

THE BATTLE FOR DEMOCRACY

Some reflections

August J. BRAAKMAN (*)

Abstract

Western democracies pursue economic and social prosperity through politics aimed at creative, individual objectives suited for producing instant results. Citizens adhere to the conviction that man must rule the system and that power must be divided and shared fairly between the legislature, the judiciary and the executive, aka the trias politica.

The battle for global dominance between China and the USA has spilled over into a Cold War. The Hot War between Russia and Ukraine, the Cold War between Russia and the EU and the slumbering Hot War between Iran and Israel, are manifestations. However, even by itself each manifestation poses severe challenges to democracy, as we know it.

This article discusses whether the EU and its Member States can meet these challenges whilst maintaining the present demarcation lines of the trias politica. In Western democracies, this issue is of vital importance for preserving peace and stability and therefore for pursuing and achieving what is best for citizen and country. The article defines and discusses problems and suggests solutions aimed at preventing current conditions from growing into relentless adversaries of democracy and civilisation.

Focal points

1. US dominance and China's rise to power have converted the battle for global dominance between the two nations into a Cold War. In the second half of the fifth century BC, a similar situation emerged between Sparta and Athens. Thucydides qualified this situation as a trap that was bound to result in war. He was right. The Peloponnesian war lasted from 431 until 404 BC. Subsequent similar scenarios confirmed Thucydides' analysis. 12 out of 16 ended in war.

In the Cold War between the USA and China, proxy wars play an increasingly important role. Each proxy war is a fuse in this global powder keg. Both the Ukrainian and the Middle Eastern fuse has been ignited. This caused the powder to smoulder but did not detonate the keg. Ignition of another fuse is likely to snap shut Thucydides' trap.

(*) August J. Braakman is the former Secretary-General of the European Maritime Law Organisation. He acts as legal counsel with 45 years of practice as advocate in matters related to European law, with a special focus on European competition law in general and maritime competition law in particular. Website www.braakmanadvocaat.nl.

2. Global trade and global warfare are key elements in the Cold War between China and the USA. Both phenomena rely on high-technology industry and business intelligence and analytics systems, and on managing rapid changes in the variety, volume, velocity and value of underlying big data. Science shows that there are still shortcomings to be dealt with.

3. Critical Raw Materials (CRMs) are essential components of goods prominent in global trade. Examples are smartphones, electronics and renewable energy.

Rare Earth Elements (REEs) are essential components of weaponry prominent in global warfare. Examples are radar and sonar systems, aircraft and combat vehicles, defence technologies and nuclear weapon systems.

4. The EU is desperately short of CRMs and REEs. Lack of indigenous resources and geopolitics threaten this shortage to be permanent. Research and development of technical alternatives must be given priority.

5. Climate and technology are corner stones of politics related to global trade and global warfare. Manifestations are respectively Global Climate Change and Artificial Intelligence (AI).

Global Climate Change has a significant impact on global trade, amongst others by disrupting chains of supply and damaging infrastructures. The USA and China refrain from countervailing measures that impact said trade. The EU has adopted the legal obligation to pursue and achieve climate neutrality and fair competition simultaneously. As such, these objectives are independent from and not related to one another. Prioritisation of one does not affect full applicability of the other. Judicial supervision guarantees observance of associated EU and domestic laws by stakeholders in both arenas. To prevent economic and political chaos, a very precise and well-considered coordination of both sets of law by the EU Commission and the national executives is imperative, both on an individual and a collective scale. Thus far, such coordination fails. Divergence is looming.

AI is a man-made apparition of the double-faced Roman god Janus. One face is a fountain of prosperity, the other is a pool of misery. Nietzsche coined the phrase “There are no facts, only interpretations.” More and more social media and politicians mould genuine, fake and delusional interpretations of fact into a trinity and fashion this trinity into populist perceptions of truth. AI’s face of misery is used as a vehicle for ensuring that such perceptions get the widest and most effective dissemination possible. Artificial General Intelligence (AGI) is a fast approaching sophisticated offshoot of AI. It consists of mechanised replications of human cognitive abilities. This offshoot is suited to enhance the effectiveness of AI’s face of misery. Media and politicians are inclined to select a combination of AI and AIG for the purpose of programming the human brain. If successful, both individually and in concert people’s behaviour is determined by technological delusion and devoid of free will, emotion and empathy. This implies that the white skin of the first horse of the Apocalypse has been adorned with a major touch of faded yellow.

6. China, Russia and Iran are politically, militarily and economically closely interconnected. They have consolidated their military pact by creating the Trian-

gular Alliance. This Alliance is part of China's operational armoury in its Cold War with the USA. The scope of the Alliance was broadened by the agreement of January 2025 between Russia and Iran on strengthening military and economic cooperation.

7. China-led forms of economic cooperation such as the Shanghai Cooperation Organisation (SCO), BRICS and the Belt and Road Initiative (BRI), in each of which the three members of the Triangular Alliance participate, aim at ending hegemony of the USA in global economic and political affairs. Intensification of the Cold War between China and the USA invigorates their support of China's politics in this arena.

8. Danger of the Hot War between Israël / the USA and Iran escalating into a nuclear war has shifted the epicenter of the Cold War between China and the USA from Ukraine to the Middle East. This development was enhanced by the proxy Hot War between Israël and Hamas. Danger of this latter War becoming the spark that sets the Middle East aflame provided sufficient reason for President Trump to take the lead in the peace process and submit his so-called 20-points plan to all parties involved. The first phase of this plan managed to calm down the existing military and humanitarian havoc by the release of all Israeli hostages by Hamas and of 250 Palestinian security prisoners and 1,722 Gazans by Israël. However, many of the other 19 phases lack consensus between the signatories, in particular on the way in which objectives must be pursued and achieved. The pathway to a lasting peace between Israël and Palestinians remains therefore very narrow and bumpy. This is corroborated by the fact that Trump's plan does not address Iran's military and financial support of Hamas and Hezbollah in parts of the West Bank area nor Israël's ambition of gradual annexation of the entire area. Both issues are at the roots of the religious/ideological differences between the various countries and factions in the Middle East. Therefore, completion of the first phase of Trump's plan does not mean that the overall situation has become less volatile and less explosive. One swallow does not make a summer. Signatories of Trump's plan should muster all their forces and cooperate so as to prevent this swallow from heralding winter.

9. Trump takes the view that another outbreak of the Hot War between Iran and Israël / the USA poses a greater threat to the position of the USA in its Cold War with China than is the case with the Hot War in Ukraine. Encouraged by his ambitions to be awarded the Nobel Peace Prize, he shifts his focus from Ukraine and NATO to the Middle East. This gives Putin room for stepping-up his efforts to undermine cohesion and solidarity in the EU. Sharp increase of US import tariffs on goods coming from China lend a helping hand. Due to those measures, China redirects export of first and secondary necessities of life and other goods, from the USA to the EU. This import tsunami of cheap goods impacts production and sales of competitive goods in the Union even more than already is the case. As a result, the financial burden of a growing number of EU companies increases over the level they can withstand. Bankruptcy affects corporate taxes which Member States need for improving defence capabilities. The obvious way to compensate shortcomings is by increasing income taxation. This implies that citizens will be confronted with

tax increases on top of the increases that already are being rolled out in order to meet the NATO norm of 5 percent GDP annually by 2035. The heavy pressure this puts on cohesion and solidarity in the Union will be enhanced should China vary volume and/or price of cheap goods exported to the Union, between Member States. Ensuing changes of shipping routes will strike the heaviest blow against Member States where lines are domiciled or have their principle place of business, whose GDP depends to a large extent on cash flows and earnings realised by the maritime industry. Economic and political interconnectedness between China and Russia may well turn this hypothetical scenario sooner rather than later into a well-considered strategy.

