

# TWENTY YEARS AFTER POST-COMMUNIST COUNTRIES AND EUROPEAN INTEGRATION



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German-English translation: Margaret Cameron  
Polish-English translation: Ewa Urbańczyk-Piskorska  
Croatian-English translation: Ana Heidl  
English language editing: Margaret Cameron except (4): Alan and Pauline Chamberlain  
Proof reading and photo research: Jonathan Niessen  
Text editing, coordination and final editing: Marianne Ebertowski  
Production: Micheline Gutman

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This publication can be ordered at:  
Heinrich-Böll-Stiftung, European Union, Brussels

15 Rue d'Arlon  
B-1050 Brussels  
Belgium

P (+32) 2 743 41 00  
F (+32) 2 743 41 09  
E [brussels@boell.eu](mailto:brussels@boell.eu)  
W [www.boell.eu](http://www.boell.eu)

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## FOREWORD

In the words of the Polish journalist and dissident, Adam Michnik, 1989 was Europe's *annus mirabilis*. The peaceful revolution of that year was a miracle effected by the people in central and eastern Europe. Hardly any one (and certainly no western head of state or politician) had foreseen that a popular movement active in different countries would, in just a few months, topple socialist regimes and force the mighty Soviet Union to retreat behind the borders of Russia. There was Ronald Regan's legendary call "Mr. Gorbachev, tear down this wall!" made in June 1987 as he stood at the Berlin Wall but neither U.S. diplomats nor European governments took it seriously and some did not even want it: to them two Germanys was preferable to one.

This wonder of freedom did not just fall out of the sky. It had a long history; the Czechoslovakian *Charter 77* group was part of it as was the Polish trade union movement, *Solidarność*; one could also include the Prague Spring of 1968 and the Soviet dissident circle around Andrei Sakharov, or even go as far back as the Hungarian uprising of 1956 or the events of 17 June 1953 in the GDR, the first mass revolt in the Soviet sphere of influence after the war.

The reason 1989 was so successful in comparison to earlier revolts was due to its peaceful nature. The images of tanks in East Berlin, Budapest and Prague were still in peoples' minds and nobody could be sure that these tragedies would not be repeated. The trauma of these events was the creative force for the development of a new concept of resistance, namely no violence but dialogue with the powers that be to bring about peaceful transformation.

That these improbable aims were met was not due exclusively to the skill and prudence of the opposition movements. Without the political spring in Moscow, without Gorbachev's readiness to keep Russian troops in the barracks and allow the reform movements in the socialist brother

lands to continue, the history of 1989 would have been much darker. This remains Gorbachev's historical achievement even though it was based on a miscalculation: Gorbachev believed that reform would strengthen the socialist system; in fact it sealed its fate.

The spirit of the early part of this period of change at the beginning of the 1990s was captured in American political scientist, Francis Fukuyama's famous book *The End of History* (published 1992). Fukuyama's main thesis was that with the collapse of socialism there was no longer any serious opposition to liberalism and that the whole world would now commit itself to the combination of democracy and capitalism that had emerged successfully from the battle with the rival socialist system.

The question we have to ask at the end of the first decade of the new millennium is: how valid is Fukuyama's assessment today? Or is what we are experiencing in many of the post-communist countries an erosion of their newly won democracy against the backdrop of a global economic crisis that is questioning the legitimacy of capitalism? This crisis with the ideas of democracy and market economy does not, however, mean that alternatives will emerge that will create a similar impact as the communist and fascist oppositional movements in the 1930s.

The wave of freedom that began in 1989 has swept beyond Europe. The democratic movement in China that was crushed in the usual manner at Tiananmen Square is also part of it. The epicentre, however, was in Europe, including Russia. One of its most important achievements has been the political reunification of Europe on the basis of the rule of law and democracy.

The historic mission of creating a free and united Europe, however, is not yet complete. We should not make the mistake of either drawing or accepting new and lasting division lines in

Europe, neither in the case of ex-Yugoslavia nor against Turkey, Ukraine or Georgia. Currently, the effects of the economic crisis threaten even what European integration has already achieved. We are going through a period of a dangerous lack of European solidarity and inability to act when what we need is more not less Europe if we are to overcome the crisis.

The contributors to this publication do not just look back with pleasure to those euphoric days when the people of central and eastern Europe overcame the continent's division but they have also made sober assessments of the intervening period. What have been the results of 1989? How far have the expectations of the time been fulfilled and where have they been disappointed? What role has the example of the European Union played in the last twenty years? Where do the

post-communist countries of central and eastern Europe as well as those of the Western Balkans now stand in Europe? What effect has all this had on "old Europe"; those members of the European Union whose historical experience took place on the other side of the Wall? In what way has the accession of post-communist countries influenced the European Union and its policies?

We have also looked to the future. How do the post-communist countries see themselves in twenty years time? Upon what goals and values should Europe's future be based? One thing is clear: although a united Europe needs strong common institutions it cannot rely on institutions alone. Without shared values and ideals, without a clear public debate as how we want our society to develop, a united Europe will lack the necessary impetus to progress.



**Ralf Fücks** studied social sciences, economics and political science in Heidelberg and Bremen. He joined *Bündnis 90/Die Grünen* in 1982. After completing his studies he worked as lecturer at the University of Bremen and as an editor for the two magazines *Moderne Zeiten* and *hefte für demokratie und sozialismus*. He served as senator for urban development and environmental protection from 1991 to 1995 in Bremen. Since 1996 Ralf Fücks has been a member of the executive board of the Heinrich Böll Foundation.





# **PART ONE**

Central Europe: The New EU Member States





ILANA BET-EL

## Post-Cold War Enlargement and the Coming of Age of the European Union

The European Union is an anomaly: a truly historic creation that is fundamentally ahistoric. There is no other comparable example, in any age, of a large number of sovereign entities deciding on their own volition to pool their sovereignty and resources for the greater collective good. That such pooling was and is ambiguous in definition is actually one of the remarkable strengths of the Union, since it allows for shifting opinions through time to reflect upon the whole. It is the ambiguity that gives life to the project, ensuring each generation must debate anew and decide its scope. That is a remarkable achievement, a historic achievement – yet resolutely ahistoric. For the project has proved to be a very elaborate mechanism for not talking about history at the collective level and, when possible, actively ignoring it.

The intricate rules and directives, the legal jargon, the laborious translations, the endless negotiations, the baffling institutions, the conciliations and reconciliations – these and many other measures ensure the level of engagement between people, communities and states is strictly regulated and often very time consuming. As a result, emotions, demands and outrage are all channelled into drafting committees, exhaustive detail and bureaucratic procedure – into process rather than hatred and conflict, or history. In itself this is an amazing feat and even more so given it is Europe: the continent that for centuries thrived upon exploiting history to justify all forms of hatred and conflict. From land to resources, from religion to ethnicity, from hegemony to power – an array of issues was carefully cultivated over long years, formulated into arguments against each other or into alliances against others, and drawn into circular lines of battle, each fight ending where the next began, in a vicious and near continuous sequence of violence. But then, after the most unimaginable brutality of the Second

World War, it stopped. History and all its issues were taken away, stored out of sight, banished – and what would become the EU, a new order of the present and the future, with an emphasis on process, started. It was a determined realisation of author L.P. Hartley's famous line: "The past is a foreign country: they do things differently there".

That is what happened in the West, but it is only half the story. Elsewhere too in Europe the past was eliminated, but for different reasons. An Iron Curtain was imposed across the continent, denying those behind it their own identity or history. In the Soviet bloc and the former Yugoslavia talk of the past was largely prohibited, and memory and memorialising was confined to legitimised subjects directed from above, if at all. Yugoslavia became a state of enforced "brotherhood and unity", unaligned to any bloc, and the rest of the vanquished states were recreated either as full Soviet republics or else as "satellite states" – in all cases with a history dating back to the Russian victory and occupation of each, coupled with the chronology of the Communist Revolution. Rather than a mechanism for ignoring history in favour of a better collective present and future, this was a system for both oppressing the past and reshaping it to the needs of a dictatorial and often violent conqueror. It was a vile system, which prevailed for nearly half a century across central and eastern Europe – but it never succeeded, because it was unviable.

History can occasionally be ignored, as the EU has proved, but it cannot be denied any more than memory and identity can be externally and eternally imposed. By oppressing it the Soviets ensured history, especially the individual and unique histories of each occupied state, became the main currency of resistance, and ultimately national identity. As Estonian poet Jaan Kaplinski noted: "The overwhelming majority of Estonians

did not accept the imposed Soviet identity and, encouraged by our proximity to Finland, clung instead to a real or imaginary western one.” This assessment was by and large true to all Soviet occupied lands, and as a result, when the Cold War ended and the Iron Curtain was no more, each state had a strong sense of its own identity and history and an aching desire to finally talk openly and loudly about the past – all of it, across the continent. It was necessary to make sense of the years of oppression and then lay them to rest in favour of the future; and an understandable need to share the burden of oppression with their fellow Europeans. But then these liberated states encountered the European Union: the historic framework that could and would help them modernise and enable them to prosper within their own identities – but also an ahistoric project, a mechanism for ignoring the past. It was a culture shock, on both sides: neither the states nor the EU were prepared for this encounter. Yet it was, and remains, the backdrop to the fascinating process of European integration.

## Reunification

Europe has never been unified. Over millennia parts of it have been brought together within customs unions, kingdoms or empires – the last of which was the Soviet empire – but the continent as a whole has never been a single entity. On the other hand, Europe has often been both divided amongst itself and riven apart by others, most recently by the Cold War. “Reunification” must therefore be understood as an act of eliminating the divides across and within the continent, not necessarily as one of bringing its states and peoples together. The historic benchmark of the Union is in creating a framework that has enabled a more permanent elimination of divides, which both encompasses and incorporates such a significant part of Europe. Unfortunately, its bane has been in dealing with the corollary to this: heightened political influence and relevance, both within the Union and beyond its borders. For the EU, in all its manifestations over the years, had traditionally shied away from direct political influence; that was to be an assumed benefit of collaborative trade and economic activity rather than a stated

goal. To this end the endless process inherent in the Union both subsumed the political within it and allowed it to emanate as necessary – making it a latent international player, a status quo that was by and large acceptable to all member states, allowing for the occasional joint statement or activity to appear side by side with ongoing national ones. But the events commencing in 1989 made this stance far more difficult to maintain.

The process of mass EU enlargement provoked by the end of the Cold War was an overtly political decision: a body of states had suddenly become free – and also unattached, floating between the reviled Russia and the rich EU. Though adamantly western looking on the whole, most were not necessarily and fundamentally democratic, if only because they lacked a long tradition of democracy; and all were poor and very run down. As such, they posed a danger to their own survival – and the stability of the continent. Whilst the EU would probably have preferred to simply stick with enhanced economic aid to all these newly independent states, it rapidly became clear that to its own benefit the bulk of those in central and eastern Europe had to be assisted far more, in order to ensure they maintained their viable independence as democracies, safe from any recurring attempt by Russia to drag them back into its fold. Membership in the Union therefore became an issue of political expediency rather than just economic activity or altruism. To be clear, this was not the only political decision ever made by the EU: they have been many and manifold over the years, but usually far from blatant. For example, monetary union, which ultimately matured into the euro, was a clear political decision, but it was also clearly economic and as such within the traditional sphere of Union activity. Nor was this the first case in which the EU had made a political decision on enlargement: Spain, Portugal and Greece were all taken in after shaking off military dictatorships, in order to ensure their democratic stability and progress and therefore peace on the continent – and all three acts proved extremely utilitarian for both the states and the EU. Nonetheless, the post-Cold War enlargement was of a different political magnitude: it was a decision regarding an entire

geostrategic mass, not an individual state; it was a decision quickly and finally to define the fate of the states along a border that over decades and centuries had moved between Germany and Russia as individual, independent and firmly within the western sphere. It was a decision to create a bloc of democratic states governed along similar principles of law, order and economy along the border of Russia. It was a brave political decision and it changed the EU forever.

Though the existing fifteen states covered quite a lot of territory, the enlarged union was of a massive geographical spread. As the Schengen Agreement was extended – allowing freedom of movement throughout much of the territory without a need for passports – the sense of an extended common space also began to be apparent. This sheer physical size, coupled with the Union's common global trading abilities, its common currency and amassed wealth converted it into a different entity: by default an international powerhouse. The emphasis, however, must be upon default, since the EU found it difficult to mutate naturally into a political entity – politics not being something that can be subjugated into process – and each state sought to maintain its own political voice, especially on the international stage. After 1989 this became much more difficult: the status quo of latent international power was shattered, with events such as the Balkan wars demanding a joint position, which was not only difficult to generate and maintain, but was then accompanied – and often contradicted – by fifteen separate voices. Since 2004 there have been ever more international issues that seek a common position, which is invariably drowned in twenty seven voices broadcast far and wide in uncoordinated cacophony. To an extent this can be seen as the ultimate expression of freedom of speech, with each nation bringing its unique perspective. In reality this is a division of sounds between west and east, old and new and different priorities.

## Liberation

Like much of the symbolism related to the end of the Cold War, reunification was seen as an act which bridged both the past and the present and

replayed the past to different effect. It was about ending the Second World War “properly” as a much delayed completion and implementation of the Yalta Agreement, which was intended to shape the post World War II world. Signed in February 1945, before the end of the war, by U.S. President Roosevelt, British Prime Minister Churchill and Soviet Premier Stalin, over half of it was devoted to the liberation of Europe:

— The establishment of order in Europe and the rebuilding of national economic life must be achieved by processes, which will enable the liberated peoples to destroy the last vestiges of Nazism and fascism and to create democratic institutions of their own choice. This is a principle of the Atlantic Charter – the right of all people to choose the form of government under which they will live – the restoration of sovereign rights and self-government to those peoples who have been forcibly deprived to them by the aggressor nations.

— To foster the conditions in which the liberated people may exercise these rights, the three governments will jointly assist the people in any European liberated state or former Axis state in Europe where, in their judgment conditions require, (a) to establish conditions of internal peace; (b) to carry out emergency relief measures for the relief of distressed peoples; (c) to form interim governmental authorities broadly representative of all democratic elements in the population and pledged to the earliest possible establishment through free elections of Governments responsive to the will of the people; and (d) to facilitate where necessary the holding of such elections.

There can be no doubt the words reflect a vision of a liberated and democratic Europe made up of self-determined and internationally recognised states with directly elected independent governments. Unfortunately, and despite signing the document, Stalin subsequently directed his troops not only to liberate large tracts of eastern Europe from Nazi hold, but also to then take them for Soviet possession. As a result, by the end of the war it was clear Europe would not be liberated and recreated in the manner envisaged by the

Yalta Agreement – a reality confirmed by Winston Churchill in March 1946, when he coined the phrase “Iron Curtain.” Instead, liberation had to wait until 1989, when the Soviet Union crumbled and many of the occupied states began liberating themselves. However, once they attained this well deserved condition, they found that the “three governments” that were to assist them in transition to fulfilling the four articles of the second paragraph were no longer relevant: Russia had been finally defeated and pushed back to its own borders, the U.S. was supportive but from afar and the UK was now part of the European Union.

Probably no-one could have predicted in 1987 (let alone in 1951, with the signing of the Coal and Steel agreement that founded what became the EU) that the Union would be so instrumental in enabling the transition of so many of the central and eastern European states from repression and communism to democracy and from poverty to prosperity (and whilst there is no doubt they suffered heavily from the financial crises of 2008-9, it is also clear that their economic basis is now totally reformed and unimaginably more solid and prosperous than it was prior to 1989). NATO undoubtedly played a crucial role in bringing them into the Euro-Atlantic sphere, but the truly heavy lifting was done by the EU – from the laborious process of evolving *acquis communautaire* for each newly independent state, through negotiating fundamental reforms (judiciary, economy, industry), turning governments into accountable democracies and ultimately paying for it all.

For their part, each and all of the states that came within the process that came to be known as enlargement – as also those who were left beyond it – warmed to the EU once they understood what was on offer: membership of the richest trading bloc in the world that enabled complementary collective security to NATO’s collective defence and with an incredibly high standard of living. It may not have been clear to them at first exactly how it worked or, more significantly, why it worked in a certain way, but it was abundantly clear that it was by far the best option going. For in their eyes, not only did it offer all the good

things listed above – it also provided for their two core concerns: a strong collective position in the face of Russia, and democracy – including, and possibly especially, freedom of speech. The problem was their new western allies, the existing fifteen members of the EU, did not necessarily understand the union in the same terms – or the aspiring states’ concerns.

### Clash of narratives

For western member states, the EU has always been and to a large extent still remains an instrument for cancelling out both the poisonous rivalry between France and Germany that had fuelled wars over centuries but most especially in the 19<sup>th</sup> and 20<sup>th</sup> centuries and the unspeakable actions of Germany in the Second World War. Above all, it was an instrument for defusing the memory of these rivalries and acts. Russia hardly figures in this narrative, other than as a sometime and necessary ally in the two world wars, then as a long term yet remote enemy directing the Cold War on the Soviet side and also as a reliable if unpleasant source of energy. From the eastern perspective, Russia was and is the horrific and feared enemy of the piece in any and all narratives, joined by the Germans in the Second World War, but not in the subsequent narrative. Indeed, half of Germany was in the USSR and its people repressed like the other conquered republics and satellite states. This clash of narratives, which was not immediately apparent, was then compounded by the differing understandings of free speech: the western states had spent decades honing the art of not talking about the past, within an agreed vision of the narrative. Even if each state that joined after the founding six had a slightly different version, all accepted the narrative and the unspoken rule: avoiding to talk about history was an easy condition to fulfil. This also applied to Spain, Portugal and Greece, whose accession had been a matter of greater political decision on behalf of the Union: for their own reasons all three welcomed the EU’s ahistorical attitude, since each had its internal devils of extended civil wars and dictatorships, which all were happy not to discuss – and if necessary accept the unspoken narrative of the EU, even if

it was quite different to their own. The aspiring member states of central and eastern Europe, however, wanted to introduce their own narrative as part of the collective unspoken one and then to declare it loud and clear. More significantly, they also sought to allocate roles and values within this new narrative – and blame.

If those in the west saw the events of 1989 as an opportunity to complete the liberation of Europe and fulfil the vision of the Yalta Agreement, many in the east saw it as a long overdue fulfilment of the specific promise and signed commitments spelled out in the document. Whilst the west saw the delay as inevitable, part of the contingencies of the Cold War, the people and states of central and eastern Europe saw it as abandonment by the west – and a reneging on the promise. Moreover, in some states, especially Poland and the then Czechoslovakia, it was seen as a continuation of the unreliable behaviour of the west in the lead-up to the Second World War – when both found themselves occupied by Germany with what they perceived as the consent of the west. In their eyes therefore, a major part of joining the EU was in confronting their western neighbours.

This clear clash of narratives – which compounded an inherent cultural clash and the result of differing circumstances over half a century – held within it the potential for much stronger disagreement once the matter of money arose. For whilst the EU in its existing western guise felt itself magnanimous in proffering billions of Union taxpayer euros – in the different currencies of the time – to the candidate states in order to bring them to a level that enabled membership, many in these same states saw the matter far more as a matter of exacting compensation and in the eyes of a small minority even retribution. Within this perspective the billions were but a trifle compared to the near half century these people had spent under Soviet oppression. As Polish author Pawel Huelle put it:

— “Most Poles do not see our acceptance in the EU as an act of munificence, or a special present from the west. We were always part of Europe. If it were not for the Yalta Agreement, and

that one stroke of a pen, which put the nations of central Europe under Stalin’s boot, we would not be involved in these discussions today; we would have been part of the EU from its very beginning. For us, accession to the EU is a means of redressing the balance and, at the same time, creating new opportunities.”

The potential for a very damaging explosion is clear in these words – and was true of all aspiring member states, not just Poland – but thankfully it did not happen. For as the Polish writer notes, ultimately the prospects for a better future were, on balance, far greater than the grievances of the past; and if EU membership was the aim, not least to attain security from Russia, it made a lot of sense to be discreet about history, even if such a stance was intrinsically alien. As Huelle summed it up on the eve of accession to the EU:

— “Poles have long since abandoned the romantic myths created by our national poets, who would see Poland as a hallowed victim of European history. On the River Vistula there is now a preponderance of pragmatism and a feeling that we want to build, along with the other nations of Europe, a united and better history. And if we do have a few qualms, these are caused by the fact that in the European Union all discussions seem to revolve solely around the subject of subsidies for farmers and the value of the euro, as if we had no other common ground.”

## The limits of reunification

Reunification was not only about EU enlargement; it was also about those states that stayed outside the Union after the USSR collapsed: the former Yugoslavia and Albania – known as the Western Balkans – and the states closely surrounding Russia, especially Ukraine and Belarus, joined by the Southern Caucasus states. With all of these the process of moving forward has proved to be much more difficult and convoluted and in the case of Belarus downright unsuccessful. The glories of the EU have only slowly worked on these states, if at all, partly due to the EU’s inability or unwillingness to go the full distance and offer them the carrot of membership

and partly because many of them are still caught up in the lure of the past.

This is especially true of the former Yugoslavia: it is not possible to make sense of the 1992 wars that erupted amongst the republics without understanding that they were all about the past and its suppression. They were about the wrongs the Croats committed on the Serbs in the Second World War; they were about the wrongs of the Muslims being Muslims because of the centuries of Turkish occupation; they were about the wrongs committed by Serbs and on Serbs in the First World War; they were about the enduring myths of Serb suppression as of their defeat in 1389 in the Field of Blackbirds in Kosovo; they were about the forced settlement of Serbs by the Turks in the Krajina, Croat lands, three centuries ago; they were about the creation of Yugoslavia after the First World War rather than separate states; they were about fifty years of the second Yugoslavia in which Croats, Muslims and Slovenes felt oppressed by the Serbs; it was about fifty years of “Brotherhood and Unity” in which no-one could talk about all these ills and bad memories. As a result, when Yugoslavia ended all this came tumbling out.

There are various theories as to why Yugoslavia collapsed into war and the states of the former Soviet Union did not. Some see it as the result of some tainted inclination – “another Balkan war” – as if the people of the region are predisposed to fight each other. Others suggest it may have been the economic decline that gripped Yugoslavia after the death of Tito in 1980, which given the state’s relative prosperity over the previous decades in its curious position as unaligned, was felt very sharply and led to fissures in society that opened wide and eventually led to war. There is much to be said for the latter theory – and little for the former – if only because all situations are made worse when money stops oiling them, but also because Yugoslavia was an artifact that was easy to shatter: whilst the peoples had all lived side by side over centuries, the construct that was pieced together after the end of the Second World War, a reformation of the Yugoslavia created after the First World War, had no true historical roots.

It was packages of people and demands patched together for political expediency and kept going by a curious combination of dictatorship, relative prosperity, and an absolute ban on talking about the extended history of interethnic strife – an attempt, as Misha Glenny put it, “to throw the hatred into history’s deep freeze”. But the death of Tito, a strong leader, able to exact obedience, started the process of thawing and the end of the Cold War and its potential disorder acted as a heat wave upon the hatred, dissolving any residual layers of ice and leaving it bare for all to see and fight over.

Ironically therefore, the wars that broke out must also be seen as both a replay and completion of the end of the Second World War but unlike the second and largely successful attempt at implementing the Yalta Agreement, in the former Yugoslavia the second round had tragic consequences. Slovenia quickly escaped the wars and the horrors and determinedly set its course towards the future and the EU (though in its dealings with its former compatriots it is as masterful a peddler in the past as any Balkan state). The rest turned away: they chose the past over the present and the future and in many ways have not relinquished this stance. The political differences between the protagonists were never settled by the Dayton Accords that ended the Bosnian war in 1995 – it was a hugely successful ceasefire agreement, but no more – and they remain more or less unchanged to this day. Whilst Croatia, Montenegro and to an extent Macedonia appear to be on the road to change, the past not only still haunts them all, but also largely remains their main political currency – especially Bosnia, Serbia and Kosovo, which has taken a bold step into the future with independence, but has yet to broach, let alone settle, its differences with Serbia. Until the past is faced at a political level there can be little hope for a successful completion of European reunification: there will be an island in the Western Balkans that remains apart.

Ukraine and Belarus also looked back at the end of the Cold War rather than forward, but different imperatives were at play. Whether the peoples of these countries sought this backwards

stance is debatable – but in both it is clear that the strong men of the past persisted in their hold even after the end of the Soviet Union and the populations were unable to shake it off. In Ukraine it took until the Orange Revolution that started in late 2004 for the people to rise in search of true liberty and democracy; in Belarus this is yet to happen and a repressive dictatorship reigns supreme. Then, of course, there is geography and history. Given that the two states are more removed from western Europe, with few historical ties, the EU has never felt the same urge, or until lately, even need to draw them into its circle in any meaningful way beyond seeking to offer aid to all the republics and satellites of the former Soviet Union. In contrast, both states have long historical ties with Russia, largely due to centuries of Russian occupation. This has therefore left them with large Russian minorities. The EU has always been aware that whilst the final implementation of the Yalta Agreement meant the end of “spheres of influence”, there could be no doubt that Russia saw both states – alongside those in the Southern Caucasus – as its backyard and did not wish to have anyone else playing in it. Moreover, far more than the other European states, both are considered a strategic asset for Russia, especially Ukraine, since a certain proportion of the Russia fleet is moored in Sevastopol. Given these two imperatives – lack of impulse on behalf of the EU and a wariness on behalf of Russia – until 2005 and the successful conclusion of the Orange Revolution, there appeared to be an acceptable status quo, in which Ukraine and Belarus were apparently suspended in a no-man’s-land between the EU and Russia, whilst de facto remaining satellites of Russia. In other words, the reunification of Europe stopped at their borders.

## Failures

The EU proved to be inadequate and worse in the face of the Balkan wars: it could neither handle the violence on its own continent, nor could it accept or comprehend that history could once again be allowed to direct events towards war. Having devoted itself almost slavishly to ignoring history, it apparently felt it was a virtually primitive instinct of the people of the former Yugoslavia to



*Memorial plaque in remembrance of the destruction of the Mostar Bridge.*

allow it to dictate the present, especially towards war. Coupled with its disinclination to be overtly political at the collective level, the then European Community basically failed to respond to events until they had already led to conflict and even then a coherent voice was constantly marred by competing national voices: if this was to be a war about history, then historical alliances would be reasserted. Therefore the collective decided the body would recognise none of the Yugoslav republics until they had reached a settlement, but then Germany recognised Croatia – its historic protégé. The collective admonished Serb violence but for long months the UK refused to follow the line since the Partisans had been their allies in the Second World War. And so it went on: a cacophony of voices that made a bad situation worse.

Apart from the local civilians trapped in the violence and desperately seeking salvation, the EU also harmed itself. Many member states had deployed soldiers in the warring lands as part of the UN peacekeeping efforts, but the collective political inadequacies of the EU member states meant they did not use them to proper effect until 1995. It should be recalled that whilst NATO air strikes were crucial for taking out Serb anti-aircraft posts, it was the Rapid Reaction Force composed of European troops, led by the European UN commander of UNPROFOR, that broke the siege of Sarajevo – much as it was the Croatian army that liberated Bihac and the north.

These developments were a long time coming and were in no way assisted by political direction from Brussels or indeed most capitals.

The end of the Bosnian war led to a major shift in how the EU perceives itself and an understanding that it must have the ability to act politically on security and defence issues – which led to the creation of the European Security and Defence Policy (ESDP) and the Common Foreign and Security Policy (CFSP). Progress on these has been halting at the political level where the cacophony persists but substantive at the material level. Instead, the EU has introduced the glories of process to the region, possibly in the hope of it leading to a moment of epiphany in which the warring factions will finally lay to rest the ghosts of the past, or at least ignore them and turn to the present and future. At the same time, the EU has transformed itself into a mega aid agency for the former Yugoslavia and Albania, a process aided by the 1999 Kosovo conflict, but without clear political direction. Whilst the offer of Union membership to the states of the region seems to be ongoing, it is also highly ambiguous with not fixed timetable. As a result the Balkan states appear to be trapped in a bubble of the past supported by the present, with a myriad of rules and directives – on visas, export quotas, licensing agreements etc. – making it impossible for them, especially the young with all their potential for change, to break out.

The EU has also proved to be inept in the face of another ongoing confrontation – with Russia. Whilst the residual EU narrative did not highlight Russia, there is no doubt the process of enlargement has brought it ever more into focus as a political issue for the Union, not least because, in recent years, Russia itself has raised it. As it has gone through its own post-Soviet cycles, eventually to emerge into the period of Putin, Russia has sought to deal with its own identity and history. Never doubting it was unique, it has also clearly seen itself as orientated towards Europe – but without much recognition of this tie. The dissolution of the Soviet empire was not an easy experience for the Russians, nor were the initial years of financial chaos. Throughout all this, however, the

EU did not figure in a significant manner within the Russian search for relevance. The success of the Orange Revolution – clearly backed by the EU and subsequently shored up by a much expanded relationship and even a vague notion of distant membership for Ukraine – changed that, together with a steep rise in energy prices. Russia began to use its energy assets in unrelated fields, especially foreign policy and especially in its relations with the EU – its largest customer. As such, it not only became a much more significant player, in Europe and further abroad, it also sought to rebalance its relationship with Europe to one of parity and possibly even establish a dominance through dependency on energy.

From the first manifestation of this trend, the split between east and west within the EU became apparent: to the western member states this was about Russia the energy supplier of old, unpleasant but reliable that each state could do business with separately. To the eastern states this was about Russia the conqueror, seeking to reassert itself. There was a tangible element to this stance, since the member states that had been under Soviet occupation were still tied to Russia by pipeline infrastructure. The gas stoppages of recent winters have shown the reality of this threat and also exposed the continuing limitations of the EU as a political player: the collective response has been slow in coming, laboriously channelled through legislation on energy liberalisation and infrastructure – the classic Union methods of trade, economics and process – whilst each of the twenty seven member states separately does a deal with Russia. The cacophony of the separate voices over the collective has risen to full volume.

### **Coming of age**

The reunification of Europe led to the enlargement of the EU – which has become a much more diverse grouping, encompassing a wide array of cultures and creeds, all of which are still learning to live with and respect each other, assuming familiarity one day and jumping back into hostility the next. Unlike a marriage, in which love and loyalty are assumed, the EU is much more like the modern couple, who live together for decades, always



refusing the absolute final commitment, leaving a permanent edge of uncertainty yet excitement. They share a communal home a lot of the time, yet each also keeps their own house. It is a close and intangible relationship that functions over years; it is a vibrant relationship; it is ambiguous; it is a pooling of sovereignty. Enlargement did not undermine the relationship, but it did change it: whilst the older member states probably sought to retire gracefully, growing the family became a necessity, demanding a lot of work and money. Hopefully there will be enough affection to keep the family together.

