

Commentary

Peace and Prosperity for the Digital Age? The Colonial Political Economy of European AI Governance

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■ **WE ARE NOT** short of alarming accounts of the global power asymmetries and detrimental environmental, social, and political effects fostered and amplified by the production, design, and use of artificial intelligence technologies (AITs). From “surveillance capitalism” [66], via the “black box society” [50], “automated inequality” [22], “algorithms of oppression” [47] to “extractive politics” [17]; from the “Californian ideology” [4] of “Big Tech” in Silicon Valley to the world of start-ups and specialist public sector contractors, like Palantir and Clearview, scholars highlight a wild west of disruptive technological innovation that has gone largely untamed. The whole globe is embroiled in its production and effects while the costs of “externalities” are paid by others: through large-scale environmental degradation from rare metal mining [17], intensive carbon consumption [19], underpaid and underemployed click workers [3], [58], [61], violations of privacy and data protection [5], [48], and the amplification of societal biases in automated decision-making (a useful collection in a 2021 special issue of *Fordham Law Review*).

The European Union (EU) Commission’s recent proposal for a regulation of artificial intelligence (AI Act) [27] appears to signal a change in approach. Despite worldwide and growing concern for the need to regulate AITs, efforts remain

nascent, abstract, and mostly self-regulatory [32], [35]. The EU Commission’s proposal stands out for a different approach: more hierarchical, coercive, and “dissuasive” [27]. It suggests banning some AI uses altogether (e.g., social scoring), certifying and risk-mitigating others (most public uses of AITs), and introducing sanctions¹ that are meant to ensure high compliance rates.

The regulation is unlikely to take effect until 2023 and has already been contested by civil society organizations, specialists, and the European Parliament (see [21]). There are likely amendments on the horizon but these tend toward extending (rather than limiting) the proposed protections from some “high-risk” use cases (see [26]).

The overall proposal positions the EU at the forefront of developing a comprehensive regulatory approach to AI. Its rather pompous self-proclaimed aim is to produce and foster “cutting-edge,” yet “trustworthy” and “human-centered” AITs made in Europe [24], [39], [49], [52]. It suggests a dual aim to contribute to more equitable AIT production and applications *through* its common market and to generate future economic growth *through* ethical AIT design and development.

In this statement, we explore the narrative surrounding the AI Act and situate it in a problematic

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¹It suggests 30 billion Euros or 6% of total worldwide turnover for infringement of prohibited uses; 20 billion or 4% for other infringements and 10 billion or 2% for misinforming the competent authorities. The EU Commission describes this enforcement approach as “effective, proportionate, and dissuasive” (p. 82 of the proposed regulation).

social scientific history of European integration claimed as a project of “peace and prosperity.” In an interpretive policy analysis [64], we explore how the relationship between ethical principles (“peace”) and economic rationalities (“prosperity”) is depicted in the draft Act and discuss what such depiction reveals and hides about the wider context of the EU’s regulation of AITs. We draw on colonial political economy accounts of capitalism [9] and European integration [33] to qualify the potential of the self-declared “normative power Europe” to lead the way to more equitable AI development and use through its regulatory powers.

Our argument runs in three steps:

- First, we depict the EU Commission’s narrative on the AI Act in more depth, drawing on our own interpretive policy analysis of official documents.
- Second, we situate the Commission’s “trustworthy and human-centered AI” narrative in wider explanations of European integration and market-making and show how AIT regulation reiterates the EU’s peace and prosperity myth for the digital age.
- Third, we problematize the notion of an AIT common market that fosters prosperity in ethical ways. Instead, we locate this project as a late addition to long-running mythmaking around European integration that disguises its colonial political economy, including for AI, and from which we identify four lines of inquiry that should orient our assessment of current and future regulatory efforts.

Note that we decided to include quite a large variety of references for a short reflection paper to allow our readers to deepen the several—so far separate but deeply interconnected—discussions on the regulation of AITs, EU common market-making, and colonial political economy.

