the social-democratic ideological family and aspired to confirm its strategic ideological shift by helping the center-right group consolidate its position in the European Parliament.

The 2009 presidential referendum followed a similar mobilization-oriented logic. This time, Traian Băsescu decided to schedule the referendum at the same time with the presidential elections. Concentrating the intense adversity of the legislative and trying to help a relatively favorable but unstable government to postpone the worst effects of the public finance crisis of 2008, Băsescu continuously exercised his adversarial leadership style, while his political position became increasingly contested. At the same time, he continued to assume the appearance of a strong leader and fighter against corruption: “In the 2009 presidential campaign, Băsescu rallied his supporters against the «media moguls» and a corrupt parliament (the slogan of his campaign was «Burn all those corrupt!») and he campaigned on promises to jail corrupt officials and mafia leaders”³². The referendum over the parliamentary reform remained attached to this image, and directly served the right-wing populist rhetoric he used multiple times in order to defy the hostility of the legislative, one that portrayed the Romanian Parliament as a costly and inefficient (if not useless) institution, which offers privileges and protection against the law to the corrupt elite at the expense of the ordinary citizen. According to this view, renouncing bicameralism and lowering the number of representatives would have only improved the country’s governance, while reducing the cost and time spent on law-making.

Moreover, Băsescu was able to exploit his agenda setting power against his opponent, basically forcing Geoană to include the parliamentary reform in his candidate discourse by accepting the very popular proposition of reducing the

³⁰ Boyka Stefanova, “The 2007 European Elections in Bulgaria and Romania,” *Electoral Studies* 27, no. 3 (2008): 566–571.

³¹ Georgeta Voinea, *The Democratic Party from Romania Became an Associate Member of the European People’s Party. Political Report* (Bucharest: Konrad Adenauer Stiftung, 2006), https://www.kas.de/documents/252038/253252/7_dokument_dok_pdf_9672_2.pdf, accessed April 3, 2022.

³² Cosmina Tanasoiu and Mihaela Racovita, “Post-Accession (Anti-)Corruption Record in Romania and Bulgaria,” *L’Europe en Formation* 364, no. 2 (December 10, 2012): 258.

number of MPs in future legislatures³³. More generally, in the strategic setting of the Romanian president-initiated referendum, when proposing questions on polarizing issues, the president will always have, independently of the reaction of his opponents, the opportunity to portray his supporters as valuing the stated will of the people, in contrast with his opponents, portrayed as departing from it by failing to take sufficient action with respect to the issues under consideration.

Under these circumstances, it can be easily seen how the referendum was instrumentalized as a tool of mobilization and as an opportunity for the formally “neutral” incumbent to amplify his electoral messages. The referendum showed large support for the presidential agenda, although, even with this comparative advantage, Băsescu managed to win the run-off with less than one percent of the votes (50.3% vs. 49.7%) over his challenger³⁴. The discontented (mostly members of the Social-Democratic Party) claimed for a long time afterwards that the result was manipulated by fraud at the polling sites abroad.

	Type of intended goals	
	Policy	Institutional
Centripetal (party-oriented)	Constitution 1991	Electoral system 2007
		Size of Parliament 2009
		Unicameral Parliament 2009
Type of Action	Centrifugal (vs. opponents)	Impeachment 2007 Impeachment 2012

Table 2 The use of referendums in Romania

Source: Sergiu Gherghina, “Hijacked Direct Democracy: The Instrumental Use of Referendums in Romania,” *East European Politics and Societies: and Cultures* 33, no. 3 (August 2019): 793.

In his article about the strategic use of referendums held in Romania between 1989 and 2012, Sergiu Gherghina proposes an analytic framework which combines a two-category criterion regarding the publicly assumed goals of the

³³ Paul Dobrescu, „Geoană: «După cinci ani de scandal, poporul are puterea să decidă»” *Libertatea*, November 22, 2009, <https://www.libertatea.ro/stiri/geoana-dupa-cinci-ani-de-scandal-poporul-are-puterea-sa-decida-408477>, accessed October 1, 2022.

³⁴ Aurelian Muntean, Grigore Pop-Eleches, and Marina Popescu, “The 2009 Romanian Presidential Election,” *Electoral Studies* 29, no. 4 (December 2010): 753–757.

initiators (policy-oriented or institutional) with the centripetal-centrifugal dimension of political action, in order to lay out the cases that showed, according to the author, significant signs of strategic instrumentalization (see Table 2). While some of the interpretations and choices advanced by the author remain debatable, this framework is a very useful attempt at systematization.

One problematic aspect of this approach consists in the argumentation according to which the 1991 constitutional referendum is a valid example of partisan strategic use. Gherghina argues that because there was no valid constitutional provision already in place to make the constitutional referendum mandatory, the main factor that advanced it was the unilateral interest of the dominant political forces to use it as a partisan legitimization tool³⁵.

However, considering the bootstrapping nature of the constitutional institutions of the newly envisioned capitalist regime, it is hardly believable that the referendum could have been considered optional. Of course, the result reflected the power positions and the confrontations relevant at the time, but its essential function was to provide legitimacy to the new political regime. The one from 1991 could have safely been treated like the one of 2003 was, thus being excluded from the list.

Within the taxonomy, the issues raised by the presidential referendums of 2007 and 2009 are placed, with good reason, in the quadrant that describes centripetal (party-oriented) actions with openly assumed institutional goals. In the following section, I will sketch an updated version of this layout, taking into account the observations occasioned by the 2019 referendum.

IV. The Presidential Referendum of 2019: Capitalizing on 2017 Anti-Corruption Protests

The presidential referendum of May 26, 2019 was envisioned long before it came to fruition. “The fight against corruption” being for many years at the very center of the clashes between the parties supported by the president, on one hand, and the Social-Democratic Party (PSD) and its allies, on the other hand, no one would have been surprised to hear that a referendum on this issue will be scheduled sooner or later. President Klaus Iohannis announced the initiation of a referendum concerning “the continuation of the fight against corruption” during the anti-government protests of 2017³⁶, but postponed it until March

³⁵ Gherghina, “Hijacked Direct Democracy”, 785.

³⁶ Katie French, “Romanian Parliament Approves Anti-Corruption Referendum,” *The Guardian*, February 13, 2017, <https://www.theguardian.com/world/2017/feb/13/romania-approves-anti-corruption-referendum>, accessed April 1, 2022.

2019, when he scheduled it on the same day with the elections for the European Parliament³⁷. Later, he announced the questions to be included on the ballot:

1. Do you agree with the ban on amnesty and pardon for corruption offenses?
2. Do you agree with the prohibition of the adoption by the Government of emergency ordinances in the field of crime, punishments, and judicial organization and with the extension of the right to challenge the ordinances directly to the Constitutional Court?³⁸

Both questions directly referenced the events of the winter of 2017, in the aftermath of legislative elections, when large scale demonstrations were held in Bucharest against the intention of the newly appointed government to promote a general amnesty and pardon ordinance concerning various lesser, non-violent, crimes.

The draft emergency ordinance was presented as a means to alleviate prison conditions. Romania had been receiving alarming penalties from The European Court of Human Rights, and the provisional technocratic government in office before the 2016 legislative election promoted an ample debate over workable solutions, including an amnesty law³⁹. However, many influential opinion leaders, politicians, and NGOs were seeing in the latter just an attempt from the newly elected parliamentary majority “to craft an escape route” for the officials prosecuted by the Anti-Corruption National Directorate (DNA). As rumors emerged about the intentions of the newly installed government to revise some definitions from the Criminal Code, opposition leaders from the National Liberal Party (PNL), defeated in the legislative elections from December 2016 in spite of the support received from the president, expressed their disapproval, together with the leaders of Save Romania Union (USR), whose political identity was already heavily relying on the anti-corruption rhetoric. This sparked a vibrant protest movement that received full support from President Iohannis, who hurried to join the protesters in the streets⁴⁰. His encouragements led to a series of protests that resulted in a major governmental crisis⁴¹.

³⁷ Radu-Sorin Marinas, “Romania’s President Calls Referendum to Back Anti-Graft Reform,” *Reuters*, March 28, 2019, <https://www.reuters.com/article/us-romania-corruption-referendum-idUSKCN1R926Y>, accessed April 2, 2022.

³⁸ Adelina Rădulescu, „România: semnele de întrebare ale referendumului de la 26 mai,” *Radio Europa Liberă*, April 25, 2019, <https://moldova.europalibera.org/a/romania-semnele-de-întrebare-ale-referendumului-de-la-26-mai/29903773.html>, accessed April 4, 2022.

³⁹ Dan Tăpălagă, „Cum golim închisorile și de ce putem face asta fără grațiere - Juridice,” *Juridice*, July 4, 2016, <https://www.juridice.ro/454080/cum-golim-inchisorile-si-de-ce-putem-face-asta-fara-gratiere.html>, accessed February 27, 2022.

⁴⁰ Ovidiu Gherasim-Proca, „Mobilizare și conflicte politice în România. O competiție între populisme?,” in *România – de la Marea Unire la integrarea europeană. Dezbateri, provocări, perspective*, ed. Bogdan Ștefanachi and Alexandru Muraru (Iași: Editura Universității „Alexandru Ioan Cuza”, 2020), 69; Carmen Păun, “Romanian Government under Fire over Plan to Commute

The referendum was largely seen (and acclaimed) as a new, more clear, albeit belated, popular repudiation of the lenient criminal justice policies promoted by the ruling coalition during the previous years, and the call of the president to the citizens “to punish” his adversaries “for the disastrous way they have governed the country” had been echoed enthusiastically by his supporters abroad, queuing to the polling stations and chanting: “Thieves!” and “We want to vote!”⁴². Journalists reported on the difficulties voters encountered to reach the polls, and the satisfaction with which they received the news that the leader of the governing coalition, Liviu Dragnea, was sentenced to prison for complicity to abuse of power, just hours after the polling station closed⁴³.

Overcrowding of the polling stations abroad had been the signature feature of the unexpected victory achieved by Klaus Iohannis in the 2014 presidential election⁴⁴. Being framed as a necessary conclusion of the battles from previous years on the issue of the dangers of leniency in the “fight against corruption”, the referendum contributed to a mobilization spike which produced overcrowding once again, giving the PNL representatives the opportunity to repeat the accusations that proved to be so successful during the 2014 presidential elections by pressing criminal charges against the Foreign Minister Meleşcanu⁴⁵.

Less loudly heard, but still having a voice through the media outlets close to the government coalition, the critics were denouncing the ambition of President

Sentences,” *Politico*, January 18, 2017, <https://www.politico.eu/article/romanian-government-under-fire-over-plan-to-commute-sentences/>, accessed February 27, 2022.

⁴¹ Ovidiu Gherasim-Proca, “Anti-Corruption Protests and Political Crisis. A Contextual Analysis,” in *Borders, Barriers and Protest Culture*, ed. Ovidiu Gherasim-Proca (Iași: Editura Universității „Alexandru Ioan Cuza”, 2018), 19–44.

⁴² RFE/RL’s Romanian Service, “Romanians Reject Controversial Changes to Anti-Corruption Laws, Judicial Reforms,” May 27, 2019, <https://www.rferl.org/a/29963404.html>, accessed January 14, 2022.

⁴³ Luiza Ilie and Radu-Sorin Marinas, “Romania’s Ruling Party Chief Jailed for Corruption,” *Reuters*, May 27, 2019, <https://www.reuters.com/article/uk-romania-corruption-trial-idUKKCN1SX123>, accessed January 14, 2022.

⁴⁴ Ovidiu Gherasim-Proca, „Al șaptelea scrutin prezidențial din istoria României post-comuniste (2-16 noiembrie 2014). Hipermobilizare online, criză politică și rezultate neașteptate,” in *Alegeri, alegători și aleși în România 2009-2014*, ed. Bogdan Gheorghiu (Sibiu: Editura Tehno-Media, 2016), 117–169.

⁴⁵ Social media platforms were inundated by angry mobilization-driven messages, like this one: “Again, Diaspora is humiliated by the red plague! We are over 800 people in line and the queue is getting bigger minute by minute. After waiting 2-3 hours to enter the polling station, they are forced to get out of the line to go back to work, especially the truck drivers!#Diaspora does not give up and will Vote!” (Alina Grigoras, “Romanians in Diaspora Queued to Cast Their Votes, Thousands Left out. Incidents Reported in All European Cities. PNL to File Criminal Complaint against FM Meleşcanu,” *The Romania Journal*, May 27, 2019, <https://www.romaniajournal.ro/politics/romanians-in-diaspora-queued-to-cast-their-votes-incidents-reported-in-all-european-cities-pnl-to-file-criminal-complaint-against-fm-melescanu/>, accessed January 4, 2022).

Iohannis to influence the result of the coming elections and even of trying to emulate Traian Băsescu. They were also arguing that the second question put forward by the president was hardly intelligible, due to its technical nature and convoluted form, and that the consultation in itself is useless.

As in the case of the 2007 referendum, the importance of the mobilization during the European elections should not be underestimated. This time, the symbolic significance associated with participation was closely related to the perceived crisis of the EU values, endangered by a right-wing populist upheaval⁴⁶. Thus, intense mobilization in support of the “fight against corruption”, one key topic of the Cooperation and Verification Mechanism, was to be seen as a symbolic proof of the success of the European project. Together with the victory in elections, and thus a higher number of representatives, this should have given PNL and President Iohannis a “prestige surplus” easily convertible in political capital.

Acting politically in the interest of your party cannot always be easily distinguished from acting against your opponents. In some respects, everything a political agent does against opposing groups reinforces the position of their own. Moreover, in the case of presidential referendums we can assume that they will overwhelmingly serve the leaders who initiate them and their parties. Also, policy and institutional goals can combine in various ways. However, taking multiple factors under consideration, there is enough evidence to support the inclusion of the 2019 referendum in the category of centripetal actions, as defined in the taxonomy proposed by Gherghina⁴⁷ (updated accordingly), with the first question displaying clear policy goals, and the second mainly institutional ones (Table 3).

In my opinion, the first question belongs to the policy-oriented side of the framework because it points to a precise policy outcome: no clemency towards the corrupt, thus a harsher punishment regime to accompany “the fight against corruption”. Conversely, the second question has its place in the quadrant reserved for institutional motivations, because of its abstract procedural nature. Set aside its convoluted form, which does not translate well in policy-making terms, few experts were prepared to agree that the results of the referendum would have been able to determine the outcome envisioned by its second question⁴⁸. Along these lines, it is worth mentioning that if consistently

⁴⁶ Susi Dennison and Zerka Pawel, “The 2019 European Election: How Anti-Europeans Plan to Wreck Europe and What Can Be Done to Stop It – European Council on Foreign Relations,” *ECFR*, February 11, 2019, https://ecfr.eu/special/the_2019_european_election/, accessed October 15, 2022.

⁴⁷ Gherghina, “How Political Parties Use Referendums”, 677–690; Gherghina, “Hijacked Direct Democracy”, 778–797.

⁴⁸ In fact, for practical reasons, none of the following two PNL-led governments adhered to its prescriptions. They persisted in using emergency ordinances concerning the organization of the judiciary. See: Uniunea Națională a Judecătorilor din România, „AMR, AJADO și UNJR au solicitat Avocatului Poporului sesizarea CCR cu privire la OUG 23/2020,” February 21, 2020,

followed, assuming an overwhelming popular consent, both questions would have demanded a subsequent revision of the Constitution, thus a new referendum, this time a legally binding one. This maximalist interpretation of the goals assumed by the president would justify placing both of them on the institutional side of the framework. However, while directly suggested by the uncompromising wording of the questions, it is less plausible when seen through the lenses of inherent practical constraints.

	Type of intended goals	
	Policy	Institutional
Centripetal (party-oriented)	Constitution 1991	Electoral system 2007
		Size of Parliament 2009
	Constitutional ban on same-sex marriage 2018	Unicameral Parliament 2009
	<i>Banning amnesty and pardon regarding corruption offenses 2019</i>	<i>Ban on emergency ordinances related to criminal justice and organization of the judiciary 2019</i>
Type of Action		
Centrifugal (vs. opponents)	Impeachment 2007	
	Impeachment 2012	

Table 3. The use of referendums in Romania (updated)

Source: Updated from Sergiu Gherghina, “Hijacked Direct Democracy: The Instrumental Use of Referendums in Romania,” *East European Politics and Societies: and Cultures* 33, no. 3 (Aug. 2019): 793.

Calling for a consultative referendum in order to validate the opportunity of a legally binding referendum on constitutional matters would have been redundant, self-contradictory and ultimately self-defeating – why show indecision by asking the people if they are willing to be asked again the same questions during a constitutional referendum? This is why a minimalist interpretation seems more plausible: the questions, with their amount of ambiguity, would have been conceived so that they would be perceived by the public not so much as a way of legitimating a future straightforward

<https://www.unjr.ro/2020/02/21/amr-ajado-si-unjr-solicita-avocatului-poporului-sesizarea-ccr-cu-privire-la-prevederile-din-oug-23-2020-ce-incalca-independenta-justitiei-si-dreptul-la-un-proces-echitabil/>, accessed April 3, 2022; Iulian Luca, „Guvernul amână prin OUG intrarea în vigoare a completurilor de 3 judecatori,” *Capital*, December 30, 2020, <https://www.capital.ro/guvernul-amana-prin-oug-intrarea-in-vigoare-a-completurilor-de-3-judecatori.html>, accessed April 4, 2022.

constitutional reform, but as inhibiting the initiation of amnesty and pardon initiatives similar to those enacted during the 2017 and the use of emergency ordinances in the manner the PSD-led government did⁴⁹. Most importantly, while keeping in the background the general public criticism against the use of emergency ordinances in matters of high significance, like the justice system, they would have also reminded the prominent role played by President Klaus Iohannis in countering the weakening of the enforcement of criminal penalties in Romanian prisons during the 2017 protests.

The popular consultation has a centripetal action because its primary function was to help the incumbent and the party he supported to regain control over the populist anti-corruption narrative⁵⁰ in preparation for the presidential elections scheduled the same year, and to promote PNL during European Parliamentary elections, considering that the so-called “fight against corruption” and the strict adherence to the policy directions established through the Mechanism of Cooperation and Verification was the most obvious link between domestic and supranational levels of governance. Though Klaus Iohannis presented the idea of an anti-corruption referendum much earlier, his initiative gained traction only after it was appropriated by USR, which campaigned for a constitutional referendum that would have denied those previously convicted the right to be elected, contrary to the current legal practice, that gives the courts the latitude to establish such interdictions depending on the circumstances of the case under consideration. Of course, the campaign conducted under the slogan “No convicted criminals in public offices!” was targeting primarily the leader of the governing party, Liviu Dragnea, already convicted for unlawfully supporting the impeachment of the former president during the 2012 referendum. Because PNL and USR were disputing roughly the same core set of policy proposals regarding the criminal justice system, it is reasonable to assume that the presidential referendum of 2019 was in part driven by the need to surpass USR, which was challenging the president’s leadership in the battle against PSD. Also, by reminding the electorate of the events of 2017, Iohannis was recreating the mobilization atmosphere that generated the backlash against the Grindeanu government, and

⁴⁹ Interestingly enough, during the process of validation, the Constitutional Court indirectly favored this minimalist interpretation when addressing the question of whether the president-initiated referendums may ask questions that may result in constitutional change. According to the opinion expressed by the court (Romanian Constitutional Court Ruling no. 2/2019), the result of a president-initiated referendum is not able to impose a specific course of action where the representatives are concerned, despite the fact that they have to take them under consideration (see Suteu, “Recourse to the People”, 19).

⁵⁰ Tamás Kiss and István Gergő Székely, “Populism on the Semi-Periphery: Some Considerations for Understanding the Anti-Corruption Discourse in Romania,” *Problems of Post-Communism* (2021): 5; Dragoș Dragoman, “‘Save Romania’ Union and the Persistent Populism in Romania,” *Problems of Post-Communism* 68, no. 4 (2021): 309.

thus was able to channel it towards an overwhelmingly negative vote against PSD.

This weakened PSD even more, and together with the fact that their leader was sent to prison the day after the national consultation, permitted the reconfiguration of intra-legislative alliances that finally led to the formation of a PNL-led government just weeks before the presidential elections, won by the incumbent in a landslide⁵¹. PNL was also the winner of the European elections, though the referendum benefited both parties that joined forces against PSD, campaigning almost exclusively on the issue of corruption. USR performed exceptionally well. The turnout rose to a record high 51.20%, which confirmed their ability to link the national and transnational political competitions, thus challenging the classic second order elections model⁵².

V. Conclusions

The referendum concerning the judiciary conducted in 2019 confirms prior generalizations regarding the strategic use of top-down consultations at the national level in Romania. Firstly, it is overwhelmingly apparent that referendums in general, and presidential referendums in particular, tend to be heavily instrumentalized by political actors that have the capacity to initiate them, with little concern about the effective policy outcome or general interest aggregation, thus complying with the qualification of “hijacked direct democracy” proposed by Gherghina⁵³.

With no exception, presidential referendums were organized simultaneously with national or supranational electoral contests in which the president in office had a stake, and they pointed towards institutional reforms or policy objectives which were very unlikely to attract the support needed to generate concrete outcomes, but offered wide-ranging partisan campaigning and mobilization opportunities, while leaving little time for complex debate and deliberation. As Suteu remarks, all three presidential referendums were organized within thirty days from the publication of the presidential decrees that triggered them, on a much shorter deadline than a well-informed large scale popular debate would require⁵⁴. Given the advisory nature of such consultations, this timing makes noticeable the persistent interest of both ten-year term presidents in maximizing the gains of their supporting parties and of their own, disregarding the need for debate and deliberation.

⁵¹ Kiss and Székely, “Populism”, 6.

⁵² Mihaela Ivănescu, “An Electoral Outlier or Second Order Business as Usual? A Decade of European Elections in Romania (2009-2019),” *Revista de Științe Politice*, no. 70 (2021): 162.

⁵³ Gherghina, “Hijacked Direct Democracy”, 778–797.

⁵⁴ Suteu, “Recourse to the People”, 20.

On the other hand, the contextual examination of the strategies at work reveals that the issues set to be the object of consultation were invariably more able to exploit the polarization among voters than to translate into concrete significant political decisions. The 2019 referendum particularly stands out in this respect, its questions largely referencing past events and pointing to legal outcomes particularly hard to achieve. Moreover, the 2009 and 2019 referendums were constructed around constitutional issues which, despite their popular appeal, would have required improbable levels of agreement between political competitors in order to become effective at the decision-making level, thus guaranteeing to their initiators the ability to parade a certain special receptivity to the “will of the people” in contrast with their opponents.

Within the constitutional framework of the post-socialist constitution of Romania, even the grassroots campaigns organized in order to amend the constitution, while able to produce concrete direct policy outcomes, showed how their initiators’ agenda departed to a high degree from what would have been a coherent policy-driven consultation. The referendum regarding the constitutional prohibition of same-sex marriage, for instance, intended just to reinforce preemptively legal provisions already in place⁵⁵. The campaign “No convicted criminals in public offices!”, inspired by typical populist claims⁵⁶, answered to a firm rejection of corruption by the Romanian public and proposed a general rule that was directed especially against the leader of the governing majority, Liviu Dragnea. However, the constitutional referendum based on this proposal was postponed in 2019, and is still waiting to be enacted, in spite the hopes of USR that this could have been organized during the parliamentary elections of 2020⁵⁷.

Secondly, it is once again apparent that the adversarial logic behind referendum initiation remains entrenched in a set of strategic action-reaction exchanges – which Ivănescu pertinently qualifies as “exercises in tit-for-tat”⁵⁸. The presidential referendum of 2019 provides a clear illustration of this mimetic action-reaction game. Immediately after Klaus Iohannis announced

⁵⁵ Ovidiu Gherasim-Proca, „Referendumul pentru modificarea articolului 48 din Constituția României și revirimentul militantismului politic conservator,” in *Resurgența ideologiilor nedemocratice în România contemporană*, coord. Emanuel Copilaș (Timișoara: Editura Universității de Vest, 2019), 409–435.

⁵⁶ These claims could be generally attributed to the category of “penal populism” when assuming that the justice system favors perpetrators from the ranks of the elite, at the expense of ordinary citizens, and to the one of “anti-corruption populism” insofar as it points towards the corruption of the elite as the main cause of state failure and popular dissatisfaction. See: John Pratt, *Penal Populism* (London: New York: Routledge, 2007); Kiss and Székely, “Populism”.

⁵⁷ Cristian Andrei, „Inițiativa «Fără penali în funcții publice» nu a fost votată la Senat. Cum i-a jucat PSD pe cei de la USR și PNL,” *Europa Liberă România*, November 11, 2020, <https://romania.europalibera.org/a/ipocrizie-in-senat-initiativa-fara-penali-in-functii-publice-nu-a-fost-votata-desi-toate-partidele-spun-ca-o-sustin/30942651.html>, accessed April 14, 2022.

⁵⁸ Ivănescu, “Insuperable Rules”, 151.

consultations on the issue of corruption in 2017, the leader of the parliamentary majority, Liviu Dragnea, threatened publicly to support the constitutional referendum proposed by the “Coalition for family”⁵⁹. Whereas the amount of backing PSD really offered is debatable, the above-mentioned support was clearly thought as a means to bust Dragnea’s popularity among the conservative electorate. Refraining strategically, Iohannis chose to enact his own, only after the 2018 constitutional referendum unfolded. At the same time, USR refrained to enact its referendum in 2019 – their campaign being in itself a prior reply to the lack of action from the part of the Presidency after the announcement made in 2017 – as a very similar presidential referendum was on the way. However, under new circumstances, it is highly probably that the initiative will be revived.

These observations raise unsettling questions not only about the ability of current constitutional institutions to foster effective mechanisms of direct democracy, but also whether meaningful institutional reforms would be possible in the near future, considering the self-reinforcing strategic incentives provided by the rules and practices already in place.

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⁵⁹ Alina Neagu, „Liviu Dragnea: De multe ori cei care au inițiat un referendum au fost și cei care au pierdut în final,” *Hotnews*, February 20, 2017, <https://www.hotnews.ro/stiri-politic-21621106-liviu-dragnea-multe-ori-cei-care-initiat-referendum-fost-cei-care-pierdut-final.htm>, accessed April 14, 2022.

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THE LIMITS OF THE EU'S NORMATIVE POWER ON INTERNATIONAL CLIMATE CHANGE MITIGATION EFFORTS. CASE-STUDY: THE INTERACTION WITH THE PEOPLE'S REPUBLIC OF CHINA

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Abstract: When it comes to climate change mitigation, both the European Union (EU) and the People's Republic of China (PRC) are regarded as the main actors driving international efforts, but for different reasons. While the EU's status as a climate change champion is based on its ability to regulate and set high international norms and standards, the PRC is one of the world's great powers that have the economic and technological resources and the capacity needed to significantly reduce global greenhouse gas emissions. Benefiting from its institutional and regulatory framework, the EU seeks through its foreign policy and other cooperation mechanisms to persuade other international actors, such as the PRC, to adapt their climate change policies to European demands in this area. In this paper, I analyze the normative power of the EU over the PRC in fighting climate change, and I will argue why the Brussels efforts to mitigate the speed of the global climate change after the signing of the Paris Agreement (PA) are only partially supplemented by those of the PRC. The reason why EU's influence on Beijing's climate change policy is limited has to do with the PRC's own ambition on this issue, which is driven by its great power aspirations.

Keywords: Carbon Border Adjustment Mechanism, climate change, Comprehensive Agreement on Investment, People's Republic of China, Emissions Trading System, European Union, EU Green Deal, Fit for 55, normative power, Paris Agreement



Rezumat: Când vine vorba de atenuarea schimbărilor climatice, atât Uniunea Europeană (UE), cât și Republica Populară Chineză (RPC) sunt considerate principalii actori ai eforturilor internaționale, dar din motive diferite. În timp ce statutul UE de campion al schimbărilor climatice se bazează pe capacitatea sa de a reglementa și de a stabili norme și standarde internaționale înalte, RPC este una dintre marile puteri ale lumii care deține atât resursele cât și capacitatea economică și tehnologică necesară pentru a reduce semnificativ emisiile globale de gaze cu efect de seră. Beneficiind de cadrul său instituțional și de reglementare, UE încearcă, prin politica sa externă și prin alte mecanisme de cooperare, să convingă alți actori internaționali, precum RPC, să își

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adapteze politicile privind schimbările climatice la cerințele europene în acest domeniu. În acest studiu, analizez puterea normativă a UE asupra RPC în combaterea schimbărilor climatice și voi argumenta de ce eforturile Bruxellesului de a atenua viteza schimbărilor climatice globale după semnarea Acordului de la Paris sunt doar parțial completate de cele ale RPC. Motivul pentru care influența UE asupra politicii Beijingului privind schimbările climatice este limitată este dat de ambiția RPC în această problemă, care este condusă de aspirațiile sale mari de putere.

Cuvinte cheie: Mecanismul de ajustare la frontieră în funcție de carbon, schimbare climatică, Acordul Comprehensiv de Investiții, Republica Populară Chineză, Sistemul de comercializare a certificatelor de emisii, Uniunea Europeană, Pactul verde european, Pregătiți pentru 55, putere normativă, Acordul de la Paris

I. Introduction

The EU and the PRC can both be regarded as great powers that are working to promote their values across their borders. Recently, the rise of the PRC changed the picture of international politics due to the fact that the Chinese view their place in the world completely differently. While the EU operates internally as well as in its foreign policy as a supranational democracy, promoting its interests and values under the auspices of the Common Foreign and Security Policy (CFSP) in close consultation with the European External Action Service, the PRC is a highly centralized state, with a more rigid decision-making process that is controlled by the Chinese Communist Party (CCP). Among the EU's main purposes, there is the necessity to increase cohesion between Member States and to maintain a high standard of living for the European citizens. On the other hand, one of Beijing's goals is to maintain the loyalty of Chinese citizens towards the CCP through the existence of a functioning economy, which, because of its complexity and size, is vulnerable to any element that might disturb it.¹ The difference in their policies is also determined by the values that underlie their general framework, and these values inherently have implications on foreign policy decisions. The central values of the EU are defined by the *acquis communautaire* and have a liberal character influenced by the common European culture of the Member States. The interaction between the EU and the PRC is one of the most dynamic and relevant ones of the 21st century international politics. After surpassing Japan in terms of GDP in 2010, the PRC

¹ Alanna Krolikowski, "Brittle China? Economic and Political Fragility with Global Implications," *Global Policy* 8, no. 4 (June 2017): 43.

became the second largest economy in the world.² At the same time, the EU is the world's largest single market with a GDP of \$17,09 trillion and a population of almost 447 million people.³ Even if the PRC has a very distinct political identity among the other actors of the international arena, described by its influential culture and communist political organization of the state, it is one of the most important international actors that has been highly influenced by the normative power (NP) of the EU when it comes to its involvement in global action to reduce the pace of climate change.

In the first part of the paper, I will present the concept of NP and its relevant meanings in the context of this analysis. I will argue why the EU is a NP in setting international standards for combating climate change and how sustainable development has become the core value of European environmental policy. In this section, I will also explain how the EU exercises its NP over the PRC in order to make it pursue higher standards in its climate change policy. In developing the methodological framework, I will adopt the theoretical model provided by Ian Manners by using in the process of analysis the diffusion of norms in its various forms. In the second part of this paper, I will examine the effects of EU's NP on the PRC's own approach on climate change by analysing the political discourse of the Chinese leaders, their willingness to be actively involved in the joint efforts of the international community to limit greenhouse gas emissions, and the PRC's domestic and foreign environmental policy measures that are meant to reduce its contribution to global warming in accordance with international targets.

II. The Theoretical Model of Normative Power: The Case of Europe

In 2002, Ian Manners proposed the concept of normative power as a new way of understanding how the EU acts in its international relations and how it sets the agenda for what is *normal* in the international arena.⁴ According to

² Mireya Solis, "China, Japan, and the Art of Economic Statecraft," *Brookings*, February 2020, 2, accessed August 27, 2022, https://www.brookings.edu/wp-content/uploads/2020/02/FP_202002_china_japan_solis.pdf.

³ The World Bank, "European Union", 2022, accessed August 27, 2022, <https://data.worldbank.org/indicator/NY.GDP.MKTP.CD?locations=EU>.

⁴ Ian Manners, "Normative Power Europe: A Contradiction in Terms?," *Journal of Common Market Studies* 40, no. 2 (2002).