Enlargement also transformed the EU into the largest and richest trading bloc in the world. But far more than that, it became the benchmark: the level of development to aspire to in every sphere, from politics and governance to finance and economics. Many would argue that the social model was incorrect, the economic too protective, the common currency – the euro – inadequate, or that the inability to produce a political voice to match its economic power reflects a fatal flaw. On the whole the present facts suggest otherwise: the promise of EU membership based upon systemic reform and extensive financial aid has successfully transformed ten states (though it could be argued the membership of Cyprus should not be associated with the end of the Cold War) and has gone a long way towards transforming Romania and Bulgaria. That the latter two were

not fully ready for membership, yet nonetheless were taken in, reflects that despite its critics, and its own instincts, the EU is slowly mutating into a political body: not only were these two big states left floating after the end of the Cold War, both also had much stronger historical ties to Russia and their neighbours, the problematic Western Balkans. More than anything else, taking them in was a measure of political expediency.

The EU still struggles with political power, as it does with the ideas of collectively addressing defence, security and the use of force. They all demand not only a strong and possibly clearer definition of how to pool sovereignty – an act that paradoxically could undermine the very vitality of the project – but also an ability to deal with history rather than ignore it. For the very act of wielding power, political as much as military, can carry within it echoes of the past: of other eras of power and their consequences. In many ways the EU as a collective is not only disinterested in this option, it sees its strength in its transformative powers, as if they could be separated from the political and in its distance from history and its patterns. To this extent Europe has become the essayist Mario Andrea Rigoni's "old lady, who after she had allowed herself all sorts of liberties and a great number of horrors, would like, once she has reached the age of fatigue and weakness, to see the world adapt itself to her needs for moderation, equity, and peace."



**Ilana Bet-El** is a writer, historian and political analyst. Based in Brussels, she focuses on EU politics and European defence. Throughout the 1990s she worked with and for the UN as a political analyst, both in New York and the Balkans, including two and a half years in Bosnia during and after the war. In 2002 she created the op-ed page of *European Voice*, a weekly paper that is part of the *Economist* group. She edited the page until December 2005 and now writes a regular column on defence and foreign affairs for the paper. Ilana Bet-El holds a PhD in history from London University and as a historian has focused on war and memory.

ADAM KRZEMIŃSKI

## Between Disappointment and Optimism: The Polish Experience

What happened in 1989 in the countries of the Soviet bloc has a long prehistory. It started in 1944-48 with the Polish armed resistance against the communist take-over of power and continued with a series of workers' revolts and uprisings: in the German Democratic Republic in 1953, in Poland and Hungary in 1956, in Czechoslovakia in 1968 and again in Poland in the early 1980s.

The events of 1989 in Poland had their roots in the wave of strikes in the previous summer, which proved that the independent trade union movement *Solidarity*, founded in 1980, had survived the repression of martial law and remained, alongside the Catholic Church, a political force not to be ignored. It was the *Polish Round Table*<sup>1</sup> attended by both the communist authorities and the opposition that triggered the avalanche, which toppled the Berlin Wall and caused the fall of the USSR.

On 4 June 1989 *Solidarity* won the first semi-democratic elections in the history of the Soviet bloc. A few days later Hungary opened its border with Austria thus sparking the exodus of Germans from East Germany to the West. In August, *Solidarity's* Members of Parliament delivered a declaration in the Sejm,<sup>2</sup> that Germany had the right to unification. In September, thousands of East

Germans besieged West German embassies in Budapest, Prague and Warsaw. In October, during the celebration of the 40<sup>th</sup> anniversary of the founding of the German Democratic Republic in Berlin, demonstrators chanting "Gorbi, help us!" caused the leadership of the ruling SED (Socialist Unity Party) to prepare for a Tiananmen style solution.<sup>3</sup> In the end, however, the East German leaders abstained from using violence against the almost 100.000 protesters in Leipzig who, on 16 October, had gathered near the Nicolai Church shouting: "We are the people!" Three days later Honecker stepped down to be followed by Egon Krenz. On 9 November the Berlin Wall fell due to what can only be described as "the greatest bureaucratic misunderstanding in the history of Europe"<sup>4</sup> Almost two years later the Soviet Union itself ceased to exist.

### The "1989 Hall of Fame"

The dispute over who should be allocated the place of honour in the "1989 Hall of Fame" is never-ending. Does Mikhail Gorbachev, the "good tsar" from Moscow, deserve it or was he just a symbol of the poor response of the Soviet apparatus to the decline of its empire signalled by *Solidarity* and other civic movements, the Soviet Union's economic collapse and the defeat of the

1 The Polish Round Table Talks took place in Warsaw from February 6 to April 4, 1989.

2 The Polish Parliament.

3 On 4 June 1989 the Chinese authorities used tanks to clear Tiananmen Square in Beijing where thousands of peaceful protesters had been gathering since April. The official death toll according to the Chinese government was 200-300 – other sources including the Chinese Red Cross – reported 2000-3000 casualties.

4 As the wave of refugees leaving East Germany for the West via neighbouring countries kept increasing, Krenz decided on November 9, to allow refugees to exit directly through crossing points between East Germany and West Germany, including West Berlin. On the same day, the ministerial administration modified the proposal to include private travel. The new regulations were to take effect on November 10 allowing time to inform the boarder guards. Günter Schabowski, the Party Secretary for Propaganda, had the task of announcing this; however he had been on vacation and had not been fully informed. When asked when the regulations would come into effect, he assumed it would be the same day and replied: „As far as I know they are effective immediately, without delay“. After further questions from journalists he confirmed that the regulations included the border crossings towards West Berlin. The rest is, indeed, history.



© Paweł Kabanski

Polish, EU and NATO flags.

Soviet army in Afghanistan? Or is it perhaps Ronald Reagan, the stout-hearted “Leader of the Free World” who deserves the credit for “arms-racing” the communists to death? Then again, maybe it should be West German Chancellor Willy Brandt for his new “Ostpolitik” or U.S. Secretary of State Henry Kissinger whose “policy of détente” and support for Helsinki<sup>5</sup> pushed the Kremlin into allowing a breathing space for civic and opposition movements in the Eastern bloc? And last but not least, could the honour not go to John Paul II, whose election as Pope in 1978 brought millions of people in Poland to their feet, ready to resist communist power without using violence?

But there are more people who are entitled to membership of the “1989 Hall of Fame”. Room should be found for the leaders of the various civic movements in the Soviet “colonies”, people such as Lech Walesa, chairman of *Solidarity* or Václav Havel, founder of the Czechoslovakian

*Charter 77*. Neither should we forget the “heroes who withdrew from history”, the apparatchiks who were ready to give up power and thus averted bloodshed. It is necessary to recall this prehistory in order to be able to evaluate the last twenty years during which the former satellite states of the Soviet Union have joined the Euro-Atlantic structures.

### “Old Europe” vs. “New Europe”

The founding narrative of the European Union is based on the post-war reconciliation of the “hereditary enemies”, Germany and France. These countries, the two great losers of World War II – the absolute loser of 1945 and the virtual loser of 1940 – understood, that only by supporting each other and by Europeanising themselves could they achieve importance. In practice, this boiled down to French moral leadership of the EEC and subsidies for Germany.

5 The Conference on Security and Cooperation in Europe, which was held in Helsinki during July and August 1975, was an attempt to reduce Cold War tensions. The civil rights part of the Helsinki Agreement became the working basis of the *Moscow Helsinki Group*, a non-governmental organisation founded to monitor compliance to the civil rights provisions.

The year 1989 could have added another “founding myth” to EU history: that of eastern Europe’s peaceful self-liberation from its dependence on Moscow that had been imposed by Stalin in 1946. Unfortunately, it did not work out that way. The shock of political transformation, the reinstatement of capitalism, the change in elites and the development of a parliamentary democracy were greeted by a paternalistic and chilly aloofness in western European societies. Afraid of new competitors they blocked the EU reforms necessary to admit new members.

When the former Soviet satellites joined NATO and the EU, many of their citizens felt they were treated not as “winners of history” who had achieved the modern equivalent of the storming of the Bastille in 1789, but as “poor cousins” barely tolerated at the dinner table. Chirac’s indignation over the Polish and the Czech Republic’s contrary position concerning the war in Iraq was brutal proof of this. Chirac’s comment in 2003 that the Poles “wasted an opportunity to keep silent” has already gone down in history as evidence of the French superiority complex. The assistance, financial and otherwise, that the new member states received from the EU, unleashed a strident neo-nationalism in western Europe that led to a campaign scaring voters with the danger of the “Polish tiler” during the German election campaign and the “Polish plumber” during the French campaign on the EU referendum, both in 2005.

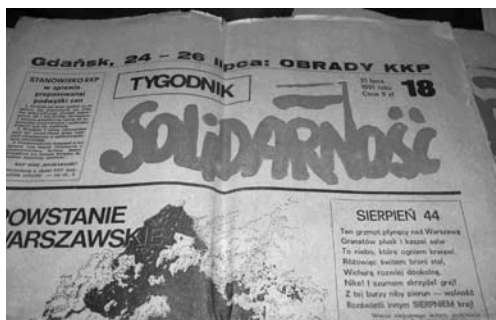
Whereas old EU members jealously guarded their privileges, the newcomers fought for promotion to the first division and tried to extract equal treatment from the old “hard core”. Sometimes this worked. Polish Prime Minister Marek Belka, during his first EU summit in June 2005, shamed “Old Europe” by proposing the new member states give up some of their own EU subsidies as a way of resolving the budget deadlock provoked by the old net payers.

The new member states also became a powerful force in policy towards the former Soviet Union. In November 2004, Polish President Aleksander Kwaśniewski together with the President of Lithuania, Valdas Adamkus, and EU High Representative Javier Solana, mediated between the opposing parties during the “Orange Revolution” in Ukraine; and, despite initial resistance from Berlin, they managed to convince Chancellor Schröder and President Chirac to put pressure on “flawless democrat” Vladimir Putin<sup>6</sup> not to come to the assistance of Ukrainian vote-rigger Viktor Yanukovich.

One did not, however, have to wait long before “Old Europe’s” traditional approach to Poland as a second rate country reared its ugly head again. In 2005 Gerhard Schröder made a point of being present at the signing of the Russian-German agreement to build the Baltic pipeline, whose construction exposed Poland to pressure from Moscow. In the same year, together with Chirac, Schröder accepted Putin’s invitation to the 750<sup>th</sup> anniversary celebrations of Kaliningrad. Immediate neighbours of the Russian enclave such as Poland and Lithuania had not been invited. Berlin and Paris demonstrated that good relations with Moscow were more important to them than solidarity within the EU. On the other hand, the Polish veto against the new EU-Russia Partnership and Cooperation Agreement in 2006 (as retaliation for the Russian embargo on Polish meat) was deemed by public opinion in the western countries of the EU as symptomatic of traumatised behaviour.

In turn, Poland as a new EU member demonstrated that as far as security issues were concerned, optimal relations with Washington had precedence. Even though the Federal Republic had had exactly the same approach before 1989, the German press now started calling Poland “the Trojan donkey of the U.S.” The endeavours of Poland and the Czech Republic to have parts of a U.S. missile defence shield deployed on their territory were treated almost as a provocation.

6 In an interview with German television channel ARD in November 2004, Schröder’s spontaneous response to the question posed “Is Putin a flawless democrat?”, was: “Yes, that is exactly what he is.”



*Tygodnik Solidarność ("Solidarity Weekly") - first legal weekly of "Solidarność", No 18, July 1981.*

Even so, the EU managed to achieve an internal balance in its foreign policy. "Old" and "New" Europe acted jointly to stop the Russian aggression in Georgia – although France and Germany had a different focus to that of Poland and the Baltic countries. It was no coincidence that Poland and Sweden jointly promoted a new policy of close neighbourliness with Ukraine, which was later also supported by Germany.

We should not forget that the Constitutional treaty – despite the reluctance of the Eurosceptic presidents of Poland and the Czech Republic – was rejected in referendums in countries that were "Old", not "New" Europe: France, the Netherlands and Ireland. Meanwhile Poland, despite pathos-laden slogans like "The Treaty of Nice or death" and the unsuccessful showdown over the "square root formula"<sup>7</sup> voting procedure in the European Council, finally supported the German presidency in 2007 and refrained from blocking the Lisbon treaty.

One can look back on the last five years as a time – for all member states, old and new – for getting acquainted with each other. Berlin, Paris, London and Rome kept falling back into the "old" reflex that they, the capital cities of former empires,

were Europe. As such they easily fell for the Russian trick of dividing the Union into nation-states and treating the former "Soviet colonies" as mere "neighbouring foreign countries". In contrast, Warsaw, Prague and Vilnius, in the role of spokespersons for the region, brought Ukraine closer to NATO and the EU. They also drew attention to Russia's neo-imperial aspirations and to the Kremlin's belittlement of Stalin's crimes by simply referring to him as the "Russian Bismarck".

## Growing together

All in all, however, "Old" and "New" Europe have already learned to understand each other better as the steps taken by the EU towards a common energy policy clearly show. The German newspaper *Welt am Sonntag* even speculated that the "Baltic pipeline may be the last German-Russian venture developed without taking into account the concerns of neighbouring countries." Future activities will have to be part of a common EU strategy. Other examples are how quickly Germany and Italy responded to the Polish reservations on the EU climate package<sup>8</sup> and the most recent example is the EU's common strategy for solving the financial crisis that was agreed quickly in spite of initial clashes.

Either way, all divisions between "Old" and "New" Europe must be treated with some reservation, as divisions in the EU do not run exclusively along the lines of the former Iron Curtain. In 2003, Poland and the Czech Republic found themselves on the same side as the UK, Spain and Italy on the issue of the Iraq war. During the financial crisis, Hungary and Romania aligned themselves with Ireland while Poland and the Czech Republic joined forces with Germany, even though the EU was finally able to adopt a joint declaration. Maybe the challenge of facing the economic crisis together will result in

7 The system unanimously agreed in the Constitutional treaty foresaw a double-majority system under which a (qualified) majority requires that at least 55% of the member states accounting for at least 65% of the EU's population vote in favour of a proposal. The new Polish government suggested that the square roots formula should be used instead, under which only one majority would be required, namely one calculated using the square root of a member state's population.

8 The EU climate change summit on December 11-12 2008 was supposed to institute by 2013 a system to auction off permits for the right to emit carbon dioxide. Poland, which is heavily dependent on coal, expressed serious reservations about the proposal as well as the aim of cutting greenhouse gas emissions by twenty percent of their 1990 levels by 2020.

another “founding act” for the European Union, an act of self-discovery for the 21<sup>st</sup> century.

Currently, the reality of the continent’s unification has not yet been fully grasped in the minds of Europeans. Competing national egos and attempts to improve one’s image at the neighbours’ expense will have to stop. Attempts to put national myths in context and find a common European historical narrative, e.g. by creating a European handbook or a museum of European unification in Brussels, encounter resistance in countries that only regained their independence in 1989. Western, central and eastern Europe still remain out of step with each other: the challenge posed by Islam, for example, remains quite abstract in Tallin, Warsaw and Bucharest. On the other hand, it is difficult to find sympathy for the policy of closer ties with Ukraine or Belarus in Paris, Lisbon or Dublin.

Nevertheless, despite all the differences, misunderstandings and petty egoism, the European Union is a reality; it has comparable democratic

standards such as the rule of law as well as agreement as to the problems of civil society, the weakness of political parties and the political class, the danger of low participation of the young in public life and the “tabloidisation” of the media.

For all the social stratification, the weakness of the political cultures of the countries that broke free from communism in 1989 and the disappointment experienced by the many people, who quite rightly do not see themselves the winners of history, the past 20 years have, on balance, proved positive. This is shown not only by the rates of consumption or the new tower blocks, but also by the level of optimism, which, particularly in Poland, is higher than one could ever have expected. In spite of the sharp tone of public debate, the backlog in the construction of motorways and the modernisation of the railway network, the neglected reform of the health care system and the lack of visible international success, even, in sport: on the banks of the river Vistula, impatience is still a powerful driving force.



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**Adam Krzemiński** (1945) is a Polish journalist and commentator, specialised in German-Polish relations and history. Considered as one of the leading publicists of Poland, he has been editor of the Polish weekly *Polityka* since 1973, guest editor of the German weekly *Die Zeit* and has written for many other international publications. His books include *Polen im 20. Jahrhundert: ein historischer Essay* (Munich: Beck, 1993). Krzemiński was awarded the Goethe Medal in 1993 and the Essay Prize of the Polish P.E.N. Club in 1996. He is Chairman of the German-Polish Association.

JIRÍ PEHE

## The Czech Republic and the European Union: A Problematic Relationship

The European Union played a very important role in transforming post-communist countries into democratic states with functioning market economies and the rule of law. The massive transfer of institutional and legal know-how from member states to candidate countries, which was guided by the European Commission and other institutions, is in many ways a historically unprecedented event.

True, some countries that had been candidates in previous waves of EU enlargement also started the process with political and civil service institutions burdened by the legacy of authoritarian systems. None of those countries, however, started the process of EU accession from a situation, in which the country was emerging from a political system based on an almost complete annihilation of civil society, market economy, rule of law and political democracy.

The importance of guidance and incentives provided by the EU to post-communist candidate countries in the process of rapid institutional change, whose main objective was to establish systems of political democracy and market economy following the standards common in the west, can be perhaps best illustrated with the help of a historical comparison. When Czechoslovakia was created in 1918 from the ruins of the Austro-Hungarian Empire, it quickly established itself as a democratic country. It remained an island of democracy in central Europe until 1938, but it had to struggle for existence in an increasingly hostile regional environment. In the end, it was destroyed mainly because of the growing regional role of Nazi Germany. Its other neighbours – Poland, Hungary, Romania and the Soviet Union – all had authoritarian regimes of various types.

Several decades later, EU countries have played a completely different role. They have

provided a benign international environment for democracy building in Czechoslovakia, and, after 1993, for Czechoslovakia's successor states – the Czech Republic and Slovakia. In fact, it can be argued that some of the former communist countries in central Europe might have slid back into some form of authoritarianism without EU guidance and the prospect of EU membership. Slovakia is a case in point.

In discussing the influence of the EU on developments in Czechoslovakia between 1989 and 1993 and in the Czech Republic after 1993, it might be useful to divide the history of relations between the European Union and the Czech Republic (and Czechoslovakia) into several periods. The first period was that of “courtship”, which lasted from 1989-1995, the second that of the accession process during 1995-2003 and the third, that of membership, which began in 2004.

A closer look at these three periods shows that the Czech-EU relationship has not been without problems. In fact, the Czech Republic – for a variety of reasons – has had a rather complicated relationship with the EU.

### Courtship

The first period took place in a spirit of post-revolution ethos, during which the generally shared idea of a “return to Europe” played an important role. This return, however, was complicated by the fact that many Czech politicians believed in Czech exceptionalism.

They believed the Czech Republic (especially after it had separated from Slovakia in 1993) was economically so much more advanced than other post-communist countries that it deserved special treatment from the EU. Many were also convinced that the Czechs were better prepared

for EU membership than other post-communist states, owing mainly to their pre-war experience with democracy.

During this period, therefore, it can be said that there was a clash of political cultures: on the one hand, the sober approach of the EU, which did not want to lower its standards for new members under the pressure of politically motivated challenges to enlarge as fast as possible; and on the other hand, the inflated expectations of Czech politicians and citizens, who were motivated by beliefs in their own exceptionalism.

The EU's wary approach essentially froze these expectations, and this served to strengthen nationalist-oriented politics. One can argue that some of the later problems in relations between the EU and the Czech Republic can be traced back to this period, when some Czech politicians took advantage of the national sentiment that they were "special" and argued that when the EU applied the same standards to them as to other post-communist countries, this amounted to mistreatment

In particular, Prime Minister Václav Klaus insisted that the Czech Republic should be accepted into the EU almost immediately. From the beginning therefore he was opposed to the former communist countries being regarded as "pupils" who had to do their homework under the supervision of Brussels and the EU member states.

He also represented a special strand of Czech intellectual thinking. Unlike President Václav Havel, who emphasised humility in the country's relations with advanced western democracies, Klaus and his neo-liberal colleagues believed that they had a strong intellectual and ideological basis, from which they could not only oppose what they saw as a patronising attitude on the EU's side, but could, in fact, offer their own ideas as to how the EU should function. Although Klaus's criticism of the EU became a prominent feature both on the Czech domestic scene and internationally, it was only later, that he occasionally criticised the EU as a bureaucratic, socialist-like enterprise even before the Czech Republic started the accession process.

There was also a strong belief among some Czech politicians that the EU's west European members could learn some lessons from the totalitarian experience of the emerging democracies in central Europe. The EU countries were occasionally criticised for being supposedly too complacent and not vigilant enough in opposing various authoritarian dangers.

The "mental gap" between the west, represented mainly by the old members of the EU, and the emerging democracies in central and eastern Europe was intensified by the fact that the west of Europe seemed to have little or no understanding of the urgency of the message coming from the east that totalitarian experience could play a useful role in revitalising democracy in supposedly tired western democracies. The east of Europe either did not understand the west, or underestimated the backwardness of its own political, legal and economic institutions after four decades of Communism.

While the EU, therefore, emphasised the need for an extensive institutional modernisation in the post-communist countries aspiring to EU membership, not a process achieved swiftly, some post-communist countries, the Czech Republic in particular, believed that they were institutionally not as backward as the EU seemed to suggest, and that on the contrary, the EU could profit from their experience. In the Czech case, this supposedly special experience of totalitarianism was coloured by the strong beliefs of Klaus and his colleagues, who were convinced that neo-liberalism was a tool that could spare not only the Czechs, but also the EU, from dangerous socialist tendencies.

## **Accession**

Even though Klaus signed the EU Czech Association Agreement and submitted his country's EU membership application, his government did little to meet the accession criteria. This attitude was driven in large part by the aforementioned conviction that the EU demanded from the Czechs reforms, which were not really necessary. By the end of the 1990s, the Czechs were at the tail



end of the group of candidate countries as far as the fulfilment of membership criteria was concerned.

Klaus was keen not only on rejecting the supposed patronising attitudes of the EU, but on lecturing EU officials about the EU. The oft-quoted remark of EU Commissioner for Enlargement, Hans van der Broek, to Klaus during one of their meetings well illustrates the problem. Van der Broek told Klaus that he should keep in mind that it was not the EU that wanted the Czech Republic to join, but the Czech Republic that wanted to become a member of the EU.

After the Social Democrats took over the government in 1998, the situation began to change. The ČSSD<sup>9</sup> made use of its time in government to accelerate the accession talks. The party also had many fewer problems than Klaus with the fact that the candidate countries first had to meet criteria proposed by the EU.

Klaus's ODS party<sup>10</sup> made use of its time in opposition to develop its profile as a Eurosceptic party. Its approach to EU membership was not very enthusiastic and was restricted to declarations, such as "we have no alternative to membership." When the discussion inside the EU began to turn towards the possible adoption of an EU constitution, ODS politicians began to define themselves even more radically in opposition to further political integration of the EU and criticised the constitution.

In general, the EU had the greatest influence on events in the Czech Republic during the years from 1995-2002. Even though Czech politicians questioned the necessity of some of the reforms required by the EU, they had to submit to Brussels' demands in the end. They also did so under pressure from the Czech public, most of whom supported EU membership.

The EU was very helpful in assisting the Czechs reform several key areas. The annual re-

ports released each autumn by the European Commission, in which the progress of candidate countries in meeting EU membership criteria was summarised, repeatedly criticised the Czech Republic especially for a lack of transparency in financial markets, inefficient bankruptcy laws, state ownership of major banks and for lack of reform in the judiciary and civil service.

The ČSSD governments managed to rectify most of those problems. Economic reforms in particular were completed by the end of 2002. Major banking houses had been privatised and a functioning financial market, meeting EU standards of transparency, had been created. Together with other reforms mandated by the EU, such changes helped to create an environment that made the Czech Republic, even before its official admission to the EU, one of the most desirable destinations for foreign investment.

In 2000, the country also decentralised its civil service. Fourteen regions, all enjoying a certain degree of autonomy from the central government, were created in response to EU demands. A new law, which would have depoliticised the civil service, was passed before EU accession, but it has not yet come to force. Czech political parties have managed to find ways to postpone real reforms in this area.

Over all, however, institutional changes, achieved with help of the EU, were significant during the accession process. As far as the most visible indicators are concerned, the Czech Republic had become a relatively well-functioning democratic country by 2002.

## Membership

The first five years of the Czech Republic's EU membership, however, were a complicated period. As in some of the other new member states, populism was on the rise – a reaction to the previous period of complex, sometimes unpopular reforms. Even among politicians of those parties that had

9 Česká strana sociálně demokratická (Czech Social Democratic Party).

10 Občanská demokratická strana (Civic Democratic Party).

led the country into the EU, the dominant attitude for some time was that the Czech Republic, now that it was a full-fledged member, did not have to agree with everything that came from Brussels.

While some Czech politicians had held defiant attitudes even before the country joined the EU, the country's candidacy status provided the EU with enough leverage that meant the Czech political elite simply had no choice but to introduce most reforms demanded by Brussels. This consensus disintegrated quickly after accession and the need to continue reform was challenged even by some politicians, who had previously played a leading role in steering the Czechs toward EU membership.

During the initial post-accession years, the EU continued to be perceived as "them". The task for "us" (the Czechs) was to get as much as we could out of "them" and put up with as few of their "dictates" as possible. At the same time, opinion began to strengthen among the general public – influenced mainly by the increasingly Eurosceptic ODS – that the level of EU political integration achieved so far was sufficient.

These attitudes reached their greatest intensity when the ODS returned to power after the 2006 elections. The Topolánek government in early 2007 joined forces with the Kaczyński brothers in Poland to obstruct the efforts of the German presidency to achieve swiftly a new European reform treaty, which would replace the European constitution, rejected in 2005. The ODS, which in 2005 had campaigned against the EU constitution, continued its strong opposition to any document that would intensify the political integration of the EU in 2007.

It took roughly a year for Prime Minister Mirek Topolánek and his team to begin extricating themselves from the radical opinions they had held when in opposition. They gradually began to understand the institutional culture of the EU, which is based on compromise and negotiation. In the end, Topolánek was willing to make concessions and he signed the Lisbon treaty on behalf of the Czech Republic in December 2007.



*Socialism yes – occupation no!!! Poster against Soviet invasion of 21 August 1968.*

This shift toward pragmatism, however, sparked growing tensions between Topolánek and Klaus, who had become the president of the country in 2003. Over time, Klaus had not only become an ever more vocal opponent of further EU integration, he began to question the EU *per se* in some of his speeches.

This dispute between the prime minister and the president also complicated the ODS's approach to the Lisbon treaty. Topolánek postponed its approval by parliament for more than a year, out of concern that a row with Klaus could spark conflict inside the party. In the end, his government collapsed in March 2009, halfway through the Czech EU presidency, partly owing to Klaus's allies in the ODS.

The Czech presidency of the EU in the first half of 2009 was, from the beginning, marked by a lack of unity on the domestic scene with regard to the EU. It was clear that successfully managing the presidency of the EU would be a difficult task for a former Soviet satellite under any circumstances. Unfortunately for the Czech Republic, the presidency, which came in the wake of a high-profile stint by Nicolas Sarkozy's France, happened to coincide with an, as yet, unresolved gas crisis, a simmering conflict in Gaza and the most severe global economic recession since the 1930s.

In addition, the Czechs had created several hurdles for themselves during their preparations for the presidency. Some arose from the above-mentioned political divisions within the country. For example, after taking office in January 2007, Prime Minister Mirek Topolánek disbanded the former government's team preparing the EU presidency. While previous EU member states took a minimum of three years to plan for the presidency, the Topolánek government had roughly 18 months.

In fact, the ODS and the new government towed a rather Eurosceptical line even after taking office, giving the Czechs the label of troublemakers. Topolánek did not do much to change this image. After he had signed the Lisbon treaty in December 2007 he encountered opposition to the treaty within his own party. A group of ODS senators promptly dispatched the treaty to the Constitutional Court. They asked the court to determine whether the treaty conformed to the Czech constitution. Although in November 2008 the court ruled that it did, the process significantly delayed ratification in the Czech parliament.

The delay in ratification further weakened Czech prospects for a successful EU presidency. When Irish voters rejected the treaty in a referendum in June 2008, observers questioned how the Czech Republic could offer political leadership to the rest of the EU when its own government was divided over ratification. In the light of these complex challenges, some western European newspapers even speculated that the French would sideline the Czechs and extend their successful EU presidency for an additional six months. French President Nicolas Sarkozy quelled those rumours by assuring Prime Minister Topolánek that France had no plans to bypass the Czech Republic. However, France still appeared determined to assert its leadership over the EU well into 2009, particularly in countries that had adopted the euro.

Even if the EU had not been divided, the Czech presidency would have had a hard time producing spectacular results. After the Topolánek government was recalled in a vote of no-confidence in March 2009, it became clear that countries such

as France and Germany would allow the Czechs to administer the EU presidency (organise summits, meetings, etc.) but would offer their own political leadership with regard to agenda-setting.

Paradoxically, the Czech Republic reached the lowest point in its post-accession period in the middle of its EU presidency, which would for most new member countries be a great opportunity to demonstrate their maturity. Things were complicated by the fact that the Czech parliament had still not ratified the Lisbon treaty by the spring of 2009. The Czechs allowed their domestic political infighting not only to weaken their EU presidency at a time of major economic crisis, when many countries were calling for strong EU leadership, but also allowed their domestic political disunity to hold the rest of Europe hostage over the Lisbon treaty.

## How the Czechs influenced the EU

Despite the fact that some Czech politicians were convinced, even before the Czech Republic joined the EU, that the Czech Republic had as much to offer to the EU as the EU could offer to the Czechs, the reality turned out to be quite different. The uncertain fate of the Lisbon treaty in the Czech Republic and the failed Czech presidency represent only one dimension of the complicated relationship between the Czechs and the EU. These problems have been preceded by a history of complications in Czech-EU relations.

The first signs of trouble came when the Czechs had to decide what role the country would play in the U.S.-led invasion of Iraq. Czech politicians showed that they had a really difficult time taking a clear-cut stance.

Even before the war started, the Czech parliament had voted that the Czech anti-chemical warfare unit could be deployed in Iraq only if the United Nations Security Council approved a resolution sanctioning a military intervention. Since the U.S. and the UK decided to invade Iraq without such a resolution, the Czech unit stayed in Kuwait throughout the war. The parliament decided the unit would be sent to Iraq only on a "humanitar-

ian mission” – if Saddam’s regime used weapons of mass destruction.

The Czech government then decided that the country was not officially part of the military alliance that invaded Iraq. President Klaus vehemently opposed the war, but as a well-known Eurosceptic, he went to great lengths to emphasise that his attitudes had little to do with opposition to the war in the larger EU countries. He argued that the Czech political elite must act in line with public opinion. Over 70 percent of Czechs were against the war.

Klaus tried to explain his position in a rather convoluted newspaper article, in which he argued that the Czech Republic must not adopt a “European position” or an “American position” but must have its own “Czech position”. He condemned the invasion of Iraq as “a leftist war”, explaining that attempts to export democracy amounted to “social engineering”. In doing so, the president used the same critical ammunition against the war that he had used against the EU.

