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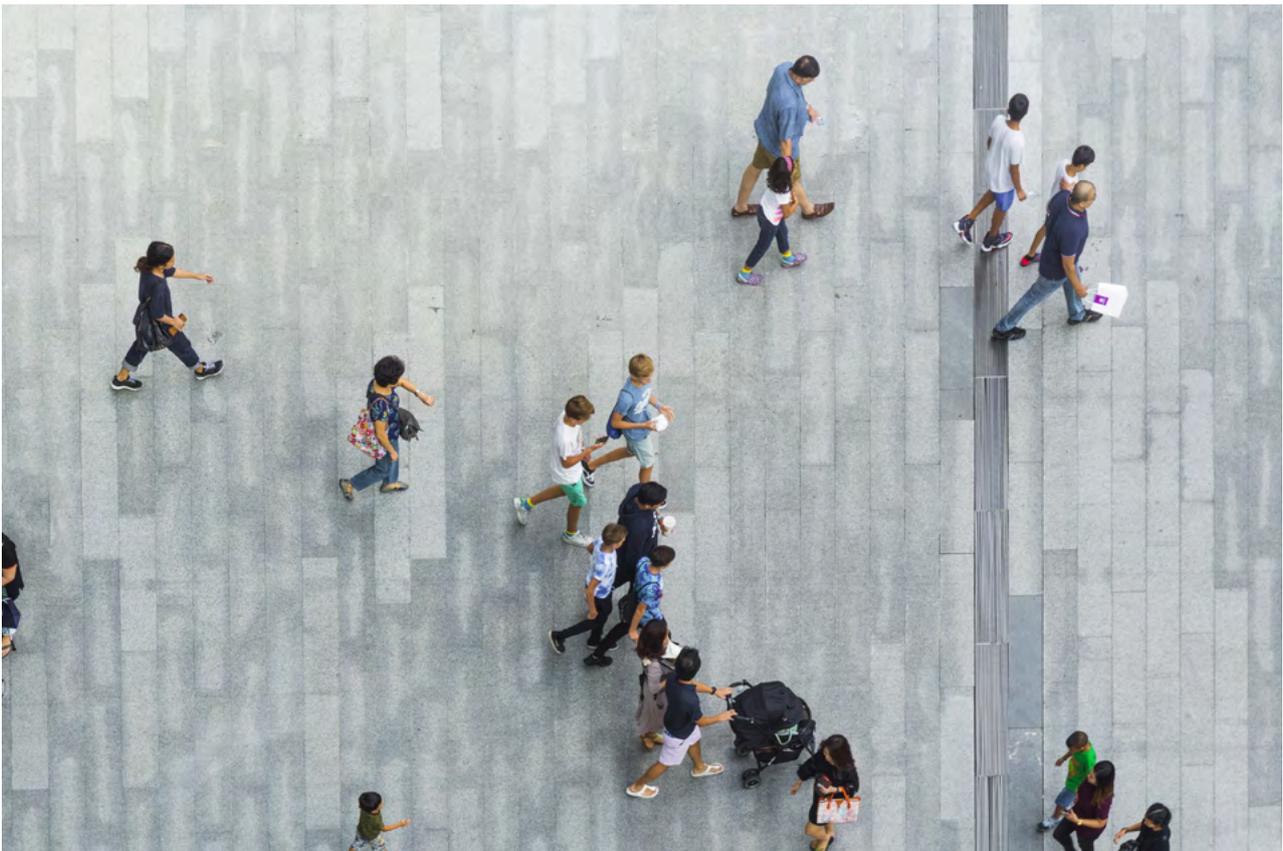
Scholars' Policy Papers

Views of young professionals on current challenges

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For a few years now, the Greece and Cyprus Office of the Konrad-Adenauer Foundation invests in the future of youth by offering scholarships to Greek and Cypriot postgraduate students and researchers, who are committed and motivated, share our social values and actively support the Rule of Law and Human Rights. At the same time, we organize Seminars and Workshops with experts addressed exclusively to our scholarship holders aiming at their further enhancement of competences, knowledge and networking.

The KAS Greece and Cyprus Scholars' Policy Papers enrich our Scholarship Programme by offering our scholars the opportunity to share their expertise in the fields of international relations, politics, economy and social affairs. The views expressed belong solely to the writers and do not bind our Office.

Our third volume entails four essays on a variety of topics: The end of the Conference on the Future of Europe and its potential impact on the institutional evolution of the Union is being analyzed by our first scholar. Another scholar sheds light on the emerging issue of financial technology and its regulation needs, whereas the third text is focusing on the topic of surveillance tactics and the notion of privacy in China, in light of the Covid-19 pandemic. Last but not least, an interesting aspect of the impact of the war in Ukraine on Greece: how does the provision of military support to Ukraine affect the dynamics of the Greek-German relations.

KAS Greece/Cyprus supports the new generation in Greece and Cyprus and thus contributes to our common European future.

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Conference on the Future of Europe: The Road to the Grand Bargain

Savvas Papadopoulos

The current policy paper examines the impact of the Conference on the Future of Europe. A review of the conference and the outcomes shall be presented. Is the Conference going to provoke radical changes in the EU? Should the Treaty Change be on the European agenda? These are some of the questions that shall be addressed by focusing on the debate of Treaty changes. The aim is the formation of possible policies that the European Union should adopt based on the current reality.