Manners, “the concept of normative power, in its ideal or purest form, is ideational rather than material or physical” and “its uses involve normative justification rather than the use of material incentives of physical force”.⁵ Manners confirms his ideas about the EU understood as a NP, emphasizing that it “promotes a series of normative principles that are generally acknowledged, within the United Nations system, to be universally applicable”.⁶

This concept was the subject of many international relations academic debates for the last fifteen years but, despite this fact, in most cases it was used only to explain how the EU shapes the behavior of the other actors on the international stage. Manners considers that “it is possible to think of the ideational impact of the EU’s international identity/role as representing normative power”.⁷ The elements that outline the normative specifics of the EU on the global stage are the historical context that defined the evolution of the EU, its hybrid polity as both “supranational and international forms of government that transcends westphalian norms”⁸, and its constitutional configuration working as an “elite-driven, treaty based, and legal order” and whose norms are shaping the EU’s international identity.⁹

Manners’ theory on how the power of the EU manifests on the world’s political stage is meant to fill the gaps generated by the impossibility of theorists to set a comprehensive image of the EU’s foreign policy in the terms of conventional power. Manners suggests that the relationship between normative and material power, economic or military, does not imply that the use of one of the two determines the exclusion of the other, since in practice the two are used together, the normative power having the role of justifying the use of material power.¹⁰ The exercise of normative power is achieved through the process of diffusion of norms which can take six distinct forms: contagion, informational diffusion, procedural diffusion, transference, overt diffusion, and cultural filter.¹¹

As a NP, the EU promote nine values/principles through its foreign policy: sustainable peace, social freedom, consensual democracy, associative human

⁵ Ian Manners, “The EU’s Normative Power in Changing World Politics,” in *Normative Power Europe in a Changing World: A Discussion*, ed. Andre Gerrits (Clingendael: Netherlands Institute of International Relations, 2009), 11, accessed August 27, 2022, https://www.clingendael.org/sites/default/files/pdfs/20091200_cesp_paper_gerrits.pdf.

⁶ Ian Manners, “The normative ethics of the European Union,” *International Affairs* 84, no. 1(2008): 46.

⁷ Manners, “Normative Power Europe,” 238.

⁸ *Ibid.*, 240.

⁹ *Ibid.*, 241.

¹⁰ Manners, “The EU’s Normative Power,” 15.

¹¹ Manners, “Normative Power Europe,” 244-245.

rights, supranational rule of law, inclusive equality, social solidarity, sustainable development, and good governance. These normative principles are “those which EU members states, institutions and citizens are willing to stand up for, or at least, not knock down”.¹² Also, the NP of the EU resides in its ability to set rules beyond its border and shape the behavior of other international players according to its values that inform those rules. Moreover, this ability is based on the overall capacity of the EU to rally its Member States around common goals, to face the challenges on common ground and to manage in concert in matters related to foreign affairs. This characteristic of the EU makes it a unique actor in the international arena.

Regarding the subject of this paper, the statement of Hanna Tuominen highlights a defining aspect of the NP and its relation with the moral issues debated at the international level of politics. She argues that “the normative power role seems to be especially relevant in policy areas that include moral questions like climate change, development and human rights” and that the legitimacy of EU’s NP is based on the way it manages these areas.¹³ Following this line of argument, we can consider that the analysis of NP can intersect with the analysis of soft power because the values mentioned by Tuominen are strongly embraced by the developed democracies in which citizens are aware of their value in a society. The EU diffuses its norms by the power of example, and this is why Manners highlights the fact that “the notion of a normative power Europe is located in a discussion of power over opinion”.¹⁴

This manifestation of EU’s NP in contemporary politics determined some scholars in the field of international law and international relations to speak about the EU as a regulatory power or a global regulatory hegemon. Anu Bradford argues that the EU as a NP is “wielding influence through promoting norms that are based on values such as human rights and sustainable development. It emphasizes the EU’s self-identification as righteous power that acts in normatively justified and principled ways in the international arena”.¹⁵ The clearest example of how NP works is the case of EU’s enlargement to include the Central and Eastern European (CEE) states. In the pre-accession

¹² Manners, “The normative ethics,” 48.

¹³ Hanna Tuominen, “The Changing Context of Global Governance and the Normative Power of the European Union,” in *Global Power Europe – Vol. 1*, ed. Astrid Boening, and Jan-Frederik Kremer (Heidelberg: Springer, 2013), 216.

¹⁴ Manners, “Normative Power Europe”, 239.

¹⁵ Anu Bradford, *The Brussels Effect: How the European Union Rules the World* (Oxford: Oxford University Press, 2020), 21.

stage of the CEE states, the EU used the legitimacy of its core values to export its norms in those countries that aspired to be considered consolidated democracies defined by the respect for the rule of law, the separation of powers and the protection of human rights.

III. EU's Normative Power over the PRC on Climate Change

The dynamics between the EU and the PRC regarding climate change mitigation can only be understood in relation to the climate change international regime. The mitigation of climate change, as well as in the case of many other areas of common interest for members of the international society, has materialized in the form of an international regime whose main purpose is to fight global warming in order to keep humanity safe from its effects and to preserve the current state of the planet as a whole. The climate change international regime provides the core principles and guidelines for action that are integrated in the political positions of the participants in this regime. According to Kate O'Neill, international efforts to fight climate change as an international environmental problem are generally focused on the “increased atmospheric concentration of greenhouse gases (GHG) – including carbon dioxide and methane, as a result of human activity, notably the burning of fossil fuels; expected to lead to a rise in the overall global temperatures, with regional variation”.¹⁶ The consequences of global warming can be seen in “sea-level rise and coastal zone flooding (as polar ice-caps melt), widespread ecosystems and land use change and possible violent weather patterns, human health impacts”.¹⁷ The PA is currently at the heart of the international climate change regime and sets the highest targets and standards for limiting climate change to date.

The PA was adopted in 2015 and is the first international agreement accepted, on voluntary basis, by all the international actors whose intense economic activity is the primary source of global warming. In continuation of Kyoto Protocol, the PA is a more ambitious project due to the specific ways in which it establishes the importance of the contribution of all parties to the achievement of the target to limit global warming to no more than 1.5°C

¹⁶ Kate O'Neill, *The Environment and International Relations* (Cambridge: Cambridge University Press, 2009), 34.

¹⁷ Ibid.

compared to pre-industrial levels. In order reach this target – as set by the PA – emissions need to be reduced by 45% by 2030 and reach net zero by 2050.¹⁸ Today 194 states have signed the PA and 191 states and the EU have ratified this agreement.¹⁹ In this regard, another important achievement of the PA is the fact that it managed for the first time in history to bring together the world's two biggest contributors to GHGs: the United States of America and the PRC.

During the PA's negotiations, the developed states requested that every country should match their efforts to reduce their emissions in accordance with their economic circumstances, meaning that, “in principle, emerging economies whose emissions rise in line with economic growth can no longer hide behind their official developing country status and are expected to make a bigger contribution to global climate change mitigation”.²⁰ When analyzing the impact of EU's NP on the PRC in matters regarding climate change mitigation we must consider two elements. The first one is the regulatory capacity of NP that implies the establishment and enforcement of the non-mandatory international norms and targets as they are set by the regime in question. The second element refers to how every participant in this regime applies the norms and rules of the regime and supports the international efforts to combat the global warming by investing large amounts of resources in carbon neutral energy sources and technologies.

Today the EU is one of the main defenders of the rules-based international order, based on global initiatives such as the Program of Action on the Establishment of a New International Economic Order²¹, and probably even the most vocal. The international regime regarding the mitigation of climate change is an important part of the international order and the EU plays a rather essential role in it, being a model worth following for the rest of the international community. As was noted in Manners and Bradford's arguments, on the international stage, sustainable development is one of the values on which the EU's regulatory power is based.

¹⁸ United Nations – Climate Action, “For a livable climate: Net-zero commitments must be backed by credible action,” *United Nations*, n.d., accessed September 9, 2022, <https://www.un.org/en/climatechange/net-zero-coalition>.

¹⁹ United Nations – Climate Change, “Paris Agreement - Status of Ratification”, n.d., accessed March 20, 2021, <https://unfccc.int/process/the-paris-agreement/status-of-ratification>.

²⁰ Robert Falker, “The Paris Agreement and the new logic of international climate politics,” *International Affairs* 92, no. 5 (2016): 1116.

²¹ General Assembly of the United Nations, “3202 (S-VI). Programme of Action on the Establishment of a New International Economic Order,” UN Documents, May 1, 1974, accessed August 20, 2022, <http://www.un-documents.net/s6r3202.htm>.

The international climate change mitigation regime has evolved during the last 40 years, so has the European climate change policy and, by analysing the EU's treaties and regulations, we will understand the normative values/principles at the basis of this policy. There is one central principle that has legitimized EU's NP in the field of climate change mitigation and on which its promoted international standards for environmental protection are based. Article 192(2) of the Treaty on the Functioning of the EU (TFEU) delineates the principles of the EU's environmental policy. These are: the precautionary principle; the prevention principle; the rectification at source principle, and the polluter pays principle.²² But there is a fifth EU environmental principle that is not mentioned in Article 192(2) of TFEU: the sustainable development principle which was first introduced as part of EU regulations by the Amsterdam Treaty (1999). Even if the TFEU established the four aforementioned principles to guide the environmental policy between EU Member States in the area of international environmental cooperation, the EU is primarily using sustainable development as the core principle.

The Single European Act (1987) provided the legal basis for environmental protection to become a goal of the European integration project by inserting an environmental title into the Treaty, but the Maastricht Treaty (1992) enhanced the decision-making regarding environmental protection. According to Article 130r of the Maastricht Treaty (Treaty on European Union), one of the objectives of the environmental policy was to “promote measures at international level to deal with regional or worldwide environmental problems”.²³ Starting with the adoption of the Amsterdam Treaty (1997), environmental protection became an inherent element of all EU policy areas, while, at the same time, sustainable development acquired a central role among the policy objectives of European institutions.²⁴

Between the Amsterdam Treaty and the Lisbon Treaty there are two important moments for the evolution of sustainable development as a core value/principle of the EU's climate policy. The first one is the 2000 Lisbon

²² EUR-Lex, “Consolidated Version of the Treaty on the Functioning of the European Union,” October 26, 2012, accessed March 15, 2021, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:12012E/TXT&from=ro>.

²³ EUR-Lex, “Consolidated Version of the Treaty on European Union,” October 26, 2012, accessed March 26, 2021, https://eur-lex.europa.eu/resource.html?uri=cellar:2bf140bf-a3f8-4ab2-b506-fd71826e6da6.0023.02/DOC_1&format=PDF.

²⁴ EUR-Lex, “Treaty of Amsterdam,” October 2, 1997, 25, accessed March 17, 2021, https://europa.eu/european-union/sites/default/files/docs/body/treaty_of_amsterdam_en.pdf.

European Council, whose conclusions set “a new strategic goal” for the next ten years that was “to become the most competitive and dynamic knowledge-based economy in the world capable of sustainable economic growth with more and better jobs and greater social cohesion”.²⁵ Secondly, the conclusions of the 2001 Göteborg European Council highlight that “sustainable development [...] is a fundamental objective under the Treaties [...] That requires dealing with economic, social and environmental policies in mutually reinforcing way”.²⁶ The Lisbon Treaty (2009) adds climate change to the Treaty objectives and gives sustainable development a leading role in the Union’s foreign policy by fostering cooperation at the international level in order to “help develop international measures to preserve and improve the quality of the environment and the sustainable management of global natural resources, in order to ensure sustainable development”.²⁷

Along with the emphasis on promoting sustainable development as a core principle of its foreign policy, the EU owns one of the most complex mechanisms for taxing greenhouse gas emissions from economic activity. At first, EU Member States had opposed the proposed mechanism of 1997 Kyoto Protocol because of the emissions pricing systems, but it did not take long until the EU took concrete and determined action to cut GHG emissions. Among the reasons behind the development of the European market for green certificates were the decisions of Member States such as the United Kingdom and Denmark to develop state-wide emissions trading schemes (ETS).²⁸ The EU ETS system was adopted as part of the EU environment policy in 2003, entered into force in 2005, and became one of the most important European climate policy instruments aimed at reducing GHG emissions. Also, the EU ETS system is the world’s largest carbon pricing market, covering power and heat generation, energy-intensive industrial sectors, and aviation within Europe. This climate change mitigation instrument is a carbon market trade scheme system whose role is to set up a limit on total emissions by making the companies

²⁵ European Parliament, “Lisbon European Council,” March 24, 2000, accessed March 25, 2021, https://www.europarl.europa.eu/summits/lis1_en.htm.

²⁶ European Council, “Presidency Conclusions: Göteborg European Council,” *European Council*, June 15 and 16, 2001, 4, accessed March 27, 2021, <https://www.consilium.europa.eu/media/20983/00200-r1en1.pdf>.

²⁷ EUR-Lex, “Treaty of Lisbon,” December 17, 2007, 24, accessed March 22, 2021, http://publications.europa.eu/resource/cellar/688a7a98-3110-4ffe-a6b3-8972d8445325.0007.01/DOC_19.

²⁸ Frank J. Convery, “Origins and Development of the EU ETS,” *Environmental and Resource Economics* 43, no. 3 (2009), 401.

which contribute to GHG emissions buy and sell emission certificates (generically called green certificates) in order to compensate for their own carbon footprint. By 2019, more than 15.000 power plants and factories were trading EU ETS certificates in the European Economic Area, accounting for almost half of EU's GHGs emissions.²⁹

In some EU Member States, the carbon pricing practice is not limited just to the EU ETS system, given the fact that it only covers 40% of EU GHG emissions. For the remaining 60% of GHGs emitted at the EU level as a result of road transport, heating of buildings, agriculture, small industrial installations and waste management activities, the EU climate and energy package is completed by the Effort Sharing Regulation (ESR).³⁰ This policy framework established in 2018 by the European Commission (EC) sets up a shared reduction of 30% of GHGs at EU level. Thus, in order to implement the ESR, each EU Member State must take measures in order to generate national reductions of GHGs by 2030 by up to 40%, compared to the 2005 level. The individual obligations of the Member States deriving from the ESR are established and differentiated according to gross domestic product (GDP) per capita, because the regulation establishing this instrument is guided by the principles of “fairness, cost-effectiveness and environmental integrity.”³¹

One of the tools currently used by several EU Member States to meet their GHG reduction targets of the ESR is the direct taxation of carbon resulting from non-ETS activities. Direct carbon tax schemes were first developed in the 1990s by the Nordic states. Finland was the first European state to implement a direct carbon tax in 1990.³² In the following years, several European states elaborated similar schemes and currently they are implemented in a number of

²⁹ Investigate Europe, “EU Emissions Trading Scheme Explained,” August 6, 2020, accessed March 17, 2021, https://www.investigate-europe.eu/en/2020/eu-emissions-trading-scheme-explained/?ie_s=ga&pk_campaign=en_dsa&pk_source=google&pk_medium=cpc&gclid=Cj0KCCQjw1PSDBhDbARIsAPeTqrddxPrkNSwnhQYLKqSsE43T0WfjROZ5VCJ7XCkjdPgTIpU0fV9W8xIaAtL6EALw_wcB.

³⁰ European Commission, “Effort sharing 2021-2030: targets and flexibilities,” *European Commission*, n.d., accessed August 27, 2022, https://ec.europa.eu/clima/eu-action/effort-sharing-member-states-emission-targets/effort-sharing-2021-2030-targets-and-flexibilities_en.

³¹ Ibid.

³² Jeremy Wates, *A carbon pricing blueprint for the EU* (Brussels: European Environmental Bureau, 2021), 12, accessed August 27, 2022, <https://eeb.org/wp-content/uploads/2021/03/A-Carbon-Pricing-Blueprint-for-the-EU2.pdf>.

14 Member States, including France, Germany, Netherlands, Poland, Portugal, and Spain.³³

If in the case of the EU's ETS system there is a mechanism by which those who emit GHGs are determined to pay for air pollution, in the case of direct carbon taxation the developments are not so obvious. This is due to the fact that direct carbon taxation is carried out individually at the level of each Member State that opts for this practice and, therefore, its rigidity is determined by the sovereign decision of each state. In the absence of European price ceilings for non-ETS sectors, established in the EU legislation and adapted by the Member States, direct taxation of carbon in the EU is carried out differently depending on the national climate change policy ambitions.³⁴ Currently, in the case of these countries, the price of the direct carbon tax varies between \$0.08/ton of CO₂ emitted (Poland) and \$129.89/ton of CO₂ emitted (Sweden).³⁵

Despite these shortcomings, the EU clearly represents a good example to follow in terms of the taxation of GHG emissions, both because it has a fairly comprehensive ETS scheme both in terms of volume and in terms of areas of economic activity, and also because it regulates as efficiently as possible the emissions of those economic sectors not covered by this scheme. Moreover, the experience of the 14 EU Member States that use parallel direct systems for charging emissions is revealing in that it established the image of the EU as a global leader in the field of charging GHG emissions. According to a study by Grantham Institute of Imperial College London, 39 national and 23 sub-national jurisdictions have implemented or are scheduled to implement carbon pricing instruments, and the EU ETS market is the best model to pursue this endeavor.³⁶

The PRC is one of the countries that has benefited from the EU's support and expertise in implementing an ETS system. But the PRC's cooperation with the EU is taking place in a broader framework of relations. EU cooperation

³³ European Court of Auditors, "Energy taxation, carbon pricing and energy subsidies," *European Court of Auditors*, 2022, accessed September 4, 2022, https://www.eca.europa.eu/Lists/ECADocuments/RW22_01/RW_Energy_taxation_EN.pdf, 18.

³⁴ *Ibid.*, 21.

³⁵ The World Bank, "Carbon Pricing Dashboard," *The World Bank*, n.d., accessed September 4, 2022, https://carbonpricingdashboard.worldbank.org/map_data.

³⁶ Mirabelle Muuls et al., "Evaluating the EU Emissions Trading System: Take it or leave it? An assessment of the data after ten years," Grantham Institute Briefing paper, no. 21, October 2016, accessed September 4, 2022, https://www.imperial.ac.uk/media/imperial-college/grantham-institute/public/publications/briefing-papers/Evaluating-the-EU-emissions-trading-system_Grantham-BP-21_web.pdf.

with the PRC on climate change is leading to a change in Beijing's policy and intensity in combating global warming. When dealing with the PRC, or any other GHGs emitter, the EU is setting up binding rules around sustainable growth as a core principle and as a ultimate goal of joint or multilateral action to fight climate change. Moreover, the importance of EU's efforts to incentivize the PRC to adopt a similar carbon market trading scheme is highlighted by the ambivalence and inconclusiveness of the PRC's actions to achieve its nationally Determined Contributions (NDC) as we will see below.

In the first place, the EU's norms diffusion toward the PRC is accomplished through informational diffusion. According to Manners, this type of diffusion can be identified in strategic communications and declaratory communications of EU senior officials.³⁷ In the field of climate change, the EU's first efforts to use the informational channels of norm diffusion in its external relations with the PRC were made in the second half of the 1990s. Since then, a multitude of joint statements and commitments regarding climate change mitigation were adopted and the cooperation projects between the EU and the PRC flourished. Beginning with the 1995 Communication, the EU stressed that "China should be engaged in dialogue and cooperation towards sustainable development and for the protection of the environment".³⁸ Secondly, sustainable development was established as a goal of the 2003 EU-China Strategic Partnership, together with two other more general objectives of peace and stability. According to this communication one of the goals of EU-PRC relations was to facilitate the PRC's deep integration into the world economy, with the EU supporting it to reform its economy and social system, while also considering the role played by sustainable development in this process.³⁹ Thirdly, the 2006 Communication dedicated a title to sustainable development and climate change mitigation was one of the main issues discussed under this title.⁴⁰ Through this Communication, the EC declared the EU's readiness to share its expertise in the

³⁷ Manners, "Normative Power Europe," 245

³⁸ Commission of the European Communities, "Communication from the Commission – A Long Term Policy for China-Europe Relations," *Publications Office of the European Union*, July 5, 1995, accessed March 15, 2021, <https://op.europa.eu/en/publication-detail/-/publication/0bcb1c7-2c78-4bba-a027-f67035eeac4f>.

³⁹ Commission of the European Communities, "A maturing partnership – shared interests and challenges in EU-China relations," *EUR-Lex*, September 10, 2003, accessed April 2, 2021, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52003DC0533&from=EN>.

⁴⁰ Commission of the European Communities, "EU-China: Closer Partners, Growing Responsibilities," *EUR-Lex*, October 24, 2006, 6, accessed March 16, 2021, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52006DC0631&from=EN>.

field of climate change, as well as in other environmental objectives, and stressed the urgency of using the ETS and clean development mechanisms in order to fulfill the common responsibilities arising from the Kyoto Protocol.⁴¹

More recently, the press release issued by the European institutions after the EU-PRC Summit in 2020 have shown that the EU leaders considered the PRC a “partner under the Paris Agreement, [who] needs to commit to decisive and ambitious domestic action to reduce emissions in the short term and to set a goal of climate neutrality at the earliest possible date”, and were calling on the PRC “to assume greater responsibility in dealing with global challenges through the rules-based international system, promoting international peace and security, and adhering to international standards to support sustainable development, especially in Africa”.⁴²

These communications are part of the highly institutionalized nature of EU-PRC relations. The annual EU-PRC Summit is the high-level institutional framework that facilitates dialogue between the two and, at the same time, is the framework used by the EU Member States to adopt a common position on Beijing. This institutionalization of the EU-PRC bilateral relation represents the main way in which the procedural diffusion of the norms is achieved. In order to take concerted action on climate change, the EU and the PRC established a Partnership on Climate Change following the 8th EU-PRC Summit in 2005. Today, it represents a sectoral framework for cooperation between the two parties and aims to establish common lines for tackling climate change by “strengthening cooperation and dialogue on climate including clean energy and promote sustainable development”.⁴³

During the September 2020 EU-China Leaders’ Meeting, the EU representatives “encouraged China to strengthen its climate commitments in terms of peaking carbon dioxide emissions and setting the goal of climate neutrality domestically,” stressing the urgency for the PRC to launch, as soon as

⁴¹ Ibid.

⁴² European Commission, “EU-China Summit: Defending EU interests and values in a complex and vital partnership,” June 22, 2020, accessed March 30, 2021, https://ec.europa.eu/commission/presscorner/detail/en/ip_20_1159.

⁴³ European Commission, “EU and China Partnership on Climate Change,” *European Commission*, September 2, 2005, accessed March 10, 2021, https://ec.europa.eu/clima/sites/default/files/international/cooperation/china/docs/joint_declaration_ch_eu_en.pdf.

possible, its national emission trading system.⁴⁴ The EU highlighted that the PRC should abandon the construction of other coal-fired power plants both domestically and externally. In the end, the two sides agreed to establish the High-Level Environment and Climate Dialogue to “pursue ambitious joint commitments on these issues.”⁴⁵

A third means for the EU to diffuse its norms on climate change is transference. Manners argues that “diffusion takes place when the EU exchanges goods, trade, aid or technical assistance with third parties through largely substantive or financial means,” all of these leading to “the exportation of community norms and standards”.⁴⁶ In the case of the cooperation for the development of ETS systems, the transference works through the use of common initiatives. One of these initiatives is the EU-PRC cooperation project launched in 2017 with the occasion of the introduction of the ETS system in the PRC. This project has been funded by the EU and received a budget of about €10 million.⁴⁷ The objectives of this project were to enhance the cooperation on emissions trading in order “to reinforce a political dialogue between the PRC and the EU on the development of emission trading in both constituencies”, and to support the PRC in building its national emissions trading system.⁴⁸ Additionally, transference diffusion works through bilateral trade. The PRC is the second most important trading partner of the EU, being surpassed only by the US. But the PRC has an advantage over the EU due to its trade surplus, unlike the US with which the EU has a positive trade balance.⁴⁹ The EU’s trade policy should be considered a powerful tool to diffuse both its norms of sustainable development and those that shape the Chinese ETS system.

Following the measures taken by Brussels in recent years regarding its relationship with Beijing, it can be argued that we are witnessing a new strategic

⁴⁴ European Commission, “EU-China Leaders’ Meeting: Upholding EU values and interests at the highest level: Joint press release by President Michel, President von der Leyen and Chancellor Merkel,” September 14, 2020, accessed March 30, 2021, https://ec.europa.eu/commission/presscorner/detail/en/IP_20_1648.

⁴⁵ Ibid.

⁴⁶ Manners, “Normative Power Europe,” 245.

⁴⁷ European Commission, “Emissions trading: European Commission and China hold first policy dialogue,” April 26, 2018, accessed March 29, 2021, https://ec.europa.eu/clima/news/emissions-trading-european-commission-and-china-hold-first-policy-dialogue_en.

⁴⁸ EU-China Emissions Trading System, “Project Introduction,” accessed March 30, 2021, <https://www.eu-chinaets.org/about-us/project-introduction>.

⁴⁹ European Parliament, “Fact Sheets on the European Union,” October 2020, accessed March 15, 2021, <https://www.europarl.europa.eu/factsheets/en/sheet/160/the-european-union-and-its-trade-partners>.

repositioning of the EU with regard to the PRC. This new orientation can be defined not only in terms of a strategic cooperation, but also in terms of a “systemic rivalry.”⁵⁰ We can identify this new approach on the part of the EU in three of the recent EU regulatory frameworks that have direct impact on its relation with the PRC. The first one, the Comprehensive Investment Agreement (CAI), gives a new dimension to the economic relation between the two in the field of foreign direct investments (FDI), the EU wanting to level the playing field between Chinese and European companies through this treaty.⁵¹ The negotiations regarding the CAI were initiated in 2013 and its main purpose was to regulate the bilateral investment issues which defined the current trade relations between the EU and the PRC, involving the terms of market access, the prohibition of forced technology transfers, the non-discrimination by state-owned enterprises (SOEs) and regulatory bodies, and the transparency in economic governance.⁵²

Regarding the cooperation between the EU and the PRC in the field of climate change mitigation, CAI is in line with the objectives of the new EU Green Deal. The debates that took place in Brussels after the adoption of the PA led to the negotiation and adoption by the EU in 2020 of a climate change action plan that set much more ambitious targets in terms of reducing GHG emissions. This plan called the EU Green Deal stated that the EU and its Member States must make considerable efforts in order to achieve a greenhouse gas reduction of 55% by 2030 and to reach the objective of climate neutrality by 2050. The EU Green Deal has also been an industrial strategy because, beyond decarbonizing the Member States’ energy systems, it proposed the development of a less dependent European industry for clean energy products, with an emphasis on hydrogen and the development of the necessary infrastructure for its large-scale use.⁵³

⁵⁰ European Parliament, “EU-China relations in challenging times,” October 2021, accessed August 29, 2022, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698751/EPRS_BRI\(2021\)698751_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/698751/EPRS_BRI(2021)698751_EN.pdf).

⁵¹ European Commission, “Key elements of the EU-China Comprehensive Agreement on Investment,” December 30, 2020, accessed August 30, 2022, https://ec.europa.eu/commission/presscorner/detail/en/IP_20_2542.

⁵² European Parliament, “EU-China Comprehensive Agreement on Investment: Levelling the playing field with China,” March 2021, accessed September 5, 2022, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/679103/EPRS_BRI\(2021\)679103_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2021/679103/EPRS_BRI(2021)679103_EN.pdf).

⁵³ EUR-Lex, “Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A hydrogen strategy for a climate-neutral Europe,” August 7, 2020, accessed September 13, 2022, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52020DC0301>.

The fact that the CAI took over some of the provisions of the EU Green Deal that transposed the objectives of the PA, can be seen in Section IV of this agreement, which is entirely dedicated to sustainable development and climate change mitigation.⁵⁴ Article 6 of sub-section 2 clearly establishes the fact that the investments made by the two parties of this agreement should lead to “climate change mitigation and adaptation” through the implementation of the United Nations Framework Convention on Climate Change (UNFCCC) and the PA, by supporting investments that lead to the realization of climate friendly products, services and technologies, and through bilateral cooperation between the two parties in order to harmonize climate policies in relation to investment-related aspects.⁵⁵

The provisions of the CAI regarding the alignment of the parties to the PA can be considered a spillover from the EU’s own domestic approach to sustainable investments which, starting in 2019, has taken on new dimensions in order to facilitate the transition towards the EU’s climate neutrality by 2050. Thus, on April 15, 2020, the Council adopted the “taxonomy” – a regulation that established a ranking system to encourage private investment in sustainable growth and contribute to a climate-neutral economy.⁵⁶ While currently the taxonomy focuses only on financial markets and tools, the regulations it introduced derived from the EU Green Deal itself and reflected the fact that both the use of European funds and the economy as a whole must take into account the targets of this deal. The purpose of adopting the taxonomy was to facilitate resource management supervision in the EU, to ensure that economic activity in all fields meets the EU’s high standards on climate and environment. Therefore, we can consider that the EU wanted to outline a unitary approach regarding the sustainability of investments, between those made by domestic economic actors and those made by foreign companies. But despite these similarities, the CAI did not make references to the EU taxonomy or to the PRC’s Green Bond Endorsed Projects Catalogue⁵⁷ in order to clarify which

⁵⁴ European Commission, “EU-China agreement in principle,” January 22, 2022, 3-4, accessed August 30, 2022, https://trade.ec.europa.eu/doclib/docs/2021/january/tradoc_159346.pdf.

⁵⁵ Ibid.

⁵⁶ EUR-Lex, “Regulation (EU) 2020/852 of the European Parliament and of the Council of 18 June 2020 on the establishment of a framework to facilitate sustainable investment, and amending Regulation (EU) 2019/2088,” June 22, 2020, accessed September 6, 2022, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R0852&from=EN>.

⁵⁷ The Central Bank of the People’s Republic of China, “Green Bond Endorsed Projects Catalogue (2021 Edition),” April 21, 2021, accessed September 10, 2022. <http://www.pbc.gov>.

goods, services and technologies should be supported through the CAI. The possibility to influence an international actor such as the PRC to align with such high standards represented a good opportunity for Brussels to test their attractiveness on a global level, but also the possibility that other EU global warming mitigation mechanisms such as the EU ETS system could be promoted on such a scale. Despite the prolonged bilateral negotiations that took more than eight years, the members of the European Parliament (EP) decided to block the ratification of the CAI in May 2021 following an exchange of sanctions between the EU and the PRC on account of the human rights situation in the Xinjiang region.⁵⁸

The second initiative of the EU that would shape its foreign relations with the PRC is the EU framework for FDI screening that became operational in October 2020. The FDI screening mechanism represents a tool that can be used by Member States in situations that directly involve national security or that may affect public order.⁵⁹ Through this tool, Member States, that have established a national foreign investments screening mechanism, can exchange information and offer solutions to each other regarding FDI that are made by foreign companies in the EU space. However, although this screening tool is an EU mechanism, Brussels has only an advisory role, through the EC, and cannot directly oppose FDI, as this mechanism does not establish supranational levers.⁶⁰ We can argue that the PRC is one of the targets of this mechanism, given the fact that the text establishing this mechanism stipulated that one of the criteria for which a direct investment should be screened is the state-owned enterprise (SOE) character of the targeted company.⁶¹

In order to achieve its ambitious targets regarding the reduction of GHGs, the EU institutions proposed the Fit for 55 package. This normative package aimed to adapt the EU legislative framework in order to align its policies with

cn/goutongjiaoliu/113456/113469/4342400/2021091617180089879.pdf.

⁵⁸ European Parliament, “MEPs refuse any agreement with China whilst sanctions are in place,” May 20, 2021, accessed September 5, 2022, <https://www.europarl.europa.eu/news/en/press-room/20210517IPR04123/meps-refuse-any-agreement-with-china-whilst-sanctions-are-in-place>.

⁵⁹ European Commission, “EU investment screening and export control rules effectively safeguard EU security,” September 2, 2022, https://ec.europa.eu/commission/presscorner/detail/en/ip_22_5286, accessed September 4, 2022.

⁶⁰ Francesca Ghiretti, “Screening foreign investment in the EU – the first year,” *Mercator Institute for China Studies*, October 21, 2022, accessed September 5, 2022, <https://merics.org/en/short-analysis/screening-foreign-investment-eu-first-year>.

⁶¹ Ibid.

the targets set by the EU Green Deal.⁶² Regarding the EU's internal approach on climate change, the Fit for 55 package aimed at establishing a new EU ETS scheme dedicated to the transport and building sectors. Moreover, the EU pursued the elaboration of new normative acts that will help EU Member States to better promote the use of alternative fuels, that would set new standards regarding the CO₂ emissions of motor vehicles, would provide a new framework for energy taxation, and would establish a European social fund dedicated to climate change. Moreover, the Fit for 55 package also addresses the implementation of the carbon border tax (or levy), a customs policy instrument officially referred to as the Carbon Border Adjustment Mechanism (CBAM) – “a carbon price on imports of certain goods outside the EU, if these countries are not ambitious enough about climate change”.⁶³ According to the Environment Members of the EP, this policy is strongly needed in order to “raise global climate ambition and prevent carbon leakage”.⁶⁴

As the third policy initiative that has the potential to create an impact on the direction of the EU's political and economic relationship with the PRC, the CBAM was designed to drastically reduce the possibility of parts of the EU industry moving their economic activity outside the region as a result of the price that the EU has to pay for the GHGs emitted. The CBAM also sought to reduce the disadvantages of the European industry in front of the non-EU industries whose activities was not subject to environmental regulations as rigid as those in the EU Member States.⁶⁵ This mechanism is in the design period at least until 2023 when the EU will implement a three years reporting and analysis system dedicated to importers who will have to report the direct or indirect emissions generated by the production of goods sold on the EU common market. Subsequently, the EU institutions will make a decision on the final form of the CBAM, on whether it will include only direct emissions or indirect ones as well. From the point of view of the EU-PRC trade relationship, the CBAM

⁶² European Council, “Fit for 55,” last modified June 30, 2022, accessed September 5, 2022, <https://www.consilium.europa.eu/en/policies/green-deal/fit-for-55-the-eu-plan-for-a-green-transition/>.