10. Surrounding conditions of the Cold War between China and the USA of the kind of, or similar to the ones referred to above, are moving so fast that they relocate from the edges to the centre of this War, and subsequently from the edges to the centre of domestic politics in EU Member States. Interconnectedness between those conditions implies that the future of democracy is at stake. Democracy is the alma mater of economic and social prosperity in EU Member States. It must be preserved at all costs. Prior to assessing the impact of current surrounding conditions on the way of living of citizens in EU Member States, some of the basic differences between democracy and autocracy should be pointed out and discussed.

I. THE BATTLE FOR DEMOCRACY

Introduction

11. Societies founded on individualistic ideologies pursue economic and social prosperity through politics aimed at creative, individual objectives suited for producing instant results. Citizens adhere to the conviction that man must rule the system and that the above goal must be achieved by separating the legislature, the judiciary and the executive. Ultimate power in this trias politica lies with the legislature and is embodied in a parliamentary structure, composed of democratically elected citizens. The judiciary safeguards the functional and emotional integrity of the manner in which the executive implements the legal system and laws which have been created by the legislature.

12. In most if not all EU Member States, the legislature provides the executive with legal scope to bypass Parliament in order to achieve instant and effective results in cases of emergency. Prior Parliamentary approval of the interpretation which the executive gives to the concept of emergency, is required.

13. Societies founded on collectivistic ideologies pursue economic and social prosperity through politics aimed at pre-structured, collective objectives suited for achieving gradual progress. Citizens are forced to acknowledge that the system must rule man and that the above goal must be achieved by rejecting separation of the legislature, the judiciary and the executive. Ultimate power in this politica autocratica lies with the executive body of the governing party, composed of subjectively selected confidants. The legislature is prohibited to provide the judiciary with legal tools suitable for protecting the governed against the manner in which

governors exercise power. Therefore, supervision of the functional and emotional integrity according to which governors implement the legal system and laws created by the governing party, fails.

The patronesses

14. In democracies, contact, cohesion and coexistence are the basic conditions to be met for successfully governing the country. Their patronesses are information, assimilation and globalisation, respectively. The patronesses form an indissoluble trinity. Fractures in one of them cause their trinity to malfunction. Battle for dominance amongst all three tolls the bell of death for the trinity as a whole.

15. Surrounding conditions such as political and military battlefields in Europe and the Middle East disturb the balanced way according to which information, assimilation and globalisation should influence public opinion and democratic governance. Three main potential sources of disturbance should be identified and discussed.

Iran

16. The Middle East is the trough which nourishes the economies of the Western world with oil and gas. An estimated 79.5% (1,243.52 billion barrels) of the world's oil reserves are located in OPEC Member Countries, with 67.2% of the OPEC total being located in the Middle East. By the end of 2021 Iran accounted for 24% of oil reserves in the Middle East and for 12% in the world. Iran's oil reserves are more than the reserves kept by other OPEC Member Countries, except Venezuela and Saudi Arabia.

Prior to US-led sanctions, the EU used to be a significant buyer of Iranian oil. Iran holds 15% of the world's gas reserves. Those same sanctions are also the most significant barriers preventing Iranian gas from reaching the European Union.

17. The population of Iran consists of some 90 million citizens. 90 to 95 percent of them are Shi'a Muslims. The Shi'a version of Islam is the official state religion. Interpretation of the Sharia by ayatollah Khamenei, also often addressed as Imam, determines the flexible demarcation lines between Shi'a Islamic Faith and radical political doctrine. To most Shi'a Muslims living in Iran, Faith provides refuge in dark hours. Present global conditions encourage the Iranian government to consider nuclear weapons to be the best if not the only means for preventing infidels from erecting barriers to the profession of Shi'a Islamic Faith. Within that context, the question to what extent US and Israeli bombs have really obliterated Iran's nuclear facilities and how much time will be needed for repairing the damage, is growing more crucial every day.

18. Enforced regime change is unlikely to encourage Iran to observe nuclear non-proliferation. History shows that in almost all cases regime change ends in chaos. Iraq and Afghanistan are examples. Current domestic disunity predicts that in the case of Iran this will not be any different. Under such conditions, a Shi'a

Islamic Republic offers the best means for pursuing unity amongst the people and barring the road to foreign influence on Faith and future. Regime change would only increase the desire for nuclear weaponry.

19. Return of the Twelfth Imam is a crucial pillar of Shi'a Islam. To pave the way, Shi'a Muslims are encouraged to bring about global Islamic rule. Shi'a Islam thus imposes a burden on Shi'a Muslims living abroad to assimilate and integrate in Western democracies. This provides a stepping stone for urging if not obliging those Muslims to support Iran in whichever way possible or required.

Conclusion

20. An Alliance with the purpose of keeping the Shi'a Islamic Republic and its nuclear ambitions in check and of re-initiating trade relations with the EU, may produce a certain degree of stability in Iran and in the Middle East. Success demands proximity. Although instigated by the EU and supported in word and deed by European industries, Arab countries located in the region should participate and take the lead in implementing the Alliance. Apart from barring Iran's pursuit of nuclear power, the Alliance may also encourage followers of the Imam and the Mahdi to join forces with followers of the Rashidun and send their shared believe in Allah, Muhammed and the Koran to battle with the aim of achieving peace and societal prosperity. Coordinated and well thought-out initiatives are imperative.

The EU

21. Irrespective of their ideological, religious or cultural background, EU citizens are free to create networks that subsequently interconnect with local and/or national networks. To hostile countries, information gathered at the ensuing platforms is of inestimable value for acquiring data on social, economic and technological evolutions as well as on quality of life, both in the Member State concerned and in the EU.

22. The impact of such networks and platforms on political stability and progress of economic and social prosperity is closely related to the numeric ratio between adherents to Christian and to other religions or ideologies. In EU Member States this ratio changes rapidly.

23. In France, for instance, it is estimated that 63-66 percent of the population qualifies as Catholic and 10 percent as Muslim. This implies that there are approximately 6,7 million Muslims living in France. What strikes is that the age segmentation between Catholic and Muslim believers fundamentally differs. The average age of Catholics is well above 50, whereas Muslims average 36 years.

24. Migration is like an incoming tide. It flows into the arteries of Western democracy and civilisation. Platforms of the kind referred to above are subject to domestic law. In case of problems, EU Member States need to rely on laws that are permissive and sometimes even supportive of correlation and interplay within and between the various platforms. These laws date back to antiquated conditions. Present conditions show that such laws and legal frameworks must be adapted to reality. Failure erodes democracy to the point of collapse.

Conclusion

25. The EU and EU Member States should shelter democracy from internal and external threats and guarantee its survival in times of Hot and Cold War by implementing the following principles through European and national legislation and regulations:

- (i) Democracy takes precedence over offshore calamities and empathy.
- (ii) Democracy takes precedence over strict adherence to the lines of demarcation between the legislature, the judiciary and the executive.
- (iii) Democracy takes precedence over the call for and pursuit of autocracy.

NATO

Internal

26. President Trump has continuously stressed the obligation of European NATO Allies to increase the percentage of GDP destined for improvement of their military defence capabilities. At the Summit of June 24 and 25, 2025, European NATO Allies agreed and committed themselves to reach a 5 percent GDP defence spending target annually by 2035.