Introduction

The promise of the Conference on the Future of Europe was a change, according to the opening speech of the president of the European Commission who outlined “things have to change fundamentally”. The idea behind the conference was a direct and structured deliberation process

with the spotlight on the voice of the European citizens. One year later, the citizens delivered 49 proposals to the Three European Institutions, the European Commission, the European Parliament and the Council.

The success of the citizens’ participation and the proposals that derived from this process

triggered a domino effect. The basic challenge for the Union was whether it would proceed with the implementation of the proposals. An important number of the proposed measures require a revision of the Treaties. However, the successive crises, the gradual rise of nationalism and Euroscepticism, as well as the difficulty in achieving compromises and consensus on critical issues, raised a crucial question: Is the Union ready for this?

Background

The European Union has been perceived by its citizens as a technocratic, distant and alienated entity. The Democratic deficit is the argument of those who oppose the European Project, while for some this is the reason behind the Union's unpopularity among its citizens. During the presidency of Jean Claude Juncker, a burning discussion broke out, and an institutional debate began on what should be the Future of Europe. The President of the European Commission, Ursula Von der Leyen, chose to let the European Demos reach a decision, launching a process in which citizens could participate directly in a structured, open and inclusive dialogue.

Reviewing the result, undoubtedly the Conference was the largest exercise of participatory democracy, a process that the European Project has never experienced before to such an extent. The structured deliberation procedure lasted one year, giving voice to citizens' ideas and views on nine topics¹. The aim was to provide citizens with a platform where they could propose and synthesize a series of proposals that could be formed through regulated deliberations.

Treaty change

During the French Presidency of the Council², the proposals and measures from the Conference were analysed, providing a first roadmap for their implementation, whilst at the same time it was examined if each proposal requires a treaty change. In terms of the EU involvement in Health systems, the education agenda of the member states, the function of the European Democracy, a Treaty change seems the only solution.

Thirteen member states published an open letter³ sharing their concerns about the Treaty change under the current conditions, outlining that the Conference on the Future of Europe was successful, and most proposals could be used in the framework of the existed treaties. The interesting part of the non-paper was the use of the term "instrumentalization" for a number of proposals in favor of some institutions, as well as the term "premature attempts" characterizing any process towards Treaty changes.

Almost at the same time, the six founding EU member states published an answer⁴ to the "concerns" of the thirteen, underlining the importance of a timescale and receptiveness to the implementation of the proposals, even if it requires an amendment on the Treaty. The six established a framework according to which the proposals should be examined and laid emphasis on the need of a European consensus on the topics that demand amendments.

On May 9th, during the closing ceremony of the Conference, the European Commission, the Council and the European Parliament presented their positions. Representing the Council, Emmanuel Macron, the president of the European

¹ Climate change and the environment, Health, a stronger economy, social justice and jobs, EU in the world, Values and rights, rule of law, security, Digital transformation, European democracy, Migration Education, culture, youth and sport

² General Secretariat of the Council. (2022, June). Conference on the Future of Europe - Proposals and related specific measures contained in the report on the final outcome of the Conference on the Future of Europe: Preliminary technical assessment. <https://data.consilium.europa.eu/doc/document/ST-10033-2022-ADD-1/en/pdf>

³ Non-paper by Bulgaria, Croatia, the Czech Republic, Denmark, Estonia, Finland, Latvia, Lithuania, Malta, Poland, Romania, Slovenia, and Sweden on the outcome of and follow-up to the Conference on the Future of Europe. (2022, May 9). Regeringskansliet. <https://www.government.se/information-material/2022/05/non-paper-by-bulgaria-croatia-the-czech-republic-denmark-estonia-finland-latvia-lithuania-malta-poland-romania-slovenia-and-sweden/>

⁴ Alberto Alemanno on. (2022, May 18). [Tweet]. Twitter. <https://twitter.com/alemannoEU/status/1526922932970262528>

Commission Ursula von Der Leyen, and Roberta Metsola of the European Parliament declared their support for a Treaty Change encouraging the EU member states to launch the convention. Towards this direction, the Parliament proceeded to a voting procedure.

At the European Council's summit⁵ (23 June 2022), the proposals of the Conference were on the agenda. The announcement of the European Council supported the procedure and promoted the follow-up actions by the institution and the citizens. The lack of an essential decision of the European Council regarding the Treaty Change proves that the Institution will seek consensus among the member states. Abolishing the unanimity rule is the main reason behind the reaction of the thirteen. The right to veto is the bargaining power of the small and less powerful states that guarantee the satisfaction of their interests. The primary fear is that the Union will operate completely under the Franco-German leadership and interests.

Recommendation

There are different voices regarding the pathways that the Union must follow. The argument "do not rush" a Treaty Change seems to be strong. As the non-paper of the thirteen countries points out, the aim of the conference was never the change of the Treaties. Many measures and much improvement could be implemented under the existing framework without any Convention.

Europe was proven capable of dealing with the challenges of the last decade through innovative ways and reinventing itself in each crisis, becoming a cornerstone for the prosperity of the Continent. Most of the proposals are already starting to be implemented by the European Commission, while others are going to be introduced gradually. The reaction of the thirteen

provokes difficulties regarding the discussion on Treaty Changes. Under normal circumstances, their objection seems rational. As already mentioned, the Union managed to handle crises, whilst amendments, such as on the unanimity rule, could be perceived as an immature and irrational decision. Even though, the Convention could be easily initiated, there are doubts if the final Agreement could lead all EU member states to a consensus.