This episode is worth mentioning because the “Czech position”, as opposed to a pro-American or pro-European position, was to become an important instrument in the arsenal of Czech Eurosceptics. Even now, many of them argue against the Lisbon treaty, for example, by referring to a specific “Czech position”, without ever clearly defining what it is and why there should even be one.

During the U.S. invasion of Iraq, most top Czech officials were simply very careful not to adopt unambiguous stances. Unlike the French or German leaders, who had to defend their strong opposition to the war, or the British prime minister, who had to fight for his own political survival owing to his strong support for the war, Czech leaders refused to make decisions for which they would have to accept real responsibility. In retrospect, this appears to be the real meaning of the “Czech position”.

The Czech government attempted to play its own game in relations with the United States.

After the Topolánek government took over after the 2006 elections, it reversed the position of the previous ČSSD government, which had tried to maintain a balance between strong trans-Atlantic relations and membership in the EU. Topolánek’s foreign policy began to shift the balance toward the U.S.

The Czechs entered into bilateral talks with the U.S. about placing a radar base – part of a U.S. antimissile shield – on Czech territory, without really consulting its European partners in NATO and the EU. At the same time, Czech diplomacy launched its own initiative aimed at abolishing visa requirements for Czechs travelling to the U.S.

The position of the Czech government on this particular issue showed clearly how difficult it was for the Czech Republic to find its place in the EU. Although the EU was trying to stop the Czech government’s own efforts, arguing that the visa issue should be handled by Brussels, the Czechs maintained that they had the right to proceed on their own.

In the end, the Topolánek government achieved their aim but it made travel to the United States more complicated for other Europeans. The Bush administration used the negotiations with the Czechs to make visa waiver travel dependent on additional security requirements that countries already in the scheme had not previously had to meet.

Once again, the “Czech position”, mentioned by Klaus in 2003 as the key to Czech reactions to the U.S.-led war in Iraq, came to play its ambiguous role. In the case of both, the U.S. radar installations and the abolition of visa requirements, Czech policies were simply driven by particular domestic concerns, rather than a responsibility toward the principal partners of the Czech Republic in the EU.

## **The main differences between old and new members**

It seems that differences between the old and new members of the EU are much more pro-

nounced than many believed when the accession process started in the mid-1990. The first major difference is that most new members are still involved with the process of defining their identities not in terms of nationalism but in their civic attitudes. This, of course, complicates not only the way in which they are attempting to define themselves, their national interests and their role in Europe, but it also complicates their attitudes toward foreigners.

President Klaus warned repeatedly before the Czech Republic joined the EU that the Czechs could dissolve in the EU as a sugar cube in a cup of coffee. Although this formulation was often ridiculed, Klaus captured very well the essence of a big problem in the EU's eastern half: a large degree of insecurity as to identity. In fact, Havel often ironically referred to this particular statement when he said that if the Czechs were certain of their true identity, they would not make such statements. Such an attitude toward Europe, betrayed, according to Havel, a lack of self-confidence.

In general, five years after the eight post-communist countries joined the EU, it is clear that their concept of sovereignty, national interest, democracy and even globalisation are different from those held by the old members of the EU. One of the reasons for a large degree of insecurity in the eastern parts of the EU is the fact that these countries emerged from communism with concepts of identity, sovereignty and democracy, which were to some extent still the legacy of pre-communist times.

They simply missed four decades of institutional and political development experienced by the west. For example, the concept of democracy that emerged in central and eastern Europe did not really include, at least in the beginning, the understanding that had become prevalent in the west; namely, that a democratic regime is not constituted simply by the rule of the majority but that it is based on the concept of human rights and respect for minorities.

Another fallacy, often expressed by some Czech politicians, is that the most important

feature of democracies is free elections. Other, equally important aspects, such as the rule of law, supported by liberal constitutionalism and a robust civil society are often discounted. The belief in majority rule as the main feature of democracy is accompanied by a lack of patience with minority views and a lack of tolerance.

### **Some lessons**

In retrospect, it is clear that the institutional backwardness and the poor level of political culture in the new member states from the former Soviet bloc were much greater than many originally realised. Among other indicators, this was demonstrated by the high level of polarisation in domestic politics, where inability to embrace productive compromise was subsequently transferred to EU level.

It was only several years after EU accession that the political elites of the new member states began to grasp the political culture of the EU, based on negotiation and compromise. Gradually, the division between "us" and "them" began to recede.

All former Soviet satellites that joined the EU in 2004 underwent one of the most rapid and amazing institutional modernisations in history. They all emerged from communism with authoritarian political systems, state-controlled economies and inefficient bureaucracies. Between the mid-1990s, when these countries applied for membership and 2002, when accession was completed, an unprecedented process of transforming state-controlled economies into modern market economies and turning undemocratic and inefficient political institutions into democratic ones, based on the rule of law, took place.

The EU played an important role in these changes, providing know-how and guidance. Since EU membership was seen by all relevant political elites in eastern Europe as the ultimate goal, the EU could also successfully use pressure, when necessary, to force candidate countries to follow its recommendations.



*Soviet tanks in Prague.*

The institutional transformation, under the EU's guidance, was undoubtedly a great success, but it had its dark side as well. As is the case elsewhere in the world when authoritarian systems become democracies, institutional change, however complex, is easier to achieve than changing political and social culture. The institutional changes were much faster and complex than the changes in people's minds.

After Czechoslovakia was created in 1918, its president, Tomáš G. Masaryk, remarked: "Now we have a democracy, but we have no democrats." Ninety years later, this is still a problem in a region that had little or no experience of democracy until 1989.

To some extent, the post-communist members of the EU are, even 20 years after the fall of communism, "democracies without democrats". While on the surface they look like any other member of the EU from the western part of Europe – perhaps only a bit poorer – below the surface, there is still a significant lack of democratic culture.

This discrepancy between quick institutional progress and the slow pace of change in people's mindsets has had numerous negative consequences. The first impact was felt shortly after the eight post-communist countries were officially admitted to the European Union in May 2004. Governments in several countries quickly collapsed, with populist politicians gaining the upper hand, as many people believed that the process of transformation was now complete. Moreover, many believed that candidate countries had been made to pay too heavy a price for gaining membership.

Politics in most of these countries quickly turned into highly polarised battlegrounds, from which previously shared common objectives, such as joining the EU, disappeared. The prevailing attitude (which could be summarised as "we have paid our price, now it is time to relax") was in most countries of the region accompanied by the return of fiscal irresponsibility.

Another visible aspect of this post-accession change of mentality was the problems that some

countries from the region – Poland and the Czech Republic, in particular – kept creating for the EU. Such attitudes were driven not only by resurfacing nationalist passions, which had had to be kept under the surface during the accession process, but by statements of populist politicians that their countries no longer needed to be in the position of a student obeying his teachers.

Never mind that this notion of equality totally disregarded the fact that the countries of the region will, for years to come, be the recipients of significant amounts of money in structural funds and other forms of assistance from more advanced countries. The post-communist lack of democratic culture manifests itself above all in the unwillingness of some political elites from eastern Europe to look for compromise and/or respect such compromises once they have been reached.

It seems that some of the problems we see today in eastern Europe have been caused by the fact that western politicians and financial institutions have put too much trust in the “façade” that was applied with the help of the EU, to the decrepit structures of east European societies. This is why, for example, some western banks made huge loans in the region, without really investi-

gating whether the countries’ economies were structurally sound and did not consider that they might be helping to create financial and economic bubbles.

This goes back to the differences between institutions and culture. While the countries of the region seemed to be perfect partners from the institutional point of view, offering even some marked advantages, such as low labour costs, they were certainly not comparable with their western counterparts when it came to democratic culture. In times of crisis, the absence of a true democratic culture has become a serious problem, because politicians tend to intensify the problems, rather than look for consensus and general solutions.

It will probably take another generation before there will be a balance between the modernised institutions and the political culture of real democracy. However, the prospects are hopeful. Unlike during the period before World War II, the new democracies in central and eastern Europe are being actively encouraged to pursue the democratic process by their western counterparts. The west should, however, be on guard, to ensure that instability in the new democracies inside the EU does not destabilise the Union as a whole.



**Jiří Pehe** is a political analyst and author. He has written articles and analytical studies on eastern European issues for American, Czech and German periodicals and academic journals. He is also author of several books. Pehe is currently director of the New York University in Prague. From September 1997 to May 1999 Pehe was director of the Political Department of Czech president Václav Havel and later served as Havel’s adviser. From 1995 to 1997, Pehe was director of the Analysis and Research Department at the Open Media Research Institute in Prague. Between 1988 and 1995, he first worked as an analyst of central European affairs and later as director of Central European Research at the Research Institute of Radio Free Europe/Radio Liberty (RFE-RL) in Munich, Germany. From 1985 to 1988, Pehe was director of East European Studies at Freedom House in New York.

VEIKO SPOLITIS

## Amidst Centripetal and Centrifugal Moves: The Ongoing Transformation of the Baltic States<sup>11</sup>

The fall of the Berlin Wall on 9 November 1989<sup>12</sup> is considered a formative event in recent European history. It would not have been possible without the reforms in the Soviet leadership, after Mikhail Gorbachev had become the new General Secretary of the Communist Party of the Soviet Union (CPSU). Under the symbolic names of *perestroika* and *glasnost*, a centrifugal movement to reform the stagnant Soviet political and economic system started. In the Baltic states liberal forces and particularly dissident movements sprang up and showed their disapproval of the Soviet regime. The independence movement gained its momentum when *Popular Front* representatives who had achieved the majority in the local Supreme Council elections faced a success similar to Polish *Solidarity* in the late 1980's. Civil society started to flourish and a multitude of independent organisations developed. Together with the *Popular Front*, the most spectacular achievement was probably the commemoration of the Ribbentrop – Molotov Pact anniversary (MRP).<sup>13</sup> Emulating the civil disobedience tactics of Mahatma Gandhi more than three million people stood in the so-called *Baltic Chain* in defiance of the Kremlin leadership.

Owing to the fact that the three Baltic states – Estonia, Latvia and Lithuania – were occupied, issues about citizenship were at stake. In Estonia

and Latvia *Citizens' Committees*<sup>14</sup> were formed in order to register citizens of the pre-war republics and issued them with identification documents.<sup>15</sup> After the *coup d'état* in Moscow in August 21, 1991 de jure recognition of the Baltic states independence ensued. After a bold move by Iceland, the Russian Federation and western governments recognised the three Baltic states as sovereign representatives of their people.

The regaining of independence took place rather quickly and in some sense even unexpectedly. The immediate tasks were to create the basic mechanisms of statehood and to become members of the United Nations. The centrally managed economy had to be transformed; trade relations among the three Baltic states and the western partners had to be re-established. Until August 1993 the most urgent issue had been to manage the withdrawal of the Soviet army and after the Russian forces had left an even stronger desire on the part of Estonia, Latvia and Lithuania to become members of major international organisations was apparent. In addition, the three Baltic states signed associate membership agreements with the European Union (EU) that was formed in 1993 after the ratification of the Maastricht treaty, a decision which defined the simultaneous centripetal moves on the European continent.<sup>16</sup> Even before signing association agreements with the

11 Centripetal and centrifugal moves are physically pulling and pushing effects of the integration process, thus while the collapse of the USSR pushed the Baltic states out of one union, the effect of the EU integration pulled the Baltic states into another union.

12 November 9, 1989 was symbolic because it overlapped with the Kristallnacht of 1938.

13 August 23, 1989 was the 50<sup>th</sup> anniversary of the MRP which sealed the fate of the three Baltic states.

14 Citizens Committees had been formed since 1989 and they called for the Congress of Estonia in 1991. The latter provided alternative legislative process for regaining independence from the Soviet Union. The Latvian "grassroots" movement was emulating Estonian Committees of Citizens and culminated in the establishment of the Citizens' Congress in April 1990.

15 The former prime minister of Estonia, Mart Laar, in the documentary "Singing Revolution", called the citizens' cards "tickets to Siberia".

16 After the 1992 Maastricht treaty the European Community officially became the European Union.



EU, the three Baltic states had already signed free trade agreements with the Nordic countries. After Sweden and Finland became members of the EU the free trade agreements between the Nordic countries and the three Baltic states were extended into free trade agreements with the EU.

The preparation for EU membership took place simultaneously with the membership of NATO. Fulfilling the requirements of the *acquis communautaire* was tedious but joining the EU and NATO were the major strategic aims of Estonia, Latvia and Lithuania. The Estonian government was particularly successful because following the 1997 Luxembourg Summit, Estonia was already invited to start membership negotiations. It also turned out well for the governments in Riga and Vilnius. After a reappraisal of the required conditions, the achievements of Latvia and Lithuania were rewarded with the commencement of EU membership negotiations after the Helsinki Summit in 1999. Membership negotiations were preceded by referendums where the majority of the populations overwhelmingly supported EU membership. The circle was squared in May 1, 2004 when thirteen years after exiting from the USSR the three states “gained historic justice” and the Baltic states became members of the two major western international organisations.

NATO and EU membership brought huge enthusiasm to all three states where the news was received positively by the people. The three states were “Europeanised” through the adoption process of EU policies. A relative increase of welfare allowed the three states to reassess their self-image. However, the domestic political and administrative systems left an impact on the popularity of the EU in the long run.<sup>17</sup> This was reflected in the bi-annual *Eurobarometer* surveys.

After the financial crisis that emanated from the United States and through the transmission belt of the global financial system, the popularity of the EU in the three states seems to be increasing. The transformations that the Baltic states had to undergo were thus symbolic for the region of central and northern European states because the transformation was negotiated in an orderly way among members of trilateral commissions in the three states (government, employers’ confederations and trade unions). Since enlightenment the heterogeneous region between Russia and Germany has had to adapt to the different civilisation projects of major European powers. The 18<sup>th</sup> century enlightenment philosophers tried to generalise the cultures in eastern Europe, basing their assumptions on occasional travels and correspondence with the heads of Russian and Polish royal houses.<sup>18</sup> The reality was more complex and the reasons for one Baltic society to develop at a different pace from another could be found not only in its mythical history, but also and foremost in the decisions made by each of its political elites when exiting from the totalitarian Soviet economic and political system without causing turmoil in the societies of the three states and the capacity of the respective governments to transform the state administration in the best interests of civic society.

Domestic differences place the three states in different positions regarding their expectations in respect of the immediate future. Thus, in order to understand how the three Baltic states reformed their administrative and political systems that allowed them to solve the pressing issues of national minorities and civil society, one must first reassess how Estonia, Latvia and Lithuania performed in their “return to Europe”.<sup>19</sup>

17 Alisauškiene, Rasa/Freimanis, Aigars and Saar, Andrus eds. “Public Opinion about the EU in the Baltic States”, Vilnius, 2001 p. 9, <http://www.indiana.edu/~iupolsci/euconf/alisauškiene.pdf>

18 Wolf, Larry. *Inventing Eastern Europe: The Map of Civilization on the Mind of Enlightenment*, Stanford (CA): Stanford University Press, 1994, p. 23.

19 The first statesman who used the phrase “return to Europe” was Czech playwright and president, Václav Havel. Later his ominous phrase gained common currency among the majority of politicians in central European states. Havel, Václav. “Europe as task”, *President of the Czech Republic*, an Address in Aachen on May 15, 1996. [http://www.europeanspirit.gr/biblioteca/havel\\_europe.html](http://www.europeanspirit.gr/biblioteca/havel_europe.html)

## Re-establishing the state and the market economy

Breaking away from the Soviet Union was a strenuous endeavour. Contrary to that of other Soviet constitutive republics, the occupation of Estonia, Latvia and Lithuania in June 1940 had never been recognised by the major western powers.<sup>20</sup> The leaders of the Popular Fronts in these states managed to win a majority in the Supreme Councils in elections in 1989. The Lithuanian Supreme Council had unilaterally proclaimed its independence from the Soviet Union on March 3, 1990 after the MRP was officially denounced in the XIX People's Deputy Congress in Moscow. The Latvian Supreme Council followed suit and proclaimed its independence from the USSR on May 4, 1991, but did not consult with the Citizens' Committees regarding its decisions. The Estonian Supreme Council cooperated with the Citizens' Congress, and the Estonian Proclamation about restoring independent statehood was made on August 22, 1991. There was no legal basis for the Baltic states to stay in the USSR anymore but the Soviet army was still stationed there. The leaders of the three states worked with the reform-minded Mikhail Gorbachev as well as with the leader of the Russian Federation, Boris Yeltsin. After the failed *coup d'état* in August 21, 1991 the Russian Federation immediately recognised the independence of Estonia, Latvia and Lithuania. This was not coincidental as Boris Yeltsin needed his legitimacy vis-à-vis the Kremlin hardliners and Mikhail Gorbachev.

The leaderships of all three states followed the advice of their western partners and joined all possible international forums. The membership of the UN was considered a prerequisite for strengthening the governing capacity of the newly created sovereignties. The three states not only joined OSCE, the Council of the Baltic Sea States and the Council of Europe but also cre-

ated international organisations of their own: the Baltic Assembly and the Baltic Council of Ministers. Participation in international organisations certainly increased the international credibility of those states that had regained their sovereign statehood after spending fifty years in Soviet obscurity, but it also reminded the policy makers of the fact that basic mechanisms of governance had changed during fifty years of Soviet occupation. The lack of democracy in the USSR did not allow the Baltic leaderships to choose the best development strategies for their respective societies because elections in the USSR were fictional and the governments in Tallinn, Riga and Vilnius were mere tools in the centrally planned government machinery. Inefficient Soviet military industrial complex managers had developed major infrastructure objects within the three states from their Moscow offices without taking environmental issues into account or considering the sustainability of such projects. Due to the nature of governance, the infrastructure objects soon became obsolete and in addition the public finance system was based not on transparent rules but on obscure networks among members of the former CPSU and KGB members.

After independence was restored the three states had to create basic elements of statehood that the Soviet regime had stripped away or reform the elements of the former imperial government that were not compatible with the needs of a small state. Currency had to be introduced and free trade with other Baltic and the Nordic countries was established. Interest and civic groups sprang up, political parties were created, and a free market economy was re-established by getting rid of price caps and privatising the formerly state owned enterprises. While free trade agreements were introduced with the Scandinavian countries and Finland, trade relations with the Commonwealth of Independent States waned. As early as 1994 Estonia, Latvia and Lithuania

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20 Western powers include the United States, Great Britain, West Germany, Canada and France. Statement of Undersecretary of State, the Hon. Sumner Welles, released to the press on July 23, 1940 in *The Department of State Bulletin*, July 27, 1940. Vol. 111: No. 57, page 48, <http://estonia.usembassy.gov/sumnerwelles.php>

signed separate association agreements with the European Union.<sup>21</sup> After major trading partners of the Baltic states – Finland and Sweden – became members of the EU the Nordic countries lobbied and the Baltic states rolled the Scandinavian and Finnish free trade agreements over into the free trade agreements with the EU.

The newly formed parliaments – Riigikogu (Estonia), Saeima (Latvia) and Seimas (Lithuania) – were elected with political parties participating in open, free and competitive elections. All political parties with negligible exceptions chose joining NATO and the EU as the major strategic goals for their countries. Even though there were clear goals proclaimed in governmental declarations, the capacity to transform the structure of the domestic political and legal system had an effect on the way the three states were governed. Particularly Latvia differed from Estonia and Lithuania in this respect because Latvian parliamentarians decided to reinstate the constitution of 1922 with minor amendments, while Estonian and Lithuanian MPs opted for making new constitutions.<sup>22</sup> Latvia lagged behind its Baltic cousins not only in respect of constitutional difficulties but also in respect of policy issues.

Writing a new constitution allowed Estonian and Lithuanian parliamentarians to galvanise a multitude of political forces for the benefit of the state building process. Principles of human rights were included in all constitutions,<sup>23</sup> and apart from the Latvian constitution, the other two Baltic constitutions implemented ombudsman institutions into their fundamental legislation. Latvian and Estonian parliamentarians being true to

the traditions of the parliamentary republic had learned from the mistakes of their “Weimar constitutions” of the 1920’s<sup>24</sup> and introduced the 5% parliamentary entry threshold in order to avoid the fractional composition of parliament. Estonian MPs were even more farsighted and in addition stabilised the government by changing the law in such a way that the resignations of one minister would not endanger the stability of the whole cabinet. Lithuania avoided the problems of unstable governments by establishing a semi-presidential system in 1992 and changing from a plural voting system into a mixed electoral system. Latvia remained the odd one out because it retained the constitution of 1922 without fundamental discussions about state governance amongst all the political groups/parties existing in 1993. The decision of the re-established parliament to retain the old constitution was based on the principles of continuity of the Republic of Latvia that had been occupied by Soviet forces in June 17, 1940. Therefore, the constitution became a symbol that was untouchable, which led to instituting tenets of the Soviet political culture, disorienting members of the civic society and strengthening traditional networks of patronage.

While Estonian and Lithuanian MPs accepted the mandatory tax and property declaration system in 1992 and 1994 respectively, Latvia, which has been affected worst by the global economic downturn, still has no proper oversight over its public finances. Estonian and Lithuanian MPs have fostered consolidation of the party political system due to innovations in the legal system. Thus, while legislators followed the Europeanisation path, the Latvian political parties are the only

21 “EU wanted to start negotiating with one Baltic economic market, but realized that it has to deal with three sovereign entities.” Van Elsuwege, Peter. *From Soviet Republics to EU Members State, A Legal and Political Assessment of the Baltic States’ Accession to the EU*, Martinus Nijhoff Publishers, 2008, p. 95.

22 The Latvian constitution of 1922 was reinstated in 1993 with three basic amendments. First, a 5% parliamentary entry threshold was established; second, the former three year parliamentary session time was increased to four and, third, the whole Chapter VIII (see footnote 23) was later added into the constitution after Latvia became a member of the United Nations.

23 Latvian MPs included the principles of human rights into Latvian Constitution Chapter VIII after signing the UN Charter of Human Rights in 1998. Until adopting this chapter the core law in the field of human rights was the Constitutional Law “The Rights and Obligations of a Citizen and a Person”, adopted in 1991.

24 The Weimar Constitution served as a model for Latvian and Estonian MPs in the 1920’s.

ones in the European Union that are not funded from the state budget, thereby allowing interest groups to exert inordinate influence on the law-making process and the rule of law. The speed in which the Estonians reformed their administrative and political system served them well. It not only helped them to earn the most liberal world economy status,<sup>25</sup> it also resulted in the EU inviting Estonia to start membership negotiations together with the Visegrad countries and Slovenia after the Luxembourg Council in 1997. This Estonian diplomatic victory caused some verbal diatribes between Tallinn and Riga, but it also made the Latvian and Lithuanian political elites give up faking political reforms. Thus, after excessive budget spending was reigned in and fiscal prudence was introduced, the Latvian and Lithuanian governments were also invited to start EU membership negotiations – after the 1999 Helsinki Council.

### **EU membership and traditional foreign relations among the Baltic states**

Europeanisation is the process during which European Union values and norms are implemented in member states or accession countries through legislative acts and the signing of treaties that regulate relations between individual member states, the common market and relations between accession countries and the European Union.<sup>26</sup> This process is not linear and the legal, administrative and political systems were affected by the very goal the three states set for themselves – to become members of the EU and NATO. While NATO membership was sealed in March, the three Baltic states became – after referendums on EU membership – official members of the European Union on May 1, 2004. The membership of Estonia, Latvia and Lithuania in western or-

ganisations solved the major security dilemma of those countries – their vulnerable position vis-à-vis its geographically large eastern neighbour. Also, it made the restructuring of the inefficient post-Soviet administrative and political system part of the *acquis communautaire*.<sup>27</sup> The strengthening of the states' administrative capacity was among the major causes for concern but the end results of accession negotiations differed. While the period preceding EU membership could be evaluated positively, now after five years of membership it may be concluded in hindsight that the mechanisms of the EU operation does not allow for the correcting of mistakes overlooked at the moment the aspirant country was deemed ready to become a member of the EU. Being particularly vulnerable, the Baltic economies have had to withstand the pressure of the international financial crisis. The 2005-2007 period witnessed an almost double-digit GDP growth, that later turned out to be based mostly on speculations in the real estate market. The relatively better-transformed legal and administrative system in Estonia and Lithuania allowed those countries to survive the economic downturn almost unscathed, while Latvia was led to the verge of bankruptcy. Imminently it was the inability of the EU institutions to exert pressure on the corrupt and inefficient elites, particularly in Latvia, due to a lack of legal norms aimed at curbing corruption. In contrast to Latvia and other countries which had been accepted in 2004, the EU set down the requirement to fight corruption in the EU treaties with Bulgaria and Romania respectively.<sup>28</sup>

As the Baltic states have small and open economies without sizable natural resources, their only natural endowment should be a skilled and relatively cheap workforce as well as a small and efficient government. Estonia led the three Baltic

25 Sally, Razeen. "Free Trade in Practice, Estonia in the 1990's", *Central Europe Review*, Vol. 2, No. 27, July 10, 2000, <http://www.ce-review.org/00/27/sally27.html>

26 While the traditional definition in *Webster Dictionary* reads that Europeanisation is the process of becoming like the Europeans in manners or character; assimilation into European culture the author uses the term in a broader sense as developed by scholars like Frank Schimmelfennig or Kevin Featherstone.

27 *Acquis communautaire* is the compilation of legal principles that new EU member states must fulfil in order to be eligible for membership.

28 Transparency International supports the freeze of EU funds to Bulgaria and urges an accelerated reform in Romania and other EU states, July 23, 2008: <http://pr.euractiv.com/node/4671>

states<sup>29</sup> due to using its natural endowments most efficiently and due also to its good relations with its historic allies – Finland and Sweden. Relations with Finland institutionalised such European values as respect for the rule of law and freedom of movement through the embedded cooperation between state institutions and civil groups. Similarly to Estonian-Finnish relations, traditional Lithuanian-Polish relations were fostered. Latvia found itself left on its own without a traditional western ally. Therefore, it put all its energy into fostering deepened cooperation between the three Baltic states and other countries in the Baltic Sea region. Such Latvian “exceptionalism” did not much change the stagnated post-Soviet structure of domestic politics. It did not, however, affect the strategic goals of Latvian foreign policy.

Like the other Baltic states, Latvia was actively supporting the Common Foreign and Security Policy (CFSP). Due to the United States’ support of the Baltic independence movements and later of their inclusion into NATO the three states have stayed firm supporters of the United States very much to the dislike of French President Chirac.<sup>30</sup> CFSP and the prospective European Energy Policy are policy tools that are governed inter-governmentally and supranationally. Therefore the Baltic states’ governments had to tackle their almost complete energy dependency on the Russian energy resources whilst trying to perform a balancing act between the major private and state owned energy companies. In order to prevent the inordinate influence of Russian energy giants like *Gazprom* or *Lukoil*, the Baltic governments also invited major German and Scandinavian energy companies to become shareholders in their former state monopolies. The inclusion of Russian and western energy companies was

fruitful because in the short term it has kept the unfriendly atmosphere between the Baltic states and Russia under control.

The dynamism of the EU-Russia relation has the most direct impact on the relations between the Baltic states and Russia. For this reason the EU energy commissioner had to take the awkward path of persuading the Latvian prime minister to follow the commonly agreed regulations concerning renewable energy resources. The project linking the Baltic Sea states in the common electricity grid would allow the Baltic states to become independent from the Russian electricity grid. Estonia was the pioneer and had already established the undersea cable link with Finland in 2007. On April 29, 2009 the Estonian, Latvian and Lithuanian prime ministers finally signed the joint communiqué establishing the undersea cable link between Lithuania and Sweden, without Latvia obstructing this decision.<sup>31</sup> If Lithuania and Poland found a common ground for joining their electricity grids it would add to the existing cooperation in the field of energy.<sup>32</sup> Such a decision would also solve the Lithuanian future energy needs because the Ignalina Nuclear Power plant has to be closed in 2009.<sup>33</sup> The EU’s energy policy today is symbolic not only due to the fact that the birth of the European Commission arose from the Coal and Steel Community back in 1948. An energy policy in today’s precarious environmental situation cannot be implemented without the participation of all the stakeholders on the European subcontinent. It implicitly leads national governments, the very offspring of the 19<sup>th</sup> century ideology of national romanticism, to reassess the role of the nation states in the simultaneously globalising and regionalising world.

29 See Freedom House: <http://www.freedomhouse.org/uploads/fiw08launch/FIW080vreview.pdf>, p.16; Heritage Foundation: [http://www.heritage.org/research/features/index/chapters/pdf/index2007\\_RegionB\\_Europe.pdf](http://www.heritage.org/research/features/index/chapters/pdf/index2007_RegionB_Europe.pdf), p.2 and United Nations web pages: <http://unpan1.un.org/intradoc/groups/public/documents/UN/UNPAN028607.pdf>, p.20.

30 Castle, Stephen. „Chirac attacks Eastern Block backing for Bush“, *The Independent*, February 18, 2003.

31 *The Baltic Course*, April 29, 2009: [http://www.baltic-course.com/eng/baltic\\_states/?doc=13272](http://www.baltic-course.com/eng/baltic_states/?doc=13272)

32 Polish company “Orlen” bought the Lithuanian oil refinery “Mazeikiu Nafta” causing strained relations between the EU and Russia. For more information see: Cohen, Ariel. „Europe’s Strategic Dependence on Russian Energy“, November 5, 2007, The Heritage Foundation on <http://www.heritage.org/Research/Europe/bg2083.cfm>

33 The EU’s energy policy today is symbolic not only due to the fact that the birth of the European Economic Community arose from the Coal and Steel Community back in 1958.

## Between Europeanisation of the political culture and the national past

EU and NATO membership were the major foreign policy goals of the three states. These goals were so solid that after their achievement some politicians considered that they could rest on their laurels.<sup>34</sup> Estonian and Lithuanian elites managed their domestic policy transformation process comparatively well. Latvia was the weakest link among the three states and the problems stemming from its past and questionable policy reforms led Latvia from being the fastest growing EU economy to insolvency.<sup>35</sup> Questionable policies and an ineffective legal system is a common problem in all Baltic states. Differences between the new member states and their relative standing vis-à-vis the old member states are reflected in comparative economic data. The Baltic economies were the least developed economies before Bulgaria and Romania joined the EU in 2007. The GDP of the Baltic economies grew at fifteen percent on average during the five years of their EU membership.<sup>36</sup> Economic growth was helped decisively through subsidies from the EU structural and cohesion funds. But while the relative wealth of the population of the Baltic states increased, the Gini index indicated a rise of income inequality in Latvia and Lithuania, its decrease in Estonia.<sup>37</sup>

If one follows the political statements of the Baltic politicians it becomes evident that the EU is seen as a mere political project that fosters the development of the economies of their respective countries. Expressions extolling European values, human and minority rights and civil society are in most cases expedient for the



*Museum in Tallinn, Estonia.*

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sake of rhetoric in populist politician's speeches. Politicians in the Baltic states do not differ from politicians in other European states in their wish to maximise their chances of being re-elected. However, the political cultures in the three Baltic states differ. These differences go back to the early 1990's when the three states had to establish their citizenship laws. Lithuania used the most liberal approach and included all people living on Lithuanian territory at the moment of proclaiming independence from the USSR. Estonia and Latvia followed a different path and offered citizenship only to the number of qualified descendants of the citizens of the pre-war sovereign states. The Russian Federation accused Estonia and Latvia of violating the human rights of their russophone population. Numerous OSCE and Council of Europe missions advised Tallinn and Riga on how best to avoid unfounded Russian claims and recommended following inclusive policies allowing the Russian-speaking population to be integrated. Estonia was more successful than Latvia in its integration policies, although this did not save Estonia from the omi-

34 *The Economist*. "Insult and Penury Responding to Western neglect and ignorance", March 5, 2009.