⁶³ European Parliament, “Carbon levy on EU imports needed to raise global climate ambition,” last modified February 2, 2021, accessed August 25, 2022, <https://www.europarl.europa.eu/news/en/press-room/20210201IPR96812/carbon-levy-on-eu-imports-needed-to-raise-global-climate-ambition>.

⁶⁴ Ibid.

⁶⁵ Jana Titievskaia, Henrique Morgado Simões and Alina Dobрева, “EU carbon border adjustment mechanism Implications for climate and competitiveness,” *European Parliament*, July 2022, 6 accessed September 8, 2022, [https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/698889/EPRS_BRI\(2022\)698889_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/BRIE/2022/698889/EPRS_BRI(2022)698889_EN.pdf).

mechanism has a rather small impact on Chinese exports to the EU Member States due to the fact that the carbon tax on imports targets only products from the iron and steel, aluminum, cement and fertilizers industries.⁶⁶ Through this policy it can be considered that the EU wants to set an intrinsic link between the application of the principle of sustainable development in its trade policy and the need for considerable progress in reducing the carbon footprint in the countries from where its Member States import goods. At the same time, by implementing the CBAM, the EU wishes to influence international companies to follow the same rules that apply to companies operating on the European market. Were it to succeed, the EU would limit the emissions of many corporations that operate on a global scale and that have strong economic interests on the European markets.

All these three initiatives (CAI, the EU framework for FDI screening, and the CBAM) are intended to reduce the vulnerabilities of the economies of the EU Member States relative to those economic powers that try to take advantage of their dominant positions on the global markets in order to obtain political and economic advantages without committing fully to fighting global climate change. We can infer this from Beijing's immediate and prompt reaction to the EU's decision to launch the CBAM. The EU is one of the main export markets for Chinese goods and this decision would directly influence the PRC's trade with EU Member States and its strong export-based trade policy. During the Virtual Climate Summit between the PRC, France, and Germany, Xi Jinping criticized the EU carbon border tax plans by arguing that “tackling climate change should [...] not become an excuse for geopolitics, attacking other countries or trade barriers”.⁶⁷ This reaction suggests that Chinese officials believe that the EU is weaponizing its high ambitions on climate change mitigation in order to compete for international markets.

The cultural filter is the fourth type of norm diffusion employed by the EU in its cooperation with the PRC in the field of climate change mitigation. It “affects the impact of international norms and political learning in the third states and organizations leading to learning, adaptation or rejecting of norms” and “is based on the interplay between the construction of knowledge and the creation of social and political identity by subjects of norm diffusion”.⁶⁸ In EU's

⁶⁶ Ibid., 1-3.

⁶⁷ Karl Mathiesen, “China's Xi slams EU carbon border levy plans,” *Politico*, April 16, 2021, accessed April 18, 2021, <https://www.politico.eu/article/chinas-xi-seeks-macron-merkel-climate-change-co2-cop26-emissions/>.

⁶⁸ Manners, “Normative Power Europe,” 245.

case, the cultural filter is about “turning the normative communications from a one-way self-centered Eurocentric monologue, into a two-way exchange of ideas and information”.⁶⁹ This type of approach would allow the EU to avoid negative reactions, resistance, and rejection from those states that might consider European standards to be superior and missionary in nature.⁷⁰

The dissemination of rules from the EU to the PRC is carried out through the cultural filter by sharing knowledge regarding the procedures of setting up and operating the Chinese national ETS system. As we have seen, the EU’s ETS system is the biggest and the most efficient in the world and this fact lends it to becoming a model for advanced economies like the PRC. But this does not make Brussels look down on the PRC’s efforts to reduce its amount of GHGs emissions. Even if the EU boasts the model of a functional ETS system, in the process of cooperating with the PRC in this field, the EU refers to its Chinese partners as equals, proving their willingness to internalize the good practices of their counterparts. This is obvious in the EU-PRC cooperation program established in order to implement the ETS system in the PRC. This is also clear from the text of the Memorandum of Understanding (MoU) to Enhance Cooperation on Emissions Trading between the EC and the Ministry of Ecology and Environment of the People’s Republic of China submitted on July 13, 2018. According to this MoU, the two sides recognize the key role of implementing ETS systems in combating climate change and in enforcing the PA and of establishing the mechanisms for applying this understanding through joint seminars, workshops, and research activities.⁷¹ Cooperation in this matter impacts both the measures adopted by the Chinese government in order to establish a functional ETS system, and also those of the EU ETS system, contributing “to the promotion of carbon markets in general”.⁷²

The EU has maintained an ongoing dialogue with the Chinese government, providing them with the expertise needed to implement and monitor the PRC’s ETS system, but it remains to be seen to what extent it will work like the one implemented at the European level. Given the size of its economy, the PRC has

⁶⁹ Natalia Chaban and Sharon Pardo, “Understanding EU External Perceptions: Theorising Local Cultural Filters in the Normative Power Approach (case-study of textbooks),” *Australian and New Zealand Journal of European Studies* 10, no. 1 (2018): 66.

⁷⁰ Ibid.

⁷¹ European Commission, “Memorandum of Understanding (MoU) to Enhance Cooperation on Emissions Trading between the European Commission and the Ministry of Ecology and Environment of the People’s Republic of China”, July 13, 2018, accessed March 30, 2021, https://ec.europa.eu/clima/sites/clima/files/news/20180713_mou_en.pdf.

⁷² Ibid.

the potential to become the largest carbon market if, in the future, would apply the ETS to all sectors participating in the national carbon footprint, not just to the energy system.

IV. The Chinese Model of Climate Change Mitigation, between Determination, Ambivalence, and Hesitation

Today the PRC is an important member of the international society, even though it does not always act as an accountable stakeholder in the global affairs as the US, its main competitor, has requested in the past.⁷³ As a key international stakeholder, its responsibilities include, among others, great efforts to mitigate the global climate change, given the fact that the PRC is a great contributor to the global GHGs emissions. In 2018, alone, the PRC was responsible for 28.5% of global carbon dioxide emissions.⁷⁴ However, the story of the PRC's new assertive approach to climate change is a recent one, born out of necessity, and mainly focused on setting its own example in climate crisis management.

During most of the 20th century, GHGs emissions in the PRC were minimal because of its reduced economic industrial activity. The levels of GHG started to rise as a result of the policy of reform and of opening its markets which incentivized and supported the increase in domestic industrial activity and led to a trade policy focused on exports that subsequently generated a boom in manufacturing.⁷⁵

The year 2013 represented a milestone for the Chinese efforts in managing the causes and effects of climate change mainly at the domestic level. The problem that triggered the reaction of the PRC was the impact of intense air pollution on the health of the population of large cities that center on strong industrial activity.⁷⁶ By July 2013, the government mobilized investments

⁷³ Robert Zoellick, "Whither China? From Membership to Responsibility: Remarks to the National Committee on U.S.-China Relations," *US Department of State*, September 21, 2005, accessed March 30, 2021, <https://2001-2009.state.gov/s/d/former/zoellick/rem/53682.htm>.

⁷⁴ China Power Team, "How is China Managing its Greenhouse Gas Emissions?," *Center for Strategic and International Studies*, July 19, 2018, accessed April 9, 2021, <https://chinapower.csis.org/china-greenhouse-gas-emissions/>.

⁷⁵ Roz Pidcock, "China is responsible for 10% of human influence on climate change, study says," *Carbon Brief*, March 17, 2016, accessed March 23, 2021, <https://www.carbonbrief.org/china-is-responsible-for-10-of-human-influence-on-climate-change-study-says>.

⁷⁶ Herman Wong, "China: The Year in Smog," *The Atlantic*, December 19, 2013, accessed March 15, 2021, <https://www.theatlantic.com/china/archive/2013/12/china-the-year-in-smog/282535/>.

accounting to \$277 billion to fight air pollution in its northern region over the next five years.⁷⁷ After this, the Chinese government focused a big part of its foreign policy discourse and actions on the issue of climate change, in order to catch up with the progress made by the international community in this area. Therefore, Beijing has made the strategic decision to reach a leading position in the management of global warming, along with the other major active international actors involved in this matter.

The PRC's determination is a clear sign that it can be a responsible great power in leading the global efforts to decrease the intensity of the temperature rise due to the amount of GHGs in the atmosphere and eventually to put a stop to it. This new approach can be identified in the strategic messages sent by Chinese President Xi Jinping on the importance of applying the PA principles and meet the targets. The current international situation favors the PRC's strategic ambitions in this field and gives it the opportunity to play a greater role in fighting global warming without too many obstacles from the US. The main reason why the US stepped back its global climate change mitigation efforts had to do with the national political leadership whose views and actions were focused more on the wellbeing of the US citizens and economy. The Trump Administration (2017-2021) promoted a policy of economic isolation and contestation of widely accepted international norms and rules, including those that pursue the common global action to fight global climate change. But the US decision to withdraw from the PA⁷⁸ and to cease to financially support the developing countries in their endeavors to face climate change did not discourage other great powers to reduce their contribution in order to meet the PA targets. In the following period, Xi Jinping stated the PRC's intention to fill the political void and to be one of the main pillars, alongside the EU, of the international climate change mitigation regime in the absence of US involvement in the global efforts to cut the GHGs emissions in order to limit global warming in line with PA. Even before Trump announcement that the US was withdrawing from the PA, Xi Jinping argued in favor of the enforcing the Agreement saying that it “is a milestone in the history of climate governance. We must ensure this endeavor is not derailed. All parties should work together

⁷⁷ J. T. Quigley, “Chinese Government Will Spend \$277 Billion to Combat Air Pollution,” *The Diplomat*, July 27, 2013, accessed March 10, 2021, <https://thediplomat.com/2013/07/chinese-government-will-spend-277-billion-to-combat-air-pollution/>.

⁷⁸ United Nations Climate Change, “Joint Statement on the US Withdrawal from the Paris Agreement,” *United Nations Climate Change*, November 20, 2020, accessed August 26, 2022, <https://unfccc.int/news/joint-statement-on-the-us-withdrawal-from-the-paris-agreement>.

to implement the Paris Agreement. the PRC will continue to take steps to tackle climate change and fully honor its obligations”.⁷⁹

At the Leaders’ Summit on Climate conference organized by US President Joe Biden on April 2021⁸⁰, which marked the moment of the US *de facto* return to the international climate change regime, Xi Jinping reiterated Beijing’s firm commitment to climate change management, as he emphasized the importance of sustainable development, the “multilateral climate governance process”, the adherence to the “objectives and principles” of the UNFCCC and of achieving climate neutrality as soon as possible. Xi Jinping also urged the leaders of the 40 states participating at the summit to continue to uphold the principle of common but differentiated responsibilities.⁸¹

In line with the discursive dimension of the PRC’s new position on mobilizing international efforts to combat climate change, the Chinese government announced that the PRC will reach its GHGs emissions peak by 2030.⁸² Moreover, in 2021, during the 76th UN General Assembly, Xi Jinping declared that the PRC will be carbon neutral by 2060 and promised that the PRC will stop financing the construction of new coal-fired power plants in third countries.⁸³ In order to achieve these targets, the Chinese government launched the carbon trading program at the end of 2017. This mechanism was introduced in the PRC’s 13th Five Year Plan (2016-2020), and significantly expanded the global carbon market. It was aimed at the PRC’s energy sector, which was primarily based on the use of fossil fuels for energy production.⁸⁴ In this regard, the government tested the scheme in its greatest cities by implementing pilot

⁷⁹ Xi Jinping, “Work Together to Build a Community of Shared Future for Mankind,” *Xinhua*, January 19, 2017, accessed March 25, 2021, http://www.xinhuanet.com/english/2017-01/19/c_135994707.htm?from=singlemessage.

⁸⁰ The White House, “Fact Sheet: President Biden’s Leaders’ Summit on Climate,” *The White House*, April 23, 2022, accessed August 26, 2022, <https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/23/fact-sheet-president-bidens-leaders-summit-on-climate/>.

⁸¹ Xi Jinping, “Full Text: Remarks by Chinese President Xi Jinping at Leaders Summit on Climate,” *Xinhua*, April 22, 2021, accessed April 25, 2021, http://www.xinhuanet.com/english/2021-04/22/c_139899289.htm.

⁸² Qi Ye et al., “China’s Peaking Emissions, and the Future of Global Climate Policy”, Brookings-Tsinghua Public Policy Center, September 12, 2018, accessed April 25, 2021, <https://www.brookings.edu/blog/planetpolicy/2018/09/12/chinas-peakings-emissions-and-the-future-of-global-climate-policy/>.

⁸³ UN Affairs, “China headed towards carbon neutrality by 2060; President Xi Jinping vows to halt new coal plants abroad,” *UN News*, September 21, 2021, accessed September 13, 2022, <https://news.un.org/en/story/2021/09/1100642>.

⁸⁴ Joseph Romm, *Climate Change: What Everybody Needs to Know* (New York: Oxford University Press, 2018), 182.

programs in Shenzhen, Guangdong, Shanghai, Beijing, Tianjin, Hubei, and Chongqing.⁸⁵ As a result, today the PRC is operating the second largest ETS scheme in the world.

Behind these trends of the Chinese policy regarding climate change are also the aspirations of the Chinese leaders to improve the public opinion of the international community regarding the PRC's role in managing the global warming and its impact. By being a more responsible great power in addressing global climate change, the PRC wants to be considered a potential global leader in reducing CO2 emissions and is marketing clean energy products and technologies. The Chinese government sees renewable energy as a major economic opportunity, the PRC being now the world leading producer, investor, and consumer of renewable energy,⁸⁶ after it emerged as the dominant producer of solar PV panels in 2008.⁸⁷

Against the background of increasing its own ambitions regarding the fight against climate change, the government in Beijing launched, starting 2011, through the 12th Five Year Plan, a new industrial policy that would lead to a sharp development in the Chinese market of energy equipment and renewable technologies in the following five-year period. Through the support given by the Chinese government to R&D, to the producers of renewable energy products, and to their placement on the Chinese market, these measures led to an oversaturation of the domestic market of renewable energy products, a phenomenon that determined the Chinese producers of such products to look for and to access new markets.⁸⁸ During the same period, in the EU, the promotion of renewable energy sources occupied a central place in the measures undertaken by the EC regarding the fight against climate change. These measures were benefiting from financial support from the EU funds.⁸⁹

⁸⁵ Zhang Lu, Zeng Yi and Li Dayuan, "China's Emissions Trading Scheme: First Evidence on Pilot Stage," *Polish Journal of Environmental Studies* 28, no. 2 (2018).

⁸⁶ Sarah Ladislaw and Nikos Tsafos, "Beijing Is Winning the Clean Energy Race," *Foreign Policy*, October 2, 2020, <https://foreignpolicy.com/2020/10/02/china-clean-energy-technology-winning-sell/>, accessed March 11, 2021.

⁸⁷ Thomas Sattich et al., "Renewable energy in EU-China relations: Policy interdependence and its geopolitical implications," *Energy Policy* 156 (September 2021), <https://doi.org/10.1016/j.enpol.2021.112456>.

⁸⁸ Ibid.

⁸⁹ EUR-Lex, "Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Renewable Energy: A Major Player in the European Energy Market," June 6, 2012, accessed September 13, 2022, <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A52012DC0271>.

This development led the EU markets to be flooded with PV panels manufactured in the PRC and sold at dumping prices. After an investigation by the EC on the Chinese PV panels producers who were active on the European market, it was discovered that many of them were directly subsidized by the Chinese state. This phenomenon represented a direct threat to the competitiveness of European producers in this sector. According to the EC report the “fair value of a Chinese solar panel sold to Europe should actually [have been] 88% higher than the price to which it is sold”, and as a consequence, in 2013, the EU imposed temporary import duties on solar panels and wind turbines imported from the PRC.⁹⁰

The EU is aware of its asymmetric dependence on the PRC regarding the renewable energy products such as solar panels.⁹¹ The PRC is currently the largest import partner of the EU in terms of green energy products, including wind turbines, solar panels, and liquid biofuels.⁹² The EU is trying to eliminate some of its vulnerabilities in relation to the PRC through mechanisms such as the CAI, the screening mechanism for FDI, or the CBAM and in this process it can try to convince the Chinese leaders to increase their efforts toward climate change mitigation. But except for the CBAM, the other two EU initiatives goals are not primarily designed to enforce the EU Green Deal. There are voices that claim that there is a possibility that the EU Member States will not be able to achieve their targets for reducing GHG and increase the share of energy from renewable sources established by the EU Green Deal unless they rely on the Chinese producers of renewables, as the economies of European industrial powers such as France and Germany are still quite underdeveloped in this sector to support such a demand.⁹³ Regarding the PV panel industry, according to an EP Brief, there is a solution to avoid prolonging this situation. According to this

⁹⁰ European Commission, “EU imposes provisional anti-dumping tariffs on Chinese solar panels,” June 4, 2013, accessed September 13, 2022, https://ec.europa.eu/commission/presscorner/detail/en/IP_13_501.

⁹¹ Kjeld van Wieringen and Julia Hüntemann, “Making solar a source of EU energy security,” *European Parliament*, July 2022, accessed September 13, 2022, [https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/733587/EPRS_ATA\(2022\)733587_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/ATAG/2022/733587/EPRS_ATA(2022)733587_EN.pdf).

⁹² Eurostat, “International trade in products related to green energy,” October 2021, accessed September 10, 2022, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=International_trade_in_products_related_to_green_energy&oldid=551639#Solar_panels:_China_largest_import_partner.2C_United_States_largest_export_partner.

⁹³ Roderick Kefferpütz, “Green Deal Reloaded – Why the European Climate Policy Won’t Happen Without China,” *Institut Montaigne*, April 21, 2021, accessed September 13, 2022, <https://www.institutmontaigne.org/en/analysis/green-deal-reloaded-why-european-climate-policy-wont-happen-without-china>.

Brief, the EU must “monitor the supply chain, to steer strategic discussions on the trade-off between strategic autonomy and the Green Deal and to encourage access to international investors and R&D institutes.”⁹⁴

In parallel, the PRC’s efforts to “green” its industrial policy were not discouraged and the *Made in China 2025* initiative was announced in May 2015 by the State Council. It was guided by the principles of promoting innovation, quality of products, and green development and its objectives were to transform the Chinese industry and to reduce PRC’s dependence on high-tech product supply chains from third countries.⁹⁵ This objective should contribute to a broader one which has the year 2049 as its target, when the PRC’s industry is expected to become the most powerful in the world and at the same time a hub of high-tech products.⁹⁶

The green transformation of the production processes of the PRC industry through *Made in China 2025* has the role of reducing energy and resource consumption in these processes. In order to be able to measure the extent to which the PRC industry has become greener as a result of the implementation of *Made in China 2025*, the Chinese government has established the reduction of energy consumption, greenhouse gas emissions, water use, and the rate of solid waste emitted by the industry as the key performance indicators related to the industrial sector.⁹⁷ The Chinese government expects that these savings will improve the prospects of the PRC regarding compliance with its own commitments to the PA and will lead to the reduction of GHG and other polluting gases resulting from industrial processes.⁹⁸

At the same time, the share of renewables in the energy mix of the PRC is considerable, but not enough. Even though the solar panels and wind turbines produced in the PRC cover a large part of the global renewable equipment markets and 1 of 3 solar panels and 1 of 3 wind turbines are operating today on Chinese territory, the renewables represent only 15,3% of the PRC’s energy

⁹⁴ van Wieringen and Hüntemann, “Making solar a source of EU energy security”.

⁹⁵ Max J. Zenglein and Anna Holzmann, “Evolving *Made in China 2025*. China’s industrial policy in the quest for global tech leadership,” *MERICCS Papers on China*, no. 8, July 2019, 19-20, accessed September 13, 2022, <https://merics.org/sites/default/files/2020-04/MPOC%20Made%20in%20China%202025.pdf>.

⁹⁶ Ibid.

⁹⁷ Institute for Security & Development Policy, “*Made in China 2025*,” June 2018, accessed September 13, 2020, <https://isd.eu/content/uploads/2018/06/Made-in-China-Backgrounder.pdf>.

⁹⁸ Frida Lia et al., “Green Reformation of Chinese Traditional Manufacturing Industry: Approach and Potential for Cooperation,” *Procedia Manufacturing* 43 (2020): 289-290.

producing capacities.⁹⁹ The biggest share in the PRC's energy mix is represented by the “dirty” energy resulted from coal (57,7%).¹⁰⁰

In order to earn international credibility, the PRC needs to phase out its coal energy production capacities as soon as possible in order to sustain its status as one of the global leaders of green transition and climate change mitigation. There is international pressure on the PRC to decarbonize more quickly, and this comes now from the US, because the US President, Joe Biden, recently reasserted America's leadership in fighting climate change, recommitting the US to the PA and promising investments worth \$2 trillion in clean energy initiatives.¹⁰¹ The current EU's strategic reorientation towards the PRC should represent another convincing incentive, at first glance, for Beijing to take ambitious measures to reduce the carbon-intensive character of its economy. The CBAM can be considered an instrument by which Brussels is trying to determine Beijing to decrease the dependence of its economy and energy sector on coal and become a true global partner in the fight against climate change.

Despite some arguments such as that of the spokesperson of the PRC's Ministry of Ecology and Environment, Liu Youbin, that criticized the CBAM by declaring that it is “essentially a unilateral measure to extend the climate change issue to the trade sector. It violates WTO principles ... and (will) seriously undermine mutual trust in the global community and the prospects for economic growth”, the Chinese officials should consider this EU measure as an opportunity to test the ability of the Chinese industry, especially the construction industry, to adapt to the environmental rigors of the EU markets that are so important for many Chinese companies.

The steel sector is one of the most polluting in the construction industry in the PRC, and it annually produces half of the world's steel products.¹⁰² In 2019, a percentage of 7.3 of the total quantity of steel produced in the PRC was

⁹⁹ China Power Team, “How Is China's Energy Footprint Changing?,” *Center for Strategic and International Studies*, February 15, 2016, accessed April 25, 2021, <https://chinapower.csis.org/energy-footprint/>.

¹⁰⁰ Ibid.

¹⁰¹ Jim Tankersley, “Biden Details \$2 Trillion Plan to Rebuild Infrastructure and Reshape the Economy,” *New York Times*, April 21, 2021, accessed April 25, 2021, <https://www.nytimes.com/2021/03/31/business/economy/biden-infrastructure-plan.html>.

¹⁰² Eurostat, “International trade in goods by type of good,” June 2022, accessed September 10, 2022, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=International_trade_in_goods_by_type_of_good&oldid=545568#International_trade_in_goods_-_developments_by_broad_economic_category.

exported.¹⁰³ At the same time, the steel produced by the Chinese companies is extremely “dirty”, this industry generating 15% of the national GHG emissions.¹⁰⁴ Of the total iron and steel imported by the EU Member States, only 6.6% represent imports originating from the PRC, compared to those from Russia which total 15%. Despite this low percentage, steel exports from the PRC to the EU have been substantial enough to cause the PRC to include even steel industries in the national ETS scheme. This was even considered by the PRC’s Ministry of Ecology and Environment (MEE) which, through the 14th Five Year Plan, wanted to expand the ETS scheme beyond the energy sector, and therefore to include the more carbon-intensive industrial sectors as well, and steel was one of them.¹⁰⁵ According to the Mercator Institute for China Studies, in the PRC, in addition to the criticism of CBAM, there were also points of view that supported the intensification of cooperation efforts between the EU and the PRC, so as to establish a global carbon market and avoid CBAM-related normative rigidity.¹⁰⁶

The Belt and Road Initiative (BRI) has another instrument through which the PRC tests and practices its climate diplomacy. In order to enhance the green dimension of the BRI, the Chinese government established rules in order to make the BRI foreign investments more sustainable among which there were the “Guidance on Promoting Green Belt and Road”, “The Belt and Road Ecological and Environmental Cooperation Plan”, the “BRI International Green Development Coalition”, and the “Green Investment Principles for the Belt and Road”.¹⁰⁷ Although in the nine years since Xi Jinping launched the BRI, several cooperation platforms have been promoted in order to support

¹⁰³ International Trade Administration, “Steel Exports Report: China,” *Global Steel Trade Monitor*, May 2020, accessed September 13, 2022, <https://legacy.trade.gov/steel/countries/pdfs/exports-china.pdf>.

¹⁰⁴ Jialin Shen et al. “Future CO2 emission trends and radical decarbonization path of iron and steel industry in China,” *Journal of Cleaner Production* 326, no. 1 (2021), accessed September 8, 2022, <https://www.sciencedirect.com/science/article/pii/S0959652621035381>.

¹⁰⁵ Nicholas Stern and Chunping Xie, “China’s new growth story: linking the 14th Five-Year Plan with the 2060 carbon neutrality pledge,” *Journal of Chinese Economic and Business Studies* (2022): 13-14.

¹⁰⁶ Barbara Pongratz, “EU-China climate policy – balancing cooperation and pressure,” *Mercator Institute for China Studies*, July 31, 2021, accessed September 14, 2022, <https://merc.org/en/short-analysis/eu-china-climate-policy-balancing-cooperation-and-pressure>.

¹⁰⁷ Christina Sadeler, “Climate change as an area for EU-China cooperation?,” in *Shifting Power and Human Rights Diplomacy: China*, ed. David Ismail, Karen van der Schaaf, and Stijn Deklerck (Netherlands: Amnesty International Netherlands, February 2020), 94, accessed September 14, 2022, https://www.amnesty.nl/content/uploads/2020/02/STRATEGIC-STUDIES-CHINA_webversie.pdf?x33308

sustainable investment and development as guiding principles of the PRC's initiative, in practice things stand different.

In the BRI partner countries, the PRC has been developing several energy projects based on coal-fired electricity generation. Indonesia, as well as countries on the European continent such as Serbia and Bosnia and Herzegovina¹⁰⁸, are among the countries where Chinese companies are developing such projects that in the end undercut Beijing's rhetoric that BRI should be sustainable or green. If the PRC does not completely reshape the BRI investment policy, its partner countries will account for more than half of global carbon dioxide emissions by 2050.¹⁰⁹ The first steps in this direction were made in Pakistan and Bangladesh. In the first case, Pakistan, which had originally reached an agreement with the PRC to develop coal-fired energy production capacity, recently announced through its former prime minister, Imran Khan, that it was abandoning these projects in order to develop green energy capacity.¹¹⁰ As for Bangladesh, according to the Green Belt and Road Initiative Center, in February 2021, the PRC's embassy in Bangladesh notified the local Ministry of Finance that “the Chinese side shall no longer consider projects with high pollution and high energy consumption, such as coal mining [and] coal-fired power stations”.¹¹¹

Even if the Chinese government has relied at the national level on a gradual elimination of coal by 2060, foreign investments in dirty infrastructure projects in states that more or less need such aid, generate a mismatch between compliance with PA guidelines and the implementation of NDCs while supporting BRI partner states to achieve the same climate change targets all signatories pledged to.

¹⁰⁸ Pippa Gallop, Ioana Ciuta, and Wawa Wang, “Chinese-built coal projects in Europe: A real and immediate threat to the EU's decarbonisation efforts,” *Bankwatch Network*, September 14, 2020, 2 accessed April 29, 2021, <https://bankwatch.org/wp-content/uploads/2020/09/china-projects-briefing-Sept-2020.pdf>.

¹⁰⁹ Simon Zadek and Ma Jun, “A Low-Carbon Belt and Road,” *Project Syndicate*, March 28, 2019, accessed April 29, 2021, <https://www.project-syndicate.org/commentary/climate-change-belt-and-road-infrastructure-investment-by-ma-jun-and-simon-zadek-2019-03?barrier=accesspaylog>.

¹¹⁰ Sebastien Goulard, “Pakistan is following China on green path,” *OBOR Europe*, December 21, 2020, accessed April 29, 2021, <https://www.oboreurope.com/en/pakistan-china-green-path/>.

¹¹¹ Jennifer Hillman and Alex Tippet, “The Climate Challenge and China's Belt and Road Initiative,” *Council on Foreign Relations*, March 2020, 31, accessed April 29, 2021.

V. Conclusions

The EU has the ability to influence a major power such as the PRC to adapt its economic policies to reduce their impact on the climate. In its relations with the PRC, the EU is imposing its normative power through dialogue and the institutionalization of its relationship with Beijing, but also by shaping a common identity as global leaders in fighting climate change. The EU is in an ongoing dialogue with the Chinese government, offering them the expertise needed to implement and monitor the PRC's ETS system, but it remains to be seen to what extent it will work like the one set up at European level. It is well known that the PRC has a strong voice on the domestic markets, including those related to the carbon market trading system like the energy sector. Given the size of its economy, the PRC has the potential to become the largest carbon market globally if it applies the ETS in the future to all sectors participating in the national carbon footprint, not just the energy system. At the rhetorical level, the PRC's ambitions and determination seem quite convincing and, at the same time, could represent an approach worth following by other developing countries. But, as we have seen, things are not as clean cut as the Chinese leaders would like them to make out to be.

Regarding climate change mitigation, the transference type of norm diffusion is very prominent in the exercise of the EU's normative powers over the PRC due to the complex commercial relations between the two and to the efforts that Brussels makes to regulate them primarily in order to maintain a competitive economic environment in the EU and secondly to induce the PRC to adopt equally ambitious economic and environmental standards. The EU's strategic reorientation towards the PRC will not offer Beijing many options, as the Chinese leaders will be faced with a situation in which they must intensify cooperation with Brussels in the field of climate change in order to avoid the possible effects of the CBAM and mitigate the impact of an ever ambitious EU Green Deal.

The ambivalence of the PRC's climate change policy, coupled with the tension between the needs of an energy-consuming economy and the unbroken desire to assert itself as a global leader in this field make the PRC's NP to be perceived as partial and fragile, as it is not enough to give the PRC influence in the international processes setting targets and rules aimed at stopping negative climate developments and their impact on humanity. When we are considering

the international cooperation between the PRC and other BRI participants, it is obvious that the Chinese side needs to do more than advance a political rhetoric favorable to increasing the global efforts of fighting climate change. Abroad, the PRC needs to apply the BRI more on sustainable investments.

All things considered, one aspect in particular is thought-provoking and could be the subject of a wider discussion to develop the subject of this paper. On the one hand, the PRC is a developing state. Beijing embraces and accepts this status in multiple situations. By positioning itself in the category of states that need special conditions to continue their process of modernization and economic development, the PRC can adopt a more relaxed policy on reducing GHG emissions, as a tightening in measures might slow its pace of development which, in turn, can have dangerous social and political implications for the political leadership of the state. On the other hand, the PRC wants to be one of the leading states in combating climate change, both politically and economically. However, this position presupposes a responsible attitude domestically and internationally, based on sound and clearly defined principles, as well as the ability to influence countries such as Pakistan to abandon unsustainable policies. In the current international regime for climate change mitigation the PRC's potential NP lies rather in the strength of its example based on its ability to develop and implement green energy technologies and export them to the world market and less in its regulatory power.

The result of the constant cooperation between Brussels and Beijing influenced only partially the PRC to become a major and responsible player in managing the global climate change challenges, failing, at various times, to follow the European high standards on climate change on the global stage.

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ROMANIA AND THE CONCEPT OF MINILATERALISM. AN ANALYSIS OF THE COUNTRY'S REGIONAL COOPERATION STRATEGY (1990-2022)

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Abstract: The minilateral format is not an unknown concept in Romania's geopolitical strategy. From regional initiatives based on the principle of interwar collective security to the Bucharest Nine format, Romania has participated but also initiated regional collaborations, especially regarding the security of the region. The present research aims to present the dynamics of Romania's involvement in minilateral formats starting from the interwar periods and to analyze how these initiatives have contributed to the security and development of the Romanian state. The analytical approach will be correlated with the historical periods to which we refer, the analysis criteria being different depending on the regional geopolitical situation assessed such as Romania being part of the communist bloc compared to the current socio-economic and ideological configuration. The purpose of the research is to determine the usefulness and efficiency of the minilateral organizations in which Romania participated or which were initiated at the proposal of the Romanian side. It is also important to analyze how the minilateral endeavors influenced Romania's membership in the European Union and NATO. Methodology-wise, the research uses document analysis to review both specialized sources belonging to the field of International Relations, but also historical ones. In the first part of the article, I will define the minilateral format, presenting the differences relative to a multilateral one. The second part is reserved for the analysis of the Little Entente, as an incipient minilateral commitment, with Romania as the initiator state, followed by the exemplification of the lack of minilateral commitments from the communist period. The third part contains the analysis of the post-Cold War period, and represents the main focus for the present research. The last part is the one dedicated to the conclusion of the analysed minilaterals from the perspective of Romania, containing added recommendations regarding the future of Romania's external collaborations.