But the war in Ukraine changed everything. The agreement of the European Council to grant the candidate status to Ukraine and Moldova has raised concerns. The basic debate is whether the Union could bear the integration of new members and at the same time face the challenges. Could the Union fulfill the promise for prosperity and stability for both, new member states and the old ones under the existing form?

The potential acquisition of membership status by Ukraine, Moldova and the Western Balkans creates skepticism about Europe's capabilities. The enlargement of the Union during the '00s led the decision-making process to constant and difficult negotiations in order to acquire

⁵ European Council conclusions on Wider Europe and the Conference on the Future of Europe, 23 June 2022. (2022, June 24). European Council. <https://www.consilium.europa.eu/en/press/press-releases/2022/06/24/european-council-conclusions-on-wider-europe-and-the-conference-on-the-future-of-europe-23-june-2022/>

consensus and compromises. The former German Chancellor Angela Merkel acknowledged the issues of the current Treaty and the dysfunction that it created. On that basis, the current German Chancellor Olaf Scholtz and the French President Emanuel Macron support and encourage EU reform.



In the coming years, hopefully, some countries will acquire membership status. The question that arises is what Europe will be like and how the Union will move forward and operate. Any enlargement must proceed only upon a structured and focused revision of the Treaty. Otherwise, the enlargement without Treaty changes would lead to a dysfunctional Union with long periods of instability. A short-term viable alternative could be the cancellation of the EU enlargement process, which however would be a disastrous option for the region geopolitically, provoking a geostrategic gap which powers like China and Russia could exploit.

The era of crisis is a call for a stronger and more effective Union that guarantees peace and stability in the continent. The conference never aimed at a treaty change; however, it should not reject a change, if required. Member-states must agree on specific amendments, while the larger states need to provide guarantees that the concerns of the smaller states will be heard.

The Union needs to be empowered, without risking the progress that has already been made. Proposals improving the European Democracy must be implemented leading to a more inclusive participatory Union. The pandemic proved that the Union must be able to intervene and coordinate the Healthcare systems of the member states, and act decisively to bridge the education gaps and reinforce the future generation. The conference is the opportunity to legitimize a Convention and grasp the momentum for a real change. The Union must become more flexible and ready to respond to the twenty-first-century challenges.

Conclusion

"Europe will be forged in crises and will be the sum of the solutions adopted for those crises" is Jean Monnet's quote that echoes around the European Union in the last decade. Every crisis reformed and redefined the Union. The conference on the Future of Europe was an experiment and exercise of large-scale participatory democracy, in which the European citizens were engaged and co-shaped their vision for the Union of the 21st century. Citizens want a European Union that is democratic, open, sovereign, and decisive in the region and the world. The conference formed a framework in which the Union could become strategically independent and sovereign by introducing the Union's involvement in a series of sectors, such as the European joint defense, Education and health systems, as well as by enhancing EU existing activities. Now, is the time for the Union to act, because "standing still is falling back", as the president of the European Commission Ursula Von Der Leyen stated.

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Fintech and Emerging Law issues in Greece and the EU

Ioanna Christakopoulou

Introduction

Nowadays, technology plays a vital role in our lives. Could any of us imagine how our routines would be without all these forms of convenience and especially the internet? As a result, new types of transactions emerge. In the recent past, e-commerce used to be the trend. Who would have guessed a few years ago that it would be possible to transfer data anywhere in the world or buy various products from abroad at our convenience? It could be argued that our new trend has been founded on fintech. Most of us have definitely heard of this term at least once, but what is it really about? It is defined as technologically enabled financial innovations that could lead to new business

models, applications, processes or products that have a significant impact on financial markets and institutions and on the provision of financial services. Undoubtedly, there are several benefits for the consumers, such as the capacity to earn money by investing in such assets through applications and increase their net worth within seconds¹. However, as it usually happens with such phenomena, take start-ups for example, there are unregulated areas in the EU law and thus new risks. Keep in mind, that the higher the upcoming profit the higher the exposure to risk. This situation led regulators to devise new strategies to face the new challenges. Consequently, Fintech is very high on their agenda of interest².



¹ Christakopoulou, Central banks and digital currencies, source: https://www.offlinepost.gr/2022/03/15/kentrikes-trapezes-kai-psifiakonomismata/?fbclid=IwAR3kBJSSUhSVQYlpZs_9gcs4G2b7bi4xnL17Hro7J7DBzs2NUZZAfLM4BV0 (last seen on 30/6/2022)

² C. Gortsos, from his speech on the International conference on "Fintech regulation and the licensing principle", 30/6/2022, Lisbon, Portugal

Regulatory field

It is mainly subject to the provisions of administrative law, but this does not undermine the existing interaction with private law. For instance, we have the MiFID directives and apart from that, it could be inferred that a legal supervisory relationship is established as each member state has its own supervisory authorities. In Greece, for instance, there is the Hellenic Capital Market Commission and the Bank of Greece, in the case of credit institutions³. However, this does not negate the right of investors to have concurrent claims private law for the recovery of damages on the basis of the provisions of Article 330 of the Civil Code for the breach of the contractual obligations of the investment firms, or Article 914, if the conditions of tort-delic are met, thereby conferring a right to compensation⁴.