EU’s narrative of “cutting-edge, yet trustworthy” AI made in Europe

The development of “cutting-edge, yet trustworthy” AI in the EU was identified as a key priority for the EU in late 2019 [24], alongside the European Green Deal and managing the knock-on effects of the SARS-CoV-2 pandemic. Importantly, this level of priority also included the development of a regulatory approach from scratch. The Commission’s AI policies include a strategy paper and a coordinated plan in 2018, the establishment of a AI High

Level Expert Group (AIHLEG) in 2018, a Commission White Paper in 2020 which draws on the publication of the AIHLEG’s policy and investment recommendations and ethics guidelines in 2019, and eventually a proposal for regulation in 2021.

The bottom line for EU regulation of AITs has been neatly summarized as “we want AI, but we do not want any AI” (foreword by Fredrik Heintz in [39]). Shortly after taking office on December 1, 2019, the EU Commission’s new President Ursula von der Leyen promised to develop the, worldwide, first set of *binding rules* for “trustworthy” development and application of AIT systems in the first 100 days in office. In that context, von der Leyen reiterated the goal of “reaping the benefits of technology *and* making it work for people” [24], an ambition that was already expressed in the EU Commission’s AI strategy in 2018 as follows: “the EU can lead the way in developing and using AI for good and for all, building on its values and its strengths” [23].

Indeed, similar formulations of regulatory goals have already surfaced in the context of the 2018 General Data Protection Regulation (GDPR) which is seen as a “major step for building trust” in the development of new technologies and is cherished, by the Commission, as a key example for how “the EU’s sustainable approach to technologies creates a competitive edge, by embracing change on the basis of the Union’s values” [23]. Amidst this focus on enhancing the competitiveness of the Union on all things AI, the Commission’s strategy highlighted its wish to “ensure” that AIT design, development, and use should respect “ethical principles” and “fundamental rights”:

“...some AI applications may raise new ethical and legal questions, for example related to liability or potentially biased decision-making. The EU must therefore ensure that AI is developed and applied in an appropriate framework which promotes innovation and respects the Union’s values and fundamental rights as well as ethical principles such as accountability and transparency. The EU is also well placed to lead this debate on the global stage. This is how the EU can make a difference – and be the champion of an approach to AI that benefits people and society as a whole” [23]

This cursory summary of the EU’s own reasoning highlights twofold regulatory goals. On the one hand, the Commission wants to mitigate AIT-related

risks and expresses this in terms of the trust, ethical principles, and fundamental rights. On the other hand, there is a strong focus on developing market leadership for the EU in the wider geopolitical economy of AI technology production. Of course, this agenda is also closely linked to ideological and security concerns about changing international relations that position the EU between the United States and China (mirroring the EU's normative and security positioning between the United States and the Soviet Union in the post-World War II period). The role of France and other EU countries—along with Canada, in particular—in pushing for regulation of AIT use via the Global Partnership for AI, exhibits this tension especially strongly.

Indeed, some observers argue that the swift development of a regulatory framework signals “an increased awareness of ethical and value-based concerns surrounding applied AI” in the Union [39], [52]. This awareness certainly responds to the substantial and numerous concerns of institutions such as the UN [1], the Council for Europe [15], [16], and the European Parliament [25] about the transparency and accountability of algorithmic decision-making. This has centered on the protection of fundamental human rights, but also the use of AIT in law enforcement, the judicial system, and social welfare. The Commission, in its 2018 strategy paper, expresses the wish to “ensure an appropriate ethical and legal framework” which will include product liability rules, safety standards, ethics guidelines, and the “empowerment” of users and citizens vis-à-vis AIT-based data extraction and decisions [23]. It seems plausible then that scholars assert the EU Commission's main goal is the development of a “human-centered approach” to AI systems where humans should “be the baseline upon which these systems should improve” and where these systems should abide by the “same requirements” as we usually put on people when regulating their behavior [39].

And yet, the EU's approach to regulating AI and automated decision-making has, from the very beginning in 2018, been underpinned by market development, competition, and security considerations. The need to protect this was highlighted by a key position paper by 14 member states [18]. The Commission explains the “strong political endorsement” of 24 member states and Norway to work together on regulating and promoting AITs first and foremost with the requirement of “significant efforts to ensure

that Europe is competitive in the AI landscapes with bold investments that match its economic weight.” Ethical considerations rank second and third and are expressed in ways that mask agendas that also enhance those investments: “no one is left behind in digital transformation” and “new technologies are based on values” [23]. The proposed regulation argues that it “aims at strengthening Europe's competitiveness and industrial basis in AI” [27].