27. Article 5 of its Treaty articulates the hard core of NATO. It stipulates:

“The Parties agree that an armed attack against one or more of them in Europe or North America shall be considered an attack against them all and consequently they agree that, if such an armed attack occurs, each of them, in exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations, will assist the Party or Parties so attacked by taking forthwith, individually and in concert with the other Parties, such action as is deemed necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area.”

28. Article 5 was formulated and included in the NATO Treaty in 1949. The question arises which interpretation must be given to this Article in light of contemporary conditions. The answer is of considerable importance. Prior to the conclusion of the Treaty in 1949, European signatories wanted to ensure that the USA would automatically come to their assistance should one of them come under armed attack. The USA did not want to make such a pledge and obtained that this be reflected in the wording of Article 5.

29. Some of the topical issues arising from contemporary interpretation of the wording of Article 5 might be

- (i) does a cyber attack that paralyses the entire infrastructure of one or more Allies, fall within the concept of “armed attack” of Article 5? This issue relates to Article 3 of the The Hague Summit Declaration. Article 3 provides that by 2035 Allies will account for up to 1.5 percent of GDP annually in order to inter alia protect their critical infrastructure and defend

their networks. The 1.5 percent is part of the 5 percent of GDP European NATO Allies have agreed upon. This interconnectedness provides room for arguing that a cyber attack that paralyses the critical infrastructure and networks of one Ally qualifies as an “armed attack” against all Allies;

- (ii) does interpretation of the concept of “exercise of the right of individual or collective self-defence recognised by Article 51 of the Charter of the United Nations” fully cover the concept of “armed attack” recognised by Article 5 to the extent that each NATO Ally, individually and in concert with other Allies, is due to assist one or more Allies under attack forthwith, including the use of armed force?;
- (iii) does the obligation to take action that is deemed necessary, including the use of armed force, to restore and maintain the security of the North Atlantic area, leave to an Ally not under attack to decide which kind of action it deems individually necessary in case actions in concert with other Allies not under attack are not possible, e.g. due to technical deficiencies or defects of critical infrastructure or networks?

30. Article 5 was complemented by Article 6. This Article stipulates *inter alia*:

“For the purpose of Article 5, an armed attack on one or more of the Parties is deemed to include an armed attack on

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- the forces, vessels, or aircraft of any of the Parties, when in or over these territories or any other area in Europe in which occupation forces of any of the Parties were stationed on the date when the Treaty entered into force or the Mediterranean Sea or the North Atlantic area north of the Tropic of Cancer.”

31. One of the topical issues arising from interpretation of Article 6 might be:

Does Article 6 imply that an armed attack on vessels or aircraft of an Ally in a part of the Mediterranean Sea that currently falls within its own or another Ally’s jurisdiction but did not so at the time when one or both of them became a member of NATO, qualify as an armed attack in the topical interpretation of Article 5? This issue relates to the fact that in 1994 the United Nations Convention on the Law of the Sea broadened the jurisdiction of coastal states from 3 in 1949 to 12 nautical miles, i.e. from 5.5 to 22 kilometers. For example, in 1949 NATO occupation forces were stationed in Turkey. In 1952, Turkey joined NATO. Therefore, it may be argued that an armed attack on a vessel or aircraft of Turkey or another NATO Ally outside 3 and within 12 nautical miles from the coastline of Turkey, falls within the scope of Article 5. This argument may become a considerable factor in the risk of NATO and by consequence of European Allies, becoming military involved in war theatres in the Middle East.

32. Article 4 of the The Hague Summit Declaration stipulates:

“We reaffirm our shared commitment to rapidly expand transatlantic defence industrial cooperation and to harness emerging technology and the spirit of innovation to advance our collective security.”

33. Expansion of *transatlantic* defence industrial cooperation to advance *our collective* security indicates that European NATO Allies have agreed to build a vast military-industrial defence complex and targeted and effective methods of communication and coordination related to common strategies, in close cooperation with the USA. This implies that NATO and its European Allies have no choice but to turn to the USA in order to obtain sophisticated weaponry needed for defending Europe against Putin’s rampant expansionist politics. If only for the associated commercial advantages, it seems highly unlikely that Trump will ever withdraw the USA from NATO.

34. On Friday July 11, 2025, the BBC reported that on the previous day US President Trump had struck a deal with NATO Secretary-General Rutte: “US President Donald Trump told NBC News on Thursday that he had made a deal with NATO for the US to send Patriot air defence systems to Ukraine via the alliance.” On July 24, 2025, Trump confirmed this statement on US TV channel CBS News. Whilst referring to the agreement amongst European NATO Allies to maintain the security of the North Atlantic area by allocating 5 percent GDP annually by 2035, Trump added that NATO would pay for the systems.

35. President Trump’s remarks indicate that the deal he made with Rutte is a deal the USA acting independently from NATO, concluded with NATO, not with individual Allies acting under their own steam. It may therefore be argued that by concluding this deal, as from July 10, 2025, by object or effect, NATO has extended the scope of application of Article 5 to an armed attack against a non-NATO Ally that takes place outside the geographic territory of one or more Allies but qualifies as an armed attack in the topical interpretation of Article 5. As a result, each NATO Ally, individually and in concert with the other Allies, must take such action as is deemed necessary, including the use of armed force, to maintain the security of the North Atlantic area. Refusal constitutes a breach by the Ally concerned of its obligations and commitments towards NATO, with all the consequences that brings.

36. This approach aligns the scope of application of Article 5 with that of EU antitrust law. In its judgement of September 6, 2017, the European Court of Justice (ECJ) held that EU antitrust law prohibits conduct of undertakings that are neither nationals of an EU Member State nor physically or legally present in the Union, in case such conduct produces distortions of fair competition which have immediate, substantial and foreseeable effects on trade patterns between Member States. This approach fits in well with the US approach. US antitrust law provides that international cartels, even when they operate entirely abroad, fall within its scope of application if US consumers are harmed by inherent or ancillary anti-competitive conduct or agreements.

37. In sum, the above argues that in keeping with EU and US antitrust law, the Patriots deal between the USA and NATO of July 10, 2025, has increased the scope of application of Article 5 of the NATO Treaty to the extent that the situs of extraterritorial conduct is irrelevant. It is the object or effect that is the decisive factor. This implies that each extraterritorial conduct that according to a topical interpretation of Article 5 qualifies as an armed attack against one or more Allies, qualifies as an armed attack against all Allies, with every obligation that brings. Seen from this perspective, Zelensky's proposal to cancel Ukraine's ambition to become a member of NATO in exchange of reliable and extensive security guarantees does not affect the legal position of NATO in relation to the war in Ukraine. The deal Trump and Rutte concluded on July 10, 2025, therefore most certainly qualifies as an event of historic proportions.

38. Also at the The Hague Summit, the core question remained if and, if so, within which time frame NATO will be able to achieve its defence capability objectives. The speed at which NATO needs sophisticated weaponry and associated technological infrastructure, runs parallel to the speed at which occurrences happen that may qualify as an armed attack by Putin on one or more Allies in the topical interpretation of this concept referred to above. If indeed caused by Russia, I take the view that Putin tested this theory by having apparently offensive but factually harmless drones violate the airspace of NATO Allies such as e.g. Poland, Denmark and Belgium. For the time being, such violations are a mixture of military espionage, provocation and intimidation. They allow for an estimate of the timeframe within which NATO and/or European NATO Allies will be able to build an effective military defence complex and, more ambitiously, create a drone wall that focuses on detection and intervention of incoming lethal aircraft. Military and political interconnectedness with Russia implies that such an estimate is also of importance for the strategy China adopts with regard to annexation of Taiwan by military force. It goes therefore without saying that Putin closely coordinates violations of airspace of European NATO Allies, as well as associated politics, with Xi Jinping.