Furthermore, we also need to take into account the licensing principle due to the fact that it plays a major role in Fintech, as without it, the services of this type remain unregulated, which could pose a threat to both capital markets and the consumers. It should also be mentioned that capital markets law and banking law seem to be identical but there is a major difference. The first one includes, as we have seen, more players while the second one focuses predominantly on the bank itself which is why capital markets law seems to be more suitable for Fintech. What should be done in our case is to make sure that all the capital markets players are regulated, as emerging market organisations are often not supervised. In fact, after the 2008 inflation, more specifically since 2010, a gradual move of supervision is observed at the EU (for example, credit rating agency by the ESMA, the SSM-euro area plus, supervision of the insurance investment firms on a national level etc); as a

result an asymmetry is noticed in supervision (which should be mitigated in the near future to avoid conflicts as in the Weiß case⁵); on the one hand, there is supervision on the central level, in the EU, while on the other, the supervision is on a national level where not all Member States fully and equally comply with Directives, Policies and Regulations⁶.



Licensing principle and fintech regulation

Generally speaking, the capital market regulator considers Fintech as an innovation just like abacus 9,000 years ago. In fact, Capital markets are based on innovation leading a player either to become rich or just fail. Fintech is considered a form of digitalization given that it is comprised of the same characteristics, namely the use of technology with all its risks in order to avoid bureaucracy. However, Fintech should neither be underestimated nor overestimated as it is at the same time too small to care, too large to ignore and too big to fail. Therefore, there are many demands related to it, such as: Client/consumer protection, sustainability, market integrity, systemic risk prevention etc, leading to the conclusion that regulation is costly and, if possible, better to be

³ D. Liappis, Investor Compensation and Capital Market Law, 2012, p. 58

⁴ G. Dellios, Liability from investment advice - in particular the status of the investor as a consumer, p. 1

⁵ E. Voglis, Methodological examination of the foundations of the BVerfG decision on the PSPP

⁶ C. Gortsos, from his speech on the International conference on "Fintech regulation and the licensing principle", 30/6/2022, Lisbon, Portugal

avoided.. Take the coin offerings at the end of 2017 as an example. Experts wanted to avoid regulation so they did not provide prospectuses to the investors that balance information asymmetry, leaving them exposed to unknown hazards.

comply and formulate prudential rules at high level of scrutiny as investor protection is the key to the licensing principle for the protection of the market and the growth of the economy.

On the other hand, according to the approach of the banking regulator, the system changes are not standardized based on the treatment of the clients by the companies (see digitalization as an example, where the means, such as IT systems, are not always adequate and that signifies higher exposure to danger), because they tend to outsource and use these means in an aggressive way. As a result, these changes should be approached in a very careful manner. It goes without saying that these regulatory changes might not be always good and this is why, according to the ECB, the authorization is a decisive moment for the institution, the consumers and supervisor. In fact, it is widely accepted that we need to emphasize on the institution and know its activities and exactly what it does in depth. This model forces the institutions to provide useful information which could prevent malicious actions and thus the supervisor is not obliged to change the nature of the institution. On the other hand, the supervisory approach proposed by the ECB in the guide for Fintech, there are no exclusive provisions in terms of risk, management control and supervision, thus it could be inferred that a conservative supervisory model is being used. Special factors, such as cyber risks, adequate IT knowledge and activities such as the IT scoring seem to play a vital role while using this type of data in modern regulation. Under these circumstances, supervisory knowledge should be cultivated as well due to the fact that regulators need to keep the pace with development adaptation and comply with legal principles in order to maintain balance in the market and also to protect the investing public⁷.



Apparently, the pace has to be kept no matter how fast things change in this field or how costly it would be due to the “lack of regulatory fitness”. Besides, licensing is the entry gate of supervision and without knowing the exact field of action, the licensing act cannot proceed. Furthermore, daily temptations, such as misleading congratulatory messages that actually make no sense in finance, need to be confronted. We should always remember the fundamental law of finance according to which a trade always has a cost which is not a problem when no one gets hurt. Consequently, the main Fintech concerns are three: Customer/client /investor protection, enforcement of public interest and competitive imbalance that could be addressed with the MiFID and MiCA Directives. Last but not least, it is paradoxical to demand more from banks just because of their nature; entities should be addressed in the same way; and in cryptoassets, the licensing principle has to be strengthened along with supervision. It must be made sure that one player does not jeopardize the system. Entities and individuals should

⁷ L. Barroso, from his speech in the International Conference on “Fintech regulation and the licensing principle”, 30/6/2022, Lisbon, Portugal

Fintech regulation in Greece

The Bank of Greece was in the vortex of events and this was the reason why in June 2021, it proceeded to the establishment of the so-called Protected Regulatory Environment (for short "Environment") which is part of the supervisory responsibilities of the BoG, while the terms and conditions of operation of the Environment are regulated by the of the BoG Executive Committee No. 189/1 / 14.05.2021. It is pointed out that the credit institutions that are already under this regime can, upon their own request, include any new products in the "Environment". In short, this is a regulatory regime which leaves room for financial engineering companies (FinTechs) on the one hand to act within a framework which can test their innovative proposals on a small scale for a given period of time under the guidance and in direct cooperation with the BoG, and on the other, to meet the criteria that the Bank itself has set.

To sum up, we note that the measures taken by the BoG in view of the storm of developments are considered particularly relevant and accurate in dealing with malicious behavior in transactions with digital currencies. It is worth noting that Greece was the ninth country in the EU which took drastic measures to deal with such phenomena. Of course, it should be assumed that the road is still long but not difficult and the landscape could be clarified years later by taking new measures such as the cross-border extension of the "Environment", the temporary - trial period of licensing of participants, but also the development of a Protected Regulatory Environment (digital sandbox), i.e., a platform that will provide participants with synthetic data in which they can do their tests⁸.