Myth continued: The common AI market as a force for peace and prosperity?

This specific narrative on the EU's AI regulatory efforts taps into a hard-wired and encompassing narrative of the drivers of European integration and policymaking since the Treaties of Paris and Rome: the six founding members would have come together in the Coal and Steel Community and then the European Economic Community to *ensure peace and prosperity* in Europe after two devastating wars.

Robert Schuman's famous Declaration of 1950 singles out “world peace” as a key driver for uniting Europe, arguing that “solidarity in production” will “make it plain that any war between France and Germany becomes not merely unthinkable, but materially impossible” [28]. Economic integration will also lead to *prosperity*, namely the “modernization of production and the improvement of its quality, the supply of coal and steel ... to the markets of ... member states ... the development in common of exports ... [and] the equalization and improvement of the living conditions of workers” [28]. The EU's contemporary self-representation explicitly builds on Schuman's *publicized* vision: “As of 1950, the European Coal and Steel Community begins to *unite* European countries economically and politically in order to secure lasting peace.”

The framing of the EU's rationale for AIT regulation reflects this favored historical narrative. What is missing is Schuman's hidden rationales for a united Europe—and especially his colonial views on “developing Africa,” thereby “revitalizing” an “old Continent” [28], [33]. This is despite—or perhaps because—of the ongoing relevance of these ideas to the framing of many of the Union's policies: including development, technology, science, security, and migration. The emphasis on creating a normative market leadership between the United States and China disguises this significant colonial dimension

and context of its emergent AIT regulatory framework. It does not diminish or displace it.

As the EU advances as a site of AIT design, development, use, and regulation, it apparently does so with two feet firmly set on its own founding myth. Notions such as technological innovation, bold investment, growth, and prosperity come across very explicitly in the proposed AI Act and the Commission's supporting statements. At the same time, the vision of a "human-centered" AI economy that "works for the people" by respecting their basic rights and ensures trust and transparency speak to a self-declared higher moral ground that has, after all, earned the EU not only just the label of "normative power Europe" in international relations theory [54], but also a Nobel Prize.

Scholarly work on AI regulation plays its part in feeding the Janus-faced narrative of AI competitiveness and ethical AI. More prescriptive work in political science and legal studies conceives of regulation in the AIT and automation as a *proportional* correction of market failure [36]–[38]. These studies advocate for "risk-based" regulation that assesses the likelihood and relative impact of adverse effects of AI applications, and, on that basis, designs differentiated regulatory answers (e.g., prohibitive approaches toward unacceptably harmful uses; tight risk mitigation for high-risk uses; and permissive regulation for low-risk adoptions). Such risk-based approaches would, the authors suggest, *facilitate innovation, investment, and AI marketing*, key economic goals of the EU and other regulators, all while mitigating the greatest harms and ethical concerns.

The EU's proposed AI Act justifies its own "risk-based" and "proportional" approach with precisely that kind of reasoning: the ban on social scoring and tightly curtailed application of AI-based automation in public decision-making for ethical reasons coexists with regulatory sandboxes and light-touch approaches to "low-risk" use cases [68]. In a nutshell, these accounts portray risk-based AI regulation à la EU as a somewhat magical rationalizer for achieving *both*: 1) the provision of trustworthy AI that respects human values and rights and 2) the creation and expansion of a competitive European AI market.

Of course, the AI Act is not without critics who have cast plausible doubt on the *ability of the regulation* to pursue the dual goal of peace and prosperity, or trustworthy AI. As it stands, this comes mainly

from critical legal scholars, who castigate insufficient data protection [65], a failure to acknowledge the collective dimension of data-related rights, or a lack of enforceable standards [32], [38], among other issues. Such criticism creates important grounds for qualifying the actual drivers of the EU's "trustworthy" and "human-centered" AI narrative.

Nonetheless, these important critiques do not explain the emergence of this specific form, mode, and/or scope of actual AIT regulation. First in the context of the wider political economy of European integration (i.e., why this form, here and now). Second, in the context of the wider availability of possible alternative approaches, from outright bans, to impact assessments and transparency or monitoring requirements (i.e., why this mode). Third, in the context of accelerated economic agendas to promote AIT developments (i.e., why this scope). In particular, there is a striking lack of focus on the regulation of AIT design and production, and rather more on its use.