Keywords: Romania, minilateral format, multilateral, Bucharest Nine, geopolitics, NATO, Three Seas Initiative, Little Entente



Rezumat: Formatul de tip minilateral nu constituie un concept neexplorat în strategia geopolitică a României. De la inițiativele regionale bazate pe principiul securității colective interbelice și până la formatul București Nouă, România a participat, dar a și

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inițiat colaborări regionale, cu precădere privind securitatea regiunii. Cercetarea de față își propune să prezinte dinamica implicării României în formate minilaterale având ca punct de pornire alianțele din perioada interbelică și să analizeze modul în care aceste inițiative au contribuit la securitatea și la dezvoltarea statului român. Demersul analitic va fi corelat cu perioadele istorice la care ne raportăm, criteriile de analiză fiind diferite în funcție de situația geopolitică regională (ex.: România ca parte a blocului comunist comparativ cu actuala configurație socio-economică și ideologică). Scopul cercetării este de a determina utilitatea și eficiența abordărilor minilaterale la care România a participat sau care s-au inițiat la propunerea părții române. De asemenea, este important de analizat cum au influențat minilateralele apartenența României la Uniunea Europeană și NATO. În privința metodologiei folosite, cercetarea apelează la analiza de documente folosind atât surse academice aparținând relațiilor internaționale, dar și surse istorice. În prima parte a articolului, voi defini formatele minilaterale, prezentând și diferențele raportat la cadrul multilateral. Cea de-a doua parte este rezervată analizei Micii Antante, ca angajament minilateral incipient, având România ca stat inițiator, cât și exemplificării lipsei angajamentelor minilaterale din perioada comunistă. Partea a treia conține analiza perioadei post-Război Rece, fiind și cea mai semnificativă pentru cercetarea prezentă. Ultima parte este cea dedicată concluziilor privind minilateralele analizate din perspectiva României, oferind recomandări privind viitoarele colaborări externe ale României.

Cuvinte cheie: Romania, format minilateral, multilateral, București Nouă, geopolitică, NATO, Three Seas Initiative, Mica Antantă

I. Introduction

The changes in the international system over the last decade are dynamic, involving both economic and military considerations, while also impacting the way states design their external strategy. Large multilateral formats are becoming less relevant in the context of the American pivot to Asia, an area where minilaterals are evolving towards a significantly more strategic role than large formats. In the specific case of the south-eastern region of Europe, minilateral collaborations have generally been a secondary priority in the foreign policy strategies of the states in the area. However, the complicated geopolitical context in which they found themselves since the end of the First World War, often at the confluence of major power conflicts, has led to regional cooperation initiatives on specific issues, especially in terms of security. In this sense, the analysis of Romania as a case study is relevant in the context of its geopolitical importance in the region.

Minilateralism has seen strong development, especially in the last 30 years, but more recently, in Europe, it has been dominated by comprehensive formats aimed at maintaining peace. Romania initially neglected this type of

collaboration, with the main priority being accession to multilateral organizations such as the European Union (EU) and NATO, which offered strong political and security guarantees, necessary given the historical experience and the geopolitical situation in the area. The minilateral initiatives occurred mainly after the accession to the EU, through formats such as the Three Seas Initiative, Bucharest Nine (B9), or the Craiova Group. Through minilateralism, Romania has focused mainly on strengthening its security and to a lesser extent on cultural, economic, or political collaborations.

In the context of regional collaboration formats, examined both from theoretical perspectives as well as applied to the reality on the ground, the concept of minilateral initiative was pursued in the historical periods preceding the disappearance of the communist bloc. Relevant for our analysis are the security agreements from the years before the Second World War, such as the Little Entente or the Balkan Pact, formats that had a role in collective defense of the region. The above formats can be considered as the first attempts to bring together common interests under a minilateral initiative, and thus their analysis is relevant to our research approach. To determine the relevance and usefulness of the minilaterals in which Romania was or is involved, the present study analyses the contexts in which they were created, the purpose, as well as the implemented decisions resulted from these cooperative frameworks. It is also crucial to analyse how these small formats relate to the multilateral organizations of which Romania is part of, the EU and NATO, and what is their role in the geopolitical configuration of the Euro-Atlantic area.

II. The Concept of Minilateralism. Definition and General Characteristics

Minilateral initiatives are nothing new in the international system, although the world order determined by the United States and the Allies in 1945 was largely based on big, multilateral formats. However, the proliferation of such formats, which may include bilateral or trilateral formats has recently taken place, especially in areas such as security, climate change, or trade¹. However,

¹ Aarshi Tirkey, “Minilateralism: Weighing the Prospects for Cooperation and Governance”, *Observer Research Foundation*, Issue Brief no. 489, September 2021, 3, https://www.orfonline.org/wp-content/uploads/2021/09/ORF_IssueBrief_489_Minilaterals_NEW.pdf, accessed on May 10, 2022.

one can speak of an earlier stage of minilateral initiatives in the period between the two world wars, such as those involving collective defense systems initiated by small European countries to make up for the lack of coercive instruments against aggressor states specific to the League of Nations, the forerunner of the United Nations. The term “minilateralism” used to define small alliances as opposed to large multilateral organizations, appeared in 1992 at the initiative of Miles Kahler, from the author’s desire to convey his criticisms of multilateral alliances. In Kahler’s view, minilateralism could be a way to minimize the hegemonic power of the United States by creating a minilateral core consisting of major economic powers, but also a possible solution to make multilateral formats more efficient, considered since the 1980s to be ineffective in managing major global issues such as international trade or security². Afterwards, the term was popularized by Moises Naim, a *Foreign Policy* journalist, who saw in minilateralism a way for effective collaboration in solving problems such as climate change or poverty, against the background marked by the failure of large formats to reach the promised efficiency targets³. In recent times, the minilateral format is academically conceptualized as a way of organizing cooperation in the economic sphere⁴, hence the relevance of initiatives such as G7 or G20. As I will exemplify later in this study, the concept of smaller, flexible alliances with narrow and clear objectives was present long before their theorization under the term “minilateralism” framework.

A minilateral organization can be defined as an international collaboration format consisting of two states or of a small group. The upper limit for the number of states that can make up a minilateral is still a topic of discussion at the theoretical level since the formats verge from bilateral and trilateral initiatives to regional groups that bring together nine members, such as Bucharest Nine, or even more. For a more relevant conceptual comparison, multilateralism is defined as a “formal effort by three or more states to build trust and avoid conflict by identifying, institutionalizing and observing rules and norms for a common vision of regional or international order”⁵. Minilateralism,

² Miles Kahler, “Multilateralism with small and large numbers”, *International Organization* 46, no. 3 (Summer 1992): 681–708.

³ Moises Naim, “Minilateralism: The Magic Number to Get Real International Action”, *Foreign Policy*, July 21, 2009, <https://foreignpolicy.com/2009/06/21/minilateralism/>, accessed on November 19, 2022.

⁴ Chris Brummer, *Minilateralism: How Trade Alliances, Soft Law and Financial Engineering are Redefining Economic Statecraft* (New York: Cambridge University Press, 2014).

⁵ William T. Tow, “Minilateral security’s relevance to US strategy in the Indo-Pacific: challenges and prospects”, *The Pacific Review* 32, no. 2 (2019): 232-244.

meanwhile, differs in the “three or more states” area by containing a set of features that cover the specifics of the issues for which the initiative was created or the mode of operation, based on a substantially lower need for bureaucratic engagement.

The minilateral level of collaboration involves complementing international organizations on various specific activities, it might address certain shortcomings of the multilateral frame, or take on tasks that are far too difficult to manage in a large format⁶. There is also the possibility that a minilateral format may serve to assist each member in fulfilling the criteria for accession to a multilateral one⁷. A variable feature of the minilateralist frameworks regards the areas of interest for which it was formed, often being concerned with specific issues that through a smaller format, can be easier and more efficient to manage. We specified “variable” because there are also initiatives that cover several areas as part of the same framework and are managed at the same time or modulated, depending on the need of the member states at various moments.

In addition to the forms and purposes that a minilateral format can have, modularity is another feature, and a beneficent one at that when compared to a multilateral one. If at the global level or in a large multilateral format, there is a common will to address a specific problem such as climate change, the minilateral format makes it possible to disaggregate the problem. This is done by implementing more efficient methodologies that focus on the particularities of a given problem in the member states⁸. Minilateralism can “federalize” a specific situation by finding solutions that are effectively related to the characteristics of each state. Grouping them according to the distinct possibilities through which certain problems can be managed thus enables the modularity function. In other words, minilateralism is seen as a solution to address the inefficiencies of

⁶ Erica Moret, “Effective minilateralism for the EU: What, when and how”, *European Union Institute for Security Studies*, Brief Issue 17 (2016): 2, https://www.iss.europa.eu/sites/default/files/EUISSFiles/Brief_17_Minilateralism.pdf, accessed on November 19, 2022.

⁷ An eloquent example is the Visegrád Group (V4) (Hungary, Poland, the Czech Republic, and Slovakia), which was set up in 1991 and is still in force. In addition to collaborating in many fields such as culture, economics, or the military, which is unusual when it comes to a minilateral framework, the fundamental goal was to integrate all members into the European Union as soon as possible, a goal accomplished in 2004. The group represents the conservative pole within the EU and advocates for the reduction of the functions of the community bloc. It is an example of a minilateral format that affects the role and credibility of the European Union, the multilateral of which it is part of.

⁸ Patrick Stewart, “The New “New Multilateralism”: Minilateral Cooperation, but at What Cost?”, *Global Summitry* 1, no. 2 (Winter 2015): 125.

multilateralism, allowing states to find viable alternatives to common problems⁹. In addition, this “federalization” can also facilitate the coordination of policies towards areas of immediate and critical interest, which, otherwise, could be easily marginalized in a complex framework such as a multilateral alliance¹⁰.

The minilateral framework can be set up quickly, ad-hoc, by a simple high-level meeting or even at a ministerial level. This was the case of Bucharest Nine, which was established during a bilateral summit between the Presidents of Romania and Poland. At the proposal of the Romanian side, a minilateral framework was formed, which was quickly joined by other states in the region, sharing similar interests. The quick way in which minilaterals can be set up is also replicated in the way they operate since these formats aim to speed up the decision-making process, which is achieved not only by a bottom-up simplification of bureaucratic elements, but also by the greater predisposition of leaders to meet much more often in extraordinary summits¹¹. From Romania’s perspective, the advantage of a minilateral format helps it prioritize its interests, which frequently coincide with those of regional partners. This, in turn, is important and necessary for the acceleration of certain social and economic policies¹².

Certain theoretical views among researchers place the minilateral format in a position that can be considered “a step down the road of civilizing politics among states”¹³, acting as a mechanism to dilute the actions of international pacification. Specifically, a minilateral format is not comprehensive enough and, as a result, cannot act as an actor in the position of imposing economic or diplomatic sanctions on states that violate international law¹⁴. The multilateral

⁹ Aarshi Tirkey, “Addressing the inefficiency of multilateralism – Are regional minilaterals the answer?”, *Observer Research Foundation*, December 28, 2020, <https://www.orfonline.org/expert-speak/addressing-inefficacy-multilateralism/>, accessed May 10, 2022.

¹⁰ Ibid.

¹¹ For example, Bucharest Nine, in the eight years since the first summit of heads of state took place, only in 2016 and 2017, meetings were not organized. Instead, there were meetings of foreign ministers, which in some years complemented the high-level meetings. This frequency of meetings at the highest level is also present in multilateral formats, but they do not always have such a significant impact due to the complexity of the implementation process, as opposed to the flexible nature of the minilateral.

¹² The priorities of the countries of Eastern EU often differ from those of the West, which have a different level of social and economic development. Thus, it is preferable to concentrate common interests in a minilateral with the role of boosting the decision-making system of a multilateral one for the purpose of accelerating policies in favor of these states.

¹³ Fulvio Attinà, “Multilateralism and the Emergence of “Minilateralism” in EU Peace Operations”, *Romanian Journal of European Affairs* 8, no. 2 (2008): 6.

¹⁴ Ibid.

body, on the other hand, is inclusive and tends to perpetuate its values in areas of external conflict or other security threats through peacekeeping interventions.

Although the characteristics differ in the management of other areas such as economic cooperation or climate change, the essence remains the same, namely that the inclusive nature of a multilateral format brings more stability compared to minilateral initiatives. Consequently, one of the debates at the academic level involving minilateralism concerned the extent to which it can lead to new conflicts, or the disintegration of the world order established after the Second World War. First of all, a multilateral format loses its ability to create consensus on important topics due to the possible decentralization of interests, which can be caused by the consolidation of some minilateral formats inside a multilateral one. In this case, we can compare the minilateral structure to a lobby group, which presents and supports its views and interests within the multilateral's decision-making process.

In this way, instability and a weakened reaction to external impulses and potential geopolitical challenges at the macro level on the part of a multilateral organization may appear. Second, the potential loss of a multilateral's ability to create consensus following the fragmentation of interests caused by minilateral formats also reduces the efficiency with which a comprehensive format adapts on the international stage, especially in the case of sensitive issues where it is very difficult to reach an agreement, such as addressing climate change or international trade policy. Moreover, in the long term, the classic international order, represented by the multilateral formats, once eroded, increases the risk of armed conflicts that have the potential to extend beyond the regional area in which most of them were identified after the implementation of the multilateral system of alliances at the end of World War II.

The development of minilateral initiatives is identified mainly in the Indo-Pacific area, through diversified formats, covering a wide range of areas of collaboration. In Europe, things are different, especially concerning the scale of the minilateral phenomenon. First of all, in Europe, the minilaterals have a strictly regional character, acting within two consolidated multilateral structures, the EU and NATO. In addition, some European powers, such as the United Kingdom and France, are involved in minilateral formats in the Indo-Pacific area, trying to influence the security architecture in the area¹⁵. Secondly, the non-

¹⁵ Elena Atanassova-Cornelis and Eva Pejsova, “Minilateralism: an opportunity for the EU's engagement in the Indo-Pacific”, *CSDS Policy Brief*, no. 22, November 26, 2021, 2, <https://brussels-school.be/publications/policy-briefs/policy-brief-minilateralism-opportunity-eu%E2%80%99s-engagement-indo-pacific>, accessed May 10, 2022.

security cooperation formats, especially the commercial ones, are constituted respecting the legal bases established by the EU for the minilaterals of which only the EU members are part. It should be added that the general minilateral dynamic is not intended to harm the EU and NATO¹⁶. In contrast, the US pivot to the Asian continent has created an acute need for regional alliances in the form of mini-partnerships between US partner states to counter Chinese influence.

In conclusion, there are many possibilities for applying minilateral collaboration formats. It can be extremely useful at the regional level in managing transnational issues that cannot be effectively managed at a macro, global level such as climate change or trade protectionism. The development of minilaterals also comes against the background of the lack of innovation and underwhelming responsiveness of institutions with global coverage or of those with an oversized bureaucratic apparatus. However, on the long term, the transition involving the dismantling of international arrangements and of their rearrangement under bloc dynamics consolidated into small initiatives with distinct interests from each other, can pose a danger to international stability and global peace.

III. Romania's Minilateral Collaboration Formats Between 1920-1989. Little Entente as a Forerunner of Contemporary Minilateral Formats

The geopolitical reconfiguration of Europe after the First World War led to a change in the way alliances were formed and shaped. First of all, a large number of new states had emerged as a result of a self-determination policy based on nationality, especially in the east and south-east. As a result, these states needed to build their own foreign policies. Second, the collective security system of the League of Nations had only a political role, not providing an effective defense of its members in the event an aggression took place. In addition, post-war Europe was extremely politically and militarily unstable, forcing newly created or integrated states from former multinational empires to form alliances in the name of collective defense. States such as Romania, Yugoslavia, or Czechoslovakia felt the need to initiate regional alliances, especially due to

¹⁶ With the notable exception of V4, initiatives such as E3, B9 or the Three Seas have not impacted negatively neither the EU, nor NATO, so far.

doubts regarding the guarantees offered by the peace treaties signed at the end of the war¹⁷. Therefore, these alliances could be considered minilateral security formats because they met certain theoretical particularities and were similar in terms of how they operated to the contemporary initiatives of this type.

Thus, Romania has been involved in such alliances since 1920 when it established the Little Entente. Consisting of Czechoslovakia, Yugoslavia, and Romania, it was initially intended to counteract the irredentist tendencies of Hungary and Bulgaria. This meant that each state had the obligation to help an ally, if it was attacked by Hungary or Bulgaria, alone or with support from Germany or Italy¹⁸. After the remilitarization of the Rhineland in 1936, the direct military support of France, which officially held the status of observer for the Little Entente, could no longer be directly secured¹⁹. In addition, Poland's refusal to participate in the alliance, a state considered by the Romanian side as indispensable for the regional security system, partly due to the good relations it had with Hungary²⁰, considerably diminished the defense and deterrence capabilities of the Little Entente.

Eventually, it ceased to exist with the annexation of Czechoslovakia by Nazi Germany. In essence, the alliance was not a failure if we look at the objectives for which it was created, namely defense in the event of an unprovoked attack by Hungary and Bulgaria²¹, but it was not able to ensure the defense of its members' borders against a great aggressor power²². In addition to the Little Entente, the system of defensive alliances in South-Eastern Europe also included the Balkan Pact, and consisted of Turkey, Greece, Yugoslavia, and Romania. It had the same defensive role, though in this instance, the state considered to be a possible aggressor was Bulgaria. The alliance was dissolved due to the inability of its members to provide security to Romania as a result of the territorial partitions of 1940.

¹⁷ Sorin Arhire, „Politica Externă a României 1920-1940 I”, *Terra Sebus. Acta Musei Sabesiensis*, no. 3 (2011): 477-507.

¹⁸ Nicolae Titulescu, *Politica externă a României (1937)* (București: Editura Enciclopedică, 1994), 23.

¹⁹ Gerald G. Govorchin, “The Little Entente: A Post-Mortem”, *The Social Studies* 38, no. 4 (1947): 170.

²⁰ Daniela Elena Nica, *România și politica securității colective. Pactul Briand-Kellog* (Târgoviște: Editura Cetatea de Scaun, 2012), 66.

²¹ Ungarisches Institut München, “Convention of Defensive Alliance Between Romania and the Kingdom of the Serbs, Croats and Slovans, 1921”, <http://www.forost.ungarisches-institut.de/pdf/19210607-1.pdf>, accessed May 15, 2022.

²² Govorchin, “The Little Entente”, 171.

The Little Entente had a form of institutional organization. There were regular ministerial meetings between states at least once a year or whenever circumstances made it necessary²³. Member states could also delegate a single common representative, depending on the situation, in the common interest of the three²⁴. Moreover, the Little Entente presented a minimal form of institutionalization, through so-called The Little Entente System or Pact of Organization, which represented the permanent collaboration in a legal recognized formal form²⁵. Article 7 of the Treaty establishing the Permanent Council also stipulated the possible establishment of an “economic council” to “coordinate the economic interests of the three states”²⁶, and specified what it should be composed of. Also created under the auspices of this treaty and specified in Article 9 was that a permanent secretariat would be organized, having a mobile working point depending on the state hosting the Permanent Council²⁷. In other words, the Small Entente could be defined as a minilateral format for the following reasons:

- It was an alliance established at the regional level with a delimited area of implementation.
- It had a permanently institutionalized form, with clear objectives, which made decisions in the European geopolitical framework of that period. Moreover, since its establishment, the members proposed that the Little Entente should be represented by a common voice in negotiations with the Allied Powers. The leaders of the states thus became aware of “the need to present themselves as a block not only to the enemy powers but especially to the allied powers”²⁸.
- It maintained a low level of institutional bureaucracy, with decisions undergoing a filtering process at least three times a year during meetings convened by the member states’ foreign ministers.

²³ ***, “Supplementary Agreement to the Treaties of Friendship and Alliance between the states of the Little Entente, 27 June 1930”, in *The Major International Treaties of the Twentieth Century (Volume 1)*, ed. J.A.S. Grenville and Bernard Wasserstein (Oxon and New York: Routledge, 2013), 167-168.

²⁴ Ibid.

²⁵ Pact of Organization of the Little Entente. Signed at Geneva, February 16, 1933, accessed May 15, <http://www.forost.ungarisches-institut.de/pdf/19330216-1.pdf>

²⁶ Ibid.

²⁷ Ibid.

²⁸ Eliza Campus, *Din politica externă a României. 1913-1947* (București: Editura Politică, 1980), 219.

- It aimed to manage common security issues for all member states but also at a regional level, mainly focused on the irredentist and aggressive foreign policies of Hungary and Bulgaria.
- It did not seek to suppress the authority of the League of Nations as it was constituted in accordance with the principles of collective security.
- The flexibility offered by a small number of members enabled the alliance to extend the areas of collaboration, in this case, in the sector of economic cooperation.

Additionally, as in the case of more modern cooperation formats, the Little Entente was set up in accordance with the provisions of the League of Nations, even having a permanent secretariat at its headquarters in Geneva. Although these alliances ultimately failed with the outbreak of World War II and the military inability of member states to meet their security commitments, they demonstrated a pragmatic regional policy on the part of Romania, focused on clear security objectives and collective defense, especially when Nicolae Titulescu was acting in his capacity of foreign minister. Given the geopolitical context and Romania's defense capabilities, these proto-minilaterals represented an opportunity for Romania to affirm itself, from being a signatory of the treaty establishing the Permanent Council to the pursuit of collective defense initiatives between among the members.

Following the Sovietization process that Central and Eastern Europe was subjected to after the Second World War, in Romania, the Soviet model was introduced in all areas of society: politics, economy, culture, intellectual-scientific life²⁹, as well as foreign policy. The Sovietization of Romania which took place between 1945-1948, led to the imposition of a pro-Moscow regime that reduced the country to a state of obedience³⁰. This process also entailed integration into the system of alliances created and arbitrarily controlled by the Soviet Union. The old bilateral or multilateral commitments in which interwar Romania participated were no longer valid, instead, the first decades of Romania's foreign policy were monopolized by the USSR. The system of alliances and cooperation formats found in the communist bloc allowed only for limited bilateral relations between Romania and Western states, while precluding the possibility of more complex forms of collaboration. For example, Romania was involved in the Western Bretton Woods system, but other smaller forms of

²⁹ Adrian Cioroianu, *Pe umerii lui Marx. O introducere în istoria comunismului românesc* (București: Editura Curtea Veche, 2005), 322.

³⁰ Dennis Deletant, *România sub regimul comunist (A treia ediție)* (București: Editura Fundației Academia Civică, 2010), 85.

cooperation with the states of the opposing bloc were not allowed. The organizations in which Romania was involved, such as the Council for Mutual Economic Assistance (CMEA) or the Warsaw Pact, had a systemic character and not just regional applicability since they included, with small exceptions, all communist states globally. Even within these communist multilaterals, Romania had not pursued cooperation at the sub-regional, trilateral, or multi-member levels, designed to address the economic, social, or security issues of these states. In Central and Eastern Europe, the conception of a system of communist organizations was built and controlled by the Soviet Union³¹, while initiatives to empower satellite states by forming minilaterals not directly controlled by Moscow were possible only by exiting Soviet control structures.

The regime change that took place at the end of 1989, the disbandment of Moscow's alliance system in the years to come, and the transitions to liberal democracies allowed foreign policy concepts to change and diversify regional, European, and global opportunities for cooperation. During the first decade of transition, Romania's external behavior will be dominated by initiatives aimed at European and North Atlantic integration, which became a fundamental national objective from 1995 onwards. For a while, the opening up of regional cooperation tracks had been delayed due to internal political and social unrest, which had alienated potential partners, as well as by external factors, ranging from the war in Yugoslavia to Romania's inconsistent behavior towards its neighbors and Western powers. Starting in 1995, Romania laid the foundations for minilateral cooperation, through a series of trilateral frameworks established at the regional level.

IV. A Brief Description of Romania's Foreign Policy Concept Regarding the Formats of Cooperation after the Fall of Communism

Romania's foreign policy strategy tends to pay more attention to multilateral formats. An easy-to-understand strategy, even if we would refer only to the security and economic needs, critical in the post-communist period. As such, the accession within the Euro-Atlantic institutional constructions, EU and NATO, was considered to be of paramount significance for the future socio-economic

³¹ Exceptions were Tito's Yugoslavia in 1948 and Albania after 1967.

development of Romania. The initial neglect of regional collaborations, due to a conceptually limited foreign policy and accompanying internal problems, slowed down Romania's reintegration into the contemporary European fold, leaving the country in a prolonged state of international isolation³².

The final change in Romania's direction of foreign policy, following the decisions taken during the 1995 Snagov Declaration, was marked by a rare cross-party political consensus and resulted in a set of new treaties and collaborative formats in order to prepare politically and administratively the Romanian state for the EU and NATO accession. In addition to the treaties on the normalization of relations with neighboring states and the recognition of borders, the development of the trilateral cooperation format continued, with six such formats being initiated in the following years. Trilateral cooperation, especially in the fields of economy and security, played a complementary role in European and Euro-Atlantic integration efforts³³. European integration became a national strategic objective, and Romania's foreign policy thus became a necessary tool in achieving national goals. Since 1995, trilateral cooperation was established, accompanied by treaties to normalize relations with neighboring states, which did not exist under communism, alongside forms of bilateral, strategic, and non-strategic cooperation.

The process of transition from the socialist international organizations associated with the former Soviet bloc to a new approach in foreign relations marked by the normalization of relations with democratic states developed slowly in the early years. Neither the social or political conflicts, marked by numerous anti-democratic slippages and initial reliance on an Eastern orientation, which was not in sync with Western values, peppered by the mining crises of 1990, did not stimulate the exit from isolation.

In 1995, Greece held a forum for multilevel cooperation, covering political, economic, and migration aspects, along with combating drug trafficking criminality and organized crime, followed by talks on mutual assistance in emergencies such as natural disasters³⁴. This format, together with the one established in 1997, the Romania-Bulgaria-Turkey trilateral, focused on securing

³² Romania wanted to join the Visegrád Group since its inception, but due to ethnic unrest in Târgu-Mures, it had been turned down.

³³ Particular attention was paid to security, especially the control of transnational crime, of drug, human and arms trafficking. The security of these areas was a sensitive issue that could delay integration into the EU and NATO multilateral structures.

³⁴ Ministerul Afacerilor Externe, „Trilaterala România-Bulgaria-Grecia”, <https://www.mae.ro/node/1506>, accessed on May 9, 2022.

the borders from illicit activities, leading to the exchange of experience with Greece and Turkey, which were NATO member states. Thus, through minilateral means, Romania was building the capabilities needed to join the multilateral formats. A series of similar collaborations with the neighboring states followed, including with Ukraine and the Republic of Moldova, former Soviet countries. The key priority remained the inclusion in the multilateral formats and the strengthening of strategic or special status bilateral partnerships, such as with the United States or, as was the case, with Hungary, on the sensitive issue of minority protection³⁵.

The accession to NATO and the EU, which occurred in 2004 and 2007, respectively, represented the fundamental foreign policy strategic objectives that Romania pursued, along with other former communist Central and Eastern European states. Thus, the fulfillment of the strategic goals of Euro-Atlantic integration also led to a change in external behavior, which now, revolved around concentrating efforts on economic, social, and security cooperation with members of multilaterals and/or states with liberal democracies considered “like-minded” partners. The categorical pro-European direction, unquestionably supported both politically and at the level of public opinion, has reaffirmed the need for regional stability, involving both the achievement of objectives set at the NATO level, but also from the perspective of promoting values and liberal concepts³⁶. Specifically, the dynamics of Romanian foreign policy are evolving towards regional initiatives, by reconfirming older trilateral partnerships, but also stimulating new formats of smaller cooperation, focused on issues difficult to manage at the multilateral level.

Considering as a reference moment the 2008 NATO Summit from Bucharest, we can see that Romania initiated or joined minilateral collaboration formats at the regional level on various levels aimed at ensuring security on the eastern flank of NATO while also deepening economic and social ties between the member states. A common feature of all formats in which Romania is a member is premised on the idea that multilateral alliances should not be prejudiced in terms of their institutional influence and relevance. The minilaterals in which Romania participates aim to enhance the European

³⁵ Ministerul Afacerilor Externe, „Declarația de Parteneriat Strategic dintre Guvernul României și Guvernul Republicii Ungare pentru Europa secolului XXI”, March 2021, <https://www.mae.ro/node/5181>, accessed on May 9, 2022.

³⁶ European Commission, “Standard Eurobarometer 93”, Summer 2020, 13, <https://webgate.ec.europa.eu/ebsm/api/public/deliverable/download?doc=true&deliverableId=73669>, accessed May 18, 2022.

integration process and to maintain regional stability in an area that is unstable par excellence. If in the first half of the decade immediately following the fall of communism, Romania was completely absent as a factor of influence at the regional level, progress in this regard is noticeable in recent years, given the constantly changing geopolitical situation in the Black Sea and all-over eastern Europe. Formats such as the Three Seas Initiative or Bucharest Nine are minilaterals that respect EU and NATO values and complement their resilience, cohesion, and security instruments in Eastern Europe.

Eastern European minilaterals go beyond the theoretical boundaries of ad hoc collaboration that address a limited number of areas and, instead, seek to optimize a semi-comprehensive approach by facilitating discussion forums on resilience, economic cooperation, and vital energy security in the current geopolitical conditions³⁷. These formats will boost existing goals at the EU level, by building methodologies that take into account the different features of the East-West dynamic, further facilitating the processes of implementing European strategic programs such as reducing dependence on energy imports from Russia or managing climate change. Specifically, Central and Eastern European NATO members have found, through minilateral collaborative formats, a “fill the gap” method between East and West concerning the significant differences in economic potential or the quality and maturity of the infrastructure³⁸.

Thus, Romania has integrated into the new system of regional cooperation formats developed over the last decade in Europe. However, apart from regional initiatives, at a global scale, Romania is reactive and dependent on strategic partners and/or on decisions taken at the level of multilateral alliances. Areas of cooperation are not diversified and focus largely on Black Sea security and active participation in NATO policy on the eastern flank. In this way, the Romanian foreign policy approaches irrelevance at the European level and is almost completely insignificant as part of the global geopolitical games – this, in turn, implicitly affects the efficiency of the minilateral formats of which it is part. With the exception of the Bucharest Nine format, there is a lack of strategic initiative, both in terms of bilateral relations³⁹ and innovation at the

³⁷ Three Seas, “Objectives”, 2022, <https://3seas.eu/about/objectives>, accessed May 19, 2022.

³⁸ Grzegorz Zbińkowski, “The Three Seas Initiative and its Economic and Geopolitical Effect on the European Union and Central and Eastern Europe”, *Comparative Economic Research. Central and Eastern Europe* 22, no. 2 (2019): 2.

³⁹ Romania has strategic partnerships with states such as the USA or France, but not with neighboring states or in the broader region. Relations with Hungary are still strained amid tensions raising from minority policies.

regional level. Moreover, this shy and washed-out attitude, shrouded in proactivity, defined by taking on the role of mere executor of American and European plans, but lacking in initiative, does not contribute to an improvement in asserting regional responsibility, especially in the current geopolitical context.

V. NATO's Eastern Front Alliance. The Bucharest Nine Initiative

In many ways, the Bucharest Nine Initiative (B9) is an unusual format. It is a collective security framework within a collective defense alliance, namely NATO, with a stated role in highlighting the risks and threats facing these states on the eastern flank of the aforementioned alliance. At the same time, the eastern flank represents NATO's main sensitive point, the area from which the most complex threats to the members of the alliance begin to spread. All NATO strategic concepts have been adapted to the geopolitical evolution of this part of the alliance, but even so, the former communist states that now form the eastern flank have felt the need for a minilateral cooperation format that would identify priority tasks in line with Russia's behavior. This being said, the B9 never set out to become a power vector, or to occupy a central role in NATO, but to add value to the alliance.

Poland and Romania were the states that proposed, in 2014, the formation of an instrument of dialogue and cooperation at the level of the entire eastern flank of NATO in the context of the annexation of Crimea, each state having its own security concerns. In the case of Romania, the main concern had to do with the future militarization of the Black Sea region triggered by Russia⁴⁰. Moreover, in addition to facilitating regional cooperation, another factor that drives such an initiative focuses on the engagement of global leaders, especially of the United States, in the security agenda of the region⁴¹.

B9 was founded in Bucharest in November 2015, by bringing together nine states: Romania, Poland, the Czech Republic, Slovakia, Lithuania, Latvia, Estonia, Slovakia, and Hungary. These countries share a common communist

⁴⁰ In fact, the security of the Black Sea is an recurrent concern of the Romanian foreign policy, but in reality, it lacks content and results, except for the allied military aid obtained after the unofficial aggression of Russia in Ukraine in 2014.