⁸ V. Babis, Fintech and The Bank of Greece, Source: <https://lawyermagazine.gr/xrimatooikononiki-kainotomia-kai-trapeza-tis-elladas/?fbclid=IwAR1gpHRrpEZa63M8U6QN7WNCn311RSboBxoERMfRU-esBlz-eOZUTQ0kA-A> (last seen on 30/6/2022)

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China as a surveillance state in its fight against COVID-19

Nefeli Vidaki

Introduction

Undoubtedly, powers outside the liberal world have experienced the emergence of digitalized communication networks as a threat to their long-existing political systems. Among them, China was the first country to respond by propagating and enhancing its idea of cyber sovereignty. Under the notion of digital sovereignty, China seems to realize the combination of uncontrolled data collection and its territorial restriction. Given the absence of domestic public resistance, the Chinese regime adopted such practices long before the

outburst of the COVID-19 virus, being recognized worldwide as a surveillance state. The pandemic, apart from being a threat to human health, revealed the serious threats to privacy posed by the massive exploitation of surveillance technology by an authoritarian state. The handover of personal data to the state for anti-pandemic purposes has largely contributed to a mitigation of the effects of the virus. Nevertheless, it has simultaneously given rise to a new kind of “health panopticon”, compared to which the Orwellian dystopia seems more like a blessing.



Chinese COVID-19 Surveillance System

To begin with, state surveillance involves “the monitoring, collecting, and/or processing of personal data by a government”. There are numerous ways in which surveillance technology has been used to battle the highly infectious disease. Differentiations can be observed among Chinese provinces. However, a common extensive and invasive pattern is applied by all of them including a variety of surveillance systems, indicatively but without limitation, drones, CCTV cameras, mobile applications, barcodes and geospatial information.

One of the most prominent tools, which was applied at first in the Zhejiang Province, but was gradually adopted at a larger scale by other regions in China and later by the majority of the Western states, was the health QR code. It counted as a digital entry pass in and out of either residential compounds or public places. In form of a smartphone app, widely used by Chinese citizens with smartphones, this QR code system was based on the gathering of information uploaded by the citizens on their profiles. Each individual ought to monitor, record their temperature and update their profile on a daily basis so that they could maintain their health status level. At the same time, as the code system had access to their traffic and location data, it totally integrated one’s travel history. Those codes were established for all the city residents and anyone wishing to enter the area, and the different colours meant a different health status. The green-coloured code allowed the individuals, residents and foreigners to move freely. The yellow-coloured code required a seven-day self-quarantine, whereas the red-coloured code demanded a 14-day self-quarantine. The latter ones turned green after the passing of the quarantine period.

The adoption of a single measure, no matter its aggressiveness, would be proven inadequate in the fight against the pandemic. On the contrary, the expansion of the already-existing surveillance system would tackle the health issues far more effectively. This is why, a database of people who have been tested positive was created, linked with a close contact detector able to detect possible related contaminations.

In the field of identification and isolation of potential patients and virus carriers, law-enforcement authorities along with health-care workers were given access to geo-spatial information. It has been stated that a virtual “electronic fence” aiming at tracking the location of those in home quarantine was created. CCTV cameras, equipped with facial and, some of them, voice recognition technologies, and drones were in position to spot citizens who did not follow the sanitary measures, identify and scold them. It is unknown whether their data were further stored or used in any particular way. Even ordinary people constituted part of the surveillance mechanism, leading to “snitch reports” that were monetarily awarded.

Chinese Notion of Privacy

During the pandemic era and taking into account the aforementioned techniques, an unprecedented use and reliance on surveillance by the Chinese government is observed. Moreover, the Chinese public seemed to be obedient, comfortable or at least tolerant with this privacy-threatening virus-tracking policies. Their stance can be explained by a brief analysis of the dominant perception, historical and social, of governance, privacy and technology.

In accordance to Confucian values, the Chinese have adopted a rather paternalistic, “guardian” model of governance, which enjoys public trust

and support. As a result, any intervention in matters of the civil society by the executive power, if applied for the sake of social benefit, is welcome by a large number of the public, even if it means the exercise of discretionary power in policy-making. The public assesses governance capacity in terms of the outcomes, an approach that is quite obvious when it comes to unpredictable public emergencies.



The acceptance of such a widespread use of surveillance techniques does not lie only on the regime type, but is closely associated with the communitarian tradition, that prevails in the East Asian region, with less concern over individual rights. In this philosophical structure, the societal interest and common good outweighs the personal one. Collectivism, public mobilization and an inherited lack of notion of individual rights are praised as an expression of selflessness and constant devotion to the interests of the majority. Privacy, which entails the right of the individuals to be left alone to live their lives without the interference of any third party is not confronted as a compatible value with the dominant ones in the Chinese societal framework. Consequently, it is overlooked or sacrificed on the altar of successful combat with the enemies of the community, sanitary or not.

Related to this debate is the “social meaning” of technology in China. The need of modernization of China, which emerged in the mid of the 19th century and grew after the Sino-Japanese War of 1894–1895, meant the strengthening of a positive attitude towards science and industrial technology. Faith for a nation-building movement and national rejuvenation was put in both of these sectors. This transition to modernity led to the prioritization and glorification of technology as an incomparable productive force. The political rhetoric, which praised China as a self-reliant technological power, developed in the previous decades and shaped a common positive relationship between users and technological companies and their products, which is characterized by trust, admiration and support.