Political economists offer a more profound contextualization when highlighting the overriding normative and functionalist force of the EU's common market project. Rosamond [54], for example, fittingly describes the Union as driven by the "conquest for the common market" with vast implications for integration internally and for global governance externally. Internally, the EU regulates to minimize the adverse effects of globalization—such as environmental degradation, tax avoidance, or indeed mass data extraction—for its own citizens and companies. Externally, it regulates not only to "externalize" its own normative principles, but also to enhance and protect its own competitiveness in a global market [29], [54].

Some see the externalization of EU regulatory norms as a "by-product" of consumer protection goals rather than a case of "regulatory imperialism" [10]. In product regulation, scholarship has observed a "Brussels effect" [10], [57] where the EU unilaterally sets aggressive product standards to shield its consumers from chief risks. Firms in other jurisdictions—seeking access to the largest consumer market in the world—must comply, thus by default imposing a regulatory benchmark. The GDPR, in particular, has been credited with this role in a regulatory race to the top in data protection.

The EU Commission is well aware of the by now global reach of EU standard-setting in many areas of

product regulation [10]. In that perspective, “ethical AI” could be a way to keep non-EU AI products and applications out “if they do not conform to national regulations serving valid health, safety or environmental purposes”; AI regulation could “serve as a certificate of superior product quality that is rewarded by the market” [57] (for global AIT regulation, see [70]). The EU AI Act could hence be a recent case of European *quality product regulation* where “trustworthy” and “human-centered” AI, while *also* promoting consumer protection and security (the moral high ground just short of “peace”), are *integral to the* competitiveness brand through which the EU seeks to protect its internal AI market and compete on a high-quality label globally (“prosperity”).

In addition, critical governance scholars highlight the intersection of Brussels’ AIT, digital and data regulation, with its own governance projects. This is likely to constrain, or at least shape, the EU’s regulatory impulses to protect EU executive bodies and member state governments as chief users of AITs.

A case in point is the EU’s approach to AITs in border control. Scholars depict a mutually constitutive logic of “business facilitation” and “border protection” in the EU’s “smart borders” approach—for example, green-listing of frequent trusted travelers, black-listing of risky individuals based on algorithms, and gray-listing of most people [40]. Digitalization is fuelled by a tech and big data industry “eager to cater to real and perceived needs of governments in the field of border management” [11], while governments are eager to ensure their products and digital and technology economies are supported.

For example, Carmel [12] traces how research and development for security and military technologies is conceptualized and funded through EU Horizon and other funding streams. These are strongly oriented to efforts to develop and enhance European security technology markets in ways directly proposed by corporate interests and to meet public agendas for promoting investment in these technologies, including AITs. This leads to research organized around the interoperability of data and systems across the EU to facilitate product development, subsidizing pilot-testing of security technologies and facilitating product sales. This example suggests that we need to understand the EU’s AI Act in the context of Brussels’ *proactive* and *self-referential* market-making agenda and its wider political economy.

Eventually, then, it seems that “the twin considerations of value capture and ethics” ascribed to AI regulation in the EU [39] might not be equal twins after all but imply a *hierarchy of these goals*. As the EU has entered into a regulatory competition with China, the United States, Canada, and other countries developing AIT specialisms, the “trustworthy AI” agenda may not be primarily a way of producing AI more ethically across the globe. Recent studies suggest that the strong focus on AI ethics and risk mitigation also serves the Union’s own competitiveness goals [70]. Meanwhile, we can see that AIT competitiveness is likely to conflict with ethical tenets, rather than harness them, given the reliance on exploitation of labor for data, energy for systems development, and earth/wider environment for hardware and infrastructure. In light of these observations, we now turn to examine how we might more usefully examine the framing and focus of the proposal.

Toward a colonial political economy of AI regulation

The dominant self-representation of the EU’s AI Act and data protection regulations are as standing in a heritage of “peace and prosperity,” of human rights protection and as moral leaders. However, when we revisit this claimed heritage, a more ambivalent set of relationships between market-making, power, and the political economy of regulation are revealed.