35 Kuper, Simon. "What went wrong with Latvia?", *Financial Times*, June 5, 2009.

36 Hansen, Morten and Vanags, Alf. "Inflation in the Baltic States and other EU New Member States: Similarities, Differences and Adoption of the Euro", June 2006, p. 5, 15, [http://www.biceps.org/files/OccasionalPaper\\_nr1.pdf](http://www.biceps.org/files/OccasionalPaper_nr1.pdf)

37 The Gini coefficient is a measure of income inequality developed by the Italian statistician Corrado Gini. The Gini coefficient is a number between 0 and 1, where 0 corresponds with perfect equality (where everyone has the same income) and 1 corresponds with perfect inequality (where one person has all the income, and everyone else has zero income). The Gini index is the Gini coefficient expressed in percentage form and is equal to the Gini coefficient multiplied by 100. Income inequality according to the Gini index was in 1999 in Estonia (33), Latvia (34) and in Lithuania (32). In 2008 it decreased in Estonia (30), but increased in Latvia (38) and Lithuania (34). For more information see Mikk, Jaan. "The Role of income inequality in Human Development", *Social Research*, 2008; 14(4):78-83.

nous riots in Tallinn in April 2007.<sup>38</sup> Amendments in Estonian and Latvian citizenship and language laws were in accordance with the Council of Europe policy recommendations because without changes in the previously mentioned laws the chances for the two states to become member of the EU would have been slim.<sup>39</sup>

Changes in citizenship and language laws brought Estonian and Latvian lawmakers to the understanding that the national sovereignty principle is not absolute. Similarly to the precedent of the Luxembourg Council of 1997 when Estonia was invited to start membership negotiations with the EU, Latvian and Lithuanian governments were forced to reform the structure of their economies in order to be eligible for EU membership. The restructuring of their economies meant basically mixing the liberal requirements of the Washington consensus<sup>40</sup> and the community approach of the EU. Thus, the globalisation process for the populations of the Baltic states was made possible through the process of Europeanisation. The opening up of a once closed society and economy to the influences of a global capitalist system was a rather sophisticated process. Integrating Estonia, Latvia and Lithuania into the EU was meant to mitigate the opening up of their markets to global market forces. While it allowed the Baltic entrepreneurs to see their home market exponentially increase first between the Baltic states, then within the EU, and later within the scope of the World Trade Organisation (WTO), it also brought in formerly unknown cultural experiences, values, social norms and foreign visitors. The younger generation's acceptance of the new and Europeanised reality was mediated through

Music Television (MTV), the World Wide Web and European Union programmes such as *Erasmus* and *Leonardo da Vinci*. The acceptance of the new and Europeanised reality was harshest for the older generation. Their plight was twofold: first they had to face the withering away of the inefficient but nevertheless existing Soviet welfare state which made the purchasing power of their pensions negligible, and second they had to realise that the multicultural reality of the European Union was different from the one they had heard about before the Second World War.

Multiculturalism for the majority of Estonian, Latvian and Lithuanian older members of society brought back memories of the USSR, of forced Sovietisation and collectivisation campaigns.<sup>41</sup> The Soviet regime kept the Baltic elites away from the mainstream of Western academic, cultural and political discourses and the indigenous elites wanted to prove the worth of their culture to the wider world, but very often those elites teetered on the edge of naïve provincialism. The inability of the traditional elites to comprehend the multicultural identity of the EU societies and the institutionalisation of European values has its origin in the totalitarian past. Western Europeans had pluralistic societies where citizens could exercise their democratic rights, but the same system made them accept minority rights. The Soviet legacy fostered the simplified model of antagonistic classes, where the sole *raison d'être* of society was simple welfare maximisation. This simplistic model was dangerous as it explained the world in a zero sum manner, where someone's victory definitely had to mean some else's loss. Such understanding of international relations was evident in all three Bal-

38 Spolitis, Veiko. „Der estnische Denkmalstreit und die Beziehungen zwischen Russland und den baltischen Staaten“, <http://www.russlandanalysen.de>, Nr. 134 on May 11, 2007

39 OSCE declares the complete victory in Estonia and Latvia, January 4, 2002: *The Jamestown Foundation*, Volume 8, Issue 1.

40 The term Washington consensus was originally designed by John Williamson to specify requirements of the U.S. government vis-à-vis Latin American governments. After the collapse of the USSR this term became a catchphrase and was recommended to most of the central European states. The requirements included fiscal policy reform, open capital accounts, privatisation of state enterprises, legal security of property rights, redirection of public spending from subsidies, trade liberalisation and competitive exchange rates. For more information see: Williamson, John. *A Short History of the Washington Consensus*, Paper commissioned by Fundacion CIDOB for the conference "From the Washington Consensus towards a new Global Governance", Barcelona, September 25, 2004.

41 The Soviet occupation brought "forced multiculturalism", when thousands of migrant workers were brought in from inner Russia, without asking the consent of the Estonian, Latvian and Lithuanian societies.



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*Hill of Crosses in Lithuania: an important and symbolic place for religion, peace and resistance of the country.*

tic states throughout the early 1990s but in Latvia the distrust within society and vis-à-vis western partners remains institutionalised through the political system of traditional authority.

The biggest concern for the development of a truly Europeanised political culture in the Baltic states so far has been the Latvian political system. The Latvian Internal Revenue Service does not have a proper oversight over the incomes of Latvian citizens and Latvian political parties are the last ones in the EU not to be funded from the state budget, which has turned them into interest groups for oligarchic families. In contrast to Lithuanian and Estonian homologues, Latvian political parties are divided into ethnic Latvian right wing and Russian-speaking left wing parties. Such a system allowed Latvian political leadership to accept recommendations from western organisations only when they chose to and to implement the policy recommendations randomly. It has stagnated the political culture, where lawmakers follow the EU regulations, successively rubberstamping them into local legal codes but mostly failing to enforce them due to the fact that civil society became dormant during the years when cheap credit resources were abundantly available. The awakening of the civil society coincided with the onset of the global financial crisis. Opposition politicians led dissatisfied groups and three referendum campaigns against the

coalition government, which had been elected in dubious circumstances, were initiated. Then, when the Latvian government could not manage its bloated government apparatus, dissatisfied groups took to the streets in January 13, 2009 after a mass rally calling for the dissolution of the parliament. There were minor skirmishes also in Lithuania's biggest cities, but the Estonian government has so far led the tripartite negotiations between the government, trade unions and the employees' confederations well. The Latvian riots served as an example to the Lithuanian and Estonian governments and since January both have been busy slimming down the administration and implementing measures to keep public finances in balance.

The global economic downturn is now the main news in all the media. For euro optimists it serves as an excuse for the lack of a European debate in the national media. But in reality a discussion about several issues of European politics (e.g. the adoption of the euro) took place in Estonia and to a certain extent in Lithuania, although it is often suggested that these discussions could have been more specific.<sup>42</sup> Infighting between warring political groups in Latvia has not left much time for debates about the future of the European continent. While Estonian and Lithuanian lawmakers are busy finding possible ways to utilise EU funds to reinvigorate their small-scale economies, the Latvian internet forums flourish with stories about mismanagement of EU resources. When Aivars Tabūns, conservative member of the Latvian parliament for the Fatherland Party, was asked immediately after the speedy Lisbon treaty ratification for his opinion about the changes of decision-making processes in Latvia after ratifying such a fundamental treaty, Aivars Tabūns looked puzzled and asked: "What treaty?"

The Lithuanian Seimas was the first parliament in the EU to ratify the Lisbon treaty. When Estonian lawmakers ratified the Lisbon treaty, this caused debates in the mass media between

42 Ilves, Toomas Hendrik. "Estonia would not be able to overcome the crisis without the euro", *The Baltic Course*, April 17, 2009, <http://www.baltic-course.com/eng/analytics/?doc=12772>



major coalition and opposition party members. While discussions ensued about the lack of discussion on the significance of the Lisbon treaty in all three states, it was only in Latvia that a signature collection campaign challenged the treaty in the Constitutional Court. The latter passed its decision on March 14, 2009 stating that the Lisbon treaty was not breaching the Latvian constitution. Eurosceptic parties are not mainstream in the three Baltic states but it is not surprising that Euroscepticism is strongest in Latvia where there is the greatest distrust of democratically elected leaders. In addition calls for a *coup d'état* and for ridding Latvia of “party-crazy” have also started appearing in the media.<sup>43</sup>

While support for the political parties, local government and parliament is similarly low in Lithuania, it has not been channelled into distrust of EU institutions. However, in order for new political parties to be noticed in Latvia they are resorting to populist strategies and Euroscepticism is becoming more fashionable particularly among the radical right wing political groups. To achieve their goals they employ strategies that several European governments tend to employ.<sup>44</sup> They blame Brussels for all the ills, although some of them were home-made. Such a strategy of blaming the EU institutions and Brussels decisions has resulted also in the fact that today Latvians are the most Eurosceptical EU citizens.<sup>45</sup> After such striking differences between three small and historically interlinked countries one might wonder what the primary causes for such differences were. What were the expectations of Estonian, Latvian and Lithuanian populations in 1989?

However, to answer such questions one must go back to the early 1990s and see what the major determinants were which fostered the differences between the Baltic governments and populations five years after EU accession.

## The Baltic states in Europe

The Soviet regime left the Baltic states without a basic mechanism of state governance and with an economy in tatters. The International Monetary Fund's conditional requirements commonly known as Washington consensus put the structural straightjacket on the Baltic economies. The leaderships of all three states decided to abide by the structural reforms as well as to tie their destiny to the integration process on the European subcontinent in order to re-establish functioning states and to secure their sovereign existence. The famous phrase of a “return to Europe” was characteristic not only for Estonia, Latvia and Lithuania but also for the whole of central Europe. In contrast to the central European states the memories of Soviet rule in the Baltic states were so harsh that in the late 1980's people were ready to “wear traditional wooden shoes, just to live in a free Latvia” to paraphrase a traditional banner during the demonstrations against Soviet rule.<sup>46</sup>

The legal systems had to adapt to European standards which made the challenge particularly burdensome. On the one hand, it put additional pressure on the Baltic lawmakers, but on the other, it created a “time bomb situation” in Estonia, Latvia and Lithuania. As so many European regulations and rules needed to be incorporated

43 *Eurobarometer* 2008. Autumn data show us that 48% of EU citizens, 47% citizens of Estonia, 51% of Lithuanian and only 29% of Latvian citizens think about the EU positively. 52% of the EU, 58% Estonian, 60% Lithuanian, and only 29% Latvian citizens consider that EU membership is a good thing for their state: [http://ec.europa.eu/public\\_opinion/standard\\_en.htm](http://ec.europa.eu/public_opinion/standard_en.htm)

44 It is very convenient for national politicians of the EU member states to blame Brussels for too strict regulations or the European Commission directives, because it allows them to avoid responsibility for their own acts. For more information see “Non?”, *Guardian*, May 29, 2005: <http://www.guardian.co.uk/world/2005/may/29/france.eu>

45 *Eurobarometer* 2008. Fall data indicate that 52% of the EU respondents, 58% of respondents in Estonia, 29% respondents in Latvia and 60% of respondents in Lithuania considered EU membership a good thing. 54% of the EU, 76% of Estonian, 75% of Lithuania and only 48% of Latvian respondents answered that they benefited from EU membership. Last assessed in February 2009: [http://ec.europa.eu/public\\_opinion/standard\\_en.htm](http://ec.europa.eu/public_opinion/standard_en.htm)

46 “Kaut pastalas, bet brīva Latvija” was a demonstration banner of the late 1980's that found its way into every day Latvian colloquial language. Rather ironically it was assumed that the enthusiasm of the late 1980's had already faded in 1993, when the democratically elected parliaments were re-established in the Baltic states.

into Estonian, Latvian and Lithuanian law, ordinary lawmaking in the three parliaments has been undermined. In addition to the general awareness of the public about civil procedures, the legal systems and relations between citizens and state, civil society is still developing. Political systems with numerous political parties and considerably low membership have created a system whereby political elites in all three states are basically reproducing themselves.<sup>47</sup> In such a situation, for example, the change in the criminal laws of the three states, establishing a moratorium on capital punishment, were accepted without substantial discussion. Latvian lawmakers changed the draft army into professional forces without any real debate in the public media. A Latvian civil service remuneration system still does not exist, which makes the administration prone to corruption.

The lack of serious discussion about essential political, economic and legal issues has undermined the democratic nature of governance in the Baltic states. The latter will probably have a long-term effect on the balanced development of the three states. However, considering the comparative size of transformations in all spheres of life, one may argue that the lack of discussion enabled an accelerated development in Estonia, Latvia and Lithuania. While bearing local particularities in mind, it was the determination of all three leaderships to “go back to Europe”, which offered the possibility of quickly mobilising the political will. The common fate and the suffering under the Soviet regime gave a moral legitimacy to the unpopular decisions of the three governments. It provided the three governments with the necessary acceleration to rid themselves of the bonds imposed by the heavily centralised Soviet political, administrative and economic system. The process of transformation is not uniform and during the period of economic distress, the patience of the general population is not infinite.

This makes one wonder about the expectations of the Baltic societies for the coming two decades. In policy making it is problematic to plan ahead for more than five years and a twenty-year time frame looks like an unachievable goal. Nevertheless, from the Baltic states’ perspective the historic decision was made when the majority of the population made their decision with a YES vote to Europe in late 2003. Members of small European states should guard their national sovereignty and the examples of Switzerland, Portugal, the Czech Republic or the Benelux countries are viable examples. Nevertheless, the globalisation process affects all countries irrespective of their size and economic endowments. Will the long eastern border with Russia and fifty years of Soviet rule make the elites and populations opt in favour of European federalism? Such a direct question is usually not asked and is, therefore, never reflected in major opinion polls. The recent economic crisis and the Russian behaviour in the Caucasus region has made the Baltic elites and populations supporters of strengthened transatlantic ties and even policy documents reflect that the CFSP in its present form is no real alternative to NATO guarantees. The fact that a sizable group of people support Eurosceptic policies is another sign of the burgeoning democracy in the Baltic states. However, dissatisfaction in a certain number of people in society traditionally fosters Eurosceptic policies and there are always certain populist politicians serving their needs. There are a number of insignificant representatives of minor political parties in the three states as well.

Traditional European political mechanisms are implemented in Estonia, Latvia and Lithuania where the political system is characterised by a “catch all strategy” employed by the political parties. However, in contrast to the old democracies, civic culture is only just developing in the Baltic states, which means that the relation between civil society and the state is still causing concerns for experts and western civil society members.

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47 Klasons, Gints. “Politiskās elites rekrutācijas avoti Latvijā (7. Saeimas laika)”, BA thesis in Latvian published in [www.politika.lv](http://www.politika.lv) on 30.07.2002. According to R. Dahrendorf parliaments in general are becoming rubber-stamp machines reproducing oligārchic governiņg elites. Lack of dēmocratic participation and rising corruption attests to this widespread phenomena.

Latvia stands out negatively from the other two states due to its unreformed legal code and civil service system. The pushing and pulling forces of integration that has defined the ongoing transformation of the three Baltic states for the last twenty years are still at work. The nexus is different today because while centripetal European integration is perceived among the Baltic populations as something positive, the centrifugal forces of globalisation make elites and populations concerned. A transformation of societies and state structures is a positive phenomenon if it brings stability to the population at large and can be sustainable in the long term. Estonian, Latvian and Lithuanian political elites convincingly argue that their countries have no alternative to the future within the European Union.<sup>48</sup> Even though the Latvian population is the least supportive of the EU, it still supports EU institutions more than

local political institutions. The focal point for the Baltic states' political elites during the coming twenty years would be to construct a political discourse that would make the populations willing to suffer relative economic decline for the sake of a better future in the EU after the ratification of the Lisbon treaty. During the times of double digit economic growth it is hard to achieve sustainable stability without all members of society taking part in the decision-making process for the strategic development of the respective states. The period of high economic growth has passed and the expected stability is being lost and will be for years to come. The time has come for the Baltic elites and populations to come to an internal consensus about the future of their economic, education and welfare systems and about its place within a revamped united Europe.



**Veiko Spoltis** is head of the European Studies and International Relations Programme at the Riga Stradins University & PhD student at the University of Helsinki. He is writing his dissertation project "Governance in the Baltic states from 1994 – 2007 - Estonia, Latvia and Lithuania between Europeanised regionalisation and continued post-Soviet political culture". He received his Bachelor of Arts in Political Science from the University of Tartu, his Diplôme d'études approfondies (DEA) in History and International Politics from the Graduate Institute of International Studies at Geneva University and his Master of Arts in European Studies from the Central European University in Budapest.

48 The consensus among the Baltic elites and societies about EU membership is almost universal. There are only Eurosceptic party representatives who tried to gain popularity by advocating an alternative way of development as Normunds Grosiņš in Latvia for example. Grosiņš, "Alternatīva dalībai ES pastāv, bet tiek noklusēta!", August 13, 2003 in [http://www.politika.lv/temas/fwd\\_eiropa/9797/](http://www.politika.lv/temas/fwd_eiropa/9797/)

WERNER SCHULZ

## Catching the European Train – German Unification: A Stepping Stone Towards a United Europe

“The day they took the wall away” – so sang Pannach and Kunert, lyricist and musician in the legendary Leipzig rock band, Renft, 1985 in their exile in West Berlin. No one could have imagined, however, when this hope would become reality. This was no “iron curtain” in the sense of a theatre safety curtain but a hermetically sealed demarcation line running through Berlin and Germany. It was a system of walls, mined strips and electric fences brutally patrolled by armed guards, dogs and spring guns. Thus was Europe divided between East and West.

“Please Mr. Gorbachev, open this gate! Mr. Gorbachev tear down this wall!” American President Ronald Reagan’s call to the Soviet president took place in June 1987 in front of the Brandenburg Gate. How staged and unrealistic it appeared at the time and how patronisingly it was dismissed – but that is another story. Mikhail Gorbachev’s idea of a European house at least stirred hopes that, with an end to the Cold War and agreement on a shared Europe, borders would become more transparent. Exactly how and when were open questions. Above all, Gorbachev wanted to ease the situation within the Socialist bloc before opening it up to the outside. His ideas of *glasnost* and *perestroika* aroused great expectation, dynamism and a spirit of optimism in vivid contrast to the same old declarations of Eric Honecker, who said in January 1989 that the Berlin Wall would remain as long as the conditions that had led to its erection still existed. He estimated that this would take from 50 to 100 years and that he personally hoped that by then capitalist West Germany would have found its way to socialism. History has a way of turning out differently and it has outsmarted the rulers of the “only true and scientific ideology” and its cherished dogma of historical progression.

What really did happen in 1989? The events of twenty years ago will be remembered almost

every day and everywhere throughout this year. Politburos and communist party central committees tumbled like houses of cards; governments were toppled, political systems disappeared and even whole countries. British historian, Timothy Garton Ash writing from central Europe entitled his report: *Ein Jahrhundert wird abgewählt* (a century is rejected by the electorate).

### On the way to a non violent revolution

The epoch making change of 1989 was no spontaneous event, no sudden break but one with a long history. It was the final culmination of a continuous struggle between the communist system and its inner decay. The Eastern bloc countries founded under the hegemony of the Soviet Union had, from the very beginning, lacked democratic legitimacy. For this reason, many in central and eastern Europe hoped that 1989 would allow them to experience the ideals of 1789: an established and stable state governed by the rule of law, guaranteeing freedom, equality and justice. Many east European intellectuals were, for the most part, more concerned with the removal of barriers to freedom than improvements in material living standards. Thus the real and significant celebration of this 200-year anniversary of the French Revolution did not take place in Paris but in Eastern Europe. Using the terminology of that grand old revolutionary, Lenin, this was a new kind of revolution: one without violence, theoretical concepts or an exiled avant-garde. A revolution during which candle wax not blood flowed. Demonstrators held banners rather than stones or weapons. People did not mount barricades but gathered at round tables. As regimes fell there were no investigative tribunals or French Revolution type *Thermidor*s but freely elected democratic parliaments that allowed reformed socialists the chance to make amends and change their way of thinking. The

political process unleashed an enormous wave of civilising energy the domino effect of which was to lead to a collapse of the totalitarian system and its ideology. The round tables in Poland, the peaceful revolution in the GDR, the *Velvet Revolution* in Czechoslovakia and the *Singing Revolution* in the Baltic states contributed to an impressive display of civic partnership the value of which is clearly visible today when we see pictures of global terror and violence. They achieved freedom, civil and human rights without other people having to lose their lives. It is not the brutal terrorist attack of 11 September 2001 but the non-violent breaking down of the Berlin Wall on 9 November 1989 that opened a new political perspective. In this respect one could regard the latter as being more significant.

1989 can be seen as closely connected to the post-1945 uprisings; 1953 in the GDR; 1956 in Hungary and Poland; the *Prague Spring* of 1968; the founding of KOR in 1976 in Poland; *Charter 77* in Czechoslovakia and the Polish trade union movement *Solidarność*. Throughout the whole period of the history of the GDR there was resistance and opposition, even if it did not quite go by these names. This was probably because opposition was seen as counter revolutionary and as such a crime against the state and extremely risky. A GDR political dictionary explained that “in a socialist state there was neither cause nor social basis for opposition”. In such a totalitarian state, even things that appeared harmless could result in severe repression, personal and professional ruin (orchestrated by the security services) or even physical destruction of the “class enemy”.

### **The long journey from 1968 to 1989**

The events in Prague in 1968 had a traumatic and stimulating effect. While the West Germans became excited, the people of the GDR were cemented in. The Wall erected on 13 August 1961 had already sealed them off. 1968 with its celebrations for the 150<sup>th</sup> anniversary of Karl Marx had aroused feelings that there might be a vague possibility of liberalisation and democratic socialism. Robert Havemann in his lectures at the Humboldt University provided a non-dogmatic

view of communism. He was a white hope above suspicion. The reaction of the state and the violent suppression of Czech reforms came as all the more shocking both to him and others who were beginning to hope for better things. Many of them, who in 1968 and in the following years no longer had any illusions or had lost all hope of “socialism with a human face”, came together in the opposition or later in 1989 at demonstrations and at round tables. The peaceful revolution of 1989 was also a reaction to 1968. There is a political connection between the two dates. In Leipzig, Berlin and Prague, 89 was reversed and held up as a reaction to 68. The political approach of the 68ers in the East provided an important basis for the autumn revolution of 89. Unfortunately this has still not penetrated the historical consciousness of the united Germany. Today we know that while the 68ers in the West wanted revolution and got reform, the 89ers in the East wanted reform and got revolution.

### **A Protestant revolution**

While the universities in West Germany were on the move, reforms in the East removed the last vestiges of any remaining bourgeois traits. While in Hamburg students held up media friendly banners complaining that academics and their institutions had not changed for 1000 years, Walter Ulbricht had the university church in his home town of Leipzig destroyed. The church was a perfectly preserved piece of Gothic architecture in which Martin Luther had preached and had been used by the university as an auditorium since the Reformation. But who knows about the spectacular unrolling of a banner demanding the rebuilding of the Paulinerkirche? The Stasi devoted years and enormous expense to tracking and arresting the makers of this banner. It was therefore all the more impressive when, in the autumn of 1989, thousands gathered in the nearby church of St Nicolas for their Monday demonstrations. Prayers for peace from the traditional church and opposition protest groups had developed into a revolt involving the population of Leipzig that would ignite the peaceful revolution. The alliance between the opposition groups (calling for “a new forum”, “democracy now”, a new “democratic departure”, a social democratic party or initiatives

for freedom and human rights) and those who rejected the GDR and wished to emigrate, created a broad based civic movement. This phase of the revolution could be characterised as Protestant. In almost all towns and communities, the Protestant church was where the defiant gathered – it was never in the town hall, party headquarters, theatres, cultural centres, clubs or universities. The majority Protestant, socialist wing of the GDR civil rights movement and their democratic experience within the protection of the church brought two negotiating objectives to the revolution: “No violence” – the main message of the Sermon on the Mount and “We are the people”, a clarion call for direct democracy.

## Return to Europe

The sociologist Ralf Dahrendorf described 1945 and 1989 as two dates of freedom in an essentially murderous 20<sup>th</sup> century. He regards 1989 as the most successful of all modern revolutions as it overcame political stagnation and made present day Europe possible. A European Union not just based on reconciliation and peace envisioned by the grand old men, but also on the desires of the many men and women who overthrew a dictatorship without violence and by their own efforts achieved freedom through democracy.

The appeal of the West also played an important role. The democratic basis of the European Community with its ability to improve living standards and maintain peace along with the diplomatic achievements of the Organization for Security and Co-operation in Europe (OSCE) had a lasting influence on the anti-communist opposition in Eastern Europe. For the first time, the front pages of communist newspapers (including *Pravda* and *Neues Deutschland*) carried articles on human rights as mentioned in the *Helsinki Final Act* of 1975 and these provided an important boost to the developing opposition movements. The demand to live in peace with the other nations of Europe was not a strategic or even material goal. It was, above all, a cultural one. All those countries, to which the EU has held out the possibility of membership, have strengthened their democratic structures, introduced measures to

create a market economy and demonstrated positive social development.

The year 1989 was more than just the beginning of a new epoch in the calendar of European history. It was the final symbol of a brutal century, an unscrupulous ideology and its totalitarian government. It was the end of communist utopia and its false ideas about human beings. It was the end of a cynical system of dictatorship that created stability at the cost of freedom and engaged in social planning that had the fatal side effect of crippling many areas of human endeavor. All this happened and intensified during the events of 1989.

## East Germany's special way

The GDR or East Germany on reuniting with the Federal Republic became a member of NATO and the EU in a manner that was barely noticed and taken for granted. It happened without much in the way of guidelines, adaptation measures or great effort. This special way was in great contrast to those taken by the Eastern bloc countries. Historically the

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*Not right. Not left. But straight on to Europe! Poster of Bündnis 90 for the first democratic elections in the GDR on 18 March 1990.*

expression “Germany’s special way” stood for fatal consequences but in this case it was a groundbreaking development for contemporary Europe. While critical Polish intellectuals viewed the division of Germany as the main stumbling block to European integration, in Germany the idea grew that it would be European integration that would first bring the two parts closer prior to a possible reunification. In the East German elections 18 March 1990, *Bündnis 90* campaigned under the slogan “Not right, not left, but straight on to Europe”. This slogan was not properly understood or it was perceived as a way of avoiding commitment to German unification and, in the manner of the left in West Germany, seeking a solution to the national question in a united Europe. It is possible that East Germany’s problem-free EU accession made them less aware of the implications and privilege membership brought, while at the same time it hid the enormous efforts the other Warsaw Pact countries had to make when they joined. It was only later, when German troops participated in peace keeping and peace making missions in the Balkans and Afghanistan, or when they had to give up the German mark (which they had so happily adopted just a few years previously) for the euro that it became clear that everything comes at a price.

Unlike the other post-communist EU states, the GDR no longer exists. This half of Germany is now fully integrated into a new federal state. What was advantageous in transforming the GDR and building democratic institutions has a political downside. Political life is dominated by the western part of the country and this has meant that experience in the east is only accorded a minor role. Essentially the main political strands are those of the old Federal Republic and even the election of a chancellor from the old East has made no difference. The transformation of East Germany was less about integration into Europe and more about conforming to the institutions and structures of the old West. As West Germany had already adopted EU norms and standards conforming to its institutional norms was the same as adopting the EU acquis. For this reason the former citizens of the GDR experienced a somewhat subliminal integration process. The EU had a positive image when it was providing financial aid and fund-

ing but a less positive one when bidding for major EU projects was subject to competition from across the Union. It was quickly understood that national rulings could be subject to appeal at European level. Even such an unscrupulous violator of human rights as Egon Krenz, the last leader of the GDR, suddenly discovered the advantages of the EU. Sentenced to imprisonment for ordering border guards to shoot on sight, he took his case to the European Court of Human Rights but had to recognise that with the Court’s rejection of his claim, his sentence had been correct. This was a cause for great satisfaction in the old East Germany and reassured the public that the rule of law could dispense justice in cases against Politburo members. Here, Europe had shown itself to be the final judicial authority.

Even the transformation from central planning to market economy was done in a way that bore no resemblance to what happened in other Warsaw Pact countries. Here, the decisive factor was the sudden rise in the value of the currency with the introduction of the German mark. This acted like a shock, for which there was no therapy. It also contributed to the dramatic collapse of east German industry, created enormous distortion and led to extensive deindustrialisation. Both parts of Germany were now in competition but much business and industry had parallel structures in east and west. Instead of creating complementary structures, the eastern factories were either sold off to parent companies in the west or closed down. The *Treuhandanstalt* (privatisation agency) implemented a policy that, in four years, liquidated the whole of the GDR’s state controlled property, turning East Germany into a land of branch and subsidiary offices or just extended work benches. Not one of the 30 major companies quoted on the DAX has its head office in the old East Germany. The upside, however, is that many of the social difficulties such transformation brings were cushioned by generous transfers and construction funds from West Germany and the EU. Compared to the enormous problems faced by other post-communist countries, East Germany had an easy time. You frequently heard people in Poland, Czechoslovakia and Hungary saying they would love to exchange their problems for those of East Germany.

The eastward expansion of the EU after German unification also brought about the reunification of east German and Polish towns, separated by the Oder Neisse border. Today there is free movement, cooperation and exchange between Frankfurt/Oder and Słubice, between Guben and Gubin and between Gorlitz and Zgorzelec. The GDR Communist party leadership sealed the border with Poland in the 1980s, afraid of the growing influence of *Solidarność*, the trade union movement. Today what belongs together is coming together once more. Such is the case near Zittau where Germany, Poland and the Czech Republic meet and a Euroregion has been created that organises common enterprise zones, cultural events and development plans. This demonstrates that the German example of overcoming division by sharing has taken on a challenging European dimension.

## Expansion and crisis in the EU

With expansion came crisis. The EU had never aroused storms of adulation but it was viewed as a steady pragmatic process of shared interests, goals and values. The West, however, had not been prepared for the events of 1989. No one seriously thought or even dared to think that communist dictatorships would collapse and that the Warsaw Pact and the Soviet Union would dissolve. Just how satisfied the EU was with its boundaries can be seen with the long running membership aspirations of Turkey. For more than 40 years, Turkey has been knocking on the EU's door looking for full membership. In September 1963, two years after the erection of the Berlin Wall, Turkey was given the prospect of membership. It would appear that the West had written off Central and Eastern Europe and saw Turkey the only realistic expansion opportunity for the then European Economic Community. The idea that Poland, Hungary, Romania or the Baltic states could ever one day be part of the EU was beyond all imagination. Just how deep rooted this attitude was can be seen at the beginning of the 1990s, when the GDR had already joined and the next eastward expansion was on the cards. Despite this, there was no effort to make the wide-ranging reforms that would be needed for a EU of 20 to 30 members to function efficiently.