All in all, the deification of technology, willingness to suppress individual needs for the common good and the paternalistic type of governance, following the long-existing societal norms and values, explain why privacy concerns in case of exploitation of massive surveillance technology are underestimated by Chinese people. It constitutes a crucial point of cultural diversification from the larger part of the Western World and is indicative of any legal or political differentiation.

Surveillance and Privacy Challenges

Thus, this degradation of the right to private life in China for the “sacred” purpose of public health does not come without a price. In light of the constant technological advance, the establishment of artificial intelligence and devices based upon it, the deployment of non-transparent surveillance methods will become easier in the near future. Furthermore, there is no guarantee how these techniques are going

to be employed or for which specific purposes, when the fight against the pandemic comes completely to an end. The expression of these future concerns or challenges at this point is more crucial than ever.

Surveillance mechanisms give birth to a huge collection of data, interpreted as information, interpreted as knowledge. The regime is the owner of this kind of knowledge, which gives it in return a great deal of power over its people, who are transformed from citizens into subordinates. This great power imbalance may pave the way towards authoritarianism and populism, and threaten freedom, democratic procedures and human rights. It is quite possible that the Chinese government might come up with excuses in the future to extend its tracking policy for political reasons, by keeping for example an eye on political dissidents. In addition, specific groups could be targeted and discriminated against. The danger is evident in the case of ethnic minorities such as the Uighurs, whose DNA and facial images have at a large scale already been collected for unspecified reasons.

According to the regulations protecting personal data in China, operators of telecommunication services cannot easily or do not wish most of the times to reject the government's demand for personal information. They are not independent from the state authorities responsible for tracing and exposing the misuse of private data or the breach of privacy. The collection, analysis, storage and use of data, personal and non, are at the state's mercy.

The unchallenged acceptance of surveillance by the Chinese people can also be proved disastrous. The continuation of collection of their data without consent or knowledge leaves no exit for them to opt out, to log out, to withdraw to their private sphere and safe environment. On the other hand, their lives, their choices become transparent, naked as Agamben might have said, or even not theirs at all.

Concluding Remarks

To conclude, the protection of privacy has been portrayed as one of the most serious victims of COVID-19. Without doubt, this had been the case in China, which made excessive usage of surveillance tools to confront successfully the sanitary health. The intentions were good, sincere and reasoned, taking into consideration the faith of Chinese people to technology and the political regime and their willingness to contribute to the good they reckon to be more vital, but the threats of democracy, freedom, self-determination in a surveillance state remain and expand. The system could be proven beneficial for the quick and effective confrontation of emergencies, but it should be applied with a regulatory framework that would prevent the violation of human rights or any abusive or arbitrary practices on behalf of the state. Surveillance technologies could be a blessing or a curse. It remains to be seen how they will be further utilized and how people will respond to the dangers they will pose.

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Military Aid for Ukraine - The Greek-German "Ring Swap" as a Political Issue

Christoph Walter

A Russian war of aggression has been raging in Ukraine since February 2022. Since then, NATO countries have been supporting Ukraine more strongly than ever, including militarily. Part of this assistance are the so-called ring swaps. This article examines the example of the planned ring swap between Greece and Germany and the possible problems that may arise. It appears that the ring swap is misused as a political tool and alienated from its original purpose. This is done by the participating states pursuing their own interests and reveals the problems of European cohesion which itself leads to disadvantages for Ukraine in the war against Russia.

Introduction

Since the beginning of the Russian war of aggression against Ukraine, the issue has dominated the societal and political discourse in Europe and the world. Part of the West's aid to Ukraine is the delivery of military equipment, which is replaced by similar material from other

allied states. This paper will first present the background behind this so-called ring swap - a specifically German phenomenon -, then examine the practical example of a ring swap between Greece and Germany, and finally analyze what the findings mean before placing them in the larger context in the concluding section.

Background

The war between Russia and Ukraine, which has been going on since 24 February 2022, has brought many challenges. Due to the Russian attack and the enormous suffering of the Ukrainian civilian population as well as the severe destruction of the country, the question of aid for Ukraine was on the agenda from day one of the war. In addition to large sanction packages from the EU and a variety of private initiatives, military support was also considered even before the war began, although Germany embarrassed itself by supplying only 3,000 helmets and by its strict policy of not supplying weapons to crisis areas.¹

After the war began, arms deliveries to Ukraine were planned and facilitated by many NATO countries. In addition to bilateral agreements with Ukraine, a new term came into the public domain: the ring swap. The idea behind this is the delivery of military equipment of the same design to Ukraine so that the weapons can be used immediately and without the need for prior training. Since Ukraine, as a former Soviet republic, has stocks from the production of the former USSR, only countries of the former Eastern bloc were considered as suppliers of similar weapons for the most part, but also other countries with weapons from the Soviet Union that did not belong to the Eastern bloc, such as Greece, which has BMP-1-type tanks.²

In order to replenish the arsenals of the donor countries, some of which are themselves exposed to Russian aggression, military stocks from other partner countries are made available for the weapons supplied. For example, for the "T-72"

tanks going to Ukraine from Slovenia, "Fuchs" tanks were to be supplied by Germany.³