The above accounts consider the common market as a rather *self-contained* Western project. While acknowledging the interdependence of national economies on global markets as drivers of economic and political cooperation in the EU and beyond, these accounts disguise the colonial connections that underpinned capitalist modernization from the outset.

This is not only oversight in studies of European policymaking. As Bhambra [9] recently showed in her overhaul of the history and development of “Western” capitalism in Europe, most classic accounts of capitalism—from Karl Marx to Max Weber—fail to address that “the global connections forged through colonialism ... are the *condition* of capitalist-modernity.” This is true, she argues, for the myth of “discoveries” and appropriation of allegedly uncharted land as the foundation for capitalist expansion from the 16th century. The colonial apparatus was claimed as ontologically a product of the

moral superiority, progress, reason, and civilization of the White European metropolises [45] (see [56]). This in turn erased the terms of capitalist progress and the destruction and dispossession on which it rested (e.g., [53], [67]). These insights draw our attention to whether and how the EU's efforts in AIT market-making might not only express a particular competitiveness strategy, but also build on and reproduce this fundamental colonial political economy of domination, exploitation, and geopolitical influence.

Its relevance is shown when we consider that “peace and prosperity” for Europe *relied on* colonial power relations in its founding, as Hansen and Jonsen [33] argue. Their careful and thorough archival work on the early days of European integration shows that economic and political unification in Europe was thought of at the time—including by key figures such as French Foreign Secretary Robert Schuman or German Chancellor Konrad Adenauer—as fundamentally *relying on* the extraction of resources (raw materials and labor) from the French, Dutch, and Belgian colonies, the *sharing and pooling* of these resources across the union-to-be, but also the joint investment in harvesting these resources among the six. Drawing Germany and Italy, those member states that lost their empires after the Second World War, into a pooled form of European Economic Communities (EEC)-colonialism would help, in the words of Robert Schuman, to “revitalize” Europe as a whole and to secure peace and prosperity on the continent ([33] also see *Schuman Declaration*).

Reflections by decolonial scholars of political economy and European studies thus raise the analytical question of how Brussels' current efforts to create a trustworthy AI market in Europe tie in with this “long-forgotten or suppressed” history of the European project [33]. We propose four lines of inquiry here:

1. *Examine the interaction of EU AIT regulation with the global political economy of AITs' physical infrastructures and the deep inequalities it generates.* Critical AI scholars have described the extractive industry that supports AIT production as a new form of colonialism where the production of capitalist surplus for a handful of big tech companies draws on large-scale exploitation of the soil, minerals, and other resources (e.g., [17]). The proposed EU regulation does not

address the harm that occurred in other parts of the world through the vast environmental and social costs of mineral and resource extraction and energy consumption for large-scale computing [14], [19], [71]. Indeed, the draft regulation says little to nothing about the conditions under which AITs are produced at all; the colonial political economy that sustains conditions of production, in which the “high-value” (scientific and design) elements of AIT design and development remain firmly in the hands of metropolitan centers.

2. *Examine the interaction of EU AI regulation with the global political economy of AITs' labor infrastructures and the deep inequalities it generates.* Especially significant here is the underplayed importance of “intelligence” of AIT applications and how this draws on the underpaid not-so-artificial human labor by hyper-flexible click workers—themselves in racialized and subordinated positions in the wider colonial political economy, primarily, but not only, in the global South [3], [58]. The AIT economy is one in which highly precarious working conditions for gig economy “click” workers are both necessary to the business models of AIT companies, and at the same time, are ever more closely produced by them (see [55]).

The question for us is: does EU AI regulation *seek to* and *can it* actually *improve* the global conditions for an environmentally sustainable AI production? At the same time, the EU's tendency to dominate product regulation in many domains also raises concerns about growing asymmetries of *economic and political* power in the global market, with firms and national regulators in the global South at the receiving end of Brussels' dictum of what “good” or “ethical” products are. As Bradford [10] writes: the EU regulatory approach, “relying on economic and bureaucratic tools of dominion over countries that are dependent on access to its vast domestic market,” can be charged with neo-colonialism.