39. The EU divests from fossil fuels and turns to clean energy systems. The EU Commission reported that abundant access to REEs and CRMs is needed to address the corresponding demand. The EU will never be self-sufficient. It depends on REEs and CRMs that are mined in and imported from non-EU countries. In 2023, 94 percent of EU imports of REEs came from China, Malaysia and Russia combined. For most CRMs, main suppliers accounted for 75 percent of EU imports.

40. Out of a global reserve of 114.6 million tonnes, with 44 million tonnes China has by far the largest reserves of REEs. A large part of these reserves is being mined with the aid of evermore sophisticated technologies. On a global scale, REE reserves may be listed as follows

- China: 44 million tonnes
- Vietnam: 22 million tonnes
- Brazil: 21 million tonnes
- Russia: 10 million tonnes

- India: 6.9 million tonnes
- Australia: 5.7 million tonnes
- USA: 1.8 million tonnes
- Greenland: 1.5 million tonnes

41. The major part of REE reserves has not yet been mined, amongst others due to high costs and lack of technology. Particularly in Russia, Vietnam, Brazil, India and Greenland mining is limited to a fraction of the potential. Links with Russia in the China-led forms of economic cooperation referred to above, make it highly unlikely that participants will supply NATO or NATO Allies with said minerals if those are destined for military rearmament and needed for deterring Putin from expansionist politics. The dozens of cooperation agreements China and Vietnam signed in April 2025 in response to increased US import tariffs, indicate that China is closing the sales network for such minerals.

42. The result of the The Hague NATO Summit is that US war industry will be faced with an ever-increasing need of REEs and CRMs. This issue gains further momentum now the ceasefire situation in the Middle East has collapsed and demand for sophisticated US weaponry in this area grows. Shortcomings will increase in case demand rises further due to China attempting to annex Taiwan by military force. To meet shortcomings in the Asian arena, on October 21, 2025, i.e. 6 months after the cooperation agreements between China and Vietnam, Trump struck a deal with Australia which gives the USA access to Australia's reserves of REEs and other rare earth minerals. It stands to reason that mining of said reserves will intensify considerably due to technological aid provided by the USA. It also stands to reason that concomitant with mining, on-site production facilities for sophisticated warfare and of means for protecting those facilities against hostile attacks, will be built. The question thus arises when on-site production facilities will be able to deliver. Trump expects the interim to take one year. This, in my opinion optimistic expectation, gives China about one year time to wreak economic and political havoc in the USA by reducing or terminating export of rare earth minerals. Between 2020 and 2024 the USA relied on China for 70% to 77% of its imports of such minerals. This evidences that havoc is the appropriate term for describing the consequences ensuing from reduction or termination. In this context, it should be borne in mind that US Midterm elections take place on November 3, 2026. Economic damage and political upheaval caused by said havoc will not support Trump in election campaigns. On the contrary. By reducing or terminating exports of rare earth minerals to the USA, China also frustrates the ability of US war industry rolling out the Patriots deal with NATO as well as meeting demand by NATO or European NATO Allies for other sophisticated warfare.

43. Article 5 of the NATO Treaty and Article 4 of the The Hague Summit Declaration provide that NATO Allies must contribute in any way possible to defend one or more of them against armed attacks. For the following reasons a topical interpretation of this concept may have significant consequences for Denmark, and for other European NATO Allies and NATO itself.

44. Greenland is part of the Kingdom of Denmark. The Danish government is responsible for its politics in the areas of foreign affairs and defence. Greenland disposes of considerable reserves of REEs. Article 5 of the NATO Treaty in combination with Article 4 of the Declaration, oblige Denmark to make Greenland's reserves available in order to allow US war industry to manufacture the Patriot air defence systems, ordered by NATO. Refusal is an infringement of Article 5 and of Article 4 referred to above. Trump may invoke this same argument with regard to other sophisticated weaponry ordered by NATO or by NATO Allies.

45. Recognition of this argument may lead to a scenario where Trump decides that US war industry must use REE reserves mined in Greenland for production of sophisticated weaponry ordered by NATO and/or its Allies, including the USA, and that on-site Australian/US war industry must use REE reserves mined in Australia for production of sophisticated weaponry ordered by Australia and/or the USA. This scenario raises two important issues:

- (i) Mining in Greenland suffers from lack of infrastructure and from environmental and legal concerns, particularly related to radioactive elements like uranium. The effects thereof have previously halted mining projects. The security of the North Atlantic area, and survival of democracy, is at stake. NATO and its Allies will therefore argue that Denmark must remove hindrances to mining Greenlands reserves of REEs as quickly as possible; and
- (ii) In light of the Patriots deal between the USA and NATO, topical interpretation of Article 5 of the NATO Treaty implies that the situs of an extra-territorial armed attack is irrelevant. Armed attacks in Ukraine and the Middle East must therefore be put on equal footing. This raises the question whether the Patriot air defence systems that are subject of the deal the USA and NATO made on July 10, 2025, must be deployed in Europe or in the Middle East. Trump's politics sway with the winds of war. Should these winds rage on and freshen to a storm in the Middle East, Trump may decide that armed attacks in the Middle East constitute a greater danger to security of the North Atlantic area than Hot War in Ukraine and violations of airspace of European NATO Allies by Russian drones. This argument leads to the conclusion that Patriot air defence systems ordered by NATO on July 10, 2025, must be deployed in the Middle East and not in Europe. In addition, Trump may take the view that this same reasoning applies to all sophisticated weaponry produced by the US war industry whilst using rare earth minerals mined in Greenland. This is a second reason why Trump wil not withdraw the USA from NATO.

External

The USA

46. The USA is involved in political battles at three different fronts: Ukraine, the Middle East and Taiwan. At all three fronts, the USA meets China, Russia and Iran. President Trump is not prepared to defend Western democracy and civilisation, not

politically, not economically and not militarily. His only drive is to uphold and reinforce US dominance in global trade, global warfare and global affairs in general.

47. The battle for global dominance between China and the USA has evolved into a Cold War. In order to pay particular attention on China, Trump tries to drive a wedge between Russia and China. This is the same tactic as used by Kissinger and Nixon in 1971. However, the differences between the political and economic state of global affairs in 1971 and in 2026 could not have been more marked.

48. In 1971, Russia was the super power and China its ideological ally who tried to acquire clear contours on the global stage. Kissinger and Nixon saw China's efforts fail and created a policy framework which enabled China to achieve its goal by means of global trade. Thanks to support by the USA and particularly to membership of the World Trade Organisation (WTO) since December 11, 2001, China was successful.

49. In 2026, China is the superpower and Russia its ideological ally. Putin tries to regain Russia's dominant position on the global stage. Partly with a view to that goal, he annexed the Crimea and started war with Ukraine. Trump tries to maintain the USA's zone of dominance in Asia. To that end, he supports Taiwan in its battle for independence against China.