Practical example: the ring swap between Greece and Germany

In the context of a meeting of the Greek Prime Minister Kyriakos Mitsotakis and the German Chancellor Olaf Scholz in Brussels, the two heads of government agreed that the Greek army would provide Ukraine with 100 of its Soviet-made BMP-1 tanks and that Germany would supply Greece with 50 "Marder" tanks in return.⁴ The details were to be negotiated bilaterally between the two defence ministries. The Greek tanks were delivered to Greece from GDR stocks after the German reunification.⁵

Shortly after Olaf Scholz announced the deal to the international press, the surprise on the Greek side became apparent: the deal had not been made public in Greece, much to the criticism of the opposition.⁶ The opposition demanded at least that the parliament be informed about arms deliveries that had been made or were planned. The background to the reaction is Greece's traditional ties with Russia - especially because of religion - which has also led the Greeks so far to provide mostly only humanitarian aid. Deliveries other than the Kalashnikovs sent, e.g. anti-aircraft missile systems of Soviet manufacture, have so far been refused by Greece with reference to their further necessity - also in view of the threats from Turkey.⁷

¹ Kiani-Kreß, R. & Biederbeck-Ketterer, M. (2022), „Warum Deutschland seine Helme behalten kann“, Wirtschaftswoche, Feb. 4th, 2022, <https://www.wiwo.de/politik/deutschland/ukrainekrise-warum-deutschland-seine-helme-behalten-kann-/28039260.html> last accessed Jun. 14th, 2022.

² Without author (2022a), „Deutschland plant Ringtausch mit Griechenland“, Tagesschau, May 31st, 2022, <https://www.tagesschau.de/inland/deutschland-griechenland-ringtausch-101.html> last accessed Jun. 10th, 2022.

³ Without author (2022b), „Panzer für die Ukraine: So soll der "Waffen-Ringtausch" funktionieren“, ZDFheute, Apr. 21st, 2022, <https://www.zdf.de/nachrichten/politik/waffenlieferung-ringtausch-lambrecht-ukraine-krieg-russland-100.html> last accessed Jun. 10th, 2022.

⁴ Without author (2022a+c).

⁵ Without author (2022a+c).

⁶ Hübel, E. (2022), „Ringtausch mit Rüstungsgütern zwischen Griechenland, Deutschland und der Ukraine“, Griechenland-Zeitung, Jun. 2nd, 2022, <https://www.griechenland.net/nachrichten/politik/31321-ringtausch-mit-r%C3%BCstungsg%C3%BCtern-zwischen-griechenland-deutschland-und-der-ukraine>, last accessed Jun. 10th, 2022.

⁷ Nedos, V. (2022), „Greece will not send Soviet-era missile systems to Ukraine“, eKathimerini, Mar. 17th, 2022, <https://www.ekathimerini.com/news/1180007/greece-will-not-send-soviet-era-missile-systems-to-ukraine/>, last accessed Jun. 20th, 2022.

Moreover, a first problem with the delivery became apparent: the "BMP-1" tanks are to be handed over only after all the "Marder" tanks delivered as replacements have been handed over and put into service.⁸ This effectively means a postponement of the delivery of the Greek tanks to Ukraine until autumn or winter 2022, as the tanks first have to be made operational by defence contractor Rheinmetall in Germany, then delivered, tested by the Greek military, repainted and then shipped to their places of use on various Greek islands.⁹

Based on this fact, the question arises as to why the ring swap was carried out in this particular constellation. A similar ring swap offer with tanks of the same type in the possession of the Bulgarian military was rejected by Germany shortly after the start of the war, even though the tanks could have been delivered to Ukraine much faster.¹⁰ Because of this, no Bulgarian tanks have reached Ukraine so far - also due to conflicts within the country's government, which is composed of both pro-Western and pro-Russian forces.

Critics also argue that the current ring swap offer is only intended to prevent the direct delivery of the "Marder" tanks from Germany, or more precisely manufacturer Rheinmetall, to Ukraine so as not to provoke Russia.¹¹ An export application by Rheinmetall to Ukraine from April has not yet been approved by the German authorities.¹²

Another point of criticism is the lack of communication: Ukraine's ambassador in Germany, Andrij Melnyk expressed on Twitter that nobody had asked Ukraine "whether we even need the old stuff".¹³

Among other things, he is alluding to the fact that the "BMP-1" tanks from the 1960s are hardly suitable for a modern war and already proved to be very inadequate in the Yom Kippur War (1973).¹⁴ Scientists of the European Council on Foreign Relations also rate the quality of the Soviet-made tanks as very poor.¹⁵ In contrast, the "Marder" tanks sent to Greece as replacements have - despite their considerable age - a significantly higher combat value¹⁶ and could be delivered to Ukraine immediately - even if in still small numbers.¹⁷ With the agreement of the ring swap, however, this is no longer an issue; Rheinmetall's request is said to be "off the table".¹⁸

The politics behind the ring swap

It can thus be seen that the delivery of weapons to Ukraine in the format of the ring swap as well as its design is strongly influenced by other policies of the countries involved and deviates overall from the maxim of the best possible support for Ukraine in the war against Russia. The ring swap is rather used as a political tool.

⁸ Spyropoulou, L. & Tsakiris, G. (2022), „Griechen zerlegen Panzer-Pläne von Kanzler Scholz“, Bild, Jun. 7th, 2022, <https://www.bild.de/politik/ausland/politik-ausland/ukraine-krieg-griechen-zerlegen-scholz-waffen-ringtausch-80318168.bild.html>, last accessed Jun. 10th, 2022.