The most convincing arguments for expanding NATO and EU membership to eastern Europe, after the fall of the Wall, did not come from democratic ideals, Western values or even historical duty but reflected self-interest. The border to the east (Iron Curtain) that had been so strictly patrolled was one of the most secure borders that western Europe had ever had. With its disappearance, the comfortable societies of the EU realised that if they were not to import chaos from the east they had better export their own forms of security and prosperity.

Unfortunately, east European efforts at introducing democracy were misjudged as political chaos and there was therefore a failure to capitalise on these first green shoots. The transformation to democracy and market economics in the post-communist countries was seen as the splendid triumphal procession of capitalism. With no competition it was free to unfold to its full extent. Just how much we will have to pay for all these neo-liberal dreams is not, at the moment, clear. What is, however, clear is that the upheaval and feeling of insecurity in the east will affect the west. Coupled with the financial excess, all this means that there is a very special version of *Perestroika* in store for the EU.

Just as in Germany, the idea of a common constitution was greeted with scepticism and disapproval. This resulted in a cardinal mistake that the EU is still trying to remedy: widening before deepening. The post-communist countries became members of the EU even though its institutional framework was not geared to so many members, a fact that had been clear for some time. The difficulties presented by out of date treaties, deadlocked negotiations and nerve wracking voting procedures finally made them see the sense of a binding European constitution. Perhaps it was too late and too half-hearted but it was not as complicated or as incomprehensible as currently claimed, although a short and simple text would have certainly been better. The reason the constitution failed, however, was more properly due to the complicated ratification procedures required by individual member states. It would have been easier if adoption had depended on simultaneous referenda throughout



the EU. As it is, the project of a grand constitution for Europe has become entangled in turbulence of small-minded domestic politics.

The effects of 1989 are still being felt. This epoch making event at the end of the 20<sup>th</sup> century has affected the structures and self-image of Europe. Critics of the “old” are not just to be found in the east. Policies in western European states and the EU have come under pressure. The Charter of Paris adopted at the OSCE conference in 1990 marked the end of the Cold War and welcomed a new era of freedom and peace in Europe. Progress now had a new name: Europe. The conflicts in the Balkans in the early 1990s, however, showed that there were no guarantees for eternal peace and that the EU faced unaccustomed and new challenges.

### **Similarities shared by the EU’s post-communist states**

The wars in the Balkans made one thing clear: the closer a post-communist state was to the EU, the more successful the reform efforts have been. The closer to the EU ideal, the more stable the democracy and the rule of law and the more advanced the progression to a market economy. The further they are away from the EU, the stronger the power and influence of the old guard communists where they have divested themselves of the cloak of communism and replaced it either with one of patriotism or neo-nationalism.

The all-inclusive expression of “Eastern Europe” is, in these circumstances, no longer valid. From the former Eastern bloc quite different EU states have developed. They have succeeded in emerging from a common socialist legacy into countries that have rediscovered the national characteristics shaping education, economics and social idiosyncrasies, suppressed for decades under communism. They are searching for their future identities through a variety of different interpretations about the past. Together they will have to undergo a laborious and far reaching modernisation, including the necessary economic and social reforms that will bring their countries in line with EU standards.

Entry into the EU was greeted with enthusiasm and excessive expectation but this was followed by disenchantment and an accession “hangover” – such crises have been seen in other countries in similar circumstances. Even though the political goal of “a return to Europe” had been achieved, there was still widespread feeling of insecurity. The political turbulence in Poland, the Czech Republic, Slovakia and Hungary bear ample witness to this. After decades of cynical manipulation by a one party communist apparatus it was difficult to have confidence in public institutions and the quality of officials. The tendency for both ends of the political spectrum to have inflammatory and radical inclinations remains strong. Freedom has been won but they now yearn for security, strong leadership and egalitarian harmony.

Although it was clear that the EU newcomers from central and eastern Europe did not form a coherent group, we can see today that they did have certain things in common. For example their internal disparities: a very clear gap between town and country or between major conurbations and rural periphery. In countries such as Poland, Hungary or Slovakia a clear east-west divide has emerged with more developed regions on the border to the EU and depressed ones on the EU’s new outer border. Frequently, these differences go back to communist or pre-communist times but post 1989 they have continued or become even worse. In contrast all their economies have grown continually but there is still a constant need for reform. Meanwhile economic growth has had a positive effect on the employment market and there is now a shortage of skilled workers. Poland is now campaigning for the return of qualified people. This development is in contrast to the fears in the west that they would be overrun by cheap labour from the east.

The post-communist accession countries have implemented new political systems and are slowly becoming familiar with the democratic process of change in government. On the other hand there has been a high rate of domestic vicissitude. There has only been limited development of loyalty between voters and political parties. Voters are much faster to change to the political

alternative than those in the “old EU” and this has resulted in frequent oscillation between government and opposition. This has led to political volatility and unpredictability. Low voter loyalty for poorly established parties, frequent changes in party programmes as well as dissatisfaction with politicians have created conditions in which demagogic politics can flourish. For this reason, radical, populist and nationalist politicians and parties have enjoyed support. Their popularity is based on negative nationalist and regional traditions that threaten internal security and stability.

The goal shared by all post-communist EU countries is to complete the accession process by moving on from what they perceive as second class status in the grey area of an “intermediate Europe” to become a policy maker, rather than a policy taker.

### **The main differences between the post-communist and Western EU member states**

An evaluation of the contribution of the new EU member states varies between providing momentum and putting the breaks on. These differences are more clearly visible in foreign policy. With the fall of the Berlin Wall, the West seemed to have lost a quasi load bearing structure. With its disappearance, the U.S. secretary of defence claimed an “old” and a “new” Europe had emerged. He based this on the fact that many central and eastern European countries fostered an especially close relationship with the U.S. This was made clear during 2003 on the outbreak of war in Iraq when all these countries supported U.S. military intervention. In particular, Poland presented itself as an active and loyal partner of Washington. The rational reason for this relationship is security. For the post-communist countries the timetable for NATO membership was a greater priority than accession to the EU. Close relations with the U.S. is regarded as a kind of reinsurance against threats from the post-Soviet region where Russia could flex its muscles. The war in Georgia reinforced all the old fears and created major long-term damage. Countries such as Poland, the Czech Republic and the Baltic states aspire to direct cooperation with the U.S. on se-

curity, procurement and military affairs. They are sceptical of an enhanced European Security and Defence Policy (ESDP). They work to ensure that this does not cause a rift in transatlantic relations and that European American security cooperation continues within NATO.

Other central and eastern European countries want more attention to be given to cooperation with the enlarged Union’s new neighbours. They are particularly concerned with intensifying the European Neighbourhood Policy (ENP) and cooperating with partners on the other side of the EU’s eastern border. The ENP is not seen as an alternative but as a first step on the long road to EU membership for Ukraine, Moldova, Belarus and the South Caucasus. They view the anchoring of these states to the EU and helping them consolidate their institutions as a guarantee against the neo-imperialist tendencies emanating from the area of the old Soviet Union. They also hope that there will be greater cooperation within the EU regarding relations with Russia. Poland and the Baltic states especially are irritated and worried about a German-Russian special relationship. These fears were aroused when the planned German-Russian gas pipeline through the Baltic Sea was agreed without either consulting them or seeking their approval.

As a matter of principle, the post-communist EU members are in favour of a consistent and swift enlargement policy, as, with the exception of the Czech Republic, they are all geographically on the outer border of the EU, something they would like to remedy. They therefore favour unlimited expansion to the east and the Western Balkans. In the spirit of further enlargement and in contrast to the growing scepticism in western Europe they are mostly in favour of Turkey becoming a member of the EU. This results in them being against the establishment of either a core or a two-speed Europe. They fear they would not be included in the inner circle and that once more they would fall behind into a European outer circle.

A glaring contradiction that the post-communist countries quite rightly point out is that while attention is often drawn to their democratic deficit, the EU itself has considerable similar deficiencies.

## How will it all look in 20 years time?

After the EU has overcome the current financial and economic crisis via its own efforts, it will have a third supporting pillar to join those of peace and freedom, namely solidarity. This test will have brought about a united states of Europe and dispelled all fears of re-nationalisation and political fragmentation. A Europe based on solidarity will have been established that will defend European (and world) values at global level.

Together, the new and old democracies will have made a Europe that, in the wake of the economic and financial crisis, will have been able to create an environmentally friendly market economy capable of dealing with such serious long term problems as unemployment and poverty. The EU will have put in place structures to narrow the long-standing economic gap and bring about more equitable living standards. Effective strategies to combat long term challenges such as fighting epidemics, drug trafficking, illegal immigration and international terrorism will have enjoyed some interim success and will look ahead to more.

The restructuring of European industry to protect the environment will be a global reference point for renewable energy systems, raw material production and a model for environmental and climate protection. Modernisation will have led to a sustainable reduction in CO<sub>2</sub> levels and global efforts will have helped slow climate change.

Successful referenda in all the EU Member States on a common constitution will have helped foster a European identity to overcome national prejudice. Lessons will have been learned from mistakes made in the past and EU integration will be viewed as a duty and a matter for survival. It will represent the experience and convictions shared by all that Europe must deepen the Union to guarantee freedom, democracy and prosperity and protect against prejudice, fear and antipathy.

With an agreed Common Foreign and Security Policy and a European foreign minister, the EU will finally have a clear strategy. There will be similar good relations with the diminished super powers of the U.S., Russia and China. France and the United Kingdom will have given up their seats in the UN Security Council in favour of the EU and the Union's international influence will have grown. A popularly elected president will be the face and voice of the EU's citizens. The EU will derive its power from its ethnic, cultural and religious diversity. This and its standing will have given it the power to take a leading role in fighting for human rights and combating fundamentalism, intolerance and conflict. In addition the people of the EU will have developed a common historical consciousness that will protect against a relapse into totalitarianism, racism and fascism.

For the children of the revolution today's Europe is no longer about freedom or the future. It is about opportunity.




**Werner Schulz** was born in 1950 in Zwickau. He studied food chemistry and technology at the Humboldt University, Berlin. In 1974 he became an assistant lecturer at the Humboldt but was dismissed without notice in 1980 for protesting about the Soviet Union's invasion of Afghanistan. From 1968 he was active in various opposition groups in the GDR. In 1989, he was one of the founders of *Neues Forum*. In 1990 he was successful in the first free elections to the Volkskammer. From October 1990 to October 2005, Schulz was a Member of the *Bundestag for Bündnis 90/Die Grünen*, for whom he acted as spokesman, parliamentary leader and economic spokesman. Since June 2009 he has been a Member of the European Parliament.



## **PART TWO**

The Western Balkans: The EU Perspective



NICHOLAS WHYTE

## The European Union and the Western Balkans

The European Union's approach to the Balkans is a little reminiscent of St Augustine's remark that he wanted to be chaste, "but not yet". EU countries periodically get together and declare that the Balkan states have their place in the EU; but clearly it is "not yet".

It is a difficult message to get across. The journey to EU membership is clearly mapped out, but very slow. The European Commission, in particular, has stuck firmly to progressing the agenda of the Western Balkan countries through regular annual reports on their progress. Now all but Kosovo have signed Stabilisation and Association Agreements with the EU; Albania and Montenegro have lodged membership applications; Macedonia is acknowledged as a candidate state; and Croatia is negotiating the terms of its future membership. In a region which became used to violent and rapid change, it is difficult to grasp the real pace and nature of the EU integration process, and every minor setback or slowdown can be perceived as reversal and rejection.

Politicians inside the EU do not always help. It is probably true that, after Croatia, it will be a number of years before the next state in the region is ready for EU membership. But statements (particularly from German politicians, though they are not alone) reflecting upon this are often interpreted (and sometimes intended) to mean that the EU should stop the integration process completely after Croatia; there is a pessimistic instinct in the Balkans which almost expects the rest of the world to turn its back on the region. It is true that the EU, after its big bang enlargement of 2004 and 2007, does not feel in any particular hurry to widen membership further. But the fact is that the remaining countries between Slovenia and Greece have had further to travel than, say, Bulgaria or Romania, and it will simply take longer.

The adoption of the Lisbon treaty has also been rather unwisely linked to the question of further enlargement, particularly in France. As the EU's enlargement commissioner, Olli Rehn, has pointed out, the fastest conceivable timescale for Croatia's membership comes rather later than the slowest conceivable timescale for the resolution of the Lisbon problem. Perhaps those who insist that the two questions are connected intend to terrify Irish voters or Czech parliamentarians into supporting the treaty with the awful prospect of an EU without Balkan members; if so it seems a peculiar strategy. Should Lisbon fail, it will of course be possible to adapt the existing Nice treaty structures to new members, just as previous treaties have been adapted in previous enlargements. At present, however, the opinion polls in Ireland look good for Lisbon, and the process continues in the Czech Republic; with luck we shall hear no more of this issue.

EU policy towards the Western Balkan countries has been based on the successful enlargement policies which have stabilised central and eastern Europe, with certain alterations. First, where the 2004 and 2007 entrants signed Europe Agreements with the EU, the Western Balkan equivalent is the Stabilisation and Association Agreement. This includes several aspects of EU policy which were not around in the 1990s - notably Justice and Home Affairs. It also adds to the well-established Copenhagen criteria for EU membership (democracy, a market economy, ability to cope with membership) an extra requirement: that of regional cooperation.

The EU's emphasis on regional cooperation was regarded with some suspicion and confusion in the region. The creation of bodies like the Stability Pact looked to some like an attempt to distance the Western Balkan states, or indeed to force some kind of reintegration of the old Yugo-

slavia, this time without Slovenia but including Albania. At the beginning, senior Stability Pact officials sometimes gave the impression that it was their organisation alone, rather than the EU, that offered a framework for the region's future development. Fortunately these suspicions had receded by the time the Stability Pact was transformed into the Regional Cooperation Council, but they give an indication of the difficulty that the EU had in communicating with the region.

## Croatia

Croatia is certainly the most advanced of the Western Balkan countries in its quest for EU membership. It submitted its application in 2003; was recognised as a candidate in 2004; and started negotiations in 2005. Croatia is, however, paying the price for the way in which the fifth enlargement was concluded. Nobody in the EU, including the two governments most concerned, is particularly happy with the way in which Bulgaria and Romania were admitted to the EU; indeed, some felt that the hastiness of admitting the new members in 2004 and 2007, and the perception that Turkey in particular might become an EU member before it is ready, contributed to the failure of the popular votes on the Constitutional treaty in France and the Netherlands. As a result, the European Commission has significantly toughened the accession process; more demands are being made up front of accession countries before individual chapters can be opened. Croatia has been the guinea pig for this approach, since it has moved much more rapidly through the process than Turkey.

Croatia has had other problems as well. Compliance with the international war crimes tribunal in The Hague has been a perpetual running issue (discussed further below). Of more general concern, however, has been the recent escalation of a bilateral dispute over territorial and marine demarcation between Slovenia and Croatia, which has now become an issue in the enlargement process. The EU's rules are clear: Slovenia is now a member of the club and has the same right as any of the other 26 members to block particular chapters; and the EU has already allowed other countries to elevate other bilateral

issues into deal-braking questions (such as the Greek objections to Macedonia's constitutional name). But this opens up a worrying prospect as the slow regatta of Balkan member states moves towards the EU; will all the outstanding bilateral issues between them be used by the more advanced to further slow the progress of the most despairing? The Slovenian precedent offers a gloomy answer.

## Macedonia

The way the EU and the international community dealt with the Macedonian crisis of 2001 is generally regarded as a success. The warning signals were heeded; senior statesmen were deployed to Skopje to negotiate with key figures, both openly and covertly; hostilities ended, international peace-keepers were deployed, and the political settlement was enacted and implemented. In the aftermath of the conflict, the EU maintained a series of Special Representatives (EUSR) – Alain Leroy, Alexis Brouhns, Søren Jesen-Petersen, Michael Sahlin and most recently Erwan Fouere, who is “double-hatted” as a representative of the European Commission – who have been a primary political point of contact for the EU and also functioned as senior international representatives and, if necessary, mediators. Macedonia formally applied for EU membership in 2004, and was granted candidate status the following year; it hopes to receive a date in 2009 for the start of accession negotiations.

But this success is not purely an EU success. The biggest share of credit perhaps should go to the people of Macedonia themselves. In comparison with other armed groups elsewhere, the political goals of the 2001 *National Liberation Army* were comparatively modest, and amounted to enhanced rights for the Albanian minority within the existing Macedonian state (even though Serbian mythology, and lazy Western journalism, tended to paint them as advocates of a Greater Albania). The Macedonia political system struggled with the fact that it had to impose a settlement forced on it by violence and international intervention, but it was able to take the strain, surviving challenges such as the tragic death of Presi-



*Albanian and EU flag.*

dent Trajkovski, whose role in resolving the 2001 crisis was crucial, and a referendum challenge to the process in late 2004. There remain tensions, and occasionally even outbursts of violence, but these are as often as not within rather than between the ethnic groups in the country.

The EU's contribution to Macedonia's success also needs a bit more scrutiny, as well as self-congratulation. The responsibility of mediating to end the fighting and reach the settlement in 2001 was shared (to put it politely) between the EU and American officials, who operated as representatives of NATO or the OSCE; the EU did not have the credibility to be a sole mediator. While the political role played by the succession of EUSR in the years after 2001 has indeed been important, the EU's Common Foreign and Security Policy (CFSP) field missions during that period were not as relevant. *Operation Concordia*, hailed at the time as the first ever EU military mission, operated for nine months in 2003 – two years after the actual conflict had taken place. And the EU as a whole has tolerated Greece's obsession with the "name" issue, the idea that Macedonia somehow intends to annex Greece's northern province which has the same name. Skopje has made mistakes in its approach on this question, but it is the EU that has managed to internalise a dispute which is caused by what is essentially an irrational position of one of the member states.

## Albania

Albania has picked up remarkably, from a situation of complete meltdown of the political and security situation in 1997, to the point where along with Croatia it was able to join NATO and then to lodge its own EU membership application in the first half of 2009. Albania's problems are largely internally driven; developing a modern political system out of what was once the most isolated state in Europe is not a quick process. The last couple of years have seen its political leaders move away from the confrontational politics of former times, though this still leaves many reforms which need to be implemented as well as enacted.

One issue which is occasionally mentioned in neighbouring territories but almost never in Albania itself is the question of Albanian nationalism seeking a "Greater Albania", a state which could unify Albania, Kosovo, western Macedonia, southern Montenegro and in some version the periphery of Epirus in Greece. It is certainly true that many Albanians have a sentimental attachment to the idea of all living in the same state. But it is also clear that no political party which advocates this as a serious policy gets more than a handful of votes in any of the lands where Albanians live. (Still less, given the secular traditions of Balkan Islam, is there any prospect of Albanian-Bosnian fundamentalist *jihad*.) Albanians everywhere seem to have decided to get on with participating in the state structures that exist in their current borders, and to reduce those frontiers in the context of EU integration rather than by more nineteenth-century methods.

## Montenegro

Montenegro has made in some ways an even quicker journey since its independence in mid-2006. The European Union in particular put much effort into deterring moves towards independence in the 2000-2001 period, brokering an agreement to set up a new state, Serbia and Montenegro, which replaced the rump Federal Republic of Yugoslavia which was left over from the earlier wars. The new confederation's institutions barely functioned, but they functioned sufficiently to give

cover for Montenegro's eventual independence referendum, passed by a comfortable majority of the electorate.<sup>1</sup> Since then, Montenegro has made steady if not spectacular progress and lodged its EU membership application in late 2008.

## Bosnia

The European project in the Balkans is currently at its weakest in Bosnia. This is a particularly sad case, because significant advances had been made, up to mid-2006, in consolidating the credibility of the Bosnian state as a framework for its citizens' future, under a succession of activist High Representatives – Carl Bildt, Wolfgang Petritsch and most of all Paddy Ashdown, who was also “double-hatted” as Special Representative of the European Union. The “Bonn powers”<sup>2</sup> enjoyed by the High Representative were exceptional in the region (the UN Special Representative Secretary-General (SRSG) in Kosovo, and now the International Civilian Office (ICO) there, were also given similar powers but in practice these were not exercised).

This arrangement attracted considerable criticism, for a range of different reasons. There were those in the West who objected on theoretical grounds to the neo-colonial imposition of the international community's will over that of local institutions. And there were also those in Sarajevo who objected to the fact that the powers were not used to suppress Serb and Croat nationalists or to dismantle the Dayton institutions to create a unified Bosnia. Nonetheless, using the threat of the Bonn powers as a stick and the promise of EU integration as a carrot, Bosnian politicians were persuaded to unite the three armies which had been at war with each other a decade before, to unite the country's intelligence services and to create the fiscal mechanisms which will enable all the state institutions to function.

Then it all went wrong. The international community appointed a new High Representative whose policy was, *in toto*, to avoid use of the Bonn powers, thus removing the stick from the political equation. Accustomed to being able to delegate matters to Petritsch and Ashdown, the EU failed to realise just how disastrous the new High Representative's ostentatious lack of action would prove. A successful policy could have actively encouraged and even helped Bosnian officials to co-operate and surmount the challenges facing them, now that they could no longer expect the international community to step in and take difficult decisions for them. This message is not effectively conveyed when the international community's senior figure in-country appears to be asleep on the job.

Now, the international community's authority in Bosnia is at a nadir. It is painful for Europeans to admit it, but the EU's credibility has always been low in Bosnia: pompous and ineffective statements about intervention in the early 1990s (“L'heure de l'Europe”, as one incautious foreign minister put it); corruption in the delivery of aid in the late 1990s; a rather ineffective police mission taking over from the UN in 2002; and this perception has been reinforced by the destruction of the credibility of the Office of the High Representative by the inaction of its own senior staff. The newly appointed HR has been given the task of decently closing the office; there is little alternative.

In a sense this could be good news. What Bosnian officials need to do is to stop fantasising about outsiders coming to sort the country out for them and to establish confidence in their own ability to cut deals domestically without looking over their shoulder at their external sponsors (or more often, their interlocutors' imagined sponsors). In the long run, this is inevitable, provided that both Croatia and Serbia continue to concentrate on their own domestic

1 It is interesting that during the campaign for the independence referendum, activists on each side of the question claimed that they offered a quicker route to the EU than the other.

2 The Bonn powers, passed at a meeting of the Peace Implementation Council in December 1997 in Bonn, allow the High Representative to veto public appointments in Bosnia, impose legislation and remove recalcitrant officials.



issues rather than look for adventurism in their neighbourhood (which Croatia will certainly do and Serbia is likely to do). Eventually the “pull” effect of the neighbouring countries advancing towards the EU will compel Bosnian politicians into the perspectives of the future rather than the traps of the past.

There are some signs that this may happen. Three of the key politicians from the three main national groups in Bosnia, Milorad Dodik, Sulejman Tihić and Dragan Čović, have been meeting over the last few months to discuss a common strategy and vision for the future of the country. They face significant internal opposition (particularly Tihić) and distraction from external issues (particularly Dodik). The international community as a whole should support their initiative, rather than waste further time on debating its own institutional architecture, or giving political cover to those within Bosnia who want to derail it. The three are certainly not angels, but they have the potential to construct a set of Bosnian state structures with more internal legitimacy than the present set-up.

Most crucially, there is little prospect of a renewed conflict. The EU’s peacekeepers need to remain until the current phase of the constitutional debate is concluded, but there is no enthusiasm from Bosnia’s neighbours to aid any military or paramilitary outfits inside the country. Bosnia is learning to resolve its internal differences by words rather than arms. The international community needs to be clear and consistent about the context in which that can take place.

## Serbia

Serbia remains something of a paradox. It occupies the key geographical position in the Western Balkans, and as the historical centre of the old Yugoslav Kingdom and of Tito’s Federation, it retains a certain *gravitas*. To get the Balkans as a whole permanently stabilised and integrated, with the rest of Europe and with each other, requires Serbia to join the project whole-heartedly. Serbia has a fascinating story to tell – the overthrow of Milošević, the tragic death of Zoran Đinđić at

the hands of his own security forces, the gradual edging out of nationalist forces by the *Democratic Party* and its allies. The story is not over yet.

But Serbia remains hampered by aspects of its past. The first is the difficulty it continues to have in locating and arresting the two remaining indictees for war crimes wanted by the *International Criminal Tribunal* in The Hague. This is a matter of compliance with international law, and demonstrating concretely that Serbia’s leadership is prepared to confront the past and move beyond it. The most recent reports of its efforts are positive, but until Ratko Mladić and Goran Hadžić have been apprehended, questions will remain. A minority of governments in the EU delayed the signature of Serbia’s Stabilisation and Association Agreement until the international prosecutor was satisfied with Belgrade’s performance – a sensible application of the EU’s traditional conditionality approach, which for some strange reason was not supported as it should have been by other member states.

The second problem for Serbia is, of course, Kosovo. Serbia regards Kosovo as its own national territory; 22 of the 27 EU member states do not. Serbia’s constitution, passed in a dubious referendum in 2006, further asserts the claim to Kosovo. Serbia’s budget is supported by the international community, yet it continues to support Serbian parallel institutions in Kosovo, illegal even under the UN mandate, let alone since independence. Serbia has persuaded the UN General Assembly to refer the question of Kosovo’s independence to the International Court of Justice in The Hague, a process which will presumably end with some ruling that does not completely satisfy anyone. The court is unlikely to tell the dozens of countries which have recognised Kosovo that they must withdraw their ambassadors.

Serbia needs to be clear that Kosovo was lost because of Belgrade’s past policies and not by any international conspiracy. The international community would clearly have preferred a solution that kept borders as they were or at least that did not create difficult choices. But successive Serbian governments never treated Kosovo’s majority

population as citizens or potential citizens (they were not even on the voters' register for the referendum on the 2006 constitution which defined them as part of Serbia). During the independence negotiations, no serious proposals were ever put forward by the Serbian side, and no serious attempt was made to think about the needs of two million ethnic Albanian citizens in a new Serbian state. The Kosovo issue in Serbia is about territory rather than people – and that doesn't work in today's Europe.

Serbia will gradually and inevitably move towards accepting the loss of Kosovo. Probably an interim stage, after the ICJ has delivered its ruling, will look something like the shift from the *Hallstein Doctrine* to *Ostpolitik* in the Federal Republic of Germany during the late 1960s and early 1970s, possibly even including some equivalent of the *Grundlagenvertrag*.<sup>3</sup> The big difference, of course, is that in the German case the popular will on both sides was generally in favour of an ultimate reunification. There is no will whatsoever in this direction from Kosovo, and while Serbs in general continue to regard Kosovo as Serbian territory, most accept that as a matter of practicality it has been lost.

## Kosovo

The EU's own approach to Kosovo showed the limitations of constructing a common foreign policy, even in areas where all member states agreed that a common approach was desperately needed. After the NATO intervention in 1999, the UN became the administering power in the former Serbian province. The European Union contributed a great deal to UNMIK, in terms of both money and personnel; but political leadership tended to come from the U.S., or directly from the UN Special Representative on the ground (always a European, but appointed by the UN rather than by the EU).

The big problem that divided the EU also divided the world: on what basis could or should Kosovo's separation from Serbia be recognised? Nobody who had visited Kosovo after 1999 could be under any illusions that it would ever again be part of the Serbian state, but in most European capitals, wishful thinking prevailed (or as one EU official put it to me, "Our heads are buried firmly in the sand"). In those days I often heard officials and well-meaning activists tell me that the status quo could last indefinitely, until people had cooled down, and then some deal could be worked out between Belgrade and Pristina.

In fact, this policy of drift was disastrous and led directly to the riots of March 2004, when several people were killed in a popular revolt against the authority of the international community. At this point, the major players got involved, and the UN set up a negotiations process to resolve Kosovo's final status, ably chaired by former Finnish President Martti Ahtisaari and assisted by veteran Austrian diplomat Albert Rohan. This process was really much more about reassuring waverers in the international community that no alternative to recognising Kosovo's independence unilaterally existed. There were some who believed that it was possible to get a UN security council resolution passed which would impose a solution of some kind on Serbia and Kosovo, although the Russians had made it clear from the very beginning that they would veto any such resolution.

In the end, Ahtisaari made his proposal, under which Kosovo would become independent with a significant amount of international supervision; the Russians refused to accept it; a last round of negotiations, under German diplomat Wolfgang Ischinger, failed to move things any further, and the parliament in Pristina duly declared independence, enacting all the provisions of the Ahtisaari plan for the protection of minorities and for the international presence. Kosovo Serbs in general have not recognised the legitimacy of the

3 In the *Grundlagenvertrag* (Basic Treaty), signed in 1972, the Federal Republic of Germany and the German Democratic Republic recognised each other as sovereign states for the first time, an abandonment of the West German Hallstein Doctrine that implied that the Federal Republic would not establish or maintain diplomatic relations with any state that recognised the German Democratic Republic.

new state of affairs; but they have not formally declared their secession from Kosovo either, nor has Belgrade made any legal move to re-annex Serb-majority territory (of course, from Belgrade's perspective, the whole of Kosovo remains Serbian territory). An uneasy stalemate has been established.

The EU proudly announced, towards the end of the process, that it had established a united policy. In fact, this "united" policy amounted to the acceptance that EU member states would be disunited on the vital question of recognising Kosovo's independence (and that an EU mission would be deployed there). The vast majority of the 27 member states have now done so; Spain, Cyprus, Romania, Slovakia and Greece remain holdouts. Greece's policy is noticeably softening; Spain, however, is adamant that recognising Kosovo would give encouragement to its own separatists (it is not clear that the Basques and Catalans themselves have been asked what they think).

But this situation cannot last. The people of Kosovo, along with their neighbours in Serbia, Macedonia, Albania and Montenegro, have been promised eventual membership in the European Union. This means that at some point Kosovo must apply for membership and go through the negotiation process; probably at some point before that, Kosovo must sign a Stabilisation and Association Agreement with the EU, or an equivalent document. But how is the EU to establish contractual relations with Kosovo, with membership as the ultimate goal, if Spain and others do not recognise it as a state? And, even more troubling, if the EU begins negotiations with Serbia with regard to future membership, will this be the Serbia of ten million citizens including Kosovo or of the eight million who actually look to Belgrade? We do not know.

## Conclusion: The Balkans and the EU

The ten years since the Kosovo war have seen improvement in the Balkans. Renewed conflict seems very unlikely; most of the leaders of the region have accepted the European integration

of their states within the existing borders (with certain reservations in Bosnia and Serbia) and the vicious circle of uncertainty and instability, which opens up the prospect of further violence, has been stopped. There is a much greater understanding of the region within the EU – many officials have already served on missions of one kind or another in the Balkans, and more will do so. The region is now completely surrounded by EU member states, a tangible demonstration that not all of the promises made by Brussels are empty. The legacy of the past is being laid to rest, thanks in part to the international tribunal in The Hague, which clarified the extent of individual responsibility rather than collective guilt for the crimes of the past.