50. In order to drive a wedge between China and Russia, global trade is not a suitable tool. The Russian economy is not ready to take that route, to put it mildly. Russia relies on a war economy with military expenditure accounting for nearly 40% of the total budget in 2024. Trump's only chance is to silently endorse and, if so required, verbally support Putin's rhetoric about his right to annex Ukraine by military force. He gambles that such politics will support Putin in his efforts to regain a leading role on the global stage. Russia's poor and vulnerable economy implies that such role would not carry abundant weight without US support in the economic arena. Therefore, if successful, this strategy would impact power relations not only between China and the USA but also between China and Russia.

China

51. Putin's need of support from China relates amongst others to the supply of REEs and CRMs. The overwhelming majority of Russia's own reserves of such minerals is still to be mined. In order to wage war in Ukraine and to extend expansionism towards Central and South East Europe by military means, Putin has to import these minerals. Some two dozen Chinese companies, several of whom are partly state-owned, are his main suppliers. Their most important customer is Russia's SOE Rostec. This conglomerate provides nearly 80 percent of Russia's weaponry deployed in Ukraine. China's supply of REEs and CRMs is therefore of crucial importance to Putin in his war in Ukraine.

52. In view of the above and also due to its organisation and functioning, the Chinese Communist Party (CCP) cannot afford to have China's Marxist-Leninist ideology being closely neighboured to Russia adhering to or flirting with individualistic capitalist nations such as the USA. The gap between the ideologies of the

USA and China is unbridgeable. However, both nations are forced to live and survive in one and the same world. Acknowledgement of and respect for each others position is imperative. Proxies must therefore align their politics with those of their leader. The idea of Putin, against all odds, being prepared to build a bridge between the USA and Russia is quashed by the fact that this would present a danger to peaceful coexistence and bilateral cooperation between China and Russia. On February 2, 2025, this point of view was confirmed by China's Foreign Minister Wang Yi when he told EU foreign affairs chief Kaja Kallas that Beijing can't accept Russia losing its war against Ukraine. It goes therefore without saying that China's support of Russia is due to increase in accordance with the increase of the possibility of Ukraine becoming a member of the EU and/or NATO.

The Ukrainian Peace Plan

53. Russia's dependence on China regarding supply of REE's and other rare earth minerals implies that President Xi Jinping has made it clear that in the event of a tangible and sustainable deal resulting in peace in Ukraine and in opening-up political and trade relations between Russia and the USA, China will terminate its supply of REEs, and of CRMs, to Russia and urge its (and Russia's) allies in the forms of economic cooperation referred to above, to do the same. Advantages emanating from links with China indicate that those allies will comply, or be forced to comply. As stated above, Russia relies on a war economy with military expenditure accounting for nearly 40% of the total budget in 2024. Reduction or termination of supply of rare earth minerals will be lethal for Russia's war economy, and for Putin's survival as Russia's almighty leader.

54. At the Alaska meeting between Trump and Putin on August 15, 2025, Putin submitted a proposal for ending the war in Ukraine. The hard core of this proposal stipulates that Ukraine is prepared to de iure cede the Donbas region including the parts of the two northern oblasts not occupied by Russian troops, as well as the Crimea area, to Russia.

55. Putin's statement was well prepared and put on paper. This implies that it was drafted prior to his meeting with Trump. The truth of a message lies in the intention of the sender. Putin's intention was to show the world at large that Trump publicly agreed with the creation of a situation where

- Russia's territorial position in Ukraine and the extension thereof to the parts of the two northern oblasts not occupied by Russian troops, would be met with virtually no resistance and absence of active involvement on the part of the USA, and
- the EU and NATO would have to bear through their own resources the military and financial burden of supporting Ukraine and of building military defence capabilities needed for deterring Russia from additional expansionist activities towards the EU and NATO.

56. Putin got what he wanted and/or what was previously agreed upon with Trump. From the top of his head, Trump explicitly endorsed Putin's statement and

confined himself for the rest to eulogising their bond and suggesting future trade relations between their two nations. By so doing, Trump publicly recognised Putin as a global statesman whose views on Europe and NATO are important to the USA.

57. On Monday August 18, 2025, Trump discussed Putin's statement at the White House with Zelensky and a delegation of European leaders. From the outset, it was clear that the only foreseeable route to peace would be *de iure* cessation of the Donbas and Crimea areas to Russia and US security guarantees to Ukraine. Also from the outset, it was clear that consensus on these terms was unattainable. A diplomatic solution could therefore be ruled out.

58. The Donbas region contains important defensive lines for Ukraine and is mineral rich. The economic and strategic importance of the region implies that Russia's *de iure* control of the entire region inclusive of territories not yet occupied, gives Putin room to abstain from further military force by boots on the ground and to achieve his primary objective of bringing the whole of Ukraine within his zone of dominance by breaking resilience of the Ukrainian people via destruction of critical economic and civil infrastructures with drone and missile attacks. In that context, re-initiation of Zaporizhia's huge nuclear power plant and connecting it to Russia's electricity network, plays a vital role. It gives Putin a casting vote in electricity supply to substantial parts of Ukraine. Blocking – off electricity supply to the entire Ukraine requires destruction of other Ukrainian nuclear power plants. The impact on population and economy will be devastating, particularly during the very harsh winter months. Therefore, it should not come as a surprise that after Alaska Putin has substantially increased attacks of civil and strategic targets with drones and missiles.

59. On November 20, 2025, Trump launched his so-called Ukrainian Peace Plan (the Plan). The Plan contains 28 points aimed at ending the war in Ukraine. It says that there would be a "decisive coordinated military response" in the event of further Russian incursions onto Ukrainian territory. However, it does not say which role the USA would play in that scenario, if any. This indicates that Trump will not oppose Putin's endeavours to bring the whole of Ukraine within Russia's zone of dominance nor oppose Putin's expansionist politics towards Central and South East Europe. As a result, also within the context of the Plan, the EU and NATO are alone in their support of Ukraine in its Hot War with Russia and in their own battle against Putin's burning ambition to restore Russia to the glory of the former USSR.

60. The Plan has been amended at the meeting in Berlin on December 15, 2025 to which Russia did not attend. Prior to the meeting, Zelensky cancelled Ukraine's ambition to join NATO. It has been argued above that the Patriots deal between Trump and Rutte and the ensuing extraterritorial scope of Article 5 of the NATO Treaty imply that this gesture does not alter Ukraine's position towards Russia nor NATO's support of this position. Therefore, the essential problem to be solved is Putin's demand of *de iure* cessation of the entire Donbas and the Crimea. Also prior to the meeting Zelensky repeated his refusal to meet this demand. It seems excluded that Putin will retract or soften his position. As a result, the status quo at the Alaska meeting will remain unchanged.

61. Categorical refusal by Zelensky and Ukraine of *de iure* cessation of the Donbas and the Crimea areas and increased Russian acts of war, put Ukrainian citizens in an ever-growing misery. At a certain stage, this may force Zelensky and/or his government to change current politics. Should this happen, it will be up to NATO to decide without full political support from Ukraine, whether conversion of Ukraine into a vassal state of Russia by air-to-air war and without there being boots on the ground, qualifies as an armed attack within the topical meaning of article 5 of the NATO Treaty.