⁴¹ Sergiy Gerasymchuk, "Bucharest Nine: Looking for Cooperation on NATO's Eastern Flank?", *Friedrich Ebert Stiftung*, July 2019, 4, <https://library.fes.de/pdf-files/bueros/ukraine/15574.pdf>, accessed May 19, 2022.

past, geographical and geopolitical proximity to the Russian Federation, and have also been subjected to the aggressive policies practiced by the former USSR on the international stage. In November 2016, B9 foreign ministers, in the presence of the NATO Deputy Secretary-General Rose Gottemoeller, drafted a Joint Declaration outlining the alliance's key objectives: strengthening and supporting Member States' security in light of Russia's aggressive stance in Ukraine⁴². In practice, since its inception, the B9 goal has been to institutionalize all the security concerns of the NATO states on the Eastern Front related to Russia's aggressive intentions in the area and draw the attention of Western military powers, especially of the United States. During the Trump administration, when the American position was one of distancing itself from traditional transatlantic values and implicitly from the institutions that represented them, the role of B9 became rather decorative in a Europe that was beginning to question the relevance of NATO⁴³. In a series of high-level summits between 2017 and 2019, at which several joint statements were adopted, states expressed concern over Russia's actions in Ukraine's separatist areas, maintained their support for a European and pro-Atlantic path for Ukraine, and reasserted their commitment to the policy of defense and deterrence in response to any revisionist state in Eastern Europe. Without real American and Western support, B9 was until 2020 an inefficient format in terms of institutionalizing its main objective, except for the organization of joint military exercises in which Ukraine, a B9 partner state, also participated. However, with the notable exception of Hungary⁴⁴, the B9 cooperation has pushed all member states to revise their conceptions on national security by focusing more heavily on the issue concerning the potential and existing threats coming from Russia. Additionally, by involving military experts in the process of strengthening the capabilities of the Ukrainian army, B9 has also embarked on a mission of assistance and solidarity with Ukraine to counter Russian expansion, in what can be called B9+ initiative.

⁴² Sergiy Gerasymchuk, "NATO's Bucharest Nine: Nothing quiet on the eastern flank", *Ukrainian Prism Foreign Policy Council*, December 29, 2021, 4, http://prismua.org/en/nato_b9/, accessed May 19, 2022.

⁴³ The Economist, "Emmanuel Macron warns Europe: NATO is becoming brain-dead", November 7, 2019, <https://www.economist.com/europe/2019/11/07/emmanuel-macron-warns-europe-nato-becoming-brain-dead>, accessed May 19, 2022.

⁴⁴ Hungary has had a tolerant attitude towards the Russian Federation over the past decade, thanks to the good relations between the Hungarian Prime Minister Viktor Orbán, the leader of a Eurosceptical party, and Russian President Vladimir Putin. Russia's preferential energy policy towards Hungary is also well known.

As of 2020, the role of B9 in NATO and in the region has started to grow in importance. The process of rebuilding the transatlantic relationship initiated by the Biden administration has led to a new discussion on the future of NATO and the strategic issues facing the alliance. In this way, the B9 initiative became attractive from the perspective of securing the eastern flank, representing a flexible format for collaboration, and a way to decentralize the process of monitoring the borders of the alliance. In May 2021, President Biden attended a virtual summit of B9 leaders, hosted by the presidents of Poland and Romania, assuring allies on the eastern front that the US would be actively involved in closer cooperation with the nine members from the Baltic Sea to the Black Sea. NATO Secretary-General Jens Stoltenberg also attended the meeting, stressing the importance of the US commitment to combating the security threats facing NATO. This top-level representation reflects the potential of B9, the goal for which it was created being achieved step-by-step, as the US and NATO will continue to prioritize security in the region.

Another testament to the importance of the B9 format was the top-level conference between President Biden and the B9 members, represented by their heads of state. The summit came after talks between the US leader and Russian president amid tensions over Ukraine's eastern border. Afterwards, the US president wanted to immediately inform B9 leaders that the US was directly involved in pursuing dialogue and setting a course to discourage the Russian side from escalating⁴⁵. The relevance of B9 became crucial with the ongoing Russian military invasion of Ukraine on February 24, 2022, which as of November 2022, was still ongoing. B9 provided military and humanitarian assistance to Ukraine, and they benefited, in turn, from a considerable increase in NATO troop deployments in the territory of the member states for defense and deterrence purposes.

For Romania, the B9 format means more efficient cooperation with NATO allies in the region. The cooperation in B9 also led to the supplementation of the allied military forces that are regularly deployed in the Black Sea, whose security is strategic for Romania. If in the early years, B9 seemed to be only a format without substance, incapable of bringing relevant benefits to Romania, the war in Ukraine and the reorientation of US policy towards the security of Eastern Europe have invigorated the format.

⁴⁵ Gerasymchuk, “Bucharest Nine”, 5.

VI. The Three Seas Initiative, a Comprehensive and Flexible Political Platform

The initiative of the Three Seas is a minilateral format, set up in the eastern part of the EU, comprising of 12 states, including Romania⁴⁶. Compared to B9, the Three Seas Initiative (TSI) goes beyond the exclusive sphere of security and expands the areas of collaboration, while maintaining a small number of general objectives – a particularity for minilaterals. Launched in 2015, a prolific year in terms of regional cooperation movements in Eastern Europe, it aims to modernize regional infrastructure, both digital and land transport, as well as strengthen energy independence, especially from Russia, by reducing reliance on gas and oil.

The TSI can also be identified as an instrument of cohesion, given that with the exception of Austria, the rest of the member states came out of communism with a less developed infrastructure compared to the capitalist West. Investments at the national level after decommunization have not been enough to significantly close the gap. The field of energy security is also important, in the context of Russia's implementation of hybrid warfare strategies, and TSI states are at the forefront. A key fundamental goal of the TSI is to strengthen transatlantic relations, but also to maintain a balanced economic policy with China. The discussion framework of the first TSI summit hosted by Croatia in 2016 had as guest a representative of the Chinese Ministry of Foreign Affairs, very interested in the development of the area⁴⁷. Notably, TSI, as an expression of the Adriatic-Baltic-Black Sea area, aims to operate “both within the European Union and across the broader transatlantic space, [...], without creating a parallel structure to the existing mechanisms of cooperation”⁴⁸, having a complementary character and working in parallel with the EU. When analysing TSI in terms of the theoretical principles of a minilateral format, the non-bureaucratic nature is highlighted, with annual meetings of members' leaders

⁴⁶ The rest of the members are: Austria, Bulgaria, Croatia, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, Slovenia.

⁴⁷ Visegrád Post, “The Three Seas Initiative: Central and Eastern Europe takes charge of its own destiny”, August 28, 2016, <https://visegradpost.com/en/2016/08/28/the-three-seas-initiative-central-and-eastern-europe-takes-charge-of-its-own-destiny/>, accessed on May 18, 2022.

⁴⁸ Three Seas, “The Joint Statement on The Three Seas Initiative (The Dubrovnik Statement)”, August 25, 2016, <http://three-seas.eu/wp-content/uploads/2018/06/DUBROVNIK.pdf>, accessed May 18, 2022.

that trace the lines of evolution and thus maintain the ability to provide perspectives and quick decisions, even ad-hoc. Also, along with the state initiatives, TSI organizes a business forum dedicated to innovation and development in the priority areas.

Unlike B9, TSI was not just a consultation mechanism in the early years, lacking in projects or decisions that would have a real impact on its members. TSI has proposed and implemented extensive road and rail infrastructure projects, which will help reduce deficiencies in this regard. In addition, the TSI relied on development areas and common security issues across all member states, which encouraged collaboration and active involvement, and facilitated the interstate connection of infrastructure projects or energy systems. Moreover, at the 2018 Bucharest summit, members set up a common investment fund for TSI, in which Romania also participates through EximBank, but so far, has not produced any relevant results.

Although it did not initiate this cooperation format, Romania was actively involved in the development of the initiative, seen in the fact that TSI is the only regional alliance that focuses on issues like poor infrastructure, energy security, or cyber security. There are seven major TSI projects in which Romania is involved, that focus on the development of land infrastructure, digitalization, and sustainable energy – all underperforming chapters that have evolved at a very slow pace since the country's democratic transition. However, compared to other countries, Romania is not very prolific in terms of project initiatives, relative to its needs and size. For comparison, Hungary has around 15 priority projects, while Croatia has 16, though these states do not reach the combined population and territory of Romania⁴⁹.

A recurrent problem would be the lack of a permanent TSI coordination and monitoring structure to reduce the member states' particular, if not systemic, shortcomings in project implementation, and to prevent delays that could hamper progress in reaching the infrastructure interconnection targets. Traditionally, Romania is a state where the pace of infrastructure development is slow, especially for road and rail, and thus, a structure designed to provide consultancy, assistance, and supranational monitoring of TSI projects could increase the pace of implementation and efficiency of TSI in general.

Among Romania's seven priority projects, two are most significant: *Rail 2 Sea* and *Via Carpathia*. The former wants to link the Baltic Sea Port of Gdansk with

⁴⁹ Three Seas, "Priority Projects", 2022, <https://3seas.eu/about/progressreport>, accessed May 18, 2022.

the Black Sea Port of Constanța. The project, proposed by Romania and supported by the United States, is of both military and civilian importance. Meanwhile, the latter is a road infrastructure project that stretches from Estonia to Bulgaria. This future transport corridor should be completed by 2030.

Ultimately, measuring the efficiency and relevance of the TSI for Romania depends very much on the ability to implement the proposed projects on time, without delay. According to the TSI platform, which provides annual information on the overall progress of projects, *Rail 2 Sea* and *Via Carpathia* are in the “substantial progress” stage⁵⁰, but this does not preclude the possibility, for various reasons, of delays, postponements, or cancellations. Whether TSI will prove efficient or not where Romania is concerned, we would argue that, in theory, TSI can enable the country to become integrated in the European transport system, given that its own system is fraught with various deficiencies at the moment, especially by connecting Romania with the member states of the format. In practice, a lot depends on Romania’s internal capabilities.

VII. A Substanceless Minilateral. The Craiova Group

Formed by Bulgaria, Romania, Greece, and Serbia in order to pursue economic, cultural, and energy cooperation, but also for the purpose of developing the transport infrastructure, the Craiova Group aspired to be a transposition adapted to the Balkan conditions of the Visegrád Group. Launched in 2015, with Greece joining in 2017 after the meeting in Varna, the group did not perform as the leaders of the member states would have intended, lacking in relevant projects and initiatives that would bring considerable benefits to either regional / economic cooperation or energy security. Furthermore, the alliance remained largely unknown to the general public, and the academic environment was not involved in its analysis, as proven by the absence of any specialized works addressing the subject.

Initially, when it was launched, the Craiova Group began to strengthen the telecommunications infrastructure and provide support to Serbia with a view to future integration into the EU. Additionally, road infrastructure was among the Group’s main priorities, with a highway between Belgrade-Timișoara-Bucharest-Ruse-Sofia being planned. The highway would have included a subsequent

⁵⁰ Three Seas, “Project Platform”, 2022, <https://projects.3seas.eu/>, accessed May 18, 2022.

extension to Thessaloniki, after the inclusion of Greece in the group⁵¹. Although there were extensive discussions during the high-level meetings on railway infrastructure modernization projects between the four states and the European Commission encouraged projects on energy issues, such as the Balkan Gas Hub in 2016⁵², the Craiova Group failed to implement its own initiatives. At the declarative level, the leaders of the member countries committed themselves to connect the port of Thessaloniki with important ports in Bulgaria and Romania, taking into account the connectivity improvements in the capitals of neighboring states.

The Craiova group is best known for single focus initiatives, namely competing for the 2028 European Football Championship or the 2030 World Cup. The proposal came from the head of the Greek government at the Thessaloniki summit in November 2018 and remains, in fact, the only decision that did not have a simple declarative value. The last summit of the Craiova Group took place in 2020, with a focus on managing the pandemic situation. Since then, the Craiova Group has not initiated meetings between state leaders or other joint initiatives within the format, and a revival is still pending.

VIII. Conclusions

Romania's participation in minilateral alliances has not always been a strategic priority. If in the interwar period there were collective defense alliances created mainly due to the absence at the European level of a NATO-like structure to offer security guarantees, in the post-Cold War period, the geopolitics of the European continent requires interconnection in many areas (economy, social development, security, or culture). Ultimately, Romania's attitude towards the possibilities offered by a flexible format did not detract from the national strategic objective which was the integration into the multilateral structures of the West, NATO and the European Union. Prior to the accession, any type of collaboration had among its objectives *the preparation for accession*, or in other words, European and North Atlantic integration.

⁵¹ Venelin Bochev, "Craiova Group - too late or better late than never?", *European Policy Center*, December 6, 2018, <https://cep.org.rs/en/blogs/craiova-group-too-late-or-better-late-than-never/>, accessed May 21, 2022.

⁵² European Commission, "Balkan Gas Hub Concept and its role in the EU's Internal Energy Market", Varna, 2016, accessed May 22, 2022, https://www.Europeangashub.com/wp-content/uploads/attach_686.pdf

The minilateral formats in which Romania is involved are, at least for the time being, devoid of conclusive results and impact, with the notable exception of the Three Seas, which offers a broader perspective on regional cooperation. Bucharest Nine has achieved its goal for which it was created after the American perception of Russia's aggression on NATO's eastern front changed. With the war in Ukraine, the B9 became relevant both in terms of common security strategies and in the management of the refugee crisis, since it already was a well-established platform for communication between the member states, directly affected by the current geopolitical situation. As for the cooperation at the sub-regional level, represented by the analysis of the Craiova Group, we saw that these types of formats require a greater involvement on the part of the member states, which should not limit themselves only to the declarative level, where their intentions are concerned. The Craiova Group is a format that has a lot of potential, especially in the areas of economic cooperation, digitization, and greening, and it needs to be revitalized in order to reach any of its stated goals.

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THE IMPACT OF THE WAR IN UKRAINE ON THE WESTERN BALKANS REGION

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Abstract: Russia's war on Ukraine has taken both the Western Balkans and the rest of the world by surprise. Stuck in its inability to make progress in its EU accession efforts, the region is now reliving memories of the '90s – refugees, bombed buildings, corpses in the streets. While the new geopolitical reality of the entire world from February 24, 2022, will continue to have economic and political implications, the continuation and even increase of military, political and economic commitments in the region of both the EU and the US are playing a crucial role in defining the future of the Western Balkan states. The main goal of this paper is to discuss the impact of the war in Ukraine on the Western Balkans countries (WB6), and to assess how these implications are influencing their EU accession path. While the research is focused on the analysis of the current situation, the aim is to highlight those critical points where EU strategic action is needed in order to mitigate the effects of the war in Ukraine on the WB6. The paper also addresses the idea that only through an increased resilience of the WB6 and a strong engagement in this region, EU will be able to counteract the subversive actions of the Kremlin. In this sense, the paper presents the dependencies of the WB6 on Russia and how its influence can drive the region into more instability, by analysing the reactions to the war in each of these countries. Ultimately, the paper focuses on the implications the war in Ukraine has on EU's strategic autonomy, as well as on the priorities which need to be calibrated to the current needs and in the logic of an open strategic autonomy, in which the WB6 are an essential piece of the puzzle, helping the EU build a stronger profile in the global arena.

Keywords: war in Ukraine, Western Balkans, security, geopolitics, strategic autonomy



Rezumat: Războiul Rusiei împotriva Ucrainei a luat prin surprindere atât Balcanii de Vest, cât și restul lumii. Blocată în incapacitatea sa de a face progrese în eforturile de aderare la UE, regiunea re trăiește acum amintiri din anii '90 – refugiați, clădiri bombardate, cadavre pe străzi. În timp ce noua realitate geopolitică în care se află întregul mapamond începând cu 24 februarie 2022 va continua să aibă implicații economice și politice, continuarea și chiar creșterea angajamentelor militare, politice și economice în regiune, atât ale UE cât și ale SUA joacă un rol crucial în definirea viitorului statelor din Balcanii de Vest. Scopul principal al acestei lucrări este de a aborda impactul războiului din Ucraina asupra țărilor din Balcanii de Vest (WB6) și de a

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evalua modul în care implicațiile acestuia influențează demersul lor de aderare la UE. În timp ce cercetarea se concentrează pe analiza situației actuale, scopul este de a evidenția acele puncte critice în care este necesară o acțiune strategică a UE pentru a atenua efectele războiului din Ucraina asupra WB6. Lucrarea abordează, de asemenea, ideea că doar printr-o reziliență sporită a WB6 și printr-un angajament puternic în această regiune, UE va putea contracara acțiunile subversive ale Kremlinului. În acest sens, studiul prezintă dependențele WB6 față de Rusia și modul în care factorii săi de influență pot declanșa în regiune o și mai mare instabilitate, prin analizarea reacțiilor față de război din fiecare dintre aceste țări. În cele din urmă, studiul se concentrează pe implicațiile pe care le are războiul din Ucraina asupra autonomiei strategice a UE, precum și pe prioritățile care trebuie calibrate la nevoile actuale și în logica unei autonomii strategice deschise, în care WB6 sunt o piesă esențială a puzzle-ului, ajutând UE să-și construiască un profil mai puternic în arena globală.

Cuvinte cheie: războiul din Ucraina, Balcanii de Vest, securitate, geopolitică, autonomie strategică

I. Introduction

As the EU High Representative Josep Borrell said in a press conference, on 27 February 2022, the EU is concerned that the crisis in Ukraine could spread to the Western Balkans¹. Thus, regional security and the reactions of the Balkan states to the conflict in Ukraine have become the latest concern on the EU agenda. Given Moscow's strong connections in the Western Balkans region, as well as the region's vulnerability to Russian influence, the Western Balkans (WB6) could quickly become a new source of strategic concern for the European Union. With this conflict, which combines both old and new methods of warfare, a deep sense of concern is rising in the European capitals and Washington alike about the need to deepen stability and security in the region, and these considerations also apply to the WB6's accession to the Euro-Atlantic policy and security structures.

Although Moscow's attempts to destabilize the region did not begin in February 2022, the commitment of these states to their European path and the way they decide to contribute to diplomatic and economic pressure on Russia, is defining their future. As in the case of Ukraine, Russia sees the Western Balkans as a buffer zone in which it can maintain a sphere of influence, repeatedly demonstrating that it could easily destabilize the Balkans, thus undermining the

¹ Reuters, "EU's Borrell: 'We fear Russia is not going to stop in Ukraine'", 27 February 2022, <https://www.reuters.com/article/ukraine-crisis-eu-region-idINS8N2SV0BJ>, accessed on 4 March 2022.

West. The destabilization process is carried out not only through the economic investments of the Russian Federation in strategic sectors such as energy, or through structural weaknesses generated by the existence of corruption mechanisms, but also by exploiting the already existing fragility in the region.

The destabilization of the region is out in the open, including through the strengthening of military ties with states such as Serbia, to which Moscow has provided weapons, aircrafts, and air defence systems² combining these efforts with its strategic or conjectural ally – China³. The differences between pro-Western and pro-Russian voices in the Balkans over Russia's invasion of Ukraine have also come as a reaffirmation of the reasons for which the Western Balkans region is locked in the European Union's waiting room for decades. While NATO members, Albania, Croatia, Montenegro, and Northern Macedonia, as well as the aspirant Kosovo, have aligned themselves to the EU sanctions, Serbia, while remaining on the “European path”, continues to “prioritize” its strategic friendship with the Russian Federation and China.

Russia's political influence in the region has an eminently pernicious purpose, fuelling nationalist tendencies, “anti-“sentiments, and horizontal disturbances throughout society. In 2019, Vladimir Putin's adviser Vladislav Surkov presented this approach in short and direct words: “Russia interferes with your brains, we change your conscience, and there is nothing you can do about it”.⁴ The way in which each of the Balkan countries copes with and responds to Russia's actions depends on both the institutional resilience of each of them and the set of cultural and societal norms they uphold.

The present paper assesses how the implications of the war in Ukraine on the Western Balkans countries are influencing their EU accession path while focusing on the actions needed to mitigate the war's effects in the region. Considering that a full analysis of the impact of the war in Ukraine on the Western Balkans region can be made only years after the end of the Russian aggression, the present paper focuses on the immediate and most recent developments, followed by some considerations on the bigger picture and

² Dusan Stojanovic, “Serbia praises another arms shipment from Russia”, *Defense News*, 3 January 2022, <https://www.defensenews.com/global/europe/2022/01/03/serbia-praises-another-arms-shipment-from-russia/>, accessed on 4 March 2022.

³ Dusan Stojanovic, “China makes semi-secret delivery of missiles to Serbia”, *Associated Press News*, 10 April 2022, <https://apnews.com/article/russia-ukraine-europe-china-serbia-nato-682ab79c4239f14ecc1133ff5c7adde9>, accessed on 4 March 2022.

⁴ Cristina Maza, “Vladimir Putin's Adviser Tells Americans: ‘Russia Interferes in Your Brains, We Change Your Conscience’”, *Newsweek*, 12 February 2019, <https://www.newsweek.com/russia-president-vladimir-putin-election-americans-1327793>, accessed on 4 March 2022.

possible evolutions. In this sense, the paper intends to highlight the critical points that the EU needs to consider as a driver of stability and resilience of the WB6 and the long-term implications of the war in Ukraine on the future of the region and ultimately on the role and future of the EU in the global arena.

At the methodological level, the paper is based on a content analysis approach, namely a combination of statistical and model-based approaches to text analysis, applied to support qualitative data analysis. Even though it is a fairly a new method, its relevance and utility are confirmed by its transdisciplinary character, being used more widely as technology advances. The chosen method is characterised by quantitative techniques, objectivity, and systematization, relies heavily on sampling, and is most effective when a software for computer assisted qualitative data analysis is used. However, it is not possible to utilize this research method without applying a sampling method and as specified in the relevant literature “The bigger the sample, the better. Larger samples, if chosen at random, are less at risk of being outliers”⁵. Together with sampling, the efficient organization and analysis of the data (from multiple sources) is key to drawing more objective conclusions, in comparison to the interpretation based solely on the human factor which may have numerous limitations, such as time and resources and may interpret the content more subjectively, with a direct and negative consequence on the final result. Considering these aspects, the preferred communication channel for this type of research is media-driven, and the analysed messages are those with a certain level of representativeness.

The scope of this research method is to produce inferences and add objectivity to the conclusions, in such a way that all those who research the same theme and apply the same methodology and sampling, would reach the same conclusions. This is why it was considered to be the most appropriate one for this study. Having an automatic taxonomy of the messages from the relevant texts is particularly useful in performing a differentiated analysis of the interpretations and conclusions and is particularly useful in the validation process of such conclusions. Applied to the present research, content analysis enables the extraction and analysis of the texts and identification of the most recurring information, allowing us to formulate projections regarding the evolution of the issues analysed in this study. Among the texts examined, we included the most recent evolutions and messages, while the interpretation was

⁵ Roger D. Wimmer, and Joseph R. Dominick, *Mass Media Research. An Introduction* (Belmont, CA: Wadsworth Publishing Company, 1987).

done in accordance with our research framework, which when combined, helped us arrive at a more comprehensive understanding of the topic.

While the advantages of content analysis highlight its systemic, objective, and quantifiable character, its disadvantages include the fact that it does not distinguish between the complexity of meanings in different contexts. Because of this, for the purpose of this paper, it was combined with a constructivist approach, which uses three dimensions: personal experience, active learning, and social interactions⁶. The constructivism theory⁷ states that knowledge is based on the connections with previous experiences and on an active learning environment, underpinned by critical thinking and interactions. In designing our research methodology, we considered that the combination of the above-mentioned research methods and instruments was the most suitable in addressing the scope of this paper.

II. Resilience in the Western Balkans

Although the tenth anniversary of the Thessaloniki Declaration coincided with Croatia's accession to the EU (1 July 2013), its success was timidly celebrated by the EU amid the Greek sovereign debt crisis and the aggregation of Russian troops, near the Crimean Peninsula, under the pretext of ensuring the security of the Sochi Winter Olympics⁸. At the same time, Ukraine was forming a strategic vector for rapprochement with the EU, and after lengthy negotiations, Ukraine's leadership initially agreed to sign the Association Agreement with the EU in November 2013 at the Vilnius Eastern Partnership Summit, which Russia strongly opposed. On the eve of the Vilnius Summit, President Viktor Yanukovich, who was seen to favor Moscow's strategic interests, unexpectedly announced to both his citizens and Brussels that he had

⁶ See: "Chapter 8: Constructivist Design Theory" in James D. Klein, Monica W. Tracey, and Rita Richey, *The Instructional Design Knowledge Base: Theory, Research and Practice. First Edition* (New York. NY: Routledge, 2011), 129-144.

⁷ Saul McLeod, *Constructivism as a theory for teaching and learning, Simply Psychology*, 2019 <https://www.simplypsychology.org/constructivism.html>, accessed on 24 November 2020.

⁸ Petr Kozlov, Olesya Volkova, and Oleg Karpayak, "Chronicle of the annexation: 'Crimean spring' in the memoirs of participants in the events", *BBC News*, 19 March 2019, <https://www.bbc.com/russian/features-47609756>, accessed on 4 March 2022. The timely preparation on the war in Crimea is also proven by the introduction of the Medal "For the return of Crimea" in 21 January 2014.

changed his mind. Thus, during the Vilnius Eastern Partnership Summit, the Agreement was not signed.

In 2013, 12,000 Russian soldiers were recruited in the North Caucasus, for military exercises simulating a maritime and airspace blockade. These troops were further strengthened by units of the Ministry of Internal Affairs, the Federal Security Service, the Ministry of Emergency Situations, and other force structures of the Russian Federation, amounting in total 61,000 members⁹. Meanwhile, in January 2014, all structures of the Russian fleet from the Black Sea were consolidated. Only a year later, the political-military process by which the Crimean Peninsula came under Russian control and was illegally annexed in the form of two federal entities – the Republic of Crimea and the Federal City of Sevastopol – would take place. Following the adoption of the so-called constitutions of the Republic of Crimea and of the city with federal significance Sevastopol, on 11 April 2014, the new federal subjects were included in the Constitution of the Russian Federation and a new Russian state border between Crimea and Ukraine was established on 25 April 2014.

A comparative analysis of these two historical events shows the crucial importance of the Berlin Process in increasing the resilience of the Western Balkan states, as part of the EU enlargement process. Launched at the 2014 Berlin Conference, the beginnings of the Berlin Process coincided with the end of an institutional cycle at the level of EU institutions and the annexation of Crimea by Russia. While this intergovernmental cooperation initiative aimed to revitalize the multilateral ties between the Western Balkans and some EU Member States (Germany, Austria, France, Italy, Slovenia, Bulgaria, Greece, Poland, and Croatia)¹⁰, there was a strong emphasis on improving regional cooperation in the Western Balkans in the areas of infrastructure and economic development, and on increasing the resilience of the states from this region.

Initially expected to be finalized in 2018, the Process and its annual summits set a new framework for promoting regional cooperation, connectivity, as well as for addressing issues not covered by the negotiation chapters related to the enlargement process, such as youth cooperation. Through the three main pillars: (i) regional political cooperation, including the settlement of bilateral disputes;

⁹ Angelica Rudenko, Dmitri Evchin, and Alexandra Șevcenko, “10 Ukrainian military intelligence facts about the Russian occupation of Crimea in 2014”, *Crimea Realities*, 25 February 2021, https://ru-krymr-com.translate.googleusercontent.com/ukrainskaya-razvedka-10-faktov-okkupatsii-kryma-russia/31118902.html?_x_tr_sl=auto&_x_tr_tl=ro&_x_tr_hl=ro&_x_tr_pto=wapp, accessed on 4 March 2022.

¹⁰ UK is also part of the Berlin Process and organized the 2018 Summit in London.

(ii) improving economic cooperation, with a particular focus on energy, transport, and digital connectivity; (iii) people-to-people cooperation, with a focus on cooperation between young people and civil society – the process, despite its limitations, allowed Member States to help prepare WB6 for accession to a changing Union¹¹, remaining at the same time the most important generator of resilience in the region.

While keeping the prospect of EU accession alive is vital for the region, the immediate challenge for the region's resilience has been to integrate the initiatives of the Berlin Process into the 2021-2027 Multiannual Financial Framework (MFF), as failing to seize this opportunity would exacerbate the vulnerabilities already existing in the Western Balkans. By increasing the resilience of the states and societies in WB6, the EU is not only targeting the region's ability to meet multiple challenges, but also investing in area that would eventually become part of the EU. However, the factors of instability that formed the basis of the first meeting in Berlin in August 2014 have yet to be fully addressed. In this sense, the promotion of sensitive infrastructure projects in the energy and transport sectors, from the so-called Connectivity Agenda, the reconstruction of ports, the renovation of railway lines, to the construction of gas interconnections are still in development, designed to increase the region's resilience and support the process of accession and economic integration of the Western Balkans.

It can also be noted that Croatia's accession has not resulted in a new impetus for the enlargement process and the decision by EU Member States to move forward with the remaining six countries beset by various structural difficulties, exacerbated by the economic crisis, has dragged on for years. In light of this, the annexation of Crimea in 2014 highlighted the possibility that the EU would face even greater challenges in this region. Then and now, the fragility of the Western Balkans region is due to a combination of factors that form a complex system in which external and internal challenges interact¹². President Juncker's 2014 announcement that there would be no further EU enlargement during his five-year term not only acknowledged the lack of significant progress in the accession process, but also raised serious doubts about the EU's ability to

¹¹ Matteo Bonomi, "The Western Balkans in the European Union: Perspectives of a Region in Europe", *Istituto Affari Internazionali* (IAI), Working Paper no. 13/2107, July 2017, <http://www.iai.it/sites/default/files/iai1713.pdf>, accessed 4 March 2022.

¹² European Council, "European Council President Conclusions," 9 March 2017, <https://www.consilium.europa.eu/media/24104/09-conclusions-pec-cor-ro.pdf>, accessed on 4 March 2022.

act decisively at a time when the challenges to its security were increasing. In this context, the Western Balkans region has been subjected in recent years, in addition to the classic challenges and against the background of increased instability, to a new concept of soft power that Russia has exploited in the context of the region's tumultuous past.

The words of Leonid Brezhnev¹³ ironically presenting the imminent Russian threat in what is now the ex-Yugoslavia area, come to life now more than ever, if we look at the events in Ukraine in 2022. Although Moscow is often seen as a major causal factor for the instability of the Western Balkans, an external player aimed at undermining the region's development and the EU's and the US' efforts for stability and resilience, Moscow's decision to attack another state seemed unfathomable. Thus, in the light of recent events in Ukraine, it is impossible not to wonder whether the Western Balkans will somehow be the next arena of confrontation between the West and Russia.

Russia's attempts to gain influence and undermine the resilience of WB6 states cannot be underestimated but rather needs to be analyzed in terms of the evidence that demonstrates Russia's ability to act as a promoter of institutional fragility and as a likely saboteur of the resilience in the region. If in 1976 the Soviet Union was not economically or militarily capable of large-scale action in the Yugoslav space, we can certainly say that it would now be even less capable, given the successive waves of NATO and EU accessions in the extended region. Today's Russia should be even less likely to extend its influence in the region due to the string of NATO states that separate it from the Western Balkans. However, as long as the full Euro-Atlantic integration of the Western Balkans is stymied, Russia has a window of opportunity and can act disruptively in the region, causing instability through propaganda and subversive actions. Thus, regardless of the specificities of each country, if there is a reason, no matter how little, for friction with the *West* in the region, Moscow will exploit, feed, and exacerbate said tensions.

Through its rhetoric, Russia has blamed successively the *West* for either plotting “Color revolutions” such as the events in Ukraine (2004, 2014) and in

¹³ During a visit to Yugoslavia in 1976, Brezhnev commented that “Authors of such fairy tales try to present Yugoslavia as a helpless Little Red Ridinghood, whom the terrible and bloodthirsty wolf – the aggressive Soviet Union – is preparing to dismember and devour”. (See: Malcolm W. Browne, “Associated Press; Greeted in Belgrade: Leonid I. Brezhnev, the Soviet leader, being welcomed by President Tito; Brezhnev, in Belgrade, Mocks Talk of Soviet Peril”, *New York Times*, 16 November 1976, <https://www.nytimes.com/1976/11/16/archives/brezhnev-in-belgrade-mocks-talk-of-soviet-peril.html>, accessed on 4 March 2022).

Serbia (2000), or for undermining WB6, by “feeding” anti-Russian hysteria and polarizing the society in these countries, while claiming to bring stability to the region. However, all these attempts have so far remained at the level of propaganda rhetoric, used to build a social reality against “foreign interference”, because the Kremlin has neither the means to develop the region, nor the financial resources to substitute the EU in any way.

III. Three Main Factors of Russian Influence in the Western Balkans region

III.1. Orthodoxy

Although it is not possible to measure exactly the influence of religious factors, it is clear that none of the Western Balkan states are immune from the use of religious denominations to promote narratives that promote specific foreign interests. At the same time, there are documented cases of ethnic and religious minorities in the region who are at least indifferent to the region’s historical and religious ties with Russia. Although Serbs, Montenegrins, and Macedonians share Slavic roots and the Orthodox religion with Russia, ethnic tensions between Orthodox and Muslim majorities in Albania, Kosovo, and Bosnia and Herzegovina have major costs and implications both internally and, in terms of the countries’ accession process to the EU.