3. *Systematically examine the interaction with EU regulation with the specifically racialized social conditions of AIT production and use.* Research on algorithmic bias and its interaction with wider societal patterns of discrimination is acknowledged, in image recognition, recommender

systems, and large language models (e.g., [2], [7], and [62]). However, it is less clear how regulatory actors (ought to) think of and address this issue. To Ruha Benjamin, AIT applications are tools of “encoded inequity,” engendering a “digital caste system, structured by existing racial [and other] inequities” but they marketize their products “as morally superior because they purport to rise beyond human bias” [8]. With AI applications, encoded discrimination is *simultaneously* hidden from view and deeply effective as a stratification tool (e.g., [22]).

Where individual rights holders are the focus of AI and big data regulation—as in the EU’s proposal—the social dimension of accumulative rights violations which draw on and reproduce racial (and other forms of) discrimination is barely visible and hardly justifiable. For example, scholars have critiqued the GDPR’s targeting of individual privacy rights as one-sided and ineffective [6], [31], [30], [65]. Gray [69] argues that the coloniality of data production should be recognized as a collective rights deprivation and a new form of ongoing structural colonial violence. There is a fruitful, if as yet inconclusive, debate on the most effective ways to regulate such injustices (e.g., [13], [30], [44], [51], [63]). In this context, the EU’s focus on regulating AIT as a consumer “product-in-use” requiring individual protections is problematic, highly political, and undermines the claims to regulate “ethical” AI.

4. *Examination of the EU’s own uses of AIT applications and their implications for continued forms of European colonial domination and management of labor flows.* As both chief regulator and user of AITs in its own governance projects, the EU somewhat schizophrenically structures its own room for governing with AITs [43] and testing wider markets for EU-made AIT applications. Scholarship attests that the migration and border control domain migration has become a testing ground for developing business cases for public AI uses [46]. From iris scanners and lie detectors at the border, to dialect recognition software in asylum procedures, the EU has piloted and funded several projects in member states under the banner of “smart borders” and “big data for migration.” Jeandesboz [34, p. 337]

traces AI uses in migration governance back to the concept of “dataveillance”—a new “politics of knowledge involved in governing people on the move” through the collection and processing of electronic, personal data of migrants, and refugees, but also citizens and visitors, for purposes of surveillance and mobility control.

As in Schuman’s narrative of a *revitalized* Europe that draws on resources from the colonies, AIT-selective smart mobility in Europe facilitates the harvesting of “useful” labor from the global South on Europe’s terms and conditions, all while also delimiting racialized forms of migrations deemed problematic. From a decolonial perspective, therefore, the EU’s efforts to identify “illegal” mobility with the help of AITs must not be analyzed separately from how those AITs are regulated. We need to consider how “technology replicates power relations in society that render certain [racialised] communities as testing grounds for innovation” [46]. In other words, we also need to explore how the EU’s AI Act facilitates, constraints, and changes member states’ own (post)colonial uses of AI.

To sum up: With the proposal for an AI Act, the European Union marked a step change in governmental regulation of AIT use. For the first time, clear rationales, processes, and targets were set out as a proposal that would require legally sanctioned compliance. Coming from a leading global authority at a time of ongoing technological developments, accelerated adoption in the private and public sectors, and international security and economic competition makes the proposal politically, legally, and socially important.

In this article, we examined the proposal’s claimed rationale: to produce human-centered AI that would achieve both ethical and economic goals. Our interpretive policy analysis has shown that this argumentation rests on a familiar founding narrative used to justify EU integration—the need to provide “peace and prosperity” in Europe. And critically, when put into practice, this narrative poses a hierarchy of goals, revealing the key driver of regulation to be maintaining and advancing EU power and political economy.

A colonial political economy lens helps us problematize the notion of a common AI market that fosters prosperity in ethical ways as the newest addition

to longer-running mythmaking around European integration that glosses over the colonial political economy of common market-making. As in the past, the EU's economic prosperity—in this case, the development of AIT applications made in the EU for competition on a global market—is entangled with projects of colonial domination.

Importantly, this also shifts our regulatory attention from consumer-framed AIT-products-in-use to a focus on the wider conditions of AIT design, development, and use. For example, this applies to the development and management of physical and data infrastructures and resources that facilitate the production of AITs in the global South and the management of worker populations that are themselves most subject to data appropriation and poor working conditions. Crucially, when reviewing AIT regulation, these colonial political economy relations must be seen as integral to AITs across their lifecycle: design, production, development, use, revision, adaptation, decommissioning, and disposal.

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