62. Stalemate on the ground and battle in the air demand a sufficient number of ground troops to maintain the former and of skilled technicians to wage the latter. In my opinion, it is unlikely that European NATO Allies will send ground troops and technicians to Ukraine in order to complement Ukraine's numerical and technical shortcomings. This opinion relies on three considerations:

- (i) Putin emphatically rejects the possibility of NATO Allies becoming involved in security guarantees by sending ground troops and civilians to Ukraine. On September 5, 2025, he announced that, if sent, they will become a legitimate prime target of Russian attacks by drones and missiles;
 - (ii) Trump decides whether or not Ukraine's increasing need of sophisticated air defence weaponry can and will be met by the USA. Within this context, it should be recalled that Trump is only prepared to send the much needed Patriot air defence systems to Ukraine via NATO and that NATO must cover the costs. In my view, Trump will continue to draw this line with regard to other sophisticated anti-aircraft artillery, irrespective of those being ordered by NATO or by European NATO Allies;
- and, last but not least,
- (iii) substantial casualties in Ukraine amongst NATO soldiers and civilians will stir-up huge protests and political unrest in home countries, particularly if such countries host male Ukrainian migrants. Images of the anti-Vietnam protests in the USA spring to mind.

Conclusion

63. The war in Ukraine is likely to continue as an air-to-air war which, by and large, will be waged by Ukraine with cheap anti-aircraft weapons such as drones and by NATO and European NATO Allies with expensive anti-aircraft artillery and fighter jets. Within this context, it is of crucial importance that attacks by drones are much less costly than defence against such attacks by sophisticated anti-aircraft artillery or fighter jets. For example, the costs of a small adapted FPV drone suited for military use amount to approximately \$ 1000, – whereas the costs of a one hour flight in an advanced, modern fighter jet like the F-35A, are around \$ 67,550, while less expensive aircraft, such as the F-16, costs roughly \$ 27,000 per hour. This raises the question of how long European NATO Allies can uphold the necessity of unconditional support of Ukraine towards their taxpayers.

64. European NATO Allies and their citizens must be convinced that, however laudable, gradual increase of their GDP to 5 percent annually by 2035, is insufficient to build a vast military-industrial defence complex and targeted and effective methods of communication and coordination related to common strategies whilst at the same time deterring Putin from endangering the security of the North Atlantic area by armed attacks such as weaponised drones, during construction of such a complex.

64. Close interrelations between Russia and China, and particularly Russia's dependence on China-mined REEs and CRMs, imply that China was indirectly but seriously involved in the position Russian negotiators took in the preparatory phase of the Plan. This will not be any different with regard to the negotiations on the amended version of the Plan resulting from the conference in Berlin. China is thus a major force in the rise and fall of the military and political deadlock in Ukraine.

65. The EU should address the above conundrum by aligning global seaborne trade with the rapidly approaching remake of world order. On China's home front, production and export of cheap goods to the EU is of crucial importance, particularly as sky-high import tariffs reduced if not ended exports to the USA. Therefore, China has an overriding interest in keeping trade and other commercial relations with the EU as extensive and profitable as possible. Thus far, the EU has adopted a wait-and-see attitude in regard to the impact of Trump's politics on seaborne trade with China. Continuation of this attitude degrades the EU to a bystander who resigned awaits his fate. In its own interest, the EU must therefore take the initiative. The sooner the better. To that end, the EU Commission should be mandated to start consultations with China aimed at creating new bases for trade relations in accordance with current and future conditions on the world stage. Topics could be:

- (i) China's support of Putin in his Hot War against Ukraine and in his expansionist politics towards Central and South East Europe, with a special focus on China's supply of rare earth minerals such as REEs and CRMs to Russia;
- (ii) The impact of the BRI on seaborne trade between China and the EU, with a special focus on COSCO's shareholdings in 23 EU seaports;
- (iii) China's trade politics towards the EU, with a special focus on the causal link between such politics and the legally enforceable obligation of extra-territorial implementation of EU antitrust law by the Commission out of its own accord;
- (iv) Pursuit by the IMO and the EU of climate neutrality in global seaborne trade by 2050, with a special focus on global pollution resulting from GHG emissions by 1,161 coal-fired power plants and by an additional 674 of such plants under construction, all located on China's mainland.
- (v) Trump's National Security Strategy of November 2025, with a special focus on division of the world into zones of dominance where the US will have the lead in the Western Hemisphere whilst leaving Russia and the EU

to sort it out in Europe, and where China will have a large say in Asia's future so long as it doesn't go too far.

In the run-up to the Midterm Elections in November 2026, Trump is unlikely to achieve a manifest victory in relation to current conditions referred to above, of which he can boast in his campaign. His focus will therefore be on issues of domestic importance that have been set out in the National Security Strategy. This explains why the kidnapping of President Maduro of Venezuela is eulogised as a means required for protecting American youth against the devastating effects of drugs exported by cartels headed by Maduro. It also explains why Trump over and over again emphasises the risk of China and/or Russia distorting national security of the USA by using countries located in the Western Hemisphere. Apart from Greenland and Venezuela countries such as Cuba, Columbia and Mexico are in his crosshairs. Therefore, also from the perspective of the US National Security Strategy, the EU should abandon its wait-and-see attitude and prudently initiate contacts with China from the vantage points referred to above. The time has come to cast the die.

INFORMATION

The USA

66. Politics is responsibility chased by defeat. In a democracy, it is people who decide the future, not politicians. The more collisions between constituents, the greater the risk of autocracy or chaos. In the USA, democracy disintegrates to the point of collapse. In order to avoid havoc, President Trump increasingly shifts decision-making powers from the legislature to the executive. The majority of the Republican Party in both the Senate and the House of Representatives allows Trump to govern by executive order. This also enables him to have confidants entering the US Supreme Court as soon as the opportunity presents itself. To close the circle, Trump nominates extremely loyal confidants on key posts in his administration, removes rogue bureaucrats and orders scrutiny of Trumpism of those who remain.

67. According to the frequently cited opinion of former US Supreme Court Justice Robert Jackson, executive orders that are in accordance with the express or implied will of Congress, prevent the judiciary from prohibiting politics in light of principles of democracy and civilisation. According to this opinion, the current majority of the Republican Party in Congress and excessive use of executive orders allow Trump to govern as if the USA were an autocracy.

68. The autocratic way in which Trump governs poses a threat. The old adage "Make Haste Slowly" cautions for impulsive political and economic decisions which have a direct and irreversible impact on economic and societal order and well-being. The art of the deal is one thing, sustainable results are quite another matter. Failure to achieve such results invites autocratic politics devoid of public support. The ghost of Critias and the triakonta looms in the shadow.

US Midterm elections

69. The political structure of the USA has been organised according to the principles of democracy. Midterm elections take place on November 3, 2026. The outcome will show whether or not constituents are confident that Trump's impulsive politics generate sustainable and reliable results allowing him to continue his autocratic politics. Trump tries to influence those constituents by praising the Big, Beautiful, Bill to the skies. This Bill is estimated to add \$ 2.6 trillion dollars to the national debt of the USA. During his Presidency, the Bill causes harm and provides benefits both to upper and lower income earners. Trump focuses on the latter. Understandable language is key to interaction. The benefits the latter constituents derive from the Bill are being eulogised in the most appealing terms of the language of the people.

70. The Big, Beautiful, Bill allocates an additional \$ 150 billion dollars to defence spending. Lower income earners have no affinity with the war Russia wages in Ukraine and the ensuing vulnerable position of the EU. In his campaign, Trump will combine his glorification of the Bill with the promise that said additional amount will never be used in support of NATO or Ukraine in their battle against Russia and/or against Putin's rampant expansionist politics. This promise will be underpinned by eulogising his success in making European NATO Allies agree to increase their GDP percentage to 5 percent annually by 2035 and in NATO agreeing to pay for the Patriots deal of July 10, 2025. Trump will argue that NATO is in a position to defend Europe through its own resources.