There is something to be said for the proposition that Slobodan Milošević did more than any other individual for the development of the CFSP. Europe's inability to act in the conflicts of the 1990s exposed the gap between the EU's economic power and its weakness as a security actor. Many of the subsequent developments inside the EU have been positive and welcome – the appointment of Javier Solana as a single CFSP High Representative, the development of better internal information-sharing and coordination.

We do have to ask, however, one uncomfortable question: has the EU's new ability to carry out missions under the European Security and Defence Policy (ESDP) actually made much difference? The first such mission was the police mission in Bosnia, which concentrated on mentoring the local police, and did rather less on the monitoring side of its mandate; it was notoriously badly coordinated with the High Representative, although he as EUSR was notionally in its chain of command; and it remained completely outside the loop on the overall reform of the police services across Bosnia. The EU's first ever military mission, as noted above, was deployed into a peaceful environment in Macedonia where it was doomed to success. The design of the current EULEX mission in Kosovo<sup>4</sup> took into account what the EU felt it could do, and the views of member states as to

4 <http://www.eulex-kosovo.eu>

what it should do, rather more than what the situation on the ground in Kosovo actually needed. It is probably better that the EU does something than nothing, but we should be realistic about how much it will do.

One thing the EU can do is to move ahead on a clear timetable for extending visa-free travel to all residents of the Western Balkans. The political dynamic behind this question is a very peculiar one: while of course EU countries have legitimate (if sometimes exaggerated) concerns about organised crime originating from the region, it is a fact that most organised criminals from the Balkans will already have acquired an EU passport by one means or another. A strong visa policy actually penalises honest travellers and gives a financial reward for criminality. Fortunately the tide seems to be turning on this issue, as EU officials

realise that to tackle criminality it is better to help develop local police and justice structures, rather than collective punishment of entire countries.

The EU does not like to think too far ahead. (Consider its inability to construct a serious policy for its eastern or Mediterranean neighbours.) But some problems can be solved and others at least diminished by strategic forethought. I have indicated one immediate area of concern (Bosnia) and one longer-term looming problem (the Serbia-Kosovo dynamic) above. Most particularly, officials in EU institutions and member states can help to consolidate stabilisation by reinforcing their commitment to the Balkan states' European perspective, and by looking forward to the day when the entire peninsula will be integrated into the Union.



**Nicholas Whyte** has been the head of Independent Diplomat's Brussels office since January 2007. He was previously the Europe Programme Director of the International Crisis Group, managing the organisation's research and advocacy on the Balkans, South Caucasus, Moldova and Cyprus and has also worked for the Centre for European Policy Studies in Brussels and the National Democratic Institute for International Affairs in Bosnia-Herzegovina and Croatia. Nicholas Whyte is originally from Northern Ireland, where he participated in the peace process in the mid-1990s as the central election campaigns manager for the cross-community *Alliance Party*. He holds a doctorate from the Queen's University of Belfast, where he is a Visiting Senior Research Fellow at the School of Sociology, Social Policy and Social Work. He is also on the International Advisory Board of the South-East Europe Research Centre in Thessaloniki, Greece.

VLADIMIR PAVIĆEVIĆ

## The European Perspective of Serbia, Montenegro and Kosovo<sup>5</sup>

### Introduction

The fall of the Berlin Wall in 1989 marked the beginning of economic, legal and political transformation in the states of central and eastern Europe, as they moved towards systems based on market economy, the rule of law and political pluralism. The focus that these countries put on European values was clearly driven by the idea of membership of the European Union (EU), whose aim was to secure the final unification of a Europe that had for half a century been separated by the Iron Curtain.

Among the communist countries, the then Yugoslavia (Socialist Federal Republic of Yugoslavia – SFRY) was closest to accomplishing the European perspective. The SFRY was a federation of six states (Serbia, Croatia, Bosnia and Herzegovina, Macedonia, Slovenia and Montenegro) and two autonomous provinces (Kosovo and Vojvodina). Kosovo and Vojvodina were administratively part of Serbia but they had the right to vote in the federal bodies. In other post-communist countries membership of the European Union was defined as a fundamental but distant goal. In the SFRY ethnic violence escalating into a civil war and the country's disintegration destroyed any hopes of early accession to the European Union. Only after hostilities ceased could it become a political priority for the SFRY successor states.

Of the ex-Yugoslav countries, only Slovenia became a full member of the EU in 2004. The others are still waiting in the lobby. Croatia has started full membership negotiations and is expected to finalise them during 2010. Macedonia, despite all its difficulties, became a candidate in 2005 and is preparing to start membership negotiations. Montenegro has applied for membership and is

expected to secure candidate status during 2010. Albania and Bosnia have signed Stabilisation and Association Agreements (SAA). Whereas Albania filed its membership application in April 2009, Bosnia is still waiting for its opportunity to apply.

After the changes that began in 2000 with the deposing of Milošević, Serbia's European outlook remains uncertain. Serbia has signed an SAA, but the provisions have still not been applied due to insufficient cooperation with the Hague tribunal. As a result, Serbia is at the bottom of the list of Western Balkan countries applying for EU membership. An additional encumbrance was the decision of the Kosovo Parliament to declare independence on 17 February 2008. The Serbian reaction to this declaration raised considerable doubts about its suitability to integrate into the European Union.

This chapter will define the key historical and political events in Serbia, Montenegro and Kosovo in the period 1989-2009; determine how much progress they have made towards European integration in the 20 years since the fall of the Berlin Wall; explain the causes of the current situation and suggest policies that would contribute to speeding up the integration process.

### The European perspective of socialist Yugoslavia in 1989

Communist Yugoslavia went through several phases before becoming the SFRY in 1963. The cornerstones of the country ruled by communist leader Josip Broz Tito, were Tito's charisma, communist ideology and the army. Unwilling to cooperate exclusively with the countries of the communist bloc, but reluctant to align with the

5 The term European perspective refers to the prospects for joining the European Union.

parliamentary democracies of the west, the then Yugoslavia enjoyed the position of an unaligned country in a world divided in two blocs.

This position, however, enabled Yugoslavia to develop significant cooperation with Western Europe and the United States of America. Cooperation with the USA was particularly intensive in the military domain and as a result Yugoslavia was said to have capacities that made it the fourth most powerful military force in Europe. Cooperation with the European Community was mostly economic. In the period 1970-1990 the SFRY signed two trade agreements with the European Economic Community (EEC), a cooperation agreement, a protocol on trade and two financial protocols. In addition there were nine minister level meetings of the Council for Cooperation of the EEC and the SFRY.

It was against this background that the struggle for institutional change took place in the Communist party. These struggles resulted in a constitutional change in 1974 that altered the status of Serbia as one of the six federal states. Under the new constitution, Vojvodina in the north and Kosovo in the south were defined as autonomous provinces of Serbia. They were entitled to have representatives with the right to vote in the federal bodies and their participation in decision-making was not dependent on agreeing with Serbia.

This rather loose institutional mechanism functioned adequately under Tito's authority but his death in 1980 left a vacuum. It set the political scene for the republics to pursue more autonomy at the expense of the federal authorities and led to a federal government crisis.

As early as the 1980s, the political debate in Serbia, the largest member of the Yugoslav Federation was marked by attempts to change the status of Serbia as defined by the constitution of 1974. After the Eighth Congress of the Serbian Communist Party in September 1987, at which Slobodan Milošević took the helm, a political strategy was agreed to change the institutional framework. At the beginning of October 1988 demonstrators threw yoghurt at the building of the Executive Committee of Vo-

jvodina in Novi Sad, and forced the Vojvodina's authorities to resign. A similar scenario was repeated in Montenegro at the beginning of 1989 where masses of people supporting Milošević confronted the police. The Montenegrin leadership withdrew. Populist politics was undermining the already fragile foundations of the SFRY.

The celebration of the 600<sup>th</sup> anniversary of the battle of Kosovo was an opportunity for the Serbs to meet on the spot that symbolised a tradition of their resistance and non-acceptance of alien authority and identify with their leader - Slobodan Milošević. Hundreds of thousands of Milošević's ardent supporters, whose zeal bordered on hysteria, took part in the meeting. The strong sense of tradition felt by the people, allied to the charisma of their leader did not bode well for rational political action in Serbia at the end of 20<sup>th</sup> century.

The constant territorial upheaval in Serbia since 1988 stems from the time of Yugoslavia's disintegration. In the previous two decades this had been characterised domestically by annulling the autonomy of Kosovo and Vojvodina and in foreign policy by claiming extra territorial areas where Serbs were living.

Despite the SFRY's initially good European perspective, it disintegrated during the following decade, as its peoples fought each other. The reluctance of the political elites to agree new principles for the transformed state led to wars, first in Slovenia and then - in the summer of 1991 - in Croatia. Not long after Slovenia and Croatia had claimed independence, Macedonia, Bosnia and Herzegovina followed suit, while Serbia, with the two autonomous provinces and Montenegro, decided to form a new state - the Federal Republic of Yugoslavia (FRY).

## **Two peas in a pod – a form with no content**

The Federal Republic of Yugoslavia was a federation of Serbia and Montenegro created 27 April 1992. Despite substantial differences in size and population, as well as in economic development, the necessity of forming such a federation



Building in Belgrade bombed by NATO in 1999, Serbia.

was justified by the historical, cultural and political connections between the two states. Therefore, in everyday discourse, there was a saying that Serbia and Montenegro were like “two peas in a pod”.

The newly formed state, whose constitution guaranteed equality between Serbia and Montenegro, proclaimed itself the only legitimate successor to the SFRY. Its representatives, contrary to the expectations of the international community did not apply for membership of international organisations, believing that these seats were already secured for the FRY via its claim as the successor state of the SFRY. As late as the demise of Milošević, the status of the FRY in the international community had still not been defined.

When the FRY came into being, there was an ongoing war in Croatia and in Bosnia and Herzegovina armed confrontations were beginning. A great number of volunteers from the FRY as well as members of the Yugoslav People’s Army (transformed into the army of the FRY) and para-militaries took part in military interventions on the territory of their new western neighbours. Yugoslav military action in Croatia was justified by the need to enable the Serb population in Croatia to decide freely whether they wanted to remain in Croatia. In this context, the Republic of *Srpska Krajina* was proclaimed a separate entity within the territory of Croatia, with the primary aim of uniting with the FRY. The situation in Bosnia was even more complicated. The three ethnic groups, Muslims, Serbs and Croats could

not agree on a model for a multiethnic state, so the Bosnian Serbs quickly proclaimed the *Republika Srpska* focusing their political activity on independence from the government in Sarajevo and working towards unity with the FRY.

Since 1991 the EU has been trying to help resolve these conflicts. At first they tried to stop the war but then later the EU missions tried to bring the warring countries to the peace table. Between 1991 and 1995 the EU proposed plans to bring an end to the war in Croatia and Bosnia. However, the war did not end until a military operation called “The Storm” had taken place. This action, organised by the Croat army, ended the republic *Srpska Krajina* and as a result large numbers of Serbs fled to Serbia.

The war in Bosnia brought even more bloodshed and the idea of stopping the war did not become relevant until the autumn of 1995. A change in the balance of power in Croatia and Bosnia and Herzegovina accompanied by the active involvement of the USA opened the door to negotiations that ended with the Dayton Peace Accord.

During this period Serbian President Slobodan Milošević, was the most powerful figure in the FRY. He controlled the leadership of the small state of Montenegro and used the mask of political pluralism to legitimise his rule as democratic. At the same time, the United Nations imposed economic sanctions on the FRY as a result of its military interventions in Croatia and Bosnia. The sanctions exhausted the already devastated economy and inflation in the FRY during 1993 was one of the highest since that experienced in inter war Germany. There was not enough food, fuel was sold in limited quantities and long queues for basic foodstuffs were a common sight.

After the signing of the Dayton Peace Accord, it seemed as if a period of stabilisation lay ahead for the Western Balkans. The long awaited peace brought the hope that the post Yugoslavia power struggle was now over. Slobodan Milošević strengthened his rule in Serbia, the

largest member of the federation, remaining president until 1997. In the meantime, in Montenegro, Prime Minister Milo Đukanović spoke out against the authoritarian rule of Slobodan Milošević. He was encouraged to do so by the large demonstrations organised by Serbian opposition leaders and university students, protesting that Milošević had stolen their votes in the local elections. Encouraged by the dissent in Serbia, the Montenegrin prime minister believed that the long-term isolation should be ended. He believed that it would be possible to forge a partnership with the West and introduce a democratic system in the FRY. At the same time, Đukanović publicly expressed the opinion that Milošević's time was over and he should withdraw from politics. These comments provoked confrontations with the *Democratic Party of Socialists*, the leading party in Montenegro that had followed Milošević blindly since 1992.

In the presidential elections in the autumn of 1997 Milo Đukanović beat the Milošević candidate Momir Bulatović, clearly marking a policy gap between Montenegro and Belgrade. Đukanović's victory directed Montenegro towards Western partners and created prerequisites for the independence that would be proclaimed in 2006. In 1997, Milošević became president of the FRY and his close party associate Milan Milutinović became president of Serbia.

During this period, Kosovo, the former autonomous region of Serbia, saw serious conflict between Serbs and Albanians. Boycotting state institutions and creating their own parallel system, Albanians sent a clear message of their determination not to accept Serbia's sovereignty over Kosovo. In March 1997, tired of discrimination, the Kosovo Albanians were adamant that their goal was the creation of an independent state. The struggle became more radical when the *Kosovo Liberation Army* fought Serbian police and called for new intervention on the part of the international community. All efforts to reach a solution at the peace conference in Rambouille, February 1999, failed when the Serbian delegation, led by Milan Milutinović refused to sign the proposed agreement.

On 24 March 1999 NATO launched a military intervention against the FRY in response to the



Cover of the weekly newspaper "Vreme" after October 5, 2000 and the fall of Milošević.

crimes committed during 1999 when large numbers of Albanian civilians had lost their lives. The result of this ten-week action was the *Kumanovo Peace Accord* that obliged Serbian military and police forces to retreat. The agreement also defined the status of Kosovo with UN resolution 1244. Thousands of Albanians, who had fled their homes before and during the fighting, returned to Kosovo, and the administrative duties of Serbia were transferred to the UN (UNMIK).

Slobodan Milošević called early presidential and parliamentary elections on 24 September 2000 believing that the impression of popular support he had enjoyed during the NATO campaign would continue. He failed to understand the fragility of his position as his actions had attracted strong criticism from the leaders of Montenegro and Serbian opposition. Milošević believed that with this early election he would secure another presidential mandate. Contrary to his expectations, the majority of people in Serbia voted for Vojislav Koštunica, the leader of the *Democratic Party of Serbia* and candidate of a broad opposition coalition. Realising that the people's support had melted away but reluctant to accept defeat, Slobodan Milošević sought strength from the military and security services.

The great civic protest in which over half a million people gathered on the squares of Belgrade was sufficient to seal the defeat of a once untouchable leader. The demonstrators trooped into the building of the National Assembly and so marked the end of Milošević's rule. The *Democratic Opposition of Serbia* took over the state institutions, called a general election and on January 2001 constituted



a new democratic government. Serbia's new prime minister was Zoran Đinđić, the leader of the *Democratic Party*, whose priorities were the swift transformation of Serbia and preparation for EU membership. The new administration still had two important problems to solve: relations between Serbia and Montenegro and the status of Kosovo.

## Creation of the State Union of Serbia and Montenegro

Soon after the democratic changes in Serbia, negotiations began to redefine relations with Montenegro within the existing federation. In 1999, the government in Montenegro announced its intention to become an independent country by introducing the Deutschmark as the official currency. In 2001 they suggested that Serbia and Montenegro should first become independent and then negotiate a possible alliance.

The president of the FRY, Vojislav Koštunica and the Serbian government proposed maintaining the federal framework. The negotiations were not fruitful and at the end of 2001 and the beginning of 2002 the EU took part in the negotiations. The High Representative of the EU for Common Foreign and Security Policy, Javier Solana tried to find a formula that would maintain the integrity of the existing federation.

The participation of EU representatives in the negotiations was important both for Serbia and Montenegro as part of the process of association with the EU. The FRY revived relations with European institutions. Transformation was particularly evident in Serbia: in this period Slobodan Milošević was arrested and extradited to The Hague charged him with crimes against humanity in Kosovo, Bosnia and Herzegovina and Croatia; changes were introduced in the police and state apparatus. The most substantial obstacles to the beginning of the formal process of EU association were therefore removed.

Still, Serbia was facing the difficult question of defining Kosovo's status. This question received much attention in the negotiations between Serbia and Montenegro. According to UN resolution 1244, Kosovo was under the jurisdiction of the

FRY and not of Serbia. Therefore, Serbs were convinced that the demise of the FRY would open the gate to Kosovo's independence. Working on the maxim "standards before status" the question of Kosovo's status was not a priority either for the EU or any other international organisation. In 2002, the complete disintegration of the FRY inevitably reopened the question of Kosovo.

Hesitant to deal with this problem, EU representatives offered a temporary solution to Belgrade and Podgorica, which suggested forming a State Union of Serbia and Montenegro. This union was supposed to exist for three years, after which both members would be able to reconsider whether to continue. The agreement signed on 14 May 2002 said that in the case of the secession of Montenegro, the legal successor of the FRY would be Serbia, detaching the question of Kosovo's status from Montenegro if it became independent. The newly formed union was loose and resembled a confederation.

Soon after Serbo-Montenegrin relations had been settled, Serbia was struck by its greatest shock in the first decade of the 21<sup>st</sup> century. On 12 March 2003 its first democratically elected Prime Minister, Zoran Đinđić, was assassinated by a member of the Ministry of Interior, who was a member of a criminal association formed during Milošević's rule which retained strongholds in state bodies even after the democratic changes. The government introduced a state of emergency in an attempt to clamp down on organised crime and to arrest the perpetrators of the assassination. When the state of emergency was terminated, one of Đinđić's associates Zoran Živković became prime minister.

In the second half of 2003 a clear European perspective for the countries of the Western Balkans opened up. At the Thessaloniki Summit of 21 June 2003 it was agreed that Albania, Bosnia-Herzegovina, Croatia, Macedonia and Serbia-Montenegro could receive EU member status once they had completed the necessary requirements. The official attitude of the EU was to encourage the citizens and political elites of the Western Balkans to work at establishing regional stability and the rule of law and functioning market economies in each country.

The Parliament of Serbia, as required by the conditions for EU association, expressed its readiness to bring to justice those suspected of war crimes during the armed conflicts on the territory of the former SFRY, in accordance with legal regulations and international obligations. The Council of the EU adopted a positive *Feasibility Study* on 25 April 2005 and this was followed by the beginning of negotiations on a Stabilisation and Association Agreement.

The following year set new challenges for Serbia, Montenegro and Kosovo: resolving the question of the State Union of Serbia and Montenegro; the beginning of negotiations between Serbia and Kosovo on the status of Kosovo; obstacles to EU integration due to insufficient cooperation with the Hague tribunal and the adoption of new constitution for Serbia.

### **The creation of new states: the last episode in the disintegration of the SFRY**

Soon after the expiry of the three-year period of the State Union of Serbia and Montenegro, Montenegrin authorities called a referendum on independence for 21 May 2006. More than half the electorate (55,5%) supported the creation of an independent Montenegro, and parliament declared independence on 3 June 2006. Serbia, the member states of the EU as well as of the UN recognised the independent state of Montenegro. The constitution of the Republic of Montenegro was adopted the following year.

In the negotiation process defining the status of Kosovo that had started in Vienna in February 2006, the members of the Serbian delegation assumed that Kosovo would remain part of the legal, political and economic system of Serbia. Their reasons were as follows:

1. Compliance with provisions of international law, according to which Serbia is an internationally recognised country with inviolable borders as set down in the *Helsinki Final Act*. UN Resolution 1244, which treats the problem of Kosovo's status in terms of the integrity and sovereignty of the FR Yugoslavia whose legal successor is Serbia;

2. Serbia's constructive participation in the negotiation process. Serbia suggested that the model of Hong Kong could be applied in Kosovo and offered a degree of autonomy that would satisfy human rights protection and the same level of internal jurisdiction as any sovereign state;

3. The sense of justice and fairness, which relates the question of ethnic Albanians to the policy of Slobodan Milošević and not the present Serbian State. Not only had Milošević led repressive politics, but he had also thwarted the normal functioning of political institutions and made the development of civil society in Serbia impossible by monopolising power. He had thus become the main obstacle to the transformation of Serbia. Milošević had been rejected in the elections of 2000 and this allowed Serbia to look towards the EU and more cooperation with the international community. It would therefore be unjust for Serbia to pay once again for Milošević's politics.

The Albanian delegation's stand was that Kosovo should become an independent state. Their main arguments were as follows:

1. More than 90% of the inhabitants of Kosovo support the creation of an independent state. The attempt to keep Kosovo within the borders of Serbia would result in dissent on the part of a large and homogenous group of people who would not be loyal to Serbia. That would create permanent instability and make the democratic consolidation of Serbia impossible;

2. The long history of conflicts in Kosovo, during which ethnic Albanians had been denied basic rights;

3. Crimes against ethnic Albanians committed in Kosovo in 1999 before the NATO campaign, during which Serbian police and military forces had killed large number of civilians and thousands of people had been forced to flee their homes.

The negotiations did not resolve the issue and the Kosovo Albanians declared independence on 17 February 2008. While this event was celebrated in Pristina with fireworks, in Belgrade the declaration of independence provoked violence in the streets and the torching of foreign embassies. The government of Serbia stated that Serbia would never recognise an independent Kosovo.

Simultaneously, the process of EU integration met obstacles. Despite Serbian government intentions to cooperate fully with the Hague tribunal, its incapacity or reluctance to locate and extradite Ratko Mladić brought a halt to the Stabilisation and Association Process. These negotiations resumed in the summer of 2007 and the SAA was signed only in May 2008.

The Parliament of Serbia adopted a new constitution in an extraordinary session on 20 September 2006. The text was drafted in only two weeks and this resulted in shortcomings, the most important being that it was only of a temporary nature. The text contains several references to Kosovo, and Serbia's focus on European integration would appear questionable.

### **A European future for Serbia, Montenegro and Kosovo?**

European integration should not be the only foreign policy goal of the Western Balkans. The most important domestic focus should be the reform of the political, economic and legal systems and the development of democratic institutions in accordance with European standards.

It is clear that Serbia, Montenegro and Kosovo are not at the forefront of the European integration process. Montenegro signed its SAA in 2007. The following year the prime minister of Montenegro submitted an application for EU membership, which implied that Montenegro could expect to get candidate status by 2010.

Although Serbia has signed an SAA, the provisions of the agreement have still not been applied due to insufficient cooperation with the Hague

tribunal thus placing Serbia at the bottom of the list of the Western Balkans' states.

Despite having declared independence, UNMIK is in charge of Kosovo's European integration process. The largest obstacle for Kosovo's integration is the unsettled nature of relations with Serbia. Therefore, it would be logical to consider the most contentious issues in the Western Balkans – the status of Kosovo and Serbia's integration – as being intertwined.

How could these issues be resolved? To begin with, Serbia would need to view the international situation objectively and rationally and send a clear signal to the EU that it would accept the situation in Kosovo. Not being in any position to prevent the EU from recognising an independent Kosovo, the only rational option for Serbia would be to open and not close the gateway to Europe.

Serbia should initiate an agreement with the EU and the Albanian representatives in Kosovo that would define the status of the remaining Serbs in Kosovo, their citizenship, free access to cultural monuments and free movement between Kosovo and Serbia. In return, the EU should grant Serbia candidate status and determine when negotiations could begin. In the context of regional cooperation, Serbia should establish diplomatic relations with Kosovo.

Such a policy toward resolving the status of Kosovo and speeding up Serbia's integration into the EU would help redefine relationships between the countries of a region that has endured 20 years of conflict and war. It would greatly benefit Serbia and it would establish stability and mutual trust in the Western Balkans.



**Vladimir Pavičević** (1978) is a lecturer at the Department of Political Sciences at the University of Belgrade and Programme Director of the Belgrade Open School. He holds an MA in European Studies. From 2004-2006 he was a lecturer at the School of Law (Department for Political Science), University of Montenegro, Podgorica. Pavičević is author and co-author of several books and essays on European subjects.

TIHOMIR PONOŠ

## Croatia: An Apprehensive Fan of Europe

Twenty years ago, Yugoslavia was in the depths of a complex economic and constitutional crisis. The situation was made worse by the unresolved nationality issue, an insufficient level of political freedom and the absence of democracy in the Western sense of the word. This crisis required a totally new solution. During the 1980s, the political system had proved unable to solve the accumulated problems and this had resulted in a single and overwhelming crisis. The system had finally lost all legitimacy.

At the beginning of 1989, the first open requests for change to a Western type democracy with a multi-party system appeared. The Croatian wish to join the European Community was evident in the founding documents of quasi-illegal non-communist political organisations (the future parties). Back then, thinking about a future for Croatia outside the Yugoslav framework – thinking of Croatia in terms of an independent state – was highly risky. It was politically inopportune to think outside the Yugoslav framework, whether it be a Yugoslav federation or the creation of an independent Croatian state. These ideas could not be expressed publicly even at a time when the socialist regime was slowly disappearing. A European future for Croatia was therefore first envisaged within a (redefined) Yugoslav structure. The exceptionally complex relations between present day Croatia and the European Community/Union date back to that period.

Slavko Goldstein, the founder and first president of the first non-communist party in Croatia

after World War II,<sup>6</sup> the *Hrvatski socijalno-liberalni savez* (the Croatian Social Liberal Union), thought that the European framework was the solution to the problems of federal Yugoslavia. As he stated in February 2009 at the 20<sup>th</sup> anniversary of the founding of the HSLU, he had believed that Yugoslavia would enter Europe as Yugoslavia (which was, evidently, his ultimate goal) and that in this way the internal Yugoslav problems would be resolved. At the beginning of 1989, Franjo Tuđman, who later became the first president of the Republic of Croatia, drafted a programme for the HDZ (the Croatian Democratic Union)<sup>7</sup> that said the “HDZ explicitly declares itself in favour of the SFRY [Socialist Federal Republic of Yugoslavia] joining the European Community”<sup>8</sup> Almost at the same time, Dražen Budiša was writing his own programme for a new political party. At the beginning of 1989, he was not allowed to speak publicly, having officially been declared an opponent of the socialist regime. In the spring of 1990, however, after Goldstein had resigned, he became president of the HSLU and therefore the most important opposition politician in the first half of the 1990s. In a draft statement of the Initial Committee of the *Hrvatski savez za demokraciju* (the Croatian Union for Democracy) in mid-February of 1989 he wrote: “The objective of the Croatian Union for Democracy is a democratic Croatia, economically and culturally affluent, politically sovereign, pluralistically structured on the foundations of equality within the Yugoslav community and with the perspective of joining the European Community”<sup>9</sup>

6 The HSLU was founded in 1989 and became a regular party following the legal changes in 1990.

7 Tuđman wanted to call the party the *Hrvatski demokratski zbor* (the Croatian Democratic Assembly), but it was founded as *Hrvatska demokratska zajednica* (the Croatian Democratic Union) and has existed under this name since 1990. For almost this entire period, with the exception of 2000 to 2003, the HDZ was the ruling party.

8 Hudelist, Darko. *Banket u Hrvatskoj - prilozi povijesti hrvatskog višestranačja 1989.-1990.*, Zagreb, 1999, Globus International, p. 34.

9 Hudelist, idem, p. 35.

After the multi-party elections held in the spring of 1990 and the consequent shift of power (the communist SKH-SDP party was replaced by the nationalist HDZ), European integration became a secondary issue.<sup>10</sup> The reason was that the political elite was aware that the European Community only accepted independent states, which Croatia was not. Furthermore, the dominant problem at the time was the ongoing Yugoslav crisis. Croatian politics primarily tried to create an efficient national political platform and opposed policies related to the idea of a Greater Serbia as advocated by the Serbian leader Slobodan Milošević. Milošević was the first politician in Yugoslavia to challenge its constitution as well as the integrity of the borders of the federal units that constituted the SFRY and he was successful in attracting the powerful JNA (Yugoslav People's Army) to his cause.

In the final stages of the dissolution of Yugoslavia – in the spring of 1991 – European countries became an important source of legitimacy for some of the leaders in the federal states. Support was not so much asked of Brussels, as headquarters of the European Community, but of powerful individual member states. Calls for U.S. support were unsuccessful. In June 1991, the first of the Yugoslav wars, the so-called “opera war”, broke out in Slovenia, which was attacked by forces of the JNA. The end of this conflict demonstrated both the power but also the political impotency of Europe as Yugoslavia collapsed.

It also demonstrated the desire, especially of the pro-Western republics (Slovenia and Croatia), to obtain approval from Brussels for their efforts

in becoming independent countries. The European Community demonstrated its political power at the beginning of July 1991 when the “opera war” ended with the Brijuni truce:<sup>11</sup> under EC pressure, the JNA agreed to retreat from Slovenia and in return Croatia and Slovenia agreed to de facto suspend their decisions concerning independence (adopted at the end of June) for three months, until the 8<sup>th</sup> of October.<sup>12</sup>

Soon after this event, however, the European Community demonstrated its lack of power by failing to stop the war against Croatia. A promotional video was often shown on Croatian television during the war, which vividly illustrated the extent of Croatian reliance on Europe at the time. The video in question shows the English name of the country – Croatia – across three years, in three similar, yet distinct forms. For 1990, the name was dominated by the red and white squares so essential for the Croatian visual identity (a direct reference to the restored national identity after the fall of the communist system). For the year 1991, the image was dominated by a red drop of blood (an allusion to the war of 1991). For 1992 (the video was broadcast during the war year of 1991) the European Community featured as an essential determinant for Croatia with the letter “o” in “Croatia” formed by 12 yellow stars, like those featured on the European flag. One of the other promotional videos during the war year of 1991 was entitled “Europe – 13 is your lucky number” which alluded to Croatia becoming the 13<sup>th</sup> member of the European Community. Further unrealistic expectations of Croatian citizens were contained in the first (and very popular) anti-war song by singer Tomislav

10 After the elections in the spring of 1990, public discussion about Europe and European issues would often confine itself to the debate on working hours. In socialist Yugoslavia, working hours in many companies were from 7 am to 3 pm. Public and especially media discussions pointed out that European working hours were from 9 am to 5 pm. It was argued that this meant people would go to work later and return home later. They would not be able to have lunch at home but would have to have a sufficiently large income to have lunch in a snack bar. The working hours of nursery schools and other services also did not conform to EU working time. This subject was one of the favourite European topics in the early days of democracy in Croatia and resulted in much correspondence to the letters sections of newspapers.

11 Named after the island of Brijuni (Brioni) near the Croatian city of Pula. The island was a favourite holiday destination of Yugoslav communist leader Josip Broz Tito (1892-1980), the main founder of socialist Yugoslavia.