In this context, it is worth mentioning the specific case of Serbia. With a predominantly Orthodox population (84,6% of the population is orthodox)¹⁴, Serbia favors its alliances with Russia, resolutely rejects NATO membership, and its support for EU membership tends to fluctuate from one moment to the other. Thus, after the abolition of visa requirements in 2010, the EU membership support increased to 62%¹⁵, then dropped to 52%¹⁶ in 2018 (during

¹⁴ Aleksandra Đurić-Milovanović and Marko Veković, “Religion and Forced Displacement in Serbia”, *The Foreign Policy Centre*, 23 July 2020, <https://fpc.org.uk/religion-and-forced-displacement-in-serbia/>, accessed on 17 March 2022.

¹⁵ Bojana Barlovac, “Poll: Serbia Support for Joining EU, NATO Declines”, *Balkan Insight*, 11 February 2010, <https://balkaninsight.com/2010/02/11/poll-serbia-support-for-joining-eu-nato-declines/>, accessed on 17 March 2022.

¹⁶ Julija Simić, “Most Serbs support EU membership, cite job opportunities, in new poll”, *Euractiv*, 25 January 2018, <https://www.euractiv.com/section/enlargement/news/most-serbs-support-eu-membership-cite-job-opportunities-in-new-poll/>, accessed on 17 March 2022.

the refugee crisis) and, then again, it further depreciated, falling to 35%¹⁷ in April 2022 (war in Ukraine). It should also be noted that, during the same period, Serbian attitudes that were explicitly against EU accession ranged from 15% in 2010, 24% in 2018 to 44% in 2022. In fact, if there is one aspect from which to draw conclusions on the contradictory and changing attitudes towards the EU in the region, this would have less to do with Orthodoxy, but rather with the difficult process of accession and the open space left for Russia to pursue its interests in the region. The mentioned statistical percentages show that daily events directly influence people's lives, going beyond the historical and religious links.

III.2. Energy

A second instrument showcasing Moscow's influence in the region, which extends beyond the Balkans, is the dependence on Russian gas. Historically, Russia has served as a major source of energy for Europe since the 1960s, when its rising production levels in the Urals and Siberia turned the Soviet Union into a major oil exporter. Growing demand on the European markets, combined with the fact that Russian resources were geographically convenient and therefore cheap, have contributed to Europe's growing dependence on Russian imports.

Currently, several Western Balkan states are entirely dependent on Russian gas (Serbia, Northern Macedonia, and Bosnia and Herzegovina)¹⁸. Also, many EU Member States, voting in the Council on the European future of the Western Balkans countries, are deeply dependent on Russian gas. For example, in 2020, Finland (94%), Latvia (93%), Estonia (79%), Bulgaria (77%), Slovakia (70%), Croatia (68%), and the Czech Republic (66%), Russian gas made up more than two-thirds of their gas consumption¹⁹. At the same time, other countries, such as Austria (64%), Greece (51%), Germany (49%), Italy (46%), Lithuania (41%), Poland (40%), and Hungary (40%), relied on imports from

¹⁷ Katy Dartford, "For first time, a majority of Serbs are against joining the EU – poll", *Euronews*, 22 April 2022, <https://www.euronews.com/2022/04/22/for-first-time-a-majority-of-serbs-are-against-joining-the-eu-poll>, accessed 2 May 2022.

¹⁸ European Union Agency for the Cooperation of the Energy Regulators, *ACER Market Monitoring Report 2020 – Gas Wholesale Market*, 14 July 2021, https://extranet.acer.europa.eu/Official_documents/Acts_of_the_Agency/Publication/ACER%20Market%20Monitoring%20Report%202020%20-%20Gas%20Wholesale%20Markets%20Volume.pdf, accessed on 2 May 2022.

¹⁹ Statista, "Share of gas supply from Russia in Europe in 2021, by selected country", 6 May 2022, <https://www.statista.com/statistics/1201743/russian-gas-dependence-in-europe-by-country/>, accessed 2 May 2022.

Russia for more than 40% of their gas consumption, which they used not only to generate electricity and heat, but also to power their industrial production capacity. Natural gas from Russian deposits, transported to Central and Eastern European markets, remained cheap due to low transportation costs, while the terminals to import liquefied natural gas from Qatar, the United States, and other sources were few²⁰ and the transport costs to the beneficiary countries were considerably higher²¹. In what concerns Ukraine, Moldova, Serbia, Romania, and North Macedonia, they could benefit from the three LNG floating terminals of Greece²², which could supply them through a network of interconnecting pipelines. Through them, liquefied natural gas would be transported by sea to Alexandroupoli, enter the national distribution system of Greece and from there through the Gas Interconnector Greece-Bulgaria (IGB)²³ to Bulgaria. Member States' desire to move to cleaner energy sources, along with the growing “strategic discomfort” over gas dependence on Russia, have led to a structural process of rethinking energy sources and the transition to renewable energy²⁴, but, for the moment, Europe and the WB6 remain dependent on imported energy, and the cut off from Russian gas is not without risks on the short- and medium-term²⁵. In the light of the developments in the war in

²⁰ Nina Howell and Adam Quigley, “LNG in Europe 2021: Current Trends, the European LNG Landscape and Country Focus”, *The National Law Review*, 23 August 2021, <https://www.natlawreview.com/article/lng-europe-2021-current-trends-european-lng-landscape-and-country-focus>, accessed 2 May 2022.

²¹ European Commission, “Liquefied natural gas (LNG) diversifies EU gas supply sources, making countries more resourceful and resilient”, 11 February 2022, https://energy.ec.europa.eu/topics/oil-gas-and-coal/liquefied-natural-gas_en, accessed 2 May 2022.

²² Valentina Dimitrievska, “Construction of Alexandroupolis LNG terminal launched to help reduce Balkans' dependence on Russian gas”, *BNE IntelliNews*, 3 May 2022, <https://www.intellinews.com/construction-of-alexandroupolis-lng-terminal-launched-to-help-reduce-balkans-dependence-on-russian-gas-243261/?source=north-macedonia>, accessed 24 May 2022.

²³ International Energy Agency, “European Energy Programme for Recovery. Greece-Bulgaria IGB-Gas Interconnector project co-financed by the European Union's Energy Recovery Programme”, 24 August 2021, <https://www.iea.org/policies/11692-european-energy-programme-for-recovery>, accessed 24 May 2022.

²⁴ The share of renewable energy in total energy consumption in the EU has increased from about 8,5% in 2004 up to 17% in 2016. (See: Eurostat, “Statistics on energy from renewable resources”, 8 June 2018, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Archive:Statistici_privind_energia_din_surse_regenerabile&oldid=388641, accessed 24 May 2022).

²⁵ Eurostat, “EU imports of energy products – recent developments”, April 2022, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=EU_imports_of_energy_products_-_recent_developments&oldid=558719#Main_suppliers_of_natural_gas_and_petroleum_oils_to_the_EU, accessed 24 May 2022.

Ukraine, the EU had prepared several packages of sanctions against Russia for both oil and coal imports. However, while consensus remains difficult to reach²⁶, the indirect consequences of these new sanctions, which could send the EU into an unprecedented recession²⁷, must also be highlighted, as they would have a direct impact both on the “appetite” for an extension to WB6, and on the EU citizens, for whom the rising energy bills and job redundancies could generate social conflicts that could prove difficult to manage. At the same time, neither the US nor Qatar can make up for the gap left by the elimination of imports from Russia and in no case at the same prices. On the other hand, the Russian gas purchased at a “discount price” by China, while putting enormous pressure on the Russian economy, could offer new competitive advantages in China’s relationship with the US and the EU.

Beyond the hypotheticals, on a more practical level, the limitations of the current infrastructure make so the transit volume of the Russian gas to the Chinese market will likely remain low, at least on the short term, given that Russia started supplying gas to Asia only in 2009. Meanwhile, the European market is much larger and more profitable, especially when considering that in 2021, Russia sold about 33 billion cubic meters of gas to Asia, compared to its “norm” for the European market of 160-200 billion cubic meters. Through its largest pipeline to Asia, *Power of Siberia*, Russia has delivered only 10 billion cubic meters to China in 2021, and once this pipeline reaches its maximum capacity, the estimated deliveries should not surpass 60 billion cubic meters.

It should be underlined that the Western Balkans can play an important role in supporting Europe’s energy transition, as well as maximizing the impact of the European Green Deal. These countries have numerous attractive assets, including prospects for infrastructure that can also be used for solar energy, lower labour costs, and last but not least geographical proximity to energy-intensive industrial economies of the EU. WB6 also have a high capacity to develop renewable energy and a significantly developed hydropower capacity, and their energy systems are already partially integrated with those of the EU and have a high potential for expansion and interconnection. With investments

²⁶ Jorge Liboreiro, Efi Koutsokosta, and Shona Murray, “Hungary, Slovakia, Czech Republic and Bulgaria still resisting EU ban on Russian oil”, *Euronews*, 14 May 2022, <https://www.euronews.com/my-europe/2022/05/09/hungary-slovakia-czech-republic-and-bulgaria-still-resisting-eu-ban-on-russian-oil>, accessed 24 May 2022.

²⁷ Martin Arnold et al., “Olaf Scholz warns immediate Russian energy ban would trigger recession in Europe”, *Financial Times*, 23 March 2022, <https://www.ft.com/content/c95634ad-e01a-4af5-b7e8-4616618b7431>, accessed on 18 March 2022.

from the Economic and Investment Plan for the Western Balkans, European Investment Bank (EIB) support²⁸, European Bank for Reconstruction and Development (EBRD) and the World Bank, the region has the potential to revive itself economically through the new wave of low-carbon industries and could make a significant contribution to achieving the goals of the European Green Deal, as well as further the EU's energy independence ambitions.

At the same time, it is worth mentioning that energy is not the only vector of influence expressed through dependence. As of 2020, Iceblick, with factories in Odessa and Moscow, supplies 65% of the world's neon production, as well as 15% of krypton and xenon²⁹. As global neon prices jumped by about 600% after the 2014 Russian annexation of Crimea, turning the chipset producers towards Chinese suppliers, the 2022 war in Ukraine which led to the shut down of two main Ukrainian companies, LLC “Cryoin engineering” (Ukrainian: ТОВ Кріоін Інжиніринг) and LLC “Ingaz” (Ukrainian: ТОВ ІНГАЗ) located in Odessa and Mariupol respectively, is likely to shift the neon production to China even more. Additionally, the Russian invasion is likely to lead to a shortage of industrial neon resources, as Ukraine is a major producer of neon gas, essential element for lasers used in the manufacture of chipsets and semiconductors. To put things in perspective, the country supplied more than 90% of the neon used by the USA for the production of semiconductors³⁰.

Considering the above mentioned and that changing the dependence on Russia with dependence on China is not an option for the West, the Western Balkans through their vast resources could represent part of the solutions needed to manage this crisis. For example, it is worth mentioning that for neon, a by-product of steel production, Serbia increased its production of crude steel by 39% in 2019. However, the Smederevo Steel Company (Železara Smederevo – Serbia's second biggest exporter) is owned by the Chinese HBIS group³¹.

²⁸ The European Investment Bank has called itself the “European Climate Bank” and has announced it will align all financing activities with the objectives of the Paris Agreement. (see: Iskander Erzini Vernoit et al., “The European Investment Bank: Becoming the EU climate bank”, E3G Report, July 2020, https://www.e3g.org/wp-content/uploads/09_07_20_E3G-EIB-Becoming-EU-Climate-Bank-report.pdf, accessed 24 May 2022.

²⁹ See: The European Times, “Rare Gasses Supplier Known for Innovation”, 22 February 2020, <https://the-european-times.com/iceblick/>, accessed 24 May 2022.

³⁰ See: Reuters, “Ukraine war flashes neon warning lights for chips”, 24 February 2022, <https://www.reuters.com/breakingviews/ukraine-war-flashes-neon-warning-lights-chips-2022-02-24/>, accessed 24 May 2022.

³¹ Vedran Obućina, “Incredible rise of Serbian steel industry”, *Observator Finansowy*, 19 March 2019, <https://www.obserwatorfinansowy.pl/in-english/business/incredible-rise-of-serbian-steel-industry/>, accessed 24 May 2022.

III.3. Serbia

Moscow's third instrument of influence in the region concerns Serbia and takes the form of Russia's veto power in the Security Council, which can be used for any resolution on Kosovo. But this critical and constant link between the two states³² is likely to expire at some point in the future. The inaction and the structural-institutional inability of the UN Security Council to act on Ukraine raises questions about the need to reform this body and its veto system³³. If Moscow is willing to draw Serbia as far from the West as possible, it is also because "Serbia offers the most permissive environment for Russian influence in the Balkans"³⁴, as reported by a US Department of Defence report from March 2022. For many Serbs, the memory of NATO bombing Belgrade to end the Balkan wars of the 1990s is still far too vivid, as is the memory of Russia condemning this action firmly in the UN Security Council.

On the other hand, Serbia is the country that "sets the pace" in the region, being the strongest state among the countries belonging to the former Yugoslavia, surpassing even Croatia and Slovenia³⁵ in terms of influence, as well as political, economic, and military power since Belgrade is also Europe's largest customer for the Russian military industry³⁶. Despite fears that a military consolidation of Serbia could lead to more tensions in the WB6 region and despite accusations that Serbia is working with Russia to destabilize Bosnia,

³² Milica Stojanovic, "Bid to Challenge UN Veto Use Raises Questions on Kosovo", *Balkan Insight*, 26 April 2022, <https://balkaninsight.com/2022/04/26/bid-to-challenge-un-veto-use-raises-questions-on-kosovo/>, accessed 24 May 2022.

³³ Nadine El-Bawab, "UN Security Council's inaction on Ukraine prompts questions on reform", *ABC News*, 26 April 2022, <https://abcnews.go.com/International/security-councils-inaction-ukraine-prompts-questions-reform/story?id=84222703>, accessed 24 May 2022.; Julia Crawford and Akiko Uehara, "Switzerland welcomes UN vote to scrutinise Security Council veto", *Swiss Info*, 27 April 2022, <https://www.swissinfo.ch/eng/switzerland-welcomes-un-vote-to-scrutinise-security-council-veto/47548752>, accessed 24 May 2022..

³⁴ Jason Steinbaum, "Time for Serbia to Scale Back Military Ties with Russia", *German Marshal Fund*, 4 March 2022, <https://www.gmfus.org/news/time-serbia-scale-back-military-ties-russia>, accessed 24 May 2022.

³⁵ B92, "A list of the most powerful states in the world: Serbia overtook Croatia and Slovenia", 21 January 2020, https://www.b92.net/eng/news/world.php?yyyy=2020&mm=01&dd=21&nav_id=107829, accessed 24 May 2022.

³⁶ Strategic Umbrella [Ro. ver.:Umbrela Strategică], "By the end of the week, Serbia will receive the first Pantsir-S1 units, an anti-aircraft system used without much success in Syria" [original title in Romanian: „Serbia va primi până la finalul săptămânii primele unități Pantsir-S1, un sistem antiaerian folosit fără prea mare succes în Siria”], 19 February 2020, <https://umbrela-strategica.ro/serbia-va-primi-pana-la-finalul-saptamanii-primele-unitati-pantsir-s1-un-sistem-antiaerian-folosit-fara-prea-mare-succes-in-siria/>, accessed 24 May 2022.

Montenegro, Kosovo, and implicitly the entire region, between 2018 and February 2020, Russia delivered only 4 Mi-35M helicopters, 6 MiG-29 planes, 10 BRDM-2 armored vehicles, 3 Mi-17V-5 transport helicopters. More important is the fact that in 2019, Russia and Serbia organized 96 joint military exercises³⁷.

To all this, a transport of drones CH-92A from China was added in 2020, its first export of military aviation equipment to Europe; in 2021, a new transport of weapons from Russia was received³⁸, the latter delivering 30 tanks and 30 armored personnel carriers, along with air defense systems – Pantsir; finally, in April 2022 there was a new arms shipment from China³⁹. Once again, an apparent sign of the Dragonbear alliance at work⁴⁰.

Although Serbia has voted in favor of UN resolutions condemning the Russian attacks on Ukraine, it refused to join international sanctions against the Russian Federation⁴¹ and Belgrade even witnessed pro-Putin protests⁴², accompanied by anti-EU and pro-Russia speeches⁴³. Serbia's generally favorable attitude towards Russia since the beginning of the armed conflict in Ukraine has not gone unnoticed in the region, nor in the EU capitals.

³⁷ According to Serbian Defense Minister, Aleksandar Vulin, in 2019, Russia and Serbia organized 96 joint military exercises (see: Tass News Agency “Serbia to host Slavic Shield air defense drills in mid-October”, 27 September 2021, <https://tass.com/defense/1342977>, accessed 24 May 2022)

³⁸ S.I. Catalin, „Rusia continuă să înnarmeze Armata Serbiei (Video) Moscova a făcut cadou 30 de tancuri T-72B1MS”, *Defense Romania*, 27 May 2021, https://www.defenseromania.ro/armata-sarba-primeste-30-de-tancuri-t-72b1ms-din-rusia_610732.html, accessed 24 May 2022.

³⁹ Vuk Vuksanovic, “Serbia's Arms Deals Show It's Tilting Away From Russia and Toward China”, *Foreign Policy*, 11 May 2022, <https://foreignpolicy.com/2022/05/11/serbias-arms-deals-show-its-tilting-away-from-russia-and-toward-china/>, accessed 24 May 2022.

⁴⁰ Velina Tchakarova, “The Russia, China Alliance: What Does “The Dragonbear” Aim to Achieve in Global Affairs?”, *Medium*, 8 September 2015, <https://medium.com/@vtchakarova/the-russia-china-alliance-what-does-the-dragonbear-aim-to-achieve-in-global-affairs-e09b1add1c4a>, accessed 24 May 2022.

⁴¹ Marton Dunai, “Serbia's president Aleksandar Vucic rejects sanctions on Russia”, *Financial Times*, 20 April 2022, <https://www.ft.com/content/0041d1a9-7fbd-4ea3-8176-e8b7d99e4a92>, accessed 24 May 2022.

⁴² About 4,000 people protested in central Belgrade, summoned by far-right groups to express support for Russian troops invading Ukraine, chanting “Serbs and Russians, brothers forever” and “Serbia, Russia, we don't need the EU”, flying the flag of Russia and Serbia, as well as signs of the far right. (see: Branko Filipovic, “Pro-Russia Serbs march in Belgrade as country treads ever finer line between East and West”, *Reuters*, 5 March 2022. <https://www.reuters.com/world/europe/pro-russia-serbs-march-belgrade-country-treads-ever-finer-line-between-east-west-2022-03-04/>, accessed 24 May 2022).

⁴³ Mladen Obradovic, one of the protests' organizers, stated “Russia frees the world from NATO”. (see: TRT World, “Far-right Serbians hold pro-Russia rally amid Ukraine crisis”, 5 March 2022, <https://www.trtworld.com/europe/far-right-serbians-hold-pro-russia-rally-amid-ukraine-crisis-55284>, accessed 24 May 2022).

IV. Regional Reactions

Against the backdrop of the war in Ukraine, in an attempt to strengthen the defence of their countries against Russian interference⁴⁴ and stressing that by destabilizing the Western Balkans, Russia will seek to destabilize the whole of Europe, Western Balkan states have stepped up their efforts and hoping for a faster progress on their European path.⁴⁵ On the other hand, it is possible that the prolongation of the war in Ukraine, and implicitly the inability of the EU (and NATO) to help and protect Ukraine in more concrete terms against Russia, will lead to an even greater destabilization of the Western Balkans region, fuelling Russian rhetoric that “the West” does not present a viable alternative for these states. In fact, both in the EU and in the Western Balkans, there are fears that the war in Ukraine could lead to even more instability, and for some of these countries, such as Bosnia, this instability has already reached unprecedented levels since 1995.

The secession threats of Milorad Dodik⁴⁶, the Serb member of the Presidency of Bosnia and Herzegovina between 2018-2022 and the future president of Republika Srpska, who did not hide his admiration and close ties with President Vladimir Putin, threaten to throw the country into deep instability by *de facto* annulling the practical aspects of enforcing the provisions of the Dayton Agreement⁴⁷ in terms of military, fiscal, and judicial issues. If before the war against Ukraine, Russia had portrayed itself for years as a major geopolitical player in Bosnia and Herzegovina, after the summer of 2021, with its direct support for Milorad Dodik and the attempts to diminish Western influence in Bosnia, Russia’s influence has surpassed its declarative phase. Thus,

⁴⁴ Kosovo Prime Minister, Albin Kurti, warned that it is in “it is in the interest of the Russian Federation to have new battlegrounds because they do not want to go back to peace”. (see: Kosovo Prime Minister Office, “Prime Minister Kurti for The Guardian: It is in the interest of the Russian Federation to have new battlegrounds”, 13 March 2022, <https://kryeministri.rks-gov.net/en/blog/prime-minister-kurti-for-the-guardian-it-is-in-the-interest-of-the-russian-federation-to-have-new-battlegrounds/>, accessed 24 May 2022).

⁴⁵ France 24, “Make membership easier, Kosovo PM tells NATO, EU”, 8 March 2022, <https://www.france24.com/en/live-news/20220308-make-membership-easier-kosovo-pm-tells-nato-eu>, accessed 24 May 2022.

⁴⁶ Una Hajdari, “Secession threats and nationalist strife shock Bosnia as EU offers limited response”, *Politico*, 18 January 2022, <https://www.politico.eu/article/secession-threat-bosnia-milorad-dodik-eu-limited-options/>, accessed 24 May 2022.

⁴⁷ General Framework Agreement for Peace in Bosnia and Herzegovina, signed on 14 December 1995, concluding the 1991-1995 Bosnian war.

Russia has intensified its subversive actions in this country through various gestures, like the Russian ambassador being present at the unconstitutional celebration of “Republika Srpska Day” on January 9, 2022, and by its firm opposition to the new High Representative⁴⁸, the political instrument that supports the constitutional reform that Bosnia needs to make in order to progress towards NATO and EU accession.

At the same time, a possible veto in the UN Security Council on the renewal of the EUFOR mission in Bosnia, scheduled for November 2022, could be the culmination of its actions with regard to this country. The EUFOR Althea Mission, an EU military mission whose mandate is renewed annually by the UNSC, is responsible for maintaining peace and security, as well as discouraging attempts at secession in Republika Srpska. Given that EUFOR has been strengthened by 500 additional troops following Russia’s invasion of Ukraine, a veto on the renewal of its mandate is to be expected, especially when considering Dodik’s pro-Russian positions and that his threats of secession have been enhanced by the Russian ambassador who warned that “If (Bosnia and Herzegovina) decides to be a member of any alliance, this is an internal matter. Our answer is another matter. Ukraine’s example shows what to expect”⁴⁹.

Dodik’s unsuccessful attempts to prevent Bosnia’s ambassador to the UN to vote in support of a resolution condemning Russian aggression⁵⁰, along with Russia’s presence in the decision-making processes regarding Bosnia’s future, from the closure of the Office of the High Representative (OHR) to the amendments to the electoral law before the parliamentary elections scheduled for October 2022, and Russia’s support for a nationalist and secessionist wave, shows once again that it was using Republika Srpska as a lever in its strategy to destabilize the Western Balkans. The pro-Putin protests in many cities in Republika Srpska, including Banja Luka, Trebinje, and Bratunac, which have been heavily publicized by the media aligned with the Kremlin, are further evidence of how Russia uses the entity.

⁴⁸ The Russian Embassy in Sarajevo said Schmidt’s appointment was a violation of the established practice of electing the High Representative in BiH by consensus. (see: Željko Trkanjec, “Russia says Bosnia’s new High Representative is illegitimate”, *Euractiv*, 28 May 2021, https://www.euractiv.com/section/politics/short_news/russia-says-bosnias-new-high-representative-is-illegitimate/, accessed 24 May 2022).

⁴⁹ Željko Trkanjec, “Russian Ambassador says BiH can join NATO, but Moscow will react”, *Euractiv*, 17 March 2022, https://www.euractiv.com/section/politics/short_news/russian-ambassador-says-bih-can-join-nato-but-moscow-will-react/, accessed 24 May 2022.

⁵⁰ Željko Trkanjec, “Dodik attempts to block UN vote with Russian help”, *Euractiv*, 4 March 2022, https://www.euractiv.com/section/politics/short_news/dodik-attempts-to-block-un-vote-with-russian-help/, accessed 24 May 2022.

In a country where ethnic divisions remain entrenched, Republika Srpska's attempts at secession⁵¹, which the Kremlin has supported for years, are a challenge to peace and stability in the region. The increased military presence of EUFOR troops, the suspension of funding for EUR 100 million by Germany⁵² or failed attempts to impose sanctions on Milorad Dodik⁵³, following the European Parliament's resolutions do not seem to be enough to counter Russia's plans for political and economic destabilization. Thus, against the background of the events in Ukraine and reliving the memories from the 1990s, the feeling of uneasiness among the population is growing along with the fears of new conflicts in the region, distrust in the political system, and implicitly in the country's defence possibilities if faced with a situation similar to that in Ukraine.

Albania, a NATO member and EU candidate, has clearly condemned Russian aggression against Ukraine and has fully aligned itself with the EU sanctions against Russia. However, the impact of the war, especially in the economic sphere, with high inflation and prices on the rise, led to protests that threaten the society's cohesion and regional security in the long run. If in terms of energy security, Albania is less dependent on Russian gas than other WB6 countries, relying heavily on hydropower resources, the economic effects will be visible in tourism, which is expected to be severely affected, due to the high share in the recent years of Russian and Ukrainian tourists.

Further, having a multi-ethnic society, Albania is equally exposed to Russia's soft power influence tools, especially when considering its strategic partnership with Kosovo⁵⁴. Since Kosovo declared independence from Serbia in 2008, the

⁵¹ Deutsche Welle, "Bosnia: Serbs vote to leave key institutions in secession move", 11 December 2022, <https://www.dw.com/en/bosnia-serbs-vote-to-leave-key-institutions-in-secession-move/a-60088061>, accessed 24 May 2022.

⁵² Željko Trkanjec, "Germany suspends project financing in RS over BiH obstruction by Serbia", *Euractiv*, 18 April 2022, https://www.euractiv.com/section/politics/short_news/germany-suspends-project-financing-in-rs-over-bih-obstruction-by-serbia/, accessed 24 May 2022.

⁵³ "Such a destructive behaviour must not go unnoticed" said Anna Lührmann, Germany's Minister of State for Europe. In addition to Germany, only Belgium, the Netherlands, Luxembourg and the Czech Republic have supported such sanctions. (see: Oliver Noyan, "Germany warns of spillover-effect of Ukraine war in Western Balkans", *Euractiv*, 7 April 2022, <https://www.euractiv.com/section/defence-and-security/news/germany-warns-of-spillover-effect-of-ukraine-war-in-western-balkans/>, accessed 24 May 2022).

⁵⁴ The governments of Albania and Kosovo signed on November 27, 2017, in Korça 12 agreements and memoranda of understanding between the two countries, reconfirming the continuation of the Strategic Partnership between the two countries (see: European Western Balkans, "Results of the joint meeting of Albania – Kosovo governments", 27 November 2017,

two nations have signed up to 140 bilateral agreements, and during the Kosovo war (28 February 1998 – 11 June 1999), Albania has opened its doors to hundreds of thousands of Kosovo refugees fleeing the violence. With the security of the two countries so closely interconnected, the rhetoric of Albanian leaders⁵⁵ on a possible union of Albania with Kosovo could easily be exploited to produce instability and exacerbate the political and economic crises in the Balkans⁵⁶.

The analogies between Ukraine and Kosovo used by Putin since 2014 have been revived in the wake of the 2022 conflict in Ukraine, alongside the evocation of the memories of NATO bombings in the region from the late 1990s. Undermining Kosovo's stability and independence is often accompanied by the rhetoric that NATO's stabilization success is only temporary, as it was the case in Afghanistan. While the war in Ukraine has heightened concerns about its own security and the government has been calling on its citizens to donate money to strengthen the country's security, Kosovo is in the process of building its own army. In parallel, fast-tracking the NATO membership and the establishment of a NATO base in its territory became important security priorities. In a resolution adopted with 94 out of a total of 120 votes, and amid the boycott of Serbian minority parliamentarians, the parliament called on the government to take all necessary measures to submit the application for NATO membership.

While other four NATO members⁵⁷ have not recognized Kosovo's independence, complicating its accession to the North Atlantic Alliance, Kosovo has been defended by NATO troops since 1999. More precisely by 3,770 troops, whose main goal has been to maintain peace in the north, where some 50,000 Serbs refuse to recognize Kosovo authorities and demand unification with Serbia. Russia's refusal to recognize Kosovo's independence, along with Belgrade's constant position that the separatist province is part of Serbia's territory have generated strong pro-Western and anti-Russian sentiments in Pristina. In a survey from April 2021, favorable opinions about

<https://europeanwesternbalkans.com/2017/11/27/results-joint-meeting-albania-kosovo-governments/>, accessed 24 May 2022).

⁵⁵ Alice Taylor, "Albanian Prime Minister in favour of unifying Kosovo and Albania", *Euractiv*, 29 November 2021, https://www.euractiv.com/section/politics/short_news/albanian-prime-minister-in-favour-of-unifying-kosovo-and-albania/, accessed 24 May 2022.

⁵⁶ Orlando Crowcroft, "How EU enlargement apathy could push Kosovo and Albania to join forces", *Euronews*, 15 April 2021, <https://www.euronews.com/my-europe/2021/04/15/how-eu-enlargement-apaty-could-push-kosovo-and-albania-to-join-forces>, accessed 24 May 2022.

⁵⁷ These are: Romania, Spain, Greece, and Slovakia.

the US, NATO, and the EU were consistent with an upwards trend compared to previous years, while those regarding China and Russia were decreasing relative to 2019.⁵⁸

However, in the spirit of its historical interest in being the most influential foreign player in the Western Balkans, Russia has continued its efforts to destabilize, including in matters that concern the Kosovo-Serbia dialogue. As tensions continue to rise and current circumstances will lead to a stronger commitment from the West in the region, the results might not line up with the Kremlin's intended outcomes. Like all other WB6 states, Montenegro could not remain unaffected by the economic impact of the war in Ukraine, being a small, import-dependent economy. Russia is its largest foreign investor, accounting for 18.3% of all foreign direct investment in 2021, with significant financing mainly in metallurgy and real estate. Additionally, more than a third of tourists come from Russia which is significant when considering that the tourism sector accounts for 25% of the country's GDP. Given these circumstances, although Montenegro joined at the declarative level the sanctions against Russia, it has yet to implement them.

The war in Ukraine also has political implications for Montenegro, deepening the country's institutional crisis in early 2022. The expulsion of Russian diplomat Viktor Antipin following a meeting with Strahinja Bulajić (Democratic Front), the interim speaker of the Montenegrin Parliament, which later refused to convene a parliamentary session to vote on the proposed (pro-European) cabinet, and the Kremlin's addition of Montenegro to its list of “enemy states” has strained relations between the two states. The 4 February 2022 vote of no confidence that dismissed the pro-Russian government of Prime Minister Zdravko Krivokapić and the inauguration of a new pro-Western government on 28 April 2022, led by Dritan Abazovic, could block on the long run Russia's interference in Montenegro's domestic policy. It also has the added benefit of likely unblocking the country's European integration process⁵⁹. Although, according to the European Union Agency for the Cooperation of Energy

⁵⁸ USAID and NDI, “Kosovo public opinion survey”, 21 April 2021, <https://www.ndi.org/sites/default/files/NDI%20Kosovo%20Public%20Opinion%20Poll%20-%20April%202021.pdf>, accessed 24 May 2022.

⁵⁹ RFE/RL's Balkan Service, “Montenegro Elects New Minority Government That Aims To Speed Up EU Membership Process”, 28 April 2022, <https://www.rferl.org/a/montenegro-government-abazovic-serbia/31825954.html>, accessed 24 May 2022.

Regulators, 100% dependent on natural gas imports from Russia⁶⁰, the closure of its airspace for Russian aircrafts, the provision of military assistance to Ukraine and the rapid alignment with EU sanctions imposed on Russia showed North Macedonia's commitment towards the Western development model. Listing Russia among hostile countries also signalled the country's pro-Western position.

Russian President Vladimir Putin's statements that Ukraine is a nation invented by Lenin, similar to the ideas expressed by a number of representatives of the Bulgarian political class, who claim that Macedonia is a fictive nation, "invented" by the Yugoslav President Tito, also contributed to North Macedonia's realignment. However, for the oldest candidate country in the region, the lack of progress on accession leads to widespread feelings of disappointment among its citizens, and against this background it allows Russian active instruments to cultivate anti-EU sentiments. As such, the latest public opinion poll has registered a decline in the people's belief that the EU is the biggest ally of North Macedonia, dropping from 43.2% in 2019 to 13.1% in 2021⁶¹, despite the fact that 68% of the respondents continue to support the country's bid for a EU membership.