71. A very brief, objective and non-political summary of the Bill and its financial repercussions, drawn-up by independent, neutral and non-American experts and formulated in the language of the people, is needed to oppose a fake and delusional eulogy of Trump's politics and of the Bill. In the run-up to the Midterm elections, American citizens must be allowed to form their opinion on the basis of a clear understanding which campaign rhetoric is fake and delusional, and which is not. A summary of the kind referred to above, could well be a key instrument to provide a more clear picture of how the wind is, and will be, blowing in the USA. If delusion grabs the power of government, truth must break its tools.

The EU

72. The EU and its Member States must prepare for the worst. First and foremost, this requires public recognition that in actual fact the war Russia wages with Ukraine as well as Putin's expansionist politics qualify as manifestations of the battle for global dominance and the ensuing Cold War between China and the USA. This is all the more necessary as Xi Jinping may well decide to use the time during which Trump and NATO reconsolidate politics with regard to Putin as well as tensions in the Middle East caused by China's proxy Iran, for implementing strategy and tactics on the long-awaited annexation of Taiwan, whether or not by military force. The run-up to and outcome of the Midterm elections may therefore herald the fate of Taiwan in Asia and of NATO in Europe and the Middle East.

Population

73. Citizens at all layers of society must regularly and in the language of the people, be informed about the above developments and the consequences those may have for democracy, and thus for their way of living. Information and presentation determine the success of interaction between politicians and citizens. Populist perceptions of truth which politicians and others fashion from genuine, delusional and fake information, create bubbles which lure citizens into believing what they wish to believe without being bothered by their conscience or sense of reality. In the absence of tangible events that impact their way of life, words are fragile and volatile tools to make people leave their bubble. Therefore, public opinion should be mobilised and sent to battle in order to cause bubbles to burst. One of the most harmful bubbles relates to AI and AGI.

74. Christianity has failed to properly link itself to societal changes. Its religion still provides old and antiquated altars for worshipping norms and values that serve as foundations of democracy and civilisation. This wetted the appetite of the red horse of the Apocalypse. This perpetrator of war and slaughter started by devouring the last vestiges of religious glue that holds together democracy and civilisation. Stilling its appetite is a distant prospect.

75. In the EU, worship of fake and delusional perceptions of truth before altars of internet and social media, has taken the seat the Church used to occupy. Today's harsh conditions require re-involvement of the Church in the battle for preservation of democratic norms and values. As indicated above, AI is double-faced. The face that is a fountain of prosperity enables the Church to make good its shortcomings. There can be no doubt that its algorithms will be programmed for wisdom. If worshippers no longer come to the Church, the Church must come to worshippers.

76. Tools for influencing citizens with fake and delusional information have advanced to the extent that targeted manipulative information disguised as a blessing, cannot be kept at bay by genuine coverage of truth and reality alone. Fake and delusional images have been stored in people's memory too often and for too long. They have created perceptions of truth and reality that transfigure incoming images into their likeness. Such images are directly tied to ideas people hold, thus leading to irrational and often anti-social behaviour.

77. Toynbee warned that civilisations die from suicide not by murder. Civilisation is the alma mater of democracy. AI's face that is a pool of misery ensures that democracy is no longer being nourished with the free will of citizens but with views created by mechanised replications of human cognitive abilities, functioning with emotionless efficacy, aka AGI. Both in combination and individually, AI and AGI are capable of dehumanising awareness of domestic and global realities by humanising fake and delusional perceptions of truth. This gives people a chance to escape from reality. Continuation of this trend poses the risk that AI and AGI not guide but decide. Should this happen, before long vast numbers of citizens will be brainwashed to the extent that they are deprived of consciousness and sense of reality. As a result, their behaviour will be governed by political institutions and leading

businesses. Huxley's *Brave New World* becomes reality. Democracy and civilisation grow into relics of the past. Vast quantities of soma are needed for familiarising citizens with living in a world where man has built higher than he can climb.

Containment

78. This bleak future of democracy must be avoided. Legal constraints are needed for setting genuine truth apart from populist fiction. Only truth and sense of reality amongst citizens may prevent slumbering democracies from being put to rest by the kiss of death. In addition to adequate legal constraints, the Church must be convinced that its messages need up-dating in order to better connect with people in a secularised world. In recent past, the Church has already made a step forwards. In the Second Vatican Council which took place from 1962-1965, it was amongst others decided that in mass Latin should be replaced by vernacular languages. Over the past 60 years vernacular languages have changed considerably. The irreversible advance of AI and AGI together with increasingly dangerous developments on the global scene, demonstrate that it is high time for the Church to repeat this move and spread the messages of the Script in vernacular languages of today, in mass but also via reliable media and other ways of reaching out towards people.

79. In the above process, the mistakes that were made with regard to the use of book printing, must be avoided. This technology was meant to provide the Church with a tool for improving knowledge and observance of the norms and values of Christianity amongst the faithful. As from its introduction in 1440, the Church has abused this tool by deploying secularisation of the Script as a tool for increasing its power. This was a big mistake. Norms and values must be observed through conviction, not through enforced obedience to power. AI broadens the societal impact of technology to an ever-increasing extent. Whilst avoiding AI's face of misery, the Church should send the messages of the Script, formulated in contemporary vernacular languages, to battle for the purpose of allowing citizens to make well-substantiated choices between truth and reality on the one hand, and delusion and lies, on the other. Disregard of truth and reality is the worst enemy of democracy and civilisation.

80. Surrounding conditions change at a speed that makes it impossible for Law and Church to turn the tide under their own steam. Therefore, the demarcation lines of the trias politica must be adapted so as to provide the executive with legal space to timely intervene in cases of emergency. In times of peace, governments try and find compassionate compromises between law and order. In times of Cold War, however, their focus can only be on law that provides order. Failure causes chaos thus opening the highway to defeat. The topicality and impact of this issue should not be underestimated.

ASSIMILATION

Universities

81. Current developments at universities and comparable institutions provide a template of future developments in society. In both cases, the hand that rocks the

cradle educates the child. At universities and comparable institutions the hand of democracy and civilisation must rock the cradle of students. Fearless pursuit of truth and freedom of opinion provide building blocks which create opinions and convictions. Dedication to such blocks educates students, thus providing guidance once they have become mainstays of society.

82. The increasing impact of often Islam-oriented and anti-Jewish academic staff and student leaders, corroborated by campus revolts, prevents students from dedicating themselves to said blocks. *Ceteris paribus*, the coup de grâce will be dished out once current academic staffers and student leaders have been replaced by successors with even more radical anti-democratic views.

83. Universities and comparable institutions must put an end to this state of play. Coercion to hide personal opinions and substitute same by silence or at worst lies, is a kind of obscurantism, a *caput mortuum* which annihilates genuine perceptions of truth and reality. Students must be allowed to speak in accordance with the dictates of their conscience and with the readiness to understand and discuss points of view of others, however controversial those might be to their own. Freedom of expression is not a right; it is a duty.

84. It is of vital importance that universities and comparable institutions are prevented from turning into free havens for coercion of free will and suppression of opinions. The law provides tools for preventing this from happening. These tools must be used. As early as 350 BC Aristotle argued that authorities who disrespect the law, create despotism. This pearl of wisdom also holds true for authorities of universities and comparable institutions.