12 For the citizens of the Republic of Croatia this means that they have two state holidays instead of one: the 25<sup>th</sup> of June (which is celebrated as State Day) and the 8<sup>th</sup> of October (celebrated as Independence Day).

Ivčić, performed in English and called “Stop the War in Croatia”, in which one of the verses says “Let Croatia be one of Europe’s stars/ Europe you can stop the war”. It was no accident that this song was performed in English and not Croatian. The reason was simple: the target audience was not Croatian but European politicians and the international public.

The war in Croatia broke out in force in August 1991. Until then, it had mostly been an armed rebellion on the part of the Serbian population in Croatia, backed by the regime of Slobodan Milošević, with logistical support provided by the JNA. However, during August the JNA (no longer “Yugoslav” but under the direct control of Milošević and therefore removed from the only formally existing chain of command based upon federal institutions) became fully involved, taking a position against Croatia. In this period, there were an increasing number of “European observers” present in Croatia.<sup>13</sup> The view that Europe could have stopped the war is still prevalent in Croatia today but it was based on an overestimation of the strength of the European Community and an underestimation of the internal situation in Yugoslavia, as Greater Serbian forces tried to solve the problem by war rather than other means. There is still a lingering feeling that Europe could have avoided many problems if it had not hesitated in its recognition of Slovenia and Croatia.

Even though it is debatable whether it was necessary to postpone international recognition until January 1992, it has to be said that Croatia and Slovenia actually did not have to wait that long bearing in mind that the war broke out in full force in August 1991 and that international recognition followed on the 15<sup>th</sup> of January 1992. It is altogether another issue that this delay seemed

unjust and over long to the Croatian population. It would be interesting to examine the Brussels archives and see how far the observers’ field reports helped member states decide to recognise Croatia.

This recognition process provided a general indicator as to the future nature of relations between the European Community/Union and Croatia. Brussels had, as a condition for recognition, required Croatia to adopt the Constitutional Act on the Rights of National Minorities. This was implemented but it demonstrated not only the attitude of the government led by President Franjo Tuđman towards minorities but also Croatia’s relatively weak capacity for internal reform. Most of the reforms, especially in recent years, have been undertaken as a result of pressure from outside, predominantly from Brussels. This was already visible in 1991. In practice, the Constitutional Act did not provide national minorities with sufficient protection. The Serbs living in the “free part” of Croatian territory<sup>14</sup> were especially harassed and their rights violated, both during and immediately after the war. However, the adoption of this act demonstrated Croatia’s readiness to implement internal political reform and, to some extent, compromise when pressured by Brussels. The recognition process created a permanent feeling of distrust between Croatia and the European Community/Union. Croatia also lost confidence in the Union because its expectations were too high and because it became aware of the fact that EU power and influence could only play a limited role in resolving political and specifically war-related issues. At the same time, the EU regarded Croatia with suspicion not only because of its attitude towards minorities during the 1990s but also because of the manner in which Croatia had become involved in the war in Bosnia and Herzegovina. Croatia was becoming a state increasingly lacking in de-

13 “European observers” were an object of ridicule for the Croatian public. They were dressed in white, which in Croatia is a customary costume for pastry shop employees and were consequently called “ice cream men”. At the same time, the public couldn’t or didn’t want to see the noticeable absence of U.S. involvement in solving the Yugoslav crisis in the summer of 1991, as well as the fact that the European Community could only send observers, since it simply did not have any military force of its own.

14 During the war 1991-1995, the Serbs occupied parts of Croatia where they were either the majority or a significant minority and proclaimed their independence from the new Republic of Croatia. The remaining part of Croatia was “free”.

mocratic practices and this finally led to the open autocracy of President Tuđman.<sup>15</sup>

## Europe is fine but the U.S. solves problems

In the last decade of the 20<sup>th</sup> century, the U.S. was much more important for Croatian political leaders than the EU. After the outbreak of war in Bosnia and Herzegovina, the U.S. became increasingly involved in trying to solve the post-Yugoslav crisis. The Croatian political elite realised that the U.S. possessed the political (and also the military) power to end wars. Certain EU states continued to be relevant to Croatia, but compared to the American orientation of Croatian foreign policy at the time, European actors had a minor role. The war in Croatia ended in August 1995 when the Croatian army liberated most of the occupied territory in Operation Storm (Oluja).<sup>16</sup> Following Operation Storm, Croatian forces committed crimes (including murder of civilians and widespread arson) and persecuted the remaining members of the Serb national minority. The Croatian justice system had neither the strength nor the willpower to deal with these crimes. It is precisely these events that will provide the greatest bone of contention in Croatia's EU accession negotiations in the coming years.

In the second part of the 1990s, Croatia neither showed any great desire nor demonstrated any great effort to be integrated into the European Union, even though it was evident that it was the right time.<sup>17</sup> On the contrary, President Franjo Tuđman and his ruling HDZ adopted an attitude of paranoia towards the EU and the international community. They tried to persuade the population that the international community and especially some European countries (the UK, France – but less so after President Chirac came to power – and occasionally certain circles in Italy) wanted to restore Yugoslavia or promote some similar form of Balkan integration.<sup>18</sup> Even though there was an official EU accession policy, Croatia was increasingly isolated from the international community as a result of growing autocracy and declining democratic standards.<sup>19</sup>

The turning point occurred after the parliamentary elections at the beginning of 2000, when a coalition of six parties led by the Social Democrats and Liberals under the leadership of Ivica Račan took power and Stjepan Mesić was victorious in the presidential elections. Mesić, who had been a powerful HDZ politician in the early nineties, became its most famous renegade in 1994. The new political direction was also formally reflected with the founding of a Ministry of

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- 15 This was most evident during the time of the "Zagreb Crisis". At the local elections in Zagreb in 1995, a coalition of seven parties succeeded in forming a majority in the City of Zagreb Assembly and having one of their candidates elected mayor. According to the regulations at the time, President Tuđman needed to confirm the elected mayor of Zagreb but this he declined to do four times in a row, claiming he would not allow an "opposition situation in Zagreb". He thus violated the will of the voters. Tuđman's HDZ also lost the local elections in Zagreb in 1997 but then they bought two representatives of the opposition, which gave them the majority in the City Assembly after which the election of their candidate as mayor was a formality.
- 16 The rest of the occupied territory in the east of Croatia was reintegrated peacefully. After the signing of the peace agreement in autumn 1995, the United Nations peacekeeping forces (UNTAES) were assigned to this part of Croatia and commanded, at the request of President Tuđman, by a U.S. general. The peacekeeping operation, i.e. the return of this occupied territory to Croatian sovereign control, was concluded on 15 January 1998.
- 17 Croatia was accepted into the Council of Europe only in 1996, more than four years after it had been internationally recognised and accepted into the UN, even though it had fulfilled the basic precondition (the abolition of the death penalty) as early as 1990 with the adoption of its new constitution. However, the quality of its democracy, including freedom of the media did not meet the standards required by the Council of Europe.
- 18 During the time of the election campaign in the spring of 1997, the ruling HDZ used the pre-election slogan "Tuđman, not Balkan" precisely for this reason. The paranoia culminated in December 1997, during the decision on the amendments to the Constitution. The amended Article 141, paragraph 2 of the Constitution declared: "It is prohibited to initiate any procedure for the association of the Republic of Croatia into alliances with other states if such association leads, or might lead, to a renewal of a South Slavic state community or to a Balkan state form of any kind."
- 19 This isolation was evident in December 1999 on the occasion of President Tuđman's funeral. The only foreign chief of state or government who came to the funeral was the President of Turkey, Suleyman Demirel. This later resulted in a popular joke that goes: "What is the measuring unit for loneliness?" and the answer is "One Demirel".

European integration. This ministry was independent until the beginning of 2005.<sup>20</sup> It is interesting that the Sabor, the Croatian Parliament, did not establish the European Integration Committee until February 2001.

At that time, the story that the EU wanted to push Croatia into a “Balkan association” emerged yet again. This topic was also dominant during the EU summit in Zagreb in November 2000.<sup>21</sup> This is an example of an internal political issue that clearly illustrates the attitude of the political elite, as well as that of the general public, towards neighbouring countries (not counting Slovenia, already ahead in European integration). Not only the opposition HDZ but also numerous minor right-wing groups utilised the topic of the restoration of Yugoslavia via a “Balkan association” for their own ends. The clumsiness of the Union in coining the term “Western Balkans” (according to the EU, these are the countries of ex-Yugoslavia minus Slovenia plus Albania, i.e. all the countries essentially lagging behind in the process of European integration) contributed to this situation. The Stabilisation and Association Agreement (SAA) was signed in Luxembourg in October 2001. During the ratification process in the parliament, the opposition nationalist HDZ walked out. The greatest dispute concerned an explicit request in the SAA for the strengthening of regional (Western Balkan) cooperation. After the HDZ returned to power at the end of 2003, it did not try to dispute the terms of the SAA but insisted on the acceleration of Croatian integration into the EU. Explanations that there was no intention to restore Yugoslavia or to create a new federation in South-East Europe were not enough. Even at the

beginning of 2003, the Minister of European Integrations stated: “It should be clearly said to our public that even if there were political platforms in the European Union that aim at a federal system in the Western Balkans, this would not be an acceptable solution for Croatia, since this is a line Croatia would never cross as any Balkan association is prohibited by the Croatian Constitution. We will never participate in this, even if a similar proposal appears.”<sup>22</sup>

### The “last obstacle” syndrome

After the coalition government was formed at the beginning of 2000, public expectations were unrealistically high. The same applied to attitudes concerning the pace of Croatia’s accession to the European Union. During the term of this government, Croatia made some major breakthroughs. Following the period of autocratic rule, especially in the second part of the nineties, society had become more democratic. The atmosphere was much less tense and problems were more freely discussed. In spite of the great difficulties during the adoption of the new Constitutional Act on the Rights of National Minorities (caused by disputes within the ruling SDP), the national minorities and especially the Serb minority, were in much better positions than before. Simply put, they were no longer seen as the country’s security threat. Also, there was greater awareness of the need for a whole range of minority rights. (At this stage legislation was more important than implementation.) This could also be seen in the reconstruction of areas damaged by war, as more generous resources were given for rebuilding areas occupied by the Serb minority. Finally, an important

20 At the beginning of this year Miomir Žužul, the minister of foreign affairs in the HDZ government (which won the elections in 2003), was forced to resign due to financial scandals. Ivo Sanader, prime minister and president of the HDZ did not find anyone he considered capable enough to take over as minister of foreign affairs, so he merged the two ministries – Foreign Affairs and European Integration – into one. Kolinda Grabar Kitarovic, the minister of European Integration, assumed the merged ministerial position. It is interesting that after the elections of 2007 she became a diplomat but not to any of the European countries or the headquarters of the EU. Instead, she became Croatian ambassador to the U.S.

21 This was the first EU summit held outside the EU. The negotiations on the Croatian Stabilisation and Association Agreement with the EU started at this meeting. Holding it in Zagreb emphasised the depth of the changes that had occurred after the elections at the beginning of 2000 and it sent a positive signal to the new pro-European Croatian government.

22 Neven Mimica in his interview with the *Slobodna Dalmacija*, quoted according to *Panorama* (weekly supplement of *Vjesnik*) no. 59 of 18 January 2003.



step was made concerning the right of Serbs who had fled to Serbia following Operation Storm in 1995 to return to their homes.

The good relations between Croatia and the EU were mirrored in the exceptionally high public support for Croatia's entry into the EU. This percentage rose to 78%, and was regularly above 70% over the term of the coalition. However, this Račan-led government also marked the beginning of policies under the heading: "there's just this one thing left to do and then we have removed the last obstacle on our road towards the EU". The longest-lasting and deepest crisis occurred in the summer of 2001, when the *International Criminal Tribunal for the former Yugoslavia* (ICTY) delivered to Zagreb an indictment against retired General Ante Gotovina, who had been considered a hero by the Croatian public. Gotovina, knowing about the indictment before its official announcement, disappeared. Until Gotovina's arrest in December 2005, insufficient cooperation with the ICTY, a subject on which the Court also reported to the EU, was presented in the Croatian media as the main obstacle to Croatia's EU accession. The common viewpoint of the political elite (Gotovina was a fugitive during two government terms: he disappeared during Račan's and was arrested during Sanader's government) was that Gotovina's arrest was the final condition set for Croatia.<sup>23</sup>

In Croatian public opinion, the ICTY would, for years, be regarded as the major stumbling block on the road towards the EU even though Croatia had committed itself to co-operate with it via the special Constitutional Act on the Co-operation with the ICTY. Less public attention was devoted to the real problems such as corruption, the weak judiciary and the modest reform capacities of the state administration itself. Furthermore, the international community, especially the OSCE (Organization for Security and Co-operation in Europe) and to a lesser extent the EU, has raised objections to Croatia on the grounds of its unwillingness to deal with the war crimes committed by members of the Croatian army against the Serb population. Only in the spring of 2009 did the OSCE conclude that the treatment of war crimes in Croatia, irrespective of the defendant, had reached a satisfactory level and announced the closing of its office in Zagreb by the end of 2009.<sup>24</sup>

The "Gotovina case" also led to much discussion about EU accession and sovereignty. It concerned the question as to whether the indicted Croatian general should be "sacrificed" for EU membership, regardless of whether he was responsible for the crimes or not. This discussion was the result of insufficient knowledge about the European Union and domestic political manipulation but it also demonstrated that the Croatian nation is, in terms of sovereignty, incomplete. As

23 Croatian politicians developed a practice of saying "this is the final condition we must fulfil". The case of Gotovina is only the best known. At the beginning of 2008, Croatia proclaimed the ZERP (Protected Ecological Fishery Zone), even though it was obvious from past experience that this would be met with disapproval by the EU, especially by Italy and Slovenia, and that it could cause a serious crisis during the accession negotiations. In addition, Croatia has no resources for implementing the ZERP. In March 2008, Croatia decided to suspend the implementation of ZERP for EU member states. Prime Minister Sanader, who for months had been claiming that ZERP would not be given up since it represented a sovereign right of Croatia and had declared "either ZERP or the EU" did, however, prepare the public by announcing the suspension of provisions for EU members. In the second part of 2008, Croatia found itself in a difficult situation because it had not implemented the restructuring of the shipbuilding industry. Now it was shipbuilding that became the last element remaining, after which EU accession would occur almost automatically. With the Slovenians blocking accession negotiations because of unresolved border issues, the Croatian public stopped talking about shipbuilding and the border issue took over the role of the factor holding up EU accession. It is worthwhile noting that Croatian shipbuilding still remains unstructured.

24 Especially important for the Croatian judiciary, but also for society in general, were the proceedings against the so-called Gospić group and General Mirko Norac, considered to be another hero of the Homeland War. These proceedings were of great importance in a wider context as it was the judiciary of one country convicting the general of the (victorious) army of the same country for war crimes and sentencing him to 12 years in prison. Norac had been in detention since February 2001 and was convicted in June 2004.

much as it presents itself as an old nation,<sup>25</sup> it is also a young country, having existed independently for less than 18 years. This lack of experience of sovereignty is evident in the relative ease with which public discussions on the possible loss of sovereignty following certain events comes to the forefront. It is clear that sovereignty is interpreted as something supernatural and its (fictitious) endangerment is greatly feared. The European Union has thus helped change attitudes, as membership will require Croatia to transfer a part of its sovereignty to the European institutions. This struggle for sovereignty sometimes manifests itself in economic issues, such as shipbuilding. Some parts of the media present Brussels as endangering the Croatian shipbuilding industry (which is failing even without Brussels' "help") and thus threatening the existence of thousands of Croatian families. Shipbuilding, significant part of the Croatian economy, thus stops being an industry and turns into a kind of national no go area that no outside force should disturb or endanger. It is obvious that in such an emotive situation, any objective discussion about the true state of Croatian shipbuilding is difficult. In the spring of 2005, at the time of the local elections, a bizarre discussion was held about the danger posed to national sovereignty by the European Union. The discussion was initiated by a minor right-wing party and met with a powerful public response. Topics of discussion were the local gastronomic specialties of cottage cheese and sour cream, prepared in the traditional way. It was claimed that the EU would prohibit these products. This was viewed not only as a threat to national sovereignty but, even worse, as an attack on Croatian national identity. The truth is that even after EU accession, the Croats will still be able to enjoy the cottage cheese and sour cream they buy on the market, only these products will be subject to health and hygiene standards.

During the EU accession process, national identification has been increasing in Croatia,



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*Croatian and EU flags on government building in Zagreb, Croatia.*

especially among young people, though these factors are not necessarily related. It is interesting that this growing feeling of national identity began in the middle of this decade, at a time when Croatia was making progress in foreign policy and the economic situation was improving. However, "it would be arbitrary to attribute this growth in the national attachment of young people to some isolated factors. It may be assumed that increasing uncertainty about the future, decreasing confidence in political leaders, increasingly visible existential problems and a growing gap between rich and poor have resulted in a search for safer societal models. The nation represents the only safe refuge, as does the family and the Church and it is understandable that, in the context of social instability, these factors gain in importance."<sup>26</sup>

25 For Croatia, this means "since the 7<sup>th</sup> century", as it was then that the Croats started inhabiting the area where they still live today. At the same time, "since the 7<sup>th</sup> century" became an ironic buzzword for any person explaining something in an exaggerated and lengthy manner, which also indicates the ironic attitude of Croats to politically motivated history.

26 Radin, Furio. *Nacionalna vezanost i odnos prema Europi u Mladi Hrvatske i europska integracija*, ed. Vlasta Ilišin, Institut za društvena istraživanja, Zagreb 2005, p.p. 191-192.

National identity and territorial sovereignty still play an important role in Croatia's accession process in 2009. It was expected that Croatia could, if fulfilling all criteria, conclude negotiations this year. In December of 2008, however, Slovenia blocked the opening of 11 negotiation chapters on the grounds of an unresolved border dispute and maritime issue. The Slovenian political elite has obviously decided to use the veto power it holds as an EU Member State to gain certain territorial advantages.<sup>27</sup>

Prime Minister Ivo Sanader repeatedly said that Croatia would not trade its territory in order to join the EU and he is supported in this by President Stjepan Mesić and all relevant parties. Thus, the question of sovereignty once again becomes important for Croatia and its road to the EU. On this occasion it is something territorially small, but nonetheless unresolved.

### **Superiority and inferiority – the teacher and the pupil**

The slow accession process has resulted, at least in one section of the political elite, in the development of a new type of national identity based on pride. After the parliamentary elections in 2003, there was a change in government. The right-wing HDZ, which had not only been critical but often also sceptical of the previous government (and EU accession), returned to power. It turned out, however, that this time round, the HDZ made Croatia's EU accession its absolute priority. Once in office, it quickly changed its rhetoric and behaviour and did its best to present itself as the greatest promoter of European integration and European values (whatever they might

be). The first step with far-reaching effects occurred immediately after the 2003 elections when HDZ, until then often perceived, not without reason, as a party with a number of xenophobes among its members, entered into parliamentary coalition with the minority parties. Particularly important was the agreement with the Serb national minority.<sup>28</sup> This agreement significantly improved international relations and also the relations of the national majority towards minorities. There were numerous visible effects of this in the restoration of houses damaged both during the war and in the immediate post-war period. Since then, the reaction of the authorities (even though only verbal) to incidents of overt nationalism has become much swifter and more effective. In spite of this, it is clear that the problems of the national minorities still exist (and always will). The primary concern is at local government level, which demonstrates the divide between politics at local and national level even where power is held by the same party at both levels.

Since the HDZ made EU accession an absolute priority, it is clear that political and social life is increasingly being influenced by the EU. This has had some beneficial effect on Croatia. The country's reform capacities are relatively modest, especially when it comes to state administration. Practically all reforms that have been started are being implemented in cooperation with and under pressure from with the EU. This is why a long-term blockade of negotiations, initiated by Slovenia, would have an extremely detrimental effect on Croatia. The country's already weak reform capacity would lose its main instigator – the EU.

27 The dispute is linked to the maritime border in Piran bay where Slovenia wants to obtain exit to the open sea. The dispute has existed since 1992, i.e. since both countries' independence. During these 17 years the Slovenian side has repeatedly rejected Croatian proposals for arbitration or for referring the case to the UN International Court of Justice. The result is that since the beginning of April 2009 Croatian accession has been blocked. Slovenia has not achieved its goals but has managed to bring Croatian-Slovenian relations to the lowest point in history and to cause significant material damage to its economy.

28 In the period from 2003 to the elections in 2007 they supported the government in the parliament but did not participate at ministerial level. After the 2007 elections and the forming of the new government in which HDZ still played a key role, a Serbian representative joined the government as vice-president.

Being accepted as an accession candidate<sup>29</sup> made Croatia officially the most advanced country in the Western Balkans. It had been pinpointed by Brussels as a positive example that the other countries of the region (Bosnia and Herzegovina, Montenegro, Macedonia, Albania and especially Serbia) should follow. This led to a change in attitude towards the Western Balkans amongst the political elite and the ruling HDZ. The same party that had left parliament during the ratification of the SAA, due to the emphasis on the necessity of regional cooperation in the Western Balkans, now emphasised not only the importance of this very issue, but also its leading role in the region. The fact that Croatia has gone furthest in the process of integration into the EU, as well as the fact that it possesses the highest living standards in the region, resulted in the development of a feeling of superiority and a tendency to engage in “missionary activities”. Croatia can, because it is more advanced and richer (or simply less poor), help the other countries in the region. At the same time, Croatia took upon itself the role of Europeaniser to the rest of the Western Balkans, according to the principle: once Croatia enters the EU, it will become the greatest advocate of membership of the other countries of the region. The others should use the example of Croatia’s experience to help them make progress on their own road to Europe. All this has resulted in an interesting teacher and pupil relationship. In relation to the EU, Croatia is an inferior pupil but in relation to the region it takes on the role of a superior teacher. Thus, we come to a seemingly paradoxical situation: Brussels exports its rules and methods to Croatia and Croatia accepts them, although the necessity of their acceptance is subject to much public de-

bate. When Croatia is in a position to export the same rules to countries even further away from EU accession, then these rules are considered positive and desirable and become part of a civilising mission on behalf of Croatia.

In the past several years, largely due to Brussels’ insistence on regional cooperation, tensions in the region have decreased. This is only partially true for Bosnia and Herzegovina, where internal difficulties and competing demands for constitutional redefinition often bring the country to the brink of dissolution.

Croatian-Serbian relations have been consistently improving, with the exception of the estrangement in the spring of 2008<sup>30</sup> when Croatia recognised Kosovo’s independence.

This belief in its status as a regional leader (regardless of how realistic it is) is actually based on the tradition of “Croatian particularity” and a long-standing affiliation with Europe. How Croatia, at the time of the Turkish invasion in the 15<sup>th</sup> and 16<sup>th</sup> century, become an “antemurale christianitatis” and how it saved Europe through its defence and sacrifice, has entered Croatian mythology. Also part of this myth is that Europe was not grateful and Croatia received no reward. In addition, Croatia has also obliged Europe with its culture, a particular service being the use of its borders to protect western Christianity. Croatia’s reward, however, has been a lack of understanding and ungratefulness on the part of Europe. Only the Catholic Church and its leaders have never betrayed Croatia. The public and the political and intellectual elites love to talk of the age-long affiliation of Croatia with

29 Croatia submitted its application for membership in February 2003, which resulted in candidate status and a date for the beginning of negotiations in 2004. Negotiations started, after some delay in March of 2005 due to insufficient cooperation with the ICTY in the Gotovina case, in October of the same year.

30 At the time of the economic crisis, this led to an event previously unthinkable. Confronted with the fall of profits from tourism, which is extremely important for the Croatian economy, Croatia hoped that the summer tourist season could be saved – by guests coming from Serbia. Public desire for the mass arrival of Serbian tourists on the Adriatic had been unthinkable in the past. Tourists from Serbia were viewed as a safety issue, due to an increased possibility of individual acts of violence. Because of the serious crisis in Serbia, it is unlikely that Serbs will save Croatian tourism. But regardless of the crisis, such deliberations would hardly have been possible without the changes in the region of the past couple of years. This has also been helped by the fall of Slobodan Milošević in 2000 and certain political and social changes in Serbia.

Europe,<sup>31</sup> and how this Europe, unpredictable as it is,<sup>32</sup> has always betrayed Croatia. The fact that Croatia is an outpost of western Christianity (neighbouring Bosnia and Herzegovina is a mixture of Catholics, Orthodox Christians and Muslims, and Serbia is predominantly Orthodox) and that for four centuries it formed a bulwark against the Ottoman Empire has also contributed to the creation of a border mentality. This brings with it the feeling that not only is there always a need to defend but also a sense of constant danger from the other side of the border.

Such a mentality means that the Croatians feel both special and uncertain at the same time. As a result many important issues have not been discussed in public during the process of Croatia's accession to the European Union. There is, however, public discussion on some topics.<sup>33</sup>

"A section of the Croatian political and diplomatic elite that mediates between Zagreb and Brussels and is sometimes characterised by a peculiar double loyalty (towards the project of EU enlargement and towards their own country) has a set of standardised answers to the many crucial questions about the EU. These are governed by a matrix of neutral, administrative EU language that, on the one hand, consists of superior political ideas on the importance of cooperation and agreement, and on the other, offers specific and exhaustive data from highly specialised fields about which citizens usually do not possess the expert knowledge to be able to participate in debates on an equal footing. Between these two extremes, many questions

that arise in the EU negotiation process have suddenly become inappropriate and therefore remain unanswered".<sup>34</sup>

It is true that the vast majority of citizens is, in effect, excluded from the discussion on EU accession because of a lack of knowledge but this is also true of the citizens in other member states on topics, which are only relevant to the EU. Recently, especially since the Slovenian blockade of negotiations, arguments have been increasingly heard and not without good reason, that meeting the requirements of the *acquis communautaire* is actually of secondary importance for the entry of some countries into the EU. The message of the Slovenian blockade is clear: Croatia can fulfil and implement the whole *acquis*, but cannot join the EU because of a completely different factor. In other words, entry into the EU is primarily a political issue, for the applicant as well as the EU. It is not difficult to find arguments to support this. Croatia was, for many years, the subject of objections because of its treatment of national minorities even though their record, in for example 2004, was better than the treatment of the Russian minority in Estonia. Brussels also objects to Croatia because of the slow progress in the fight against corruption but it accepted Romania and Bulgaria that clearly have greater problems in this area. Negotiations with Croatia have been blocked because of a border dispute but the EU accepted Cyprus as a member. The whole case of the blockade has raised serious scepticism about EU decision-making procedures based on consensus. The question that arises is how something as small as Slovenia or even

31 This resulted in a bizarre statement by Žarko Domljan, an art historian by profession, who had been a prominent HDZ politician in the first half of the 1990s and the first president of the multi-party parliament from 1990 to 1992. He once stated in a television show „we were Europe before Europe existed“.

32 A great Croatian author of the 20<sup>th</sup> century, Miroslav Krleža, loved to talk of Europe as an "old whore", in the 1930s.

33 The Croatian public was perhaps most amused by the discussion concerning the accession date. At the beginning of the millennium, in the early stage of Croatian-EU relations, indications that Croatia could catch up with Bulgaria and Romania and join the EU together with them could be heard. Recently, following the crisis caused by the failure of the Lisbon treaty (due to the referendum in Ireland), Europe experts such as Damir Grubiša from the Zagreb Faculty of Political Science speak of 2012 as the accession year. It is interesting that a discussion about the second part of the 1990s is almost completely absent, given that for Croatia these are precisely "the years the locusts have eaten".

34 Obad, Orlanda. "The European Union from the Postcolonial Perspective: Can the Periphery ever Approach the Center?" in *Studia Ethnologica Croatica*, vol. 20, Zagreb 2008, p. 10.

the border dispute itself, can block something as large as the EU.<sup>35</sup>

Relations between Croatia and the European Community/Union have gone through various stages in the past 20 years: from the absolute idealism present at the very beginning, disappointment during the war years, suspicion in the second part of the 1990s, to the period of painstaking cooperation in the 21<sup>st</sup> century. The Union has also been perceived as a promised land, which would almost instantly provide a life of abundance to Croatian citizens. After the enlargements of 2004 and 2007, this attitude slowly disappeared, first of all, because of an intuitive awareness that, after the enlargement in 2004, the EU had shifted from a union of the elite, to a com-

munity of mediocrity. The European Union had also been perceived as an annoying and tyrannical teacher constantly giving the country new tasks. The pupil believed that by finishing the existing task he had achieved a goal but then a new task would arrive from Brussels not necessarily connected to the *acquis*. This uncertainty about how many tasks needed to be completed and who was entitled to give out new ones has generated a sceptical attitude towards the Union. Looking 20 years ahead, two things can be said about Croatia with some certainty: Croatia will surely become a member of the European Union and it will have a lower unemployment rate than today. The latter will not necessarily be a consequence of the economic prosperity expected with EU accession but rather the result of demographics.



**Tihomir Ponoš** (1970) is a political journalist at the Croatian daily *Novi list*. He holds a B.A. in history and philosophy from the Faculty of Philosophy of the University of Zagreb. He is also a co-author of a history textbook on national and world history of the XX century and has been a regular contributor to the history programme on Croatian Public Radio since 1998. In 2002, he received the annual award of the Croatian *Helsinki Committee for Human Rights* for promoting human rights values in the media. In 2007, Ponoš published *On the Edge of Revolution – the Student Movement in '71*, which was the first monograph on the topic in Croatia.

35 It should not be forgotten that Croatia already had the experience of being part of a country where decision making was by consensus. This was exactly how it was meant to function after President Tito's death, but the use of vetoes blocked any possibility of fundamental reform during the last ten years of Yugoslavia's existence.

UGO VLAISAVLJEVIĆ

## Bosnia and Herzegovina: The Continuity of Ethno-Politics in the Age of European Integration

### The two ways in which Communist regimes collapsed

Perhaps the whole twenty-year old story about the relations between Bosnia and Herzegovina (B&H) and the European Union could be told as a story which has brought to light the weak points of both sides. The relatively close ties between the two, when put to scrutiny, reveal a lack of civil society on the one side and a democratic deficit on the other.

Like all other successor countries of the former Yugoslavia, B&H does not fit into the famous epic about the glorious victory of civil society over the "totalitarian communist state" in Eastern Europe. Unlike certain states of the Soviet bloc, these countries did not go through a "velvet revolution" but through a bloody war. The fall of communism here took the shape of mass murders in an interethnic conflict, not of overthrowing bureaucracies through common action of citizens fully aware of their political and civil rights. Although the awakening of civil society in the South Slav countries did not play a totally insignificant role – the best example being Slovenia in the eighties – the struggle for an independent national state prevailed as a far more decisive driving force of change. It is this plebiscitary will of the people to fight for the cause of national liberation, their commitment to the state (*raison d'Etat*) that subordinated civil society and its specific aims of self-liberation to the militant aims of ethnic-nationalist politics.