⁹ Spyropoulou, L. & Tsakiris, G. (2022).

¹⁰ Without author (2022c), „Liefert Griechenland der Ukraine deutsche Uralt-Panzer?“, NTV, Jun. 1st, 2022, <https://www.n-tv.de/politik/Liefert-Griechenland-der-Ukraine-deutsche-Uralt-Panzer-article23371145.html>, last accessed Jun. 10th, 2022.

¹¹ Spyropoulou, L. & Tsakiris, G. (2022) sowie Ohne Autor (2022c).

¹² Without author (2022c).

¹³ Melnyk, A. (2022), Ohne Titel, Twitter, May 31st, 2022, <https://twitter.com/MelnykAndrij/status/1531690347348299776?xt=HHwWgMC4ua6Q1MEqAAAA>, last accessed Jun. 17th, 2022.

¹⁴ Ziazias, K. (2022), „Στρατηγός Ζιαζιάς: «Τα BMP-1 να φύγουν από τα νησιά MONO όταν θα έρθουν τα Marder»“, Militaire, Jun. 4th, 2022, <https://www.militaire.gr/ziazias-bmp-marder/>, last accessed Jun. 17th, 2022.

¹⁵ Without author (2022c).

¹⁶ Ziazias, K. (2022).

¹⁷ Without author (2022d), „Erste „Marder“-Panzer von Rheinmetall ausfuhrbereit“, Bayerischer Rundfunk (BR), Jun. 12th, 2022, <https://www.br.de/nachrichten/meldung/erste-marder-panzer-von-rheinmetall-ausfuhrbereit,3004b866a>, last accessed Jun. 17th, 2022.

¹⁸ Without author (2022c).

In this context, Germany - apparently out of fear of direct Russian retaliation, e.g. in the form of a gas supply freeze - prevents the direct delivery of its country's military equipment - be it from military stocks or German arms producers - to Ukraine and therefore prefers the ring swap because it thus does not directly deliver weapons to Ukraine.

Greece is acting with regard to the ring swap against the background of the smouldering conflict with Turkey in the Aegean, in which it does not want to expose its flank, i.e. above all the East Aegean islands, and is thus delaying the delivery of weapons to Ukraine. Especially against the background of the latest statements and threats by Turkish President Erdogan, in which he once again questions the status of Greek islands¹⁹, this approach is understandable.

This creates disadvantages for Ukraine, which in the end is the main victim of the political decisions behind the ring swap.

Ukraine as a disadvantaged party in national politics

The analysis of the Greece-Germany example shows that the European states weigh their own interests against those of Ukraine. In the case of states that seem rather distant from the war and are only indirectly affected by it - e.g. Germany and Greece - the willingness to help tends to be less pronounced than in countries that are strongly affected by the war and that also see themselves exposed to Russian threats in parts; especially the Baltic States and Poland.

Against the background of this observation, the question must be asked whether Europe can still be regarded as a reliable partner in the defence of common values and especially in the defence against a war of aggression. The weighing of states such as Germany and Greece in favour of their own interests and against the best possible aid for Ukraine certainly speaks against this.



Even apart from the discussed Greece-Germany ring swap, there is enough evidence; consider, for example, the veto of individual states against planned EU sanctions (for example, Hungary against the oil embargo²⁰), Turkey's previous veto against the NATO admission of Finland and Sweden²¹ and the like. This calls into question the unity and thus also the ability of Europe (in general) and the European Union (in particular) to act in serious international crises and, in the Ukraine war, leads to devastating consequences for Ukraine, which is visibly experiencing problems against Russia.

¹⁹ Without author (2022e), „Ελληνοτουρκικά: Οι ευθείες απειλές Ερντογάν, η απάντηση της Αθήνας και οι 16 χάρτες“, Kathimerini, Jun. 10th, 2022, <https://www.kathimerini.gr/politics/foreign-policy/561904933/ellinotourkika-oi-eytheies-apeiles-erntogan-i-apantisi-tis-athinas-kai-oi-16-chartes/>, last accessed Jun. 20th, 2022.

²⁰ Schmidt, H. (2022), „EU vertagt Öl-Embargo gegen Russland“, Tagesschau, May 16th, 2022, <https://www.tagesschau.de/ausland/europa/ukraine-eu-aussenminister-oel-embargo-101.html>, last accessed Jun. 14th, 2022.

²¹ Topcu, E. „Warum droht Erdogan der NATO mit Veto?“, Deutsche Welle, May 18th, 2022, <https://www.dw.com/de/warum-droht-erdogan-der-nato-mit-veto/a-61830916>, last accessed Jun. 14th, 2022.

Conclusion

As the example of the ring swap between Greece and Germany has shown, Ukraine ultimately suffers disadvantages due to Europe's limited capacity to act, even if, as in the case under review, aid is apparently decided upon. These disadvantages range from late deliveries of weapons, inferior equipment and the absence of sanctions against the aggressor to no deliveries of necessary material at all.

It is true that the war has also shown a new unity of Europe and the West in general in some points, with agreements and resolutions that would

have been unthinkable before. Nevertheless, the progress of the war shows that the West is once again disintegrating into a mosaic of self-interests that in too many cases do not come together. Ukraine is thus in danger of losing the war if Europe, and the European Union in particular, does not pull together. This has also been shown beyond doubt by the analysis of the ring swap between Greece and Germany.

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