85. The above reflections illustrate that Western universities and comparable institutions are vulnerable to attacks from the inside. Such attacks must be warded off. If need be, also in these vital cornerstones of democracy the lines of demarcation between the legislature, the judiciary and the executive must provide the executive with space to set the record straight.

GLOBALISATION

Introduction

86. Cold War is a state of conflict between nations that does not involve direct military action but is pursued primarily through economic and political actions, propaganda, acts of espionage and proxy wars waged by surrogates. The world faces a conflict between moral-driven democratic politics adhered to in the EU and power-driven autocratic Realpolitik exercised by China, Russia and the USA. Cold War turns into Hot War once motives mutate from pursuit of economic and social prosperity into pursuit of ideology. Ideological conflicts blur the distinction between Cold and Hot War. As a result, human errors in Cold Wars increase the risk of inhuman tragedy in concomitant Hot Wars. This risk increases even further once decision-making processes give way to fake and delusional information concocted by means of AI and AGI. I take the view that this situation is about to manifest itself on an accelerated timeframe in the EU and its Member States.

China

87. China is being bombarded with requests for support by countries whose economies are tumbling into a deplorable state as a result of manifestations of its Cold War with the USA and trade sanctions imposed by the latter. On November 20, 2023, the World Economic Forum reported that China had entered into commitments with more than 150 countries and 30 international organisations all over the world. Participating countries include almost 75 percent of the world's population and account for more than half of the world's GDP.

88. The object or effect of China's expansionist politics is that it has become one of the puppet masters who pull the strings in military and economic moves made or contemplated by beneficiaries. Africa is an example. China is heavily involved in financing and building major infrastructure projects, including railways, dams, and ports, which both secure global chains of supply and serve military objectives. China's total stock of direct investments in Africa was USD 42.11 billion in 2023 whereas from 2020 to 2022 it provided an estimated USD 170.08 billion in loans to African countries,

89. The vital importance of global seaborne trade to China's own economy and influence on countries benefitting from its economic and military support, imply that the EU cannot continue to regard China as a neutral trading partner. It must be considered and addressed as a global superpower that pursues its interests in a way that may well erode the very foundations of European Union.

The EU

90. The above implies that at least from an academic point of view, the EU is engaged in a Cold War with China. The often irreversible effects resulting from China's trade and economic politics demonstrate need and value of a legal basis allowing the EU Commission to take action out of its own accord in order to prevent irreparable damage being inflicted upon the Union and its Member States.

91. This raises the question whether in times of Cold War European Courts of Justice remain compelled to apply EU law designed for and aimed at economic and social prosperity in times of peace. The core question is whether previous interpretations of this law may obviate actions by the EU Commission or the national executive aimed at said objectives in times of Hot or Cold War. Also at EU level, cohesion, prosperity and security demand that this question is answered in the negative. It should be noted that European Courts of Justice only deal with cases related to tangible issues. Cases related to hypothetical issues are inadmissible and rejected.

92. A negative response raises the follow-up question whether the Commission needs extension of its margin of manoeuvre on a case-by-case basis or on a permanent legal basis. This same question arose in the USA. Senator Josh Hawley held the view that actions on a case-by-case basis are highly undesirable in the case of storing data of US citizens and transferring those to countries of concern. On November 18, 2019, this opinion led to the National Security and Personal Data Protection Act for the purpose of combatting the flow of Americans' sensitive

personal data to countries like China, Russia or any other country designated by the Secretary of State. I take the view that the EU Commission should dispose of a similar legal basis for dealing with matters related to global seaborne trade which seriously affect the foundations of the Union.

93. Engagement in Cold War with both Russia and China raises the same issues at EU level that are discussed herein above from a national perspective. Also from an EU perspective, the question is whether the need to defend cohesion, prosperity and security in the Union requires widening the legal basis of the EU Commission with the aim of allowing it to take out of its own accord action against global events that pose serious threats to achieving the above objectives. The answer must be in the affirmative. The arguments brought forward from a national perspective apply *mutatis mutandis* from an EU perspective. This view may be further illustrated as follows.

94. Russia and China pursue annexation of Ukraine and Taiwan, respectively. The close political, economic and military interrelation between the two nations implies that their strategies and tactics have been precisely verified on each other. This implies that there exists a strong correlation between issues and developments in Europe on the one hand, and in the Middle East and Asia, on the other. Current law provides that the Commission may only take executive action if supported by prior consent of all Member States. The past shows that under previous conditions unanimity was nearly impossible to achieve. The present shows that conditions have deteriorated significantly. Those latter conditions have made unanimity an almost invisible prospect. As a result, domestic interests of Member States deviate from one another at frightening speed. In order to prevent such deviations being irreversible appropriate action by the Commission is imperative. Failure is grist to the mill of Putin. He will use all means at his disposal to add fuel to the fire. The role EU antitrust law should play in this respect has been argued in my article “East is East and West is West, and never the twain shall meet” published in ETL, 4/2025.⁽²⁾

95. Russia and China will implement their common strategy and tactics referred to above in a way that corresponds with topical events and will provide this approach with a permanent basis in light of the outcome of the US Midterm elections. This strategy will be crucial to the remake of a new world order. Therefore, in close coordination, the EU Commission, NATO and a coalition of the willing must prepare and implement a countervailing strategy and tactics prior to November 3, 2026. The speed of current events demands that under its own steam the Commission takes part in the preparation of such strategy and tactics, and takes action once those have been agreed upon out of its own accord. If necessary, the Commission may base its actions on EU antitrust law as in this arena decision-making processes are not allowed to be subject to political considerations. However, such considerations are bound to play a role behind the scenes. This is all the more reason why also at EU level the lines of demarcation between the legislature, the judiciary and the executive must be adapted. This issue should be put on the EU agenda and be given utmost priority.

⁽²⁾ ETL 2025, 415-427.

Conclusion

96. Speed and volatility of global events and Hot and Cold Wars waged all over the globe, imply that democracy is in dire need of protection, both at national and European level. Protection must be realised by granting national executives and the EU Commission legal space needed for instant responses to life-threatening occurrences. Responses may have effects in the military arena. Prior consultation with NATO is therefore required. Union is strength.

97. The EU Commission and Member States must ensure from the outset that ex post supervision of actions by the executive is first and foremost at the discretion of the respective Parliament. By necessity, judicial assessment prior to or directly after such actions is based on laws adopted and interpreted in times of peace.

The EU and its Member States no longer live in times of peace. Therefore, such judgements must be avoided, in any event prior to discussion of the matter in Parliament.

98. In democracies, laws are adopted bottom-up through processes that take place under conditions of freedom, transparency and responsibility, with due respect of plurality of views. Assimilation and integration do not have the purpose of depriving lawful migrants of their religion or ideology. Observance of associated norms and values remains untouched. This may give rise to religious and/or ideological conflicts, amongst others in discussions in Parliament on the adoption of new laws.

99. Conflicts of the kind referred to above must be avoided. Christian citizens need to be convinced that lawful migrants are fully entitled to adhere to and profess their own religion or ideology. However, acknowledgment of racial or ethnic origin, religion or belief and philosophy of life must not be allowed to obviate assimilation and integration. Therefore, the legislature should provide the executive and the judiciary with a reliable and clear legal bridge which connects religious/ideological rights and duties of lawful non-Christian citizens with norms and values which govern the democratic society of their choice and future. Failure to build such a bridge makes peaceful coexistence under a communal democratic code of norms and values, an illusion.

100. Democracy is not put here to stay. Its value only becomes clear once it has passed away.