Beyond the careful monitoring of developments in all Western Balkan states since the beginning of the war in Ukraine, the West' focus has been mostly on Serbia, and this is because, as noted above, this country is regarded as Moscow's vector of influence in the region that can set the path to follow for others in the WB6 region. In the midst of the election campaign at the time of the outbreak of the conflict, Serbian President Aleksandar Vučić sought to maintain a balance between Russia and the West. On the one hand, because the still-vivid memories of NATO bombings among the population make up an important part of the pro-Russian public opinion whose votes have an obvious electoral impact. On the other hand, there is also the fact to consider that the EU is by far the largest investor, largest trading partner, and largest donor in Serbia in the last 20 years. In the last 10 years alone, the EU's cumulative foreign direct investment (FDI) in Serbia amounted to EUR 15.4 billion, representing 67% of total FDI inflows, while the EU-Serbia trade accounts for 62% of Serbia's total

⁶⁰ BNE IntelliNews, "North Macedonia, Bosnia and Moldova most dependent on Russian gas", 8 February 2022, <https://bne.eu/north-macedonia-bosnia-and-moldova-most-dependent-on-russian-gas-234239/?source=serbia>, accessed 24 May 2022.

⁶¹ Sinisa Jakov Marusic, "North Macedonia's Faith in EU Influence Plummeting, Survey Shows", *Balkan Insight*, 25 February 2022, <https://balkaninsight.com/2022/02/25/north-macedonian-faith-in-eu-influence-plummeting-survey-shows/>, accessed 24 May 2022.

trade. At the same time, with more than € 3 billion in non-reimbursable assistance to Serbia through various projects since 2001, the EU is by far the largest donor in the country. Thus, in an attempt to ensure Serbia's stability, Vučić strongly affirmed his country's neutrality, voting in favor of condemning the Russian invasion of Ukraine at the UN General Assembly, but refusing to apply EU sanctions.

Both the ruling coalition parties, led by the Serbian Progressive Party (SPP) and most right-wing opposition parties, opposed imposing sanctions on Russia, in the name of “national interests”. One of the reasons is that Russia, as a permanent member of the UN Security Council, is seen as a guarantor of Serbia's interests in Kosovo. Another reason is that Serbia has become dependent on Russian gas imports and much of the Kremlin's investments in the country have focused on strategic sectors.

While part of the media⁶² has been fuelling for years nationalist and anti-EU sentiments, the real concern, as it is also captured by a Council of Europe report⁶³, refers to the long-term implications of disinformation campaigns created specifically to sow distrust and to accentuate divisions and polarization within society through ethnic, religious, and nationalist tensions. Against this background, rallies were held in Belgrade in support of Russia's actions, mainly by ultranationalist movements. Likely, the EU will respond to Serbia's ambivalent position by accelerating its accession process and by securing energy supplies, since only in this way will Serbia be able to avoid serious political, economic, and social consequences.

At a time when the EU seems more united than ever in the face of Russian aggression against Ukraine, being forced to choose a clear political path and make bold decisions, a pragmatic offer for the full accession of the Western Balkans to the EU, instead of the current decades-long process, would encourage progress on much-needed reforms and the rule of law, while also serving to resolve bilateral disputes between the states of this region. On the other hand, alignment with the goals of the dual green and digital transition will also entail alignment with the EU's foreign policy goals, and, in the process,

⁶² Thomas Brey, “Western Balkans: Sputnik distorts reality”, *Deutsche Welle*, 23 September 2021, <https://www.dw.com/ro/balcanii-de-vest-sputnik-distorsioneaz%C4%83-realitatea/a-59259274>, accessed 24 May 2022.

⁶³ Claire Wardle and Hossein Derakhshan, “Information Disorder. Toward an interdisciplinary framework for research and policymaking”, *Council of Europe*, Report DGI(2017)09, 27 September 2017, <https://rm.coe.int/information-disorder-toward-an-interdisciplinary-framework-for-research/168076277c>, accessed 24 May 2022.

provide the region with stability and long-awaited economic growth. The meeting of EU leaders at the Western Balkans Summit on 23 June 2022 has represented a new opportunity to discuss the future of the region, in the context of the war in Ukraine and in the light of the objectives underlined by President Emmanuel Macron, focused on “clarifying the European perspectives, reinvesting in the region and defining a true common ambition for decades to come”⁶⁴.

V. The War in Ukraine and the EU’s Strategic Autonomy

In March 2022, Russia’s war in Ukraine gave a new impetus to the idea of EU strategic autonomy and it coincided with the French Presidency of the EU Council, the strongest supporter of the idea of reducing the EU’s dependence on other states and the main promoter of the concept itself. Thus, a European Union dependent on Russian gas and various imports, from defense to semiconductors, was now being pushed to reduce *interdependence* and create European *independence*, according to Clément Beaune, the French Minister for EU Affairs, who stressed that “if this is the result of this crisis, it will be a success for Europe”.⁶⁵ In fact, other European leaders⁶⁶, who had been sceptical for some time, were now more supportive of the EU’s open strategic autonomy than ever, stressing that NATO and the US were vital to Europe’s protection and Germany, which abandoned decades-long policy of reluctance to commit to a substantial increase in military spending was the best example. Thus, through the Versailles Declaration⁶⁷ from 11 March 2022, EU leaders pledged to increase defense spending, eliminate dependency on Russian fossil fuels, and design a new growth and investment model for 2030, implicitly reducing the EU’s

⁶⁴ European Western Balkans, “Macron urges for “clarifying” EU perspective of the WB, announces conference in June”, 10 December 2021, <https://europeanwesternbalkans.com/2021/12/10/macron-urges-for-clarifying-eu-perspective-of-the-wb-announces-conference-in-june/>, accessed 24 May 2022.

⁶⁵ Mardis du Grand Continent, “Événement spécial consacré à l’invasion de l’Ukraine”, 8 March 2022, <https://twitter.com/i/broadcasts/1djGXPZqOReGZ>, accessed 4 May 2022.

⁶⁶ Government of Netherlands, “Speech by Prime Minister Mark Rutte at the University Sciences Po in Paris about the current developments in Ukraine,” 9 March 2022, <https://www.government.nl/documents/speeches/2022/03/09/speech-by-prime-minister-mark-rutte-at-university-sciences-po-paris>, accessed 4 May 2022.

⁶⁷ European Council, “Informal Meeting of the Heads of State or Government Versailles Declaration,” 10 and 11 March 2022, <https://www.consilium.europa.eu/media/54773/20220311-versailles-declaration-en.pdf>, accessed 4 May 2022.

strategic dependence (for critical raw materials, semiconductors, sanitary materials, digital technologies, agricultural products, and food) on third country imports.

In practice, both the coronavirus pandemic and especially the war in Ukraine have prompted the EU to take the necessary measures to strengthen its strategic autonomy beyond defense policy. For example, achieving “energy sovereignty” by removing most of the imported fossil fuels will also ensure the EU’s sovereignty in its foreign policy⁶⁸, as stated by the German Minister of Climate and Economy, Robert Habeck. Meanwhile, “food sovereignty” will reduce dependence on fertilizer imports from Russia and Belarus. Another goal will be to strengthen the security and resilience of EU digital systems, which are increasingly subjected to Russian cyber-attacks.

In view of all these issues, the statement of the Commissioner for Trade and Economic Policy, Valdis Dombrovskis, stating that “the more diversified the EU’s trade flows, the more resilient they will be (...) That is why I insist on this point of open strategic autonomy to diversify the supply chains that need to be opened” echoes the statement made the by European Council President, Charles Michel, who emphasized the need for stability and dissemination of EU standards in order to achieve “less dependence, more influence”⁶⁹. Nowhere in the world are these values and standards better circulated and implemented than in the Western Balkans, which have been preparing for this moment for several decades. Furthermore, nowhere in the world is the EU investing so much as it does in the Western Balkans in pursuing the socio-economic and environmental convergence of the region with the EU, with the aim to prioritize the region’s strategic autonomy.

The causal link between the stabilization, accession, and integration into the European Union of the states of the Western Balkans and the achievement of the EU’s strategic goal of becoming a global player was explicitly expressed by the former High Representative of the Union for Foreign Affairs and Security Policy. Federica Mogherini, in her speech at the Oxford University from October 2019, stated that: “The European Union will only become a strong

⁶⁸ Xinhua, “Germany’s energy policy must become more independent: minister”, 2 March 2022., <https://english.news.cn/20220302/04a64a23c91c4201bb3f63a058c69bb6/c.html>, accessed 4 May 2022.

⁶⁹ Charles Michel, (@eucopresident), “Strategic autonomy means more resilience, less dependence...”, Twitter Post, 10 February 2021, <https://twitter.com/eucopresident/status/1359558856293175305?lang=en>, accessed 4 May 2022.

global player if it integrates the Western Balkans”⁷⁰. In the speech, entitled “The European Union as a global player”, the High Representative stressed that in order to achieve the goal of stabilizing the European continent and putting an end to the conflicts on it, the EU must unite Europe by integrating the states of the Western Balkans. This is one of the reasons why the funding for the Instrument for Pre-Accession Assistance – IPA III⁷¹ in the period 2021-2027, added to € 14.16 billion. Along with the € 9 billion from the Economic and Investment Plan for the Western Balkans, which was expected to mobilize an additional € 20 billion in investments, the funds sought to target long-term strategic investments in key sectors, such as energy, while also promoting several vital political objectives, like foster peace, stability, democracy, and the rule of law in the Western Balkans. Moreover, IPA III ensured close complementarity and coherence with other investment programmes in the region and with a wide range of EU internal policy programmes in order to maximize their impact on the priority sectors (security, migration, research and innovation, environment and climate action, transport, and energy connectivity).

VI. Conclusions

The war in Ukraine and the way in which it will end can prove decisive for the fate of the Western Balkans and the results of the content analysis show how tightly linked these two areas are. Jose Manuel Barroso, former President of the European Commission, stated in 2007 that the EU is one of the most important, if not the most important normative power in the world⁷². But in order to be fully a *smart power*⁷³, EU’s normative power had to combine elements of *soft power* and *smart power*, fully manifesting its role as an international actor, by

⁷⁰ Mogherini quoted in: Elena Lazarou et al., “Peace and Security in 2019 – Overview of EU action and outlook for the future”, *European Parliamentary Research Service*, Brussels, 15 May 2019, 23, https://normandiepourlapaix.fr/sites/default/files/2019-06/EPRS-Study-637894-Peace-and-Security-2019-FINAL%20for%20Caen_lowres.pdf, accessed 4 May 2022.

⁷¹ European Commission, “Overview – Instrument for Pre-accession Assistance”, https://ec.europa.eu/neighbourhood-enlargement/enlargement-policy/overview-instrument-pre-accession-assistance_en, accessed 4 May 2022.

⁷² John Peterson, “José Manuel Barroso: Political Scientist, ECPR Member”, *European Political Science* 7 (2008): 64–77.

⁷³ Power is divided in three main categories, based on the means used: hard power (results obtain by constraint), soft power (results are obtained by persuasion and attraction) and smart power (results are obtained through the combination of the two) (see: Joseph S. Nye, Jr., *The Future of Power* (New York: Public Affairs, 2011)).

using all the economic and material resources at its disposal to get others to adhere to its values and standards, as well as to ensure its security and economic development. This *carrots & sticks* policy is intended to ensure both stability in the Western Balkans region and their preparation for accession, to prevent another “They came too soon, before they were ready”⁷⁴.

The role of the EU as a normative power has played and continues to play a central role, being the very essence of the European project. The set of common norms accepted and used by all EU states represents the essence of its power, as well as the expression of its potential power. The export of these norms, standards, and values beyond the borders of the EU, together with its economic power are the expression of its strategic ambitions, materialized through projects of institutional consolidation and sustainable development. By applying a content analysis methodology, both soft and hard power elements have been revealed and by using the elements of constructivism, these were contextualized with the aim of identifying the critical points where the EU strategic action is needed in order to mitigate the effects of the war in Ukraine on the WB6 and to discern what could be the medium- and long-term evolution of both the EU and of the WB6 states. Moreover, the number of texts analysed which addressed the topic of EU strategic autonomy in the context of its strategic objectives for the upcoming period, led us to establish direct links between the intensification of threats and the diversification of means for reaching this objective.

Thus, the complementarity between EU and NATO is regarded not only as a means to counteract the instability and threats in the Western Balkans but also as an element of force projection, strengthening the EU strategic autonomy. The results of the content analysis, on the backdrop of the constructivist principles applied, enable us to uncover the key factors influencing both the future of the EU and that of the Western Balkans. Thus, if US, through NATO, has long been responsible for the EU’s security, it is only through this cooperation and complementarity of actions that security and stability can be achieved and maintained in the WB6. Also, in a preliminary phase it that can concluded that the recurrence of the security issues in the public space has been unpinning by an intensification of the efforts in this field and also that the intensification of the efforts for the EU security, in all of its forms, will automatically lead to a spillover effect in the WB6.

⁷⁴ Heather Grabbe, “Six Lessons of Enlargement Ten Years On: The EU’s Transformative Power in Retrospect and Prospect”, *JCMS: Journal of Common Market Studies* 52, no. S1 (September 2014): 40-56.

Considering the current evolutions, two possible scenarios have been identified for the medium-term perspective. One scenario, if things continue to be unfavorable for Russia in Ukraine, the Kremlin could use the tactic of not letting a good crisis go to waste⁷⁵ and to “spread the front” to divert attention from what is happening on the Eastern Front, creating a new crisis, right in the “heart of Europe”⁷⁶. No other space would be more accessible to Kremlin than the Western Balkans, where for years they have been engaged in a vast process of destabilization and Moscow, with fewer and fewer options to keep even the appearance of a consolidated state, needs this option.

Such a move will not only divert the attention of the EU (and NATO) from Ukraine but will also dissipate the energy of their efforts on both “fronts”, with the potential to create new cracks in the cohesion of Western actors and dispel the enthusiasm of the new Revised Methodology for Enlargement, through a new crisis meant to throw the region into instability. Thus, any stable government with strong pro-European leadership in the Western Balkans region is a great loss to the Kremlin, in the pursuit of its interests, and a great gain for the EU. The West is historically obligated to find the fastest way to integrate the states of the region into the EU, the first step being the inclusion of the Balkans in a security zone in which Russia’s negative influence has little to no effect. This is all the more important since the Kremlin is in the need of favorable narratives to be disseminated to the internal public is growing and so it might attempt to ferment a crisis in a vulnerable region.

A second scenario ties into the idea that for its recurrent conflict with the West, the Balkans were a space in which Russia tried to divert and divide the energy of its rivals for its interests, namely the Eastern space. In essence, Russia has no direct interest in any of the Balkan countries except as markets for its energy sources, but there is enough room here to spread and maintain instability, planting distrust in Western structures, constantly working to maintain the tensions already existing in the Balkans. If things take a favorable turn for Russia in the war in Ukraine and the West fails to support Ukraine until the end, the Kremlin will have a chance to strengthen the rhetoric that the force

⁷⁵ Winston Churchill quoted in Guillaume Gruère, “Never let a good water crisis go to waste”, *OECD*, 21 March 2019, <https://www.oecd.org/agriculture/never-waste-a-good-water-crisis/>, accessed 4 May 2022.

⁷⁶ French President Emanuel Macron said that the Western Balkans are more than Europe’s neighbourhood because they are “in the heart of Europe”. (see: Sofija Popović, “Western Balkans and the EU in 2022: Resolution of problems or escalation of crises?”, *European Western Balkans*, 12 January 2022, <https://europeanwesternbalkans.com/2022/01/12/western-balkans-and-the-eu-in-2022-resolution-of-problems-or-escalation-of-crises/>, accessed 4 May 2022).

is stronger than the arguments of public international law, and such an aftermath will likely have direct repercussions in the Western Balkan states.

As for the security spectrum, the West is at least aware of the danger of a new crisis in the Balkans. This has been shown by doubling the EU's stabilization force in Bosnia⁷⁷, as well as by setting up the new NATO Defence Capacity Building Package for Bosnia, announced in April 2022⁷⁸. The EU's deployment of additional police forces in Kosovo, announced in March 2022⁷⁹, to support local police as well as the NATO troops were intended for the same purposes. However, actions to strengthen the traditional security measures need to be doubled by strong support for the rule of law and additional measures to counter the Kremlin's disinformation campaigns. Russian disinformation remains very active in the EU Member States as well in order to manipulate and polarize the population, respectively to turn the public opinion against the war victims. While the invasion of Ukraine has the potential to generate the largest wave of refugees in Europe since World War II⁸⁰, the Russian propaganda has tried to manipulate the subject, as it did in 2016, during the Syrian immigrant crisis, when Dmitry Medvedev said that “among these people, there are many, maybe hundreds, or even thousands, of bandits who came to Europe in a countdown mission. Now they are waiting to be called and then they will act like robots against Europe”⁸¹. This time, Medvedev announced on 17 April 2022, that “Ukrainian refugees from Europe could unleash a wave of violent crime”, while on social media fake news⁸² and stories were distributed by Russian bot farms⁸³, as it, previously, happened in 2016.

⁷⁷ EUFOR ALTHEA increased its numbers from 600 to 1.100 in 2022. (see: Seamus Shannon, “EUFOR Reserve Activation 2022”, *European Union Force in BiH – Operation ALTHEA*, 23 February 2022, <https://euforbih.org/index.php/newsroom/2952-eufor-reserve-activation>, accessed 24 May 2022.

⁷⁸ N1 Sarajevo, “NATO chief announces steps towards providing support to Bosnia and Herzegovina”, 7 April 2022, <https://ba.n1info.com/english/news/nato-chief-announces-steps-towards-providing-support-to-bosnia-and-herzegovina/>, accessed 24 May 2022.

⁷⁹ Euractiv, “EU to nearly double its police force in Kosovo”, 15 March 2022, <https://www.euractiv.com/section/enlargement/news/eu-to-nearly-double-its-police-force-in-kosovo/>, accessed 24 May 2022.

⁸⁰ Julian Vierlinger, “UN: Ukraine refugee crisis is Europe's biggest since WWII”, *Atlantic Council*, 20 April 2022, <https://www.atlanticcouncil.org/blogs/ukrainealert/un-ukraine-refugee-crisis-is-europes-biggest-since-wwii/>, accessed 24 May 2022.

⁸¹ World Bulletin, “Medvedev warns of ‘World War’ if peace talks fail”, 2 February 2016, <https://worldbulletin.dunyabulteni.net/europe/medvedev-warns-of-world-war-if-peace-talks-fail-h169354.html>, accessed 4 May 2022.

⁸² “Lisa case” dominated the German media in January 2016. A 13-year-old girl had disappeared from her home and had been raped by Arab immigrants, according to Sputnik or RT Germany. Intensely distributed on social networks by far-right groups, even generating demonstrations, the

In terms of the economic spectrum, the EU needs to increase its financial assistance to support the European path of these states, including mitigating the effects of the shock wave felt by the region due to the war in Ukraine, and this support must be extended to the communication level, by supporting the independent press, which disseminates EU actions to the public. If the EU has previously invited WB6 states to join EU joint procurement of vaccine against COVID-19⁸⁴, EU Member States reached an agreement in March 2022 to allow Western Balkan countries to participate in joint gas purchases to limit the increase of energy costs⁸⁵. Similar actions are likely to follow in order to address the emerging global food crisis. All of these are additional measures to the investments supported through the Economic and Investment Plan for the Western Balkans, with a particular focus on infrastructure and energy diversification, as a way to reduce the region's dependence on Russia and China.

Finally, a crisis in the WB6 space can only be prevented by EU effectively supporting the region, by creating mechanisms and tools calibrated to the current needs and context, designed to stimulate the resilience of the institutional architecture in the region. At the same time, the enlargement process itself needs attention and revitalization, given that international involvement has been the basis for stabilizing and increasing the resilience of the Western Balkans after the dissolution of the former Yugoslavia and the declining interest, on the backdrop of various EU crises in recent years, has been a double source of instability and insecurity in the region.

story turned out to be completely false, the German police showing that the young woman had been unharmed. (see: Stefan Meister, “The ‘Lisa case’: Germany as a target of Russian disinformation”, *NATO Review*, 25 July 2016. <https://www.nato.int/docu/review/articles/2016/07/25/the-lisa-case-germany-as-a-target-of-russian-disinformation/index.html>, accessed 4 May 2022).

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⁸⁵ Mihajlo Vujasin, “EU to allow Western Balkans to take part in joint gas purchases”, *Balkan Green Energy News*, 29 March 2022, <https://balkangreenenergynews.com/eu-to-allow-western-balkans-to-take-part-in-joint-gas-purchases/>, accessed 4 May 2022.

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INCEPTION, PROPAGATION, REINVENTION: AN ANALYSIS OF DAESH'S IDEOLOGICAL APPROACH TO ISLAMIC FUNDAMENTALISM

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Abstract: This article examines DAESH's ideology, a key factor that has supported and facilitated the group's actions for militant recruitment, territorial control, and global expansion. I will present the current state of knowledge and risk assessment, then, by using a theoretical framework rooted in constructivism and military realism, I will synthesize more recent and complex ideas related to this group through interpretations of current knowledge developments. I aim to examine the propaganda presented by DAESH and highlight in a proper, clear form the distinction between Islam and the fundamentalist ideology promoted by the terrorist group. The aim is to show that through a captivating discourse, extremist, radical entities have the ability to attract militants, and that the need remains to combat the ideas promoted by them so that recruitment through religiously based ideology by maximizing the ignorance of the target audience can no longer be a feasible avenue to expand their base of supporters, or at least to be diminished so as not to be easily accomplished. The research aims to contribute to the literature by presenting the mechanisms used by DAESH, as well as presenting some strategies that can be applied by the authorities regarding the prevention of radicalization. Among the main elements identified by this study are: DAESH used a truncated message of the Qur'an to legitimize its actions, used emotionally impactful images to attract foreign Muslims to join the fighting in Syria and Iraq, and presented in a graphic and exaggerated manner their successes in the field to attract young combatants. The study has relevant implications and contributes to efforts to combat the actions of extremist-terrorist groups that claim their legitimacy from Islam.

Keywords: ideology, ISIS, Islam, Iraq, Syria, terrorism, Islamic fundamentalism



Rezumat: Acest articol cercetează ideologia DAESH, un factor esențial care a sprijinit și facilitat acțiunile grupării pentru recrutarea de militanți, control teritorial și extindere globală. În cadrul analizei, voi prezenta stadiul curent al cunoașterii, voi utiliza teoriile politice – constructivismul și realismul militar pentru a sintetiza ideile noi și complexe prin interpretări și dezvoltări ale cunoașterii actuale. Urmăresc să analizez propaganda promovată de DAESH și să prezint într-o formă adecvată, clara distincție dintre Islam și ideologia promovată de gruparea teroristă. Scopul este de a arată că printr-un discurs

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captivant, entități extremiste, radicale, au capacitatea de a atrage militanți, iar necesitatea rămâne aceea de a combate ideile promovate astfel încât recrutarea prin ideologie fundamentată religios prin maximizarea necunoașterii publicului țintă să nu mai poată fi realizată, sau cel puțin să nu poată fi realizată cu ușurință. Cercetarea urmărește să aducă contribuții la literatura de specialitate prin prezentarea mecanismelor utilizate de DAESH, precum și prin prezentarea unor strategii care pot fi aplicate de autorități în privința prevenirii radicalizării. Printre principalele elemente identificate în urma acestei cercetări se numără: DAESH a utilizat trunchiat mesajul Coranului pentru a-și legitima acțiunile, a folosit imagini cu impact emoțional pentru a atrage musulmani străini care să se alăture luptelor din Siria și Irak și a prezentat într-o manieră grafică și exagerată succese în teren pentru a atrage tineri combatanți. Studiul are implicații relevante și contribuie la demersurile de combatere a acțiunilor grupărilor extremist-teroriste care își reclamă legitimitatea din Islam.

Cuvinte cheie: ideologie, ISIS, Islam, Irak, Siria, terorism, fundamentalism islamic

I. Introduction

The present research focuses on the DAESH's ideology, a key factor that has supported and facilitated the group's recruitment actions. New and comprehensive ideas will be synthesized through interpretations and developments of current knowledge. The research contributes to a better understanding of the social balance in a global society strongly divided by religious, political, gender, age, sexual orientation, and other cleavages. The theoretical contributions aim to update the literature on the topic, while the practical ones focus on the need to strengthen the mechanisms that will allow us to correctly identify the radical, extremist orientation and distinguish between religious zealotry and terrorism.

The ideological basis of DAESH will be documented and the assertions of the terrorist group claiming its legitimacy in Islam will be analyzed in order to determine their authenticity: how true are these claims? Or rather, are they a manipulation attempt to provide the group with a recruitment pool as large as possible from within the Sunni Muslim community. The methodological approach is developed through the lenses of constructivism and military realism, assessing its aims to build a state, while using armed force to achieve its goals given that its ideology is developed around these objectives.

It is important to emphasize from the beginning that DAESH rejects any form of organization and structure that regulates international relations, as the group was directly interested in eliminating borders, governments, international

organizations, and thus, from this formless foundation, it sought to build a new state, a global state, namely the Islamic State.

Viewed from a constructivist perspective, DAESH was aiming to create a state of anarchy, which in Wendt's terms would appear along the following lines:

“Suppose that the processes of identity and interest formation have created a world in which states do not recognize rights to territory or existence – a war of all against everyone. [...] Anarchy has this meaning only by virtue of collective practices, which produce insecurity, but if those practices are relatively stable, they constitute a system that can resist change. That policy worlds are socially constructed, in other words, does not guarantee that they are malleable, for at least two reasons. The first reason is that, once constituted, any social system confronts each of its members as an objective social fact that reinforces certain behaviors and unlocks others. [...] The second reason is that systemic change may also be inhibited by actors' interests in maintaining relatively stable role identities. Such interests are rooted [...] in the desire to avoid the expected costs of violating commitments made to others”¹.

For DAESH, anarchy, policing between states, and the elimination of any powerful entity was beneficial, any context in which a group of states/entities organized and opposed it would have been an undesirable situation. The situation in Syria and Iraq had, for a time, the feeling of a disorganized war, in which all sides were fighting each other, while alliances were not sincere and were momentary. The two reasons indicated by Wendt are in such a conflictual relationship because the interactions between the members of a group involve the appreciation of some behaviors and their promotion, while at the same time, others will be discouraged, even punished. This approach was also adopted by DAESH, which through its security forces enforced rules, detained people, tried and executed non-compliant members.

Related to defensive / military realism, Waltz points out that:

“since some states can always resort to violence, all states must be willing to do the same – or to exist at the disposal of their militarily stronger neighbors. In the case of states, the state of nature is a state of war. This does not mean that war occurs constantly, but that, as each state decides for itself whether or not to use force, war can break out at any moment”².

¹ Alexander Wendt, “Anarchy is what States Make of it: The Social Construction of Power Politics”, *International Organization* 46, no. 2 (Spring 1992): 410-411.

² Kenneth N. Waltz, *Theory Of International Politics* (Iași: Polirom, 2006), 147.

What Waltz claims can be summed up by the Latin phrase *Si vis pacem, para bellum*. The author specifies that each state needs to be prepared for war, in case the neighbor or another state will attack it. DAESH was formed in conditions of war, under an asymmetric framework, as a non-state entity that declared war on Syria, Iraq, and the whole world.

A brief literature review reveals that DAESH is a mixed organization of jihadists from the Middle East, Afghanistan, Pakistan, the former Soviet Union, the Balkans, North and West Africa, which sought to impose its rules and values on the widest possible territory, regardless of the religious or political beliefs of the locals. DAESH recruited men to fight and govern occupied territories, recruited young women to become fighters' wives, recruited foreigners for propaganda purposes in psychological warfare and to prove that Islam (*our note*: actually, the ideology of DAESH, not the Islamic religion) is more attractive than materialistic culture. Colonization was part of ISIS ideology, doubled by multiple instances of human rights abuses and crimes against humanity (rape, slavery, torture, genocide)³.

II. Considerations on Ideology

When considering ideological concerns, we refer to the totality of philosophical, moral, religious ideas and conceptions, which reflects the interests and aspirations of certain categories in a given era. DAESH built an ideology that went beyond the level of manifesto, building a complex structure, which was based on Sunni religious concepts, local traditions, and customs of foreign fighters who had joined the organization. The conceptual purity it claimed was a propaganda tool, with the aim of flattening dissent in order to unify and eliminate differences, with an emphasis on eliminating inequalities, which was a strong argument for many militants who wanted to avoid feeling discriminated, like in Iraq, Syria, or their countries of origin.

DAESH is considered a “Salafist”⁴ jihadist group where, as Wagemakers explains, we are dealing with “a branch of Sunni Islam whose modern-day

³ Mark Bourrie, *The Killing Game: Martyrdom, Murder and the lure of ISIS / ISIS. Jocul morții. Martiri, asasinat și fascinație* (București: Corint, 2016); Scott Anderson, *Fractured Lands. How the Arab World Came Apart* (Crydon, UK: CPI Group, 2017); Jinan with Thierry Oberle, *Esclave de Daesh* (Paris: FAYARD, 2014); Anna Erelle, *In the Skin of a Jihadist: Inside Islamic State's Recruitment Networks* (Iași: Polirom, 2015).

⁴ Loretta Napoleoni, *ISIS – The Terror Nation / ISIS. Califatul terorii* (București: Corint, 2015), 32.

adherents claim to emulate “the pious predecessors” (al-salaf al-ṣāliḥ; often equated with the first three generations of Muslims) as closely and in as many spheres of life as possible”⁵. Moreover, its three main types of Salafism are worth taking into consideration, given that it can be split into: *quietist Salafism* (“adherents shun political activism and concentrate on ‘cleansing’ and teaching Islam in all its ‘purity’”); *political Salafism* (“concentrate[s] on political commitment as an integral part of Islam through contentious debates, parliamentary participation, and founding political parties”); and *Jihadi-Salafism* (“whose followers seek to overthrow supposedly apostate regimes in the Muslim world through violent Jihad”)⁶. DAESH has advocated the need for an exclusively religious-political system, based on rules of the 7th and 8th centuries, a rather unachievable claim, as contemporary societies are structurally different, intrinsically dynamic, and marked by interconnectivity.

Napoleoni describes Salafism as: “a sect of Islam that adhered strictly to its doctrines”, emanating from “the 19th century as a reaction to European influence in the region”, it was “sometimes considered puritanical, often associated with Jihad”⁷. Meanwhile, modern Salafism is perceived as “a radical interpretation of Salafism. An extremely hostile movement to the West, which demands a return to the purity of Islam”⁸. DAESH’s statements on immersion in radical Salafism have helped the group attract funding from certain actors in the Middle East and in Gulf States. The radicals are more willing to pay their duty as per the *ṣakat*, as well as in addition to this amount, to join the cause and fight to the death against any entity considered hostile to their twisted interpretation of Islam⁹.

Napoleoni found that radical Salafism has become a form of reinventing the world according to the image of children lost in a complex and scary world, who consider themselves different and cannot integrate into society and the Caliphate thus became a Nirvana where they were entitled to a better life, where

⁵ Joas Wagemakers, “Salafism”, *Oxford Research Encyclopedia of Religion*, August 5, 2016, <https://oxfordre.com/religion/view/10.1093/acrefore/9780199340378.001.0001/acrefore-9780199340378-e-255>, accessed February 7, 2022.

⁶ Ibid.

⁷ Loretta Napoleoni, *ISIS – The Terror Nation* (București: Corint, 2015), 135.

⁸ Ibid.

⁹ The attraction was amplified by the sponsors’ belief that the financial support they offer will help redeem their sins, and DAESH offered this “ticket to salvation” through various methods of involvement, thus some chose the easy way to provide money for the fight, continuing their current activities, and promising important positions in the new structures for the financiers, if the group had succeeded.

the connection within the group was very strong and allowed them to easily lose themselves as individuals, becoming part of a functional unit. I agree with the Napoleoni's conclusion that a world full of dilemmas, challenges, unclear (or lacking) values, and confusion determines the appearance of a strong attraction towards purity, which creates the appearance that it offers a set of rules as well as stable conditions of existence and predictability.

DAESH is an extremist group that has tried to impose its interpretation of Islam through violent measures, while having a political purpose: to control and lead territories taken by force or by open association, while eliminating local traditions and reshaping the Middle East. It expressed, through radical actions, a deeply anti-humane attitude, which promoted the purity of practicing Sunnis (not apostates), for the purpose of justifying violence and genocide in the name of religion. In other words, radicalization involves the manifestation of a person in this form, where ideas are expressions of radical thoughts, and their radical nature implies a degree of actualization – in other words, of putting the respective ideas into practice. As Oliver Roy would argue, “There are no moderate religions, only moderate believers”¹⁰.

The major impact that DAESH had can also be attributed to the globalization of insecurity which has changed the way we interact; nowadays, ideology no longer has borders, it is not clearly defined, and its followers are changing faster than in the previous decades, let alone the last century. In the environment of extremist or terrorist groups, parallel speeches are promoted by leaders to expand the recruiting base, and if at first, the speech is too radical to attract fighters willing to sacrifice, over time, the speech will be diluted to attract engineers, doctors, programmers, etc., enabling the movement to move into the construction stage. Promoting a radical language creates influencers who manage to quickly and easily mobilize large groups of people, their followers, united by the emotion of belonging to the idea of the moment.

As defined by the Global Coalition¹¹, DAESH is a terrorist group, committing acts of violence to provoke widespread fear and achieve political goals. To obtain such an effect, various means and methods are utilized:

¹⁰ Olivier Roy, *Jihad and death: the global appeal of Islamic State* (New York: Oxford University Press, 2017), 7.

¹¹ For the position of the Global Coalition on DAESH, consult: <https://theglobalcoalition.org/en/>. For the present analysis, I used UK's government assessment of DAESH being a terrorist group (UK Government, “Daesh: UK government response”, <https://www.gov.uk/government/topical-events/daesh>, accessed September 20, 2022).

disproportionately, the targets are chosen from the soft, civilian ones, the purpose being to determine inaction/action by putting pressure on the decision-makers through harming the populations they represent. Through its actions, DAESH sought to eliminate the leadership actors from the areas it managed to take control of and to devise a maneuver that would have supported the fighting and allowed it to take control of the capitals of Syria and Iraq. The group also wanted to instill fear in the European capitals, in the hope that it would lead to the withdrawal of troops from the conflict zone, under pressure from public opinion and voters.

UN Security Council Resolution 1566 (2004) states that terrorism represents “[...] criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general [...]”¹². Through its actions, DAESH has committed itself to the spread of terrorism, destruction, and intimidation, without seeking to create a functional state entity. It used violence as a goal, not a means, with many followers being prepared for the ultimate sacrifice without it being in the fulfillment of a practical goal.

In all my interactions with Muslims¹³, I have been constantly reminded that Islam is a religion of peace and that DAESH does not represent the Muslim world. Its actions show that the Islamic State not only did not promote peace, but we would argue that these self-proclaimed adherents chose to commit such atrocities exactly because religion had nothing to do with their actual goals – the real reason was control, developing means of control and subdual through the use of Islamic religious concepts, interpreted in a convenient form for the group.

At first, the militants managed to present themselves as defenders of the moral values of Islam, with the aim of arousing admiration; later, they proved to be a group that sought control through fear and violence while suppress any intentions of revolt. Furthermore, when acting against local traditions, they justified any action as springing from the Qur'an or *hadith*, claiming to respect a pure form of Islam, such as that practiced in the time of the Prophet, but in fact, it promoted extremism, radicalism, and alienation from anything related to the modern society, classified as *impure*.

¹² United Nations Security Council, “Resolution 1566”, <https://www.un.org/ruleoflaw/files/n0454282.pdf>, accessed February 7, 2022.

¹³ Work related meetings with Islamic experts, in my capacity as a diplomat in Iraq, between 2013-2016.

The group told a story in which extremists became heroes, in a utopian society that offered the salvation of the soul strictly by performing actions requested by the caliph or his lieutenants. Promoting these concepts helped DAESH attract young people, especially Muslims, who had lived in Western countries for at least a generation and who had felt alienated, and were looking for a purpose, who wanted predictability and to belong to an entity that ensured all their rights, which they wanted because they could not accept the social contract from the countries that had offered them citizenship.

Graeme Wood considers that Turki Mubarak Abdullah Ahmad al-Binali was one of the most important ideologues of DAESH, and that his writings “show indifference to the worldly life of Muslims and infidels alike, hatred of idolatry and so pronounced intellectual stubbornness”¹⁴. What remains constant in all of DAESH’s ideological assessments is the domination of radicalism, extremism, hatred of various issues, including anything that would be considered non- or anti-Islamic, including a stoppage of all activities associated with research and intellectual development. The purpose of such an approach was to prevent any idea contrary to the promoted concepts and perceptions – since other sources of knowledge were considered harmful because they led to the whole current construct becoming unstable.

According to Mark Bourrie, DAESH believed that reintroducing slavery “in the Middle East is contributing to the fulfillment of the apocalyptic prophecies of ISIS. [...] writings say that before the last battle, *the slave will give birth to its master*”¹⁵. After all, slavery had and continues to have an obvious commercial purpose – slaves to be sold, to be used by DAESH members for domestic and sexual activities, to be used as trading currency, etc.

The DAESH broke away from Al Qaeda in Iraq, and its ideological basis which belonged to Abu Musab al-Zarqawi¹⁶. Al-Zarqawi’s main characteristic was his determination – although far from being a theologian, having, in fact, very little knowledge of Islam, he was able to impress strong feelings among his associates. Based on Zarqawi’s guidelines, the group created a fundamentalist framework of operations based on corrupted teaching of Islam, to achieve its immediate goals. Combining manipulation with perseverance and focusing on a clearly defined goal allowed this terrorist organization to perform at unprecedented levels in the post-September 11 world.

¹⁴ Graeme Wood, *The War of the end of Times* (Iași: Polirom, 2019), 65.

¹⁵ Bourrie, *The Killing Game*, 143.

¹⁶ Daniel Byman, *Al Qaeda, the Islamic State, and the Global Jihadist Movement. What Everyone Needs to Know* (Oxford: Oxford University Press, 2015), 66.

Among the leading promoters of Jihad, terrorist groups are based on the ideas promoted by Sayyid Qutb, who stated that “it is the duty of Islam to annihilate all (non-Islamic) systems because they are obstacles to universal freedom”¹⁷. Qutb – the ideologue of Jihad in Afghanistan against the Soviet Union – argued that the political order needed to be an application of the divine system on earth, favoring, in fact, the annulment of all freedom. DAESH supported similar ideas and promoted an ideology that nullified freedoms and allowed the existence and manifestation of human experience strictly within a framework of rules defined or improvised according to the expertise or improvisation of the one applying the rules benefiting from the authority of the Caliphate.

Terrorist groups claiming to derive their ideology from Islam seek to defeat/eliminate Western powers and establish an Islamic state¹⁸, choosing to carry Jihad both on *Dar al-Islam* (the land of Islam) and on *Dar al-Kufr* (the land of the infidels/unfaithful). Sageman’s conclusion was just as relevant 10 years later, when in 2014, DAESH managed to conquer Mosul and declared that it would extend Jihad across the globe, with another stated goal being the conquest of Rome and the Vatican, obviously a goal full of symbolism, not necessarily a strategic location¹⁹. Today, moderate Muslims emphasize that Jihad is an inner struggle against temptations, thoughts that are contrary to the teachings of Islam. Andreescu and Radu reflect that “Jihad can be a struggle with yourself, when a Muslim learns to control his own desires and intentions”²⁰. It is this kind of understanding of Jihad that can assure a community of peaceful coexistence. It is, therefore, important to understand the religious struggle as an inner struggle, the *enemies* being within, not real or imagined from without²¹. In terms of membership, DAESH included Iraqis and Syrians who fought against their alienating governments, foreigners from Central Asia, North Africa, and the Middle East (driven by a desire to take part

¹⁷ Marc Sageman, *Understanding terror networks* (Philadelphia: University of Pennsylvania Press, 2004), 13.

¹⁸ Ibid., 10.

¹⁹ Ibid., 4.

²⁰ Anghel Andreescu and Nicolae, Radu, *Terrorist organizations. Conceptualizing terror vs. European security* (București: Editura MAI, 2007), 51.

²¹ For fanatics, it is difficult to understand that the number of believers has reached a plateau, and the eventual growth of the Muslim population is achieved by multiplying the practitioners. Although converting from other religions can bring new members, it does so in a limited degree, as such, this segment interprets Jihad as an act of territorial conquest, doubled by the forced imposition of their interpretation of Islam.

in Jihad), Muslim and non-Muslim Westerners (searching revenge on a society in which they feel excluded).

III. Reviewing the Links between Al Qaida and DAESH

Terrorist groups, be they Al Qaeda or DAESH use Jihad as a form of reforming Islamic society, so in fact, the enemy is not just Western society²², but the fact that Muslim societies also evolved and modernized over time, which is why the sources for advancement need to be eliminated. Initially, DAESH did not value any form of control over those wishing to fight in Iraq, Syria, or anywhere in the world, as the group's main goal was about obtaining a global status; making it easy to join it (simple affiliation statement, usually also offered recognition) aimed to leave the impression of ubiquity, increasing the level of fear felt by the authorities, but also by the civilian population.

We believe that this approach allowed the group to increase its numbers without taking effective steps for personnel recruitment, without allocating resources, and allowed those interested to adhere to the idea of the Caliphate to join. In order to become an effective member, a recruit had to carry out a terrorist attack or travel to Syria and Iraq and join the fight on the ground. This decentralized growth contributed significantly to the members' morale. The leadership did not feel threatened because it was in control of the Caliphate's center and any member, whether or not they had direct contact with DAESH, listened to the Caliph's requests/orders. Compared to other extremist/terrorist groups, dependent on control, DAESH understood that it did not need to dictate the activity of declared members step by step, but to give them tasks that once completed, promote the interests of the group, even when it did not use resources and was not directly involved in the preparation of attacks or other such actions. This has amplified the group's unpredictability and hampered the work of force structures in preventing attacks, making it more effective in promoting terror.

To properly understand the current Jihad, it is noteworthy to remember a 1998 event that marked a global shift in the way Islamic Jihad developed after Al Qaeda leader, bin Laden declared that the killing of Americans and their allies, military and civilian, is a duty of every Muslim and must be done wherever

²² Ibid., 24.

possible²³. Sageman believes that where fundamentalist radicalization is concerned, “Muslims engage in Jihad because they share a set of norms, values, and worldviews. The creation and figment of these social identities are accomplished through a process of socialization that takes place in mosques, under the guidance of a Salafist imam, who preaches the benefits of global Jihad”²⁴. A number of people are likely to be corrupted and will eventually respond to radical demands from such extremist Salafist imams, but most of the time, experience has shown that no such process takes place (as evidenced by recent analyzes on the terrorists who carried out the attacks). If the individuals who join the Jihad do not suffer from some mental disability, then any action they will take is a voluntary, accepted, thought out, determined act, based on free will.

The clique, family, and friendship relations have stronger roots than when compared to the religious influence taken in isolation, which is why when a militant no longer identifies with a religious ideal, he will continue to take part in the religious war because of the connections that bind him to the idea²⁵. This assessment also applies to the case of DAESH, where fighters were allowed to remain in their home groups because they fought harder to defend their friend, meaning that such close bonds prevailed over group membership. Militants considered themselves special because they felt that they had “freed themselves from self-interest”²⁶, but in fact, they were captive to their own desires about the afterlife as a result of the fight against “unfaithful”, regardless of whether they were killed in action or died by way of suicide. All the actions taken were aimed at ensuring a comfortable life after death, and the essence guiding their motivations was in fact rooted in a selfish endeavor.

As Sageman observes, Bin Laden sought to promote a decentralized Jihad and “developed a system of small, robust and flexible networks”²⁷, the aim being to ensure autonomy, the ability to evolve on the “chimera” system. It is important to note that Bin Laden carefully chose those who became members of an Al Qaeda cell. This *modus operandi* was perfected by DAESH precisely because the purpose was to promote an idea, and, as such, the elimination of a

²³ On Osama Bin Laden's 1998 Fatwa, see Bernard Lewis, “License to Kill: Usama bin Ladin's Declaration of Jihad”, *Foreign Affairs*, November/December 1998, <https://www.foreignaffairs.com/articles/saudi-arabia/1998-11-01/license-kill-usama-bin-ladins-declaration-jihad>, accessed February 15, 2022.

²⁴ Sageman, *Understanding terror networks*, 143.

²⁵ Ibid., 153.

²⁶ Ibid., 155.

²⁷ Ibid., 172.

leader should not mean the disappearance of the entire entity, but the continuation of its actions by other operatives. Such group/cell autonomy and flexibility created major difficulties for government structures to counteract the actions of the Islamic State. The removal of Abu Bakr Al Baghdadi and of Abu Ibrahim Al-Hashimi Al-Qurashi²⁸ (on February 03, 2022) can have a good media impact but do not diminish the operational capacity of the group, in fact, these deaths offer their supporters a martyr, someone to be glorified.

Pasar Sherko points to DAESH's specific approach to changing and adapting its ideology according to the moment:

“In characterizing these aspects of the Islamic State's operational ideology, it is particularly informative to examine statements made by IS leaders themselves. The rhetoric of IS leaders and spokesmen suggests that the Islamic State projects a unique self-image, battlefield perception, and set of criteria for success that differentiate it from similar organizations. Current academic literature on the Islamic State does not adequately address this unique perspective, and it consequently misses a substantial chunk of the organization's thought structure. [...] In this sense, looking forward, it will be necessary to address and understand the Islamic State's ideological practices in order to effectively combat any future resurgence.”²⁹.

I also agree with the notion that DAESH had a flexible, fluid ideology, adapted to the moment, constantly reviewed to control the narrative so that it often came up with statements that allowed a failure to be perceived by supporters as a success (even when the losses, involved loss of territory). However, the DAESH leaders did not seek to convince the public, but their own fighters and supporters. This theory demonstrates the political nature of DAESH's ideology where populist speeches were made with the determined purpose of achieving specific goal-oriented ends. In the same vein, Hassan believes that “the Islamic State's ideology is multifaceted and cannot be traced to one individual, movement, or period”³⁰. He adds that:

²⁸ Barbara Starr et al., “ISIS leader killed in US-led Syria raid, Biden says”, *CNN*, February 3, 2022, <https://edition.cnn.com/2022/02/03/world/syria-us-special-forces-raid-intl-hnk/index.html>, accessed February 15, 2022.

²⁹ Pasar Sherko, “How Islamic State Ideology Contributes to Its Resilience”, *Washington Institute*, July 1, 2021, <https://www.washingtoninstitute.org/policy-analysis/how-islamic-state-ideology-contributes-its-resilience>, accessed February 15, 2022.

³⁰ Hassan Hassan, “The Sectarianism of the Islamic State. Ideological Roots and Political Context”, in *Beyond Sunni and Shia: The Roots of Sectarianism in a Changing Middle East Get access Arrow*, ed. Frederic Wehrey (Oxford: Oxford University Press, 2016), 40.

“The Islamic State presents itself as the representative of authentic Islam as practiced by the early generations of Muslims – Salafism – and it draws on an especially strict brand of Salafism in particular, Wahhabism. The group is adept at cultivating and exploiting preexisting sectarian fissures in the Middle East. The Islamic State taps into communal hatred and religious concepts to recruit and justify its acts, or to foster sympathy and neutralize forces that actively reject it”³¹.

According to Hassan, DAESH uses the argument of the first three generations to claim that it respects an incipient Islam, the purpose of the group being to create division and invent a legitimacy born out of a data void, thus justifying any association of their actions with the way “things were in the days of the prophet”, without being able to present evidence of how things were actually done at that time. This represents a rather safe and uncomplicated way to manipulate, given that the conveyed message cannot be verified. DAESH capitalized on the cleavages in the Middle East but did not amplify them more than they already were – it only channeled them in the direction that maximized the group’s benefits by attracting financial support and activists to fight against the Shiite community.

Katarzyna Jasko et al. argue that “ISIS represents a special case of a radical group born of the conjunction between psychological needs, an ideological narrative, and a networking process”³². According to them:

“Operationally, the ISIS bureaucracy worked in accordance with two intertwined principles: (1) legislative tightness, reinforced by (2) a system of severe punishments that instilled a deep-seated fear in the population under ISIS control, thus forcing compliance with the rules.”³³

This assessment confirms that the purpose of DAESH was to lead and control territories and their inhabitants, and to achieve this goal it took authoritarian measures, applied terror, and borrowed techniques directly from the playbook of former Iraqi Mukhabarat. Where Syria was concerned, it was considered a moderate country with liberal tendencies. At the same time, a percentage of the Syrian population held radical tendencies and the country was “the favorite territory of Hanbalism, the rite of Sunni Islam which is the most conservative

³¹ Ibid, 41.

³² Katarzyna Jasko et al., “ISIS: Its History, Ideology, and Psychology”, in *Handbook of Contemporary Islam and Muslim Lives*, ed. Ronald Lukens-Bull and Mark Woodward (Cham: Springer, 2018), 1090.

³³ Ibid., 1101.

and which has strongly influenced the emergence of Wahhabism”³⁴. On this background, DAESH managed to recruit militants and receive support from locals who sympathized with the implementation of *Sharia*. Such cultural aspects, explain how one of the more secular Middle Eastern become a source of radical Islamic militants.

III.1. Cooperation between DAESH and the Legacy of the Saddamist Period

DAESH’s success was largely based on one of the groups that supported the founding of the entity – Iraqi army personnel, made redundant in 2003, after the removal of Saddam Hussein. Although many military personnel were former Ba’athists, not all former military members identified with the Iraqi Ba’ath Party. Ba’athists and former Iraqi officers, ousted from government structures by the international coalition in 2003, have been the main component of the force that has waged a civil war since 2004, and, as Anderson points out, “the same excluded Sunni groups will join DAESH 10 years later”³⁵. Ba’athism was based on the following features: anti-imperialism, Arab nationalism, Arab socialism, pan-Arabism, republicanism, anti-Zionism, progressivism, and secularism. With the exception of anti-Zionism, the rest of the features of Ba’athism were not aligned (and were possibly even in contradiction) with the basic concepts of the DAESH ideology – which was derived from the *Sharia*. DAESH was not made up exclusively of ideologically affiliated people, nor of ardent supporters of Islam. However, religious elements cooperated with former members of Iraqi structures before 2003 because they benefited from military training, knowledge of the terrain, mass control skills, and had the capacity to instill fear, which could be adapted under the disguise of religious ideology. This shows that DAESH was not an exclusively religious group.

DAESH relied on what Luizard referred to as “a militant and universalist discourse addressing a global community”³⁶, with the goal of overcoming territorial limitations. It is worth mentioning that DAESH capitalized on existing religious and ethnic divisions, between Sunnis and Shiites, as well as between Iraqis and Iranians. This approach attracted militants and radicals, willing to sacrifice, if not for a religious ideal, then for the country or their ethnic identity.

³⁴ Simon Mabon and Stephen Royle, *The origins of ISIS* (London: I.B. Tauris, 2017), 106.

³⁵ Anderson, *Fractured Lands*, 49.

³⁶ Pierre-Jean Luizard, *Capcana DAESH – Statul Islamic sau intoarcerea istoriei / Le piege de Daesh. L’Etat islamique ou le retour de L’Histoire* (Iasi: Polirom, 2016), 35.

Usually, militants become trapped in a social system “without anchors in society and easily fall into a global war between good and evil”³⁷. This aspect is relevant because it creates a *trap effect* – after a person joins a side, it becomes difficult for them to give up, even if later, they become disillusioned, as they do not want to believe they were wrong, that their actions were in fact crimes, and they do not fight to defend an ideal. At the same time, the individual is so immersed in terrorist activities that he is aware that any other authority will hold him accountable, and he would most likely lose his freedom or even his life. After the Iraqi government acted violently against Sunni protesters in 2013 and 2014, Luizard describes how “the emergence of DAESH and the goal of creating a Sunni country”³⁸ was a response to the prayers of the locals. This, then, coagulated around the DAESH communities in Sunni areas, which offered no resistance when the group eliminated or banished Iraqi military forces, thinking that “it could not get any worse”.

To understand DAESH’s ideological basis, it is necessary to review Abu Bakr Al Baghdadi’s development, who joined al-Zarqawi’s group, Tawhid al-Jihad, in 2003, charged with bringing foreign fighters to Iraq. He became the group’s leader in 2010, building on the remnants of Al Qaeda in Iraq, which he renamed as the Islamic State of Iraq³⁹, amid the lack of popularity of the group led by Osama bin Laden. In 2011, he sent fighters to Syria to train, obtain resources, practice combat tactics, and convey various messages: enemies are “the oligarchic and corrupt elites who ruled Syria and Iraq, the Shiites”⁴⁰. Unlike other jihadist leaders, Al Baghdadi had Islamic studies, which gave him authority in interpreting the Qur’an and the *hadith*. He consistently displayed a modest attitude, aiming to reflect that he considered himself equal to his followers – an extremely important aspect in Iraq and Syria, where the dignity of Sunni communities was severely affected by the conflict with the Shiite elements.

It is important to consider that the development of DAESH took place in a favorable regional and international context, characterized by a lack of leadership and a major division of values. Cockburn points out that:

“the great wealth of the Gulf oil states – Saudi Arabia, the United Arab Emirates, Qatar, Kuwait – has turned into political power. [...] The wealth of the Saudis has increased the influence of this intolerant and regressive strain, which

³⁷ Sageman, *Understanding terror networks*, 151.

³⁸ Luizard, *Capcana DAESH*, 87.

³⁹ Loretta Napoleoni, *ISIS – The Terror Nation* (București: Corint, 2015), 35.

⁴⁰ *Ibid.*, 36.

denounces other Islamic sects, such as Shiism, as heretical and considers women forever submissive to men”⁴¹.

In Cockburn’s view, the wealth that has come into the possession of the governments, but also of various business people from these states, though not limited only to them, has created a major funding base for radical segments that support DAESH or similar entities.

IV. Positions of Relevant Religious Authorities Regarding DAESH

DAESH’s attempts to link Islam to its actions have been rejected by the Islamic religious authorities. Saudi Arabia’s Grand Mufti Sheikh Abdul Aziz Al Sheikh stated, in 2014 and 2015, that DAESH and Al Qaeda are “Islam’s number one enemy”⁴², stressing that extremism, militancy, and terrorism are spreading on earth and destroying humanity, unrelated to Islam. The Association of Muslim Scholars in Iraq assessed in 2014 that the actions of DAESH on Christians in Mosul are non-Islamic, contrary to the recommendations of the Prophet Mohammed, regarding the relationship with the “People of the Book” (Christians, Jews)⁴³. Moreover, a summary of over 120 academics and scholars in Islam identified over twenty violations of Islam by DAESH: issuing fatwa (Islamic rules) without following the accepted procedure; the discretionary and selective use of the Qur'an and *hadith*, as well as taking information out of context to explain and motivate the actions of the terrorist group; issuing rules without the correct use of the Arabic language; Sharia oversimplification and ignorance of Islamic science; ignoring the realities of the present; killing the innocent; killing of messengers, emissaries, ambassadors and diplomats, journalists and volunteers; Jihad as defensive, well-motivated war according to Islamic precepts; the Yazidi community is not pagan, but “People of the Book”; the reintroduction of slavery; prohibition of children’s rights; the

⁴¹ Patrick Cockburn, *Chaos & Caliphate: Jihadis and the West in the Struggle for the Middle East* / *Epoca Jihadului – Statul Islamic și marele război pentru Orientul Mijlociu* (Iași: Polirom, 2019), 7.

⁴² Wilson Center, “Muslims Against ISIS Part 1: Clerics & Scholars”, September 24, 2014, <https://www.wilsoncenter.org/article/muslims-against-isis-part-1-clerics-scholars>, accessed February 20, 2022.

⁴³ Ibid.

application of punishments without following the legal procedure; torture of people; declaring the caliphate without the consent of all Muslims⁴⁴.

In other words, before attacking the values of the West, DAESH challenged the entire Islamic establishment, and, as such, the creation of the Caliphate and the Caliph would have annulled the current religious authorities, including those mentioned above, who declared themselves against the group. After analysing the above statements, we conclude that DAESH could not find justification for violent actions based on Islam, instead they warped Islamic content to provide justification for killings, rapes, and other crimes against humanity.

IV.1. Roots and Objectives

Terrorist groups appear and spread in a territory based on a favorable situation. For Al Qaeda, it was the fight against the Soviets in Afghanistan, for DAESH, it was the conflict in Syria and Iraq. In both cases, the groups developed under the breakdown of the rule of law was, when the central and local authorities did not exercise their authority, and/or a conflict was ongoing. DAESH and other radical Islamic groups have used ideas that Western society must be destroyed because it promotes homosexuality, drugs, alcohol, adultery, inappropriate clothing, and access to immoral things. A lack of originality can be noticed, each ideology contradicted the previous one and, often, it was formed in contrast to the concepts of ideology active at that time.

Bourrie considers that “the organisation’s political roots are deeply stuck in the region’s history, based on one hand, the Wahhabi interpretation of Islam and, on the other hand, the ethnic policies of the region”⁴⁵. The Wahhabi interpretation refers to the return of the Islamic religion to its original purity and the unification of all Arabs into one state. Strictly starting from this branch of Islam, DAESH overcame Wahhabism because it was not limited to the Arab population and accepted any ethnicity, anyone could join the group if they respected the new ideology of the group.

Napoleoni reflects on the fact that:

“the main goal of the Islamic State is to become for Sunni Muslims what Israel is to the Jews: a state founded on ancient territory, but claimed today, a strong religious state to protect them wherever they may be. As shocking and repulsive as this comparison may be, it nevertheless represents the strong message sent to young Muslims without rights living in the political chaos created by disruptive

⁴⁴ Ibid.

⁴⁵ Bourrie, *The Killing Game*, 92-93.

factors such as excessive corruption, inequality, and injustice in modern Muslim states, ruthless dictatorship of Bashar al-Assad in Syria, the refusal of the government led by Nouri-al Maliki to integrate Sunnis into the structure of Iraqi political life, ending their persecution by the political machinery in Baghdad, the failure of the socio-economic infrastructure destroyed during the war and the high unemployment rate”⁴⁶.

I agree with the author that DAESH tried to capitalize on these messages to attract young people to fight for a caliphate, but I disagree with the assessment that because these young people were deprived of their rights, they were motivated to join DAESH. After all, DAESH never promised freedom of expression or that it would provide jobs in an environment favorable to personal development, instead it pledged that it would implement *Sharia* and revive societal norms dating from the time when the Prophet lived. According to Napoleoni, young Muslims joined DAESH for the following reasons⁴⁷:

- to avenge their Muslim comrades for the humiliation they endured in the Middle East;
- to build a new political order in the Middle East, a modern state with no racism or sectarian tensions;
- to constitute the caliphate as an integral and incorruptible nation, with a deep sense of brotherhood;
- to experience the adventure of going to military camps.

In addition to the reasons identified above, mainly political in nature, I believe that the young militants joined DAESH because it had become the strongest active group in Iraq and Syria, and it could provide them the conditions for a different experience, while also giving off the impression that it will not be defeated (the appearance of invincibility entails high levels of attraction), and that the group will exist in the territory occupied for a long time.

The use of incentives was one of the most important tools used by the Islamic State to succeed and get its fighters fully involved in accomplishing their goals and amplifying its ideology. Maher points out that “As an idea, Jihad is iridescent and opaque”⁴⁸. This ambiguity allows interested entities to transform the message and build parallel worlds, with roots presumed in Islam, but which no longer follow the established path for the development of society. Instead,

⁴⁶ Napoleoni, *ISIS – The Terror Nation*, 28-29.

⁴⁷ Ibid., 84-85.

⁴⁸ Shiraz Maher, *Salafi – Jihadism: the history of an idea* (London: Hurst&Company, 2016), 32.

they capitalize on the regional and/or local context in order to dominate, eliminate inconvenient groups – all done in the name of Jihad, which can be interpreted in almost any way.

Within DAESH, foreign and local fighters were addicted to psychotropic substances, being susceptible to manipulation, many militants were using drugs before committing suicide attacks, which reflects that, at least, some decisions to carry out terrorist attacks were not made while being of sound mind⁴⁹. Additionally, in locations used by DAESH fighters, Kurdish and Iraqi forces found alcohol which although supposedly banned, it was not eradicated. I have cited these examples in order to underline that the Jihad was not an objective for all DAESH fighters but was rather exploited by the terrorist group to emphasise the piety of its adepts and to attract new members, who believed in piety and wanted to live in a place that strictly adhered to Islamic precepts.

I had the opportunity to talk⁵⁰ to Sunni Arab Iraqi from the Iraqi Army, nationalists and religious alike, who declared themselves against DAESH, although many former Sunni Iraqi soldiers were still active within the terrorist group. What they understand (and former and actual IS leaders do not) is that the conditions of the time when caliphs were gaining territory for Islam do not exist anymore and could hardly be recreated. Currently, the international community could be mobilized much faster than DAESH's expansion capacity, as seen by the fact that when it attacked the Kurds in Syria and Iraq, the move put an end to its expansion. Regarding the reasons that led to the depreciation of DAESH's capabilities, I would put forth the following arguments:

- DAESH did not limit itself to a defined territory in the Sunni Arab territories of Iraq and Syria; meanwhile, the expansionist statements created panic among the regional partners of many militarily strong states such as the USA and the combined force of NATO, Russia, Iran, the Gulf countries;
- the attack on the Kurdistan Region of Iraq and Rojava (Syrian Kurdish-controlled territory inside Syria) led, in turn, to their mobilization against DAESH;

⁴⁹ CBS News, “\$1.4M ISIS cache of “jihadist's drug” seized, U.S. says”, June 18, 2018, <https://www.cbsnews.com/news/jihadists-drug-captagon-seized-isis-syria-us-military-amphetamine-haul/>, accessed March 1, 2022.

⁵⁰ Data obtained as a result of professional activity as a diplomat in Iraq, between 2013-2016.

- currently, the oppressed are migrating, many of those interested in political change in the Middle East, had already abandoned the afflicted countries in search of peace and stability;
- the terrorist attacks in the West have had a limited impact, leading Western security services and armies to commit significant resources to eliminate DAESH⁵¹;
- similarly, attacks on Shiites and other ethnic and religious minorities have led to a major mobilization of Iran and Western states.

V. Conclusions

In the present paper, I set out to assess DAESH's ideology, which I consider to be an essential factor that supported and facilitated the group's actions to recruit militants, obtain funding, and control occupied territories. The results show that DAESH did not promote, nor apply Islam, but was an extremist-radical entity that used the Islamic ideas and concepts in the Qur'an to recruit militants, attract funds, subdue believers, and eliminate rivals under accusations of apostasy. By analysing the literature and identifying the myths promoted by the terrorist group, I could elaborate on ideas and bring counter-arguments to claims that DAESH represented a veritable expression of Islam.

On this note, Syed and Subhani's analysis is relevant since it touches on the idea that "Islam's political principles are highly congruent with constitutional democracy, with agreement on consultation, consensus and the protection of individual rights, the basic ingredients of pluralism and constitutionalism"⁵². DAESH used the name of Islam to create a parallel ideology that fought the very democracies from which a significant number of recruits came. The above-mentioned conclusion deconstructs this position, which aimed exclusively at creating a hermetic ideological environment within which the followers would follow strict rules and orders; would act as mere executioners; would be absolved from the responsibility of decision-making; would be pawns who

⁵¹ Uri Friedman, "\$300,000 an Hour: The Cost of Fighting ISIS", *The Atlantic*, November 12, 2014, <https://www.theatlantic.com/international/archive/2014/11/300000-an-hour-the-cost-of-fighting-isis/382649/>, accessed March 1, 2022.

⁵² Ahmed Muzakkir Syed and Zulqernain Haider Subhani, "Pluralism Constitutionalism and Islamic Political Thought", India International Islamic Academic Conference, New Delhi, 2016, 22, https://www.researchgate.net/publication/315665588_Pluralism_Constitutionalism_and_Islamic_Political_Thought, accessed March 1, 2022.

would blindly obey everything demanded from them by the Calif. This observation is important in combating the ideas promoted by terrorist groups that claim that the fusion of democracy and Islam is not possible, which, in turn, enabled them to seek through forceful means the removal of apostate leaders from Muslim countries.

The group's affirmations according to which it reclaims legitimacy in Islam are proven false, an outright manipulation that seeks to ensure that DAESH has the largest recruitment pool possible within the Sunni Muslim community. For this purpose, it capitalized on a populist rhetoric, created opinion leaders, and maximized ideas such as *we are you, you are us* in order to display openness and humility. From a constructivist point of view, despite promoting a form of chaos, the terrorist group aimed to create order in the image of the ideas formulated by their leaders. It is important to understand that change cannot take place constantly, change is temporary and provides changes to present conditions that no longer meet the needs of the group / society.

But, after the choice to change occurs, the process of change takes place, which might vary in duration, depending on the complexity of the change, after which comes the stabilization of the new norms and the stability of the new form of organization. The change promised in order to end the state of anarchy is not as extensive as a member of the community would expect, because stratification occurs, each individual who appears will assume a role and a certain organization, which to a significant extent will not be different from the previous one.

Taking into consideration military realism, after forming through war as an entity on a controlled territory / pseudo-state / ghost-state, in fact, DAESH continued in the same logic of war, being constantly on the offensive to conquer new territories, or on the defensive to defend controlled territories. This type of organization is an exhausting one, although it is as current today as in 1979, when Waltz wrote the book *Theory of International Politics*.

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