Indeed, after the fall of the Berlin Wall the theme of civil society uprising became the favoured mode of understanding the fall of communism. However, this singular perspective does not cover the whole of Eastern Europe. One needs to distinguish between two principal ways in which

the "real existing socialism" collapsed: with and without a war. At one end of the continent one could see a mutual confrontation of armed people, at the other a revolt of citizens. At one end the states were being demolished and re-built, while at the other states were getting stronger in their capacity to ensure legal rights and freedoms.

### The typical ethnic state of local communities

The existence of three ethnic groups in B&H implies that three separate, incongruent stories about centuries-long attempts of their extermination and assimilation are being constantly retold. An ethnic community is a memory-based community kept together by a narrative of war stories. It is a community that fights for its survival in times of war as well as in times of peace. This community appears as a collective actor who narrowly escaped extermination during the war and who afterwards strives to preserve his most vivid memory of the horrible past in order to fight against assimilation under foreign rule and at the same time to remain prepared for a new war. So for the subjugated small nations of the Balkans, until the age of modern liberation wars, there was no big difference between war and peace: cultural assimilation was as threatening to them as extermination in a war. The typical ethnic state of a local community is a state of quasi-military mobilisation prompted by vivid memories of the past war (*memento belli*). Accordingly, it could be said that the multi-ethnic society of Titoist socialism was in this typical ethnic state. Through its half-century history this regime held its "society" in the "state of exception."<sup>36</sup> B&H after the Dayton Peace Agreement is, doubtlessly, also a "society" in the state of exception. And if we ask who actually presents a threat to the former proletarian society, composed of a cluster of ethnic groups, as

36 About the "state of exception", see G. Agamben. *The State of Exception*, University of Chicago Press, 2005.

well as to present-day Bosnian ethnic communities, the shortest answer in both cases might be: the mortal enemy from the previous war. If the old enemy were no longer virulent even long after the war, the majority of people would not be interested in listening to war stories and the ethnic narrative would remain without its target audience, i.e. listeners who are concerned about their own lives and lose the basic channel of its trans-generational transfer. Narrative entropy seriously endangers the existence of an ethnic nation. It depends on a constant threat. Being constantly aware of the presence of an enemy is what makes circulating war stories very real, and war stories for their part are supposed to produce such awareness. One does not know what is more important for a nation's leaders, influential politicians and ideologists: to tell war stories or to reveal that insidious enemies are waiting for the right moment to attack.

How relevant is the “enemy from the previous war” indeed? A brief comparative analysis of the previous Yugoslav and contemporary Bosnian-Herzegovinian regimes tells us that this enemy plays an essential role for the ethnic identity of an attacked people. Hence this enemy also bears an emblem of ethnic identity. During the Second World War Nazi Germany emerged as an imperial enemy and threatened local ethnic groups with extermination. This great danger brought all ethnic groups of the first Yugoslavian state together and produced a strong inter-ethnic solidarity. Their heroic resistance during the National Liberation War provided an inexhaustible source of narrative, which most convincingly tells of the common destiny of all local ethnicities. One could tell and hear stories about great heroes, about deeds of partisans of all ethnic origins, whereby the narrative instances of storyteller and listener are not exclusively reserved for any ethnicity.<sup>37</sup>

It is, therefore, the dangerous foreign enemy, the “true foreigner”<sup>38</sup> that deserves the principal merit for the emergence of interethnic brotherhood. The ideology of working class solidarity



Poster in Ključ, Bosnia and Herzegovina saying: Bosnia and Herzegovina is now peaceful and secure. It is time to focus on the future.

© Brenda Annerl

probably would not have taken such deep roots among the people if the terrible war sufferings had not taken place. The famous slogan “brotherhood and unity” was not simply one of Tito’s inventions but rather a fairly accurate account of the post-war multi-ethnic reality, at least for several post-war years. Since an ethnic community is by definition, at least in its vital state, a fraternal community, the inter-ethnic brotherhood forged in the resistance to the foreign aggressor suggests that the foundations of the Socialist society were themselves ethnic or at least the ruling ideology strived to suggest so.

### Ethnopolitics and the narrative of war stories

It is important here to bring to light the role of politics with respect to ethnicity. Before communist times, politics had already been established as the activity of modern political institutions, ideological movements and organised parties. As is typical for the third world, the relatively short modern era has been the era of people seeking freedom through liberation wars. In the “post-colonial” Balkan context, a victorious post-war politics is the political ideology, which proved to be able to offer to the masses the most plausible interpretation of the horrors that happened in the last war. The main goal of politics is thus to be taken as self-evident: each competing ideology

37 See J.-F. Lyotard. *The Differend, (Phrases in Dispute)*, University of Minnesota, Minneapolis, 1988, pp. 104-106.

38 In this part of the world the German has always represented the figure of the foreigner as in local languages he is called “Nijemac”, meaning “mute person”.



attempts to explain better than others why “our community” faced such a cruel destiny in the last war. This is what makes local post-war politics first and foremost politics of ethnic identity, i. e. ethno-politics. Hence, although it epitomised a modern political ideology, Titoist communism also managed to fulfil a task assigned by what we may call the “ethnic reason”, i. e. a reason which guided the communities’ millennial struggle for survival. It is an ideology that gave an illuminating and comforting reinterpretation of a highly complicated and horrifying war reality.<sup>39</sup>

Pre-modern ethno-political aspects involved in Titoist political modernity can be analysed separately. A guiding thread for such an analysis would certainly be the function of war stories in political discourse. Obviously the most important function is that of legitimising the political order. Frequently confronted with the objection that their regime lacks legitimacy since it could not be verified at free democratic elections, communist leaders readily responded that the people made their political choice in much more determined and genuine ways than putting ballots in boxes. It is the blood of fallen heroes and the inconceivable suffering and sacrifice of ordinary people that brought once and for ever legitimacy to the communist regime. Given these sacrosanct foundations of the regime, consecrated by the blood of “innocent victims” and of “the best sons of our mother country”, no wonder that even the slightest doubt about the assent of the people to communist rule was considered a sacrilege and therefore fiercely condemned. The legitimacy of party leaders and state officials was drawn from the same source: as a rule, the high-ranking functionaries were recruited from military commanders and proven heroes. Even many years after the war, practically until the collapse of communism, war stories played an important and indispensable part in public political speeches, especially those given at decisive historical moments:

when it was urgent to initiate constitutional, political and economic changes, intervene in international politics, remove political opponents, etc.

It is therefore not an exaggeration to say that Yugoslav socialism lasted as long as most people remained fascinated by war stories. The persuasive power of these stories was directly proportional to how serious the threats of a new war were presented to people. “Real existing socialism” essentially depended on efforts and efficiency of the external and internal enemy. An important analogy is to be drawn at this point. The failures of economic reform in the 1960s and 1970s were to the working class politics, which promised welfare to everyone, as the politics of European détente were to Tito’s ethnic politics.<sup>40</sup>

It is difficult to decide what contributed more to the collapse of the regime: the ever more serious economic crisis or the ever weaker external enemy. Although it might seem paradoxical at first sight, the development of the democratic capacities of the state – for example the opening of the borders and the successful establishment of a tourist industry, whereby large-scale visits of German tourists to the Adriatic sea contributed perhaps the most to the change of the dominant enemy image – directly undermined the ethno-political foundations of the order.

Around that time, the deficit of civic identity became obvious. The loosening of the regime’s control over society actually led to a growing differentiation among citizens in the form of an ever more pronounced ethnic pluralism. Furthermore, the integration of society promised by the communist ideology had stumbled on the path that had been anticipated as the most important and reliable. Namely, Yugoslav inter-ethnic brotherhood had as its main axis the Serbo-Croatian brotherhood and these two peoples were considered to be the main parties to the federal contract. It is

39 Smith, Anthony. *The Ethnic Origins of Nations*, Blackwell, Oxford, 1986, p. 56.

40 During a meeting in Naples, while World War II was still going on, Winston Churchill allegedly asked Tito, the communist leader and later lifelong Yugoslav president, how he imagined that he would keep together the various peoples which constituted Yugoslavia, especially if one considers their large historical, cultural and linguistic differences. “If someone attacks us,” Tito replied, “we will act as one people”. – “And what will happen if no one attacks you?” asked Churchill. See Ristić, Irena. “‘Hell Is Other People’: Kinships among the Yugoslav Nations”, *Valahian Journal of Historical Studies* (9/2008), pp. 103-107.

precisely there, along the trajectory of inter-ethnic relations, which had the best prospects of a true civic integration (actually their respective languages were merged into one) that the inherent ethnic limits of integration appeared. What actually came to light are thresholds of cultural assimilation, which are not to be exceeded if given ethnicity is to be preserved. As the nationalism of the Croatian Spring in the early 1970s, which was so captivating to so many people that it got the name MASPOK (“mass movement”) has shown, it was the relatively successful civic integration of the federal state that triggered mechanisms of ethnic division at the point where the difference between Croats and Serbs began to vanish. Given the founding role of ethno-politics, it might be concluded that the steady progress in building a Yugoslav civic identity led to a breakdown of the common state.

### **The Bosnian war and the emergence of domestic foreigners**

The last war, which raged through B&H after both communism and Yugoslavia had collapsed, had a decidedly different ethnic character. To be sure, the true foreigner was not missing this time either. Each warring party produced evidence to prove some “imperial involvement” on the other side of the frontline. Still, considering its main actors, it was a war between local ethnic groups, or rather self-aware ethnic nations. The “empty place” (C. Lefort) of a mortal enemy became occupied by a new character, the “domestic foreigner”. There is no doubt that the war made these nations fully self-aware, which is to say more foreign to each other than ever before. The so-called inter-ethnic distance – which came to light in the aftermath of the war and remained intact, if not increased, even fifteen years after the war proves this. But it is equally important to notice that still in the pre-conflict time a sudden discovery of a truly foreign ethnic culture in the neighbourhood meant that one of the major preconditions of war had been met. One could not speak about the loss of trust in the communist regime and its ideol-

ogy if the official interpretation of the National Liberation War had not lost its credibility among the masses. Having in mind the pivotal role of the war narration, we can easily understand why prospects that the regime would collapse sparked off a crisis of established ethnic identity, and then also created the urgent need of its modification. What is often called the “flame of ethno-nationalism” which erupted in Yugoslav public opinion in the late 1980s is actually nothing other than the expression of numerous ideological attempts to meet this imperative of reinterpretation of collective identity, but this time through its separate redefinition and consolidation.

Why did the weakening of the strong ties of brotherhood have to lead to a confrontation of ethnic groups? First, because an immediate consequence was a growing doubt whether these groups could continue to live in the same political community. As we have seen, the basic precondition for creating the Yugoslav political community was a new awareness, raised after the collapse of the last empires, of fraternal kinship among local neighbouring communities. This laid down the basis of their alliance in “brotherhood and unity”, where the difference between the inter-ethnic and the intra-ethnic was about to disappear. Secondly, the ethno-nationalism, which has replaced the ideology of Titoism has for its primary goal to redefine the ethnic groups as modern political communities: nations. Even though the modern political movements of national revival in the post-Yugoslav countries have their roots at least in the 19<sup>th</sup> century, contemporary ethno-nationalism attempts to persuade its followers that the local community of destiny they belong to will be considered an ethnic group as long as it stays with others in a shared political community. That is why at the very moment of the collapse of communism the beginning of a merciless struggle of each ethnic group for its own nation-state was declared. For Bosnia and Herzegovina, as a complex multi-ethnic country, which according to the ZAVNOBiH Declaration from 1943<sup>41</sup> is “neither

41 ZAVNOBiH (State Anti-Fascist Council for the People’s Liberation of Bosnia and Herzegovina) was formed in November 1943 as the highest governing organ of the anti-fascist movement in Bosnia and Herzegovina during World War II under the administrative umbrella organisation of the Yugoslav Partisans, AVNOJ.



*Mosque and church in Bosnia.*

Serb, nor Croat nor Muslim, but Serb as well as Croat and Muslim”, this had tragic consequences. Here the struggle of the ethnic groups for their own sovereign states took the form of struggle for territories through the campaigns of “ethnic cleansing” which culminated in the genocide in Srebrenica.

In the local context, ethnic identity clearly shows its relational nature.<sup>42</sup> Wartime ethno-politics, in which this identity is being constructed, reveals it as identity positioned in contrast to that of the enemy. The war with a new enemy has certainly brought about a metamorphosis of the previously adopted identity, given the fact that the post-war ethnic identity is in the first place not having the same identity of the main war enemy. In Tito’s partisan resistance movement, if we take into account only the Bosnian-Herzegovinian ethnic communities, Croats, Serbs and Muslims, identified themselves as anti-Fascists and non-Germans (which provided a basis for their brotherhood). During the 1990s war, Bosniak-Muslims appeared in their ethnic identity in the first place as non-Serbs and non-Croats, Croats as non-Serbs and non-Bosniaks, and Serbs as non-Bosniaks and non-Croats.

On the other hand, the nature of ethnic identity is such that it must produce a semblance of its long-lasting, trans-generational continuity. The contradictory double imperative at stake here, suggesting simultaneously identity’s metamor-

phosis and continuity, is met by a kind of narrative elaboration, in which the interpretation of the last war includes reinterpretations of all relevant previous wars. Hence, the reinterpretation of the next to last war in the light of the last war turned out to be of particular importance, since it is precisely in that reinterpretation that the danger of a double ethnic identity is effectively prevented and the identity’s metamorphosis reconciled with its continuity.

How do the dominant present-day ethno-politics, which appear as proto-politics offering a “deep grammar” for almost all influential political outlooks and party platforms, explain the local inter-ethnic enmity? Primarily by interpreting the inclination of other groups towards evil, their hidden or avowed will to do harm to their neighbours, as a result of their basic commitment to collaborationism: once in the past they made a military alliance with a “true foreign enemy”. If the link between “being ethnic-foreign” and “being enemy” is in the eyes of ethno-politics natural and unbreakable, it is because of a centennial collective experience of great empires and their invasions. What makes a neighbouring community foreign and thus hostile is something that comes from its cultural inheritance gained under the assimilatory influence of an empire. Collaboration and assimilation are but two faces, one of wartime and the other of peacetime, of an imperial presence, which the prevailing understanding of ethnicity finds in the very heart of the communal being of ethnic others. It is this presence that makes them “domestic foreigners”. The true nature of a neighbouring ethnicity is understood as a foreign culture once adopted from a powerful intruder. It is true that nowadays each ethnic group glorifies its imperial heritage and recognises it in its own authentic culture. “Our culture” and “their culture” appear as different as “good” and “bad” imperial rule in “our collective memory”. The flame of ethno-nationalism that spread through the region after the collapse of communism, which was actually the tumultuous effect of the feverish reconstruction of the ethnic selves of peoples

42 See eg Ph. Poutignat and J. Streiff-Fenart. *Théories de l’ethnicité*, PUF, Paris, 1995.

who, until the day before had lived in the Yugoslav fraternal union, produced a miraculous reality in which imperial rules of the past, Byzantium, Ottoman Empire, Austria-Hungarian monarchy and even Yugoslav federation simultaneously coexisted. The efforts spent on inventing genuine ethnic traditions, imposed by the age of post-communism, strongly revitalised both existing and fictitious sediments of the past assimilation processes. In fact, small nations have thus again resorted to their millenarian strategy of ethnic survival: assimilation, which presented a deadly threat in a former imperial regime, becomes a powerful tool in defending "our own identity" against the assimilation conducted by a present imperial regime, while what actually happens is that "their foreign culture" of yesterday becomes "our authentic culture" of today.<sup>43</sup>

### Prospects for reconciliation

What are the prospects for reconciliation between ethnic groups in B&H? Can they ever be reconciled? Is it not true that in the very heart of their identities we find collective war actors? Can the state of war or the last war ever be ended for them if assimilation brought by peace is not less dangerous than destruction by war? It is pretty uncertain, even more so given the fact that these ethnic communities fight assimilation as war actors. In times of long lasting pressure to assimilate, it was a question of survival for them to cherish their memories of the lost war, which had actually brought foreign cultures and customs to their country. The collective memory of ethnic groups is, in the first place, a memory of the last war the people cherish in order to survive. To forget and relegate to oblivion the last war means the community will lose its ethnic identity forever. If the supposed goal of reconciliation is a final pacification of those who agreed to be reconciled – and this is the only way to bring about a true peace in which all former belligerent parties will finally disappear – then it seems that reconciliation presents a serious threat to the very ethnic

nature of the local ethnic communities (who are, of course, aware of themselves as being modern nations).

But, would it not be a gross exaggeration to have serious doubts about the prospects of reconciliation of those, who until yesterday lived in brotherhood or, more importantly, whose multi-ethnic coexistence in Bosnia and Herzegovina lasted for centuries? Still, if we are to glorify this remarkable coexistence, and there are many good reasons for doing so, we should not overlook the iron hand of past imperial regimes. For too long, coexistence took place within the military regimes established by foreign powers. These regimes have actually created or at least decisively shaped ethnic groups as we know them today, as they put different religious groups into different positions in relation to state authority. It is not surprising, then, that the contemporary ethnic nations, each for itself, reinterpret, and in its collective imagination also painstakingly reconstruct, some previous imperial regime as its preferred type of cultural and political order.

Are we to say then that the only true form of reconciliation in the given circumstances is that offered by Titoism, which intervened as an ideology pleading for a rather radical rejection of the imperial heritage in general? The basic precondition for such an ideology to succeed was that all ethnic groups have the same – convincingly bad – experience with an imperial invasion, and that was precisely what Hitler offered them. As a revolutionary liberation movement, communism passionately propagated anti-imperial opinions and sentiments. It is in this way that inter-ethnic proximity was not only observed on the battlefield and in the spirit of the revolutionary ideology, but also at ethno-cultural level: the ethnic was now detached from its imperial background culture.

Relieved of this burden of the past, the south-Slavic ethnic groups, which had lived under different imperial regimes for centuries, found

43 See U. Vlajsavljević. "The War Constitution of the Small Nations of the Balkans, or 'Who is to be reconciled in Bosnia and Herzegovina?' ", *Transeuropéennes*, Paris, No 14/15, 1998/99, pp. 125-141.

themselves in unprecedented proximity, but this proximity seemed to impoverish their ethnic culture. Their pre-imperial, in fact pre-historical proto-ethnicity (*Uretnicität*), to which their common Slavic origins referred, proved to be too abstract and poor, lacking any substantial cultural content. Indeed, the whole attempt at removing the remains of previous assimilations turned out to be futile. No wonder that after the fall of communism one could hear people complaining that in Tito's time they had had to endure a false ethnic identity.

Nevertheless, it was a time in which not only inter-ethnic peace reigned but there was also reconciliation in the exemplary form of brotherhood. However, if such a kind of reconciliation is to be taken as the most desirable form for the contemporary age, then its prospects seem pretty dim. We should not neglect the fact that what yesterday seemed to be a true reconciliation was a reconciliation achieved within the communal body of a single war actor. Today's reconciliation between the actors of the last war cannot be achieved by following the pattern of an enlarged war actor: a multi-ethnic army. Titoism did not build its socialist society as a civil one. But it laid the fundamentals for such a society by bringing together diverse ethnic groups into a single "community of brothers." However, it was precisely the pacification of the militant communist society and its gradual transformation from ethnic into civil society that led to the violent partition.

What stands in the way of reconciliation today? It seems that reconciliation does not have a great deal of room for manoeuvre. It must not go too far. The Bosnian and Herzegovinian ethnic nations would not allow themselves to be forced back to the former fraternal community. In order to preserve their ethnic singularity, they must remain foreign, in the emphatic sense of the word, to each other. As these nations are actually sepa-

rate war actors, to find a neighbouring people "foreign" means to take a cautious if not hostile stance towards them. Especially now when they overtly identify themselves with once imposed imperial cultures, each more advanced step in their mutual approximation in the domain of politics and culture may sound the alarm of assimilation. How else can one understand reconciliation if not as the abolition of the spiritual warrior nature of the given community? In the local context this would certainly lead to the abolition of its ethnic essence. If reconciliation is supposed not to bring about pacification of the militant body of an ethnic group, is it then still reconciliation we are speaking of? The major obstacle to reconciliation is not some ideological mist, which should be cleared.

The local ethnic groups have not become foreign to each other because they are overwhelmed by the illusion of ethno-nationalism. The major difficulty in achieving peaceful coexistence is that the post-war ethnic and inter-ethnic reality is not constructed on the basis of some ideological semblance of reality, but on the basis of a narrative about the last war, which pretends to give an accurate account as to what constitutes the most real reality: the reality of war.<sup>44</sup> Put in epistemological terms, the current war narrative is presented as "verified ethno-nationalism".

## The continuity of ethno-politics

The principle of nationality inspired and fuelled the forces that caused the breakdown of Yugoslavia and was established as the main principle of legitimacy in the process of building post-Yugoslav political units.<sup>45</sup> Since this principle was actually conceived as a principle of mono-ethnic nationality i. e. reduced to a principle of ethnicity, it is legitimate to speak of the recent post-communist history in the Western Balkans as an age of ethno-politics. As we have seen, ethno-politics

44 The concept of war reality as an ultimate reality, see: U. Vlajsavljević. "South Slav Identity and the Ultimate War-Reality", in: D. I. Bjelić and O. Savić (eds.). *Balkan as Metaphor. Between Globalization and Fragmentation*, The MIT Press, Cambridge Massachusetts, London, England, 2002, pp. 191-208.

45 See. Miller, David. *On Nationality*, Clarendon Press, Oxford, 1995.

appear as a device for producing war stories, in which every post-war reality is presented as a remembered war reality. The reduced principle of nationality, adopted as a guiding principle for interpreting the given political and social reality, is reinforced by the now well-established conviction that the modern history of the Balkans, which saw one liberation war after the other, is but a gradual accomplishment of what might be called “teleology of history” (E. Husserl), whose final end is a mono-ethnic nation-state. This kind of state is seen as a crowning achievement of all past battles and wars, anti-assimilationist resistance and cultural rebirths. In this understanding, the final goal of history is to put an end to foreign rule once and for all, which entails that a small nation will finally escape from the large state body of the empire.

In the final stage of the history of national liberation, at least two or three empires turned out to be its main actors. All the secessionist nationalisms that contributed to Yugoslavia’s breakdown were inclined to consider the federal socialist state as an imposed foreign rule. The European Union, on the other hand, backed by the USA, appeared to be a strange kind of empire, as it accepted and even supported the basic aspiration of the local ethno-politics: one ethnic community in one state.

The epic of liberation, which forms a core part of all historical explanations in the age of ethno-politics, always refers to empires, telling us stories about numerous incorporations into empires and subsequent liberations from them. The current epic narrative, which should by definition incorporate plots of all previous epic narratives, ends up with a glorious story about how “our nation” succeeded in separating itself from the communist empire. This final ethnic liberation announces the golden post-imperial age.

If the collapse of Yugoslavia was inspired by the principle of nationality, as it was taken to be a principle of state legitimacy, then it may be assumed that the reason for the fall of one regime and the reason for the establishment of another are one and the same. Are we going to say then that the one-party “totalitarian” regime’s lack of legitimacy is proven beyond doubt? Till its last

days this regime had never organised free and democratic elections with which it could have tested its legitimacy. The moment elections finally took place, the regime collapsed. However, we may as well assert that the regime allowed such a risky testing of its legitimacy at the very time it was beginning to lose it. Perhaps the decision to hold multi-party elections was already a sign of fatal weakness in the prevailing form of legitimacy.

Communist ideologists opposed the choice the people made in the wartime to the ritual of putting ballots into boxes, which they ridiculed. Tito’s politics were victorious politics, which the enormous sacrifice had made sacrosanct. They were politics that had passed the most demanding test of verification and had followers who were ready to give their life for them. Such sacrosanct politics could not allow themselves to have an opposition. Even in peacetime, a political opponent had to be treated as an enemy of the people, and in order to eliminate him all means were allowed. It is ethno-politics that make Tito’s politics a friend/enemy politics (C. Schmitt).

What is more important, however, at the time of post-communist transition is a continuity of ethno-politics, and it is a question of legitimacy of current politics, which makes this continuity pretty evident. Recent post-war politics strive to remain sacrosanct and to preserve their previous form of legitimacy in spite of the newly established “legal-rational legitimacy” (M. Weber) of free multi-party elections. Politicians in power keep reminding people of their huge debt: fallen soldiers and civil victims of war would not allow that the dominant political convictions and views undergo radical pacification and thus lose their ethno-national essence. One should examine the political influence exercised nowadays in the region by unions of veterans, or rather how politicians and the state bureaucracy are able to manipulate them, in order to disclose ancient pre-political devices – devices for generating legitimacy for a regime.

### **The ethnic enclaves of civic nationalism**

The partition of Yugoslavia would not have succeeded if, on the part of the EU and the inter-

national community, there had not been a firm determination to apply the principle of ethnoscience as a supreme principle of state legitimacy. There is plenty of reason why, from a local perspective, the EU appears as an empire, a mighty international player and stakeholder next to the USA. Numerous and frequent interventions of this union of states, before, during and after the war, were perceived as interventions of a rather powerful but bizarre empire. When in the military and diplomatic interventions some civic and pacifist elements were revealed, they only betrayed the weaknesses of that empire. The EU is an unusual empire, an empire of post-imperial times, because it does not act towards small nations as a hostile force of violent incorporation. Even if it is open to doubt as to whether the EU is the first empire in history that allows and prescribes the separation of once incorporated entities from existing empires or quasi-empires, its suspected imperial strategy *divide ut regnes* still seems to promise full self-determination for ethnic groups.

The consequences of taking the principle of ethnic division as a principle of state building are clearly visible on the contemporary political map of the Western Balkans. After the breakdown of Yugoslavia a cluster of mini-states emerged and through the network of their frontiers an even more complex mosaic of ethnic enclaves became discernable. However, only Bosnia and Herzegovina was preserved as a true multiethnic state, i. e. as a three-national consociation of Bosniaks/Muslims, Croats and Serbs.<sup>46</sup> Given the continuity of ethno-politics from one regime to the other, the new reality of enhanced ethnic identities, and the almost consequent application of the

reduced principle of nationality, it is not surprising that after fifteen years of peace only B&H did not manage to become a consolidated nation-state. It seems that such a possibility is reserved exclusively for ethnically homogenous states as it is convincingly proven by Slovenia, the only secessionist state that has succeeded in joining the European Union.

While the monolithic nation-state is integrated into the EU, the nationally heterogeneous B&H continues to have for its constitution Annex 4 to the Peace Agreement concluded in an American military base near Dayton, on November 1, 1995.<sup>47</sup> The deadlock situation over amendments to the constitution made under the umbrella of the great American empire has endured for years and has brought local leaders, participants in the negotiations, repeatedly into disagreement and conflict. Foreign soldiers keep a fragile peace in the country: after NATO concluded its SFOR mission in 2004, the European Union launched a military operation (EUFOR – Operation ALTHEA) and deployed a “robust military presence” at the same force level as its predecessor (7.000 troops).<sup>48</sup> While soldiers oversee the implementation of the military aspects of the Dayton Peace Agreement, the Office of the High Representative (OHR), who is also the EU Special Representative (EUSR), is primarily concerned with its civil aspects. Recently, Austrian diplomat Valentin Inzko was appointed to this position, thus becoming the seventh High Representative in B&H. Given the definition of his task, as long as such a representative is at post, it means that the country “has not evolved into a peaceful and viable democracy on course for integration into Euro-Atlantic institutions.”<sup>49</sup> Each new representative

46 The concept of consociation and the place „the stillborn Bosnia“ may have in it, see M. Walzer. *On Toleration*, Yale University Press, New Haven and London, 1997, pp. 22-24.

47 See e.g. Joyce P. Kaufman. *Nato and the former Yugoslavia*, Rowman & Littlefield Publishers, 2002, p. 124.

48 See official site of Eufor Mission in B&H: [http://www.euforbih.org/eufor/index.php?option=com\\_content&task=view&id=12&Itemid=28](http://www.euforbih.org/eufor/index.php?option=com_content&task=view&id=12&Itemid=28)

49 The office of the High Representative (OHR) is an *ad hoc* international institution responsible for overseeing implementation of civilian aspects of the accord ending the war in Bosnia and Herzegovina. The position of High Representative was created under the *General Framework Agreement for Peace in Bosnia and Herzegovina*, usually referred to as the *Dayton Peace Agreement* that was negotiated in Dayton, Ohio, and signed in Paris on 14 December 1995. The High Representative, who is also EU Special Representative (EUSR) in Bosnia and Herzegovina, is working with the people and institutions of B&H and the international community to ensure that it evolves into a peaceful and viable democracy on course for integration into the Euro-Atlantic institutions.” See: <http://www.ohr.int>

raises hopes that he is going to be the last one, and the last three even promised the closing of the office. In the meantime B&H exists as a semi-protectorate in which any truly civic politics able to overpass ethnic divisions and conflicts have not yet appeared.<sup>50</sup> Apart from an exceptional and even more complicated situation in Kosovo, B&H is continuing to fall behind all other countries of the region on its path towards European integration. Ironically, it is a major reason why this state is in some ways directly incorporated into the EU: through military forces (EUFOR), through police forces (EUPM) and through a sovereign authority (EUSR), which due to the special Bonn Powers is above even the highest state authorities. To be sure, these powers, under which the High Representative can enact law and sack obstructive officials, are considered to be a last resort, but still a place remains reserved for a last European monarch. So it seems that, unable to be integrated enough, B&H is incorporated into a more or less classical form of imperial power. The day when this country will be able to exclude this power, it will be integrated into it. Let us call it the paradox of post-imperial incorporation.

Might it be the case that the Dayton constitution, by making concessions to the war parties at a time when these were least prepared for compromise, gave too much weight to the ethno-political reality? The state is divided into two sub-state entities: the Serb Republic and the Bosniak-Croat Federation, while the political system is built upon ethnic group representation (proportionality in government, veto right for vital interests, principle of segmental autonomy etc).<sup>51</sup> Both entities have their own president, government, parliament, police and judiciary. As remarked by Florian Bieber, „such arrangements have been useful in the short run to stabilize the post-



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*Monument to the Srebrenica Massacre.*

conflict situations“, but in the long run they „can prevent the emergence of overarching identities and further harden ethnic identities.“<sup>52</sup> A burning issue often heard in current political debates across the country is whether the existing constitutional arrangements, which have laid down the fundamentals of the ethno-federal state keep the country from breakdown or inevitably lead to it. Perhaps the principal reason for this state of disintegration, which is most obvious in today's large and quite homogenous territorial blocks of ethnic partition and the constant inefficiency of the common state institutions, is that these institutions are not rooted in reality. There are three ethnic nations but no Bosnian-Herzegovinian society. Given the inherently belligerent nature of these “fraternal communities“, this society should be truly civil: not a community of “brothers in arms” but a “community of citizens.”<sup>53</sup> Maybe

50 Belloni, Roberto and Hemmer, Bruce. “Bosnia-Herzegovina: Civil Society in a Semi-Protectorate“, in: Paffenholz, Thania (ed.). *Civil Society and Peacebuilding: A Critical Assessment*, Lynne Rienner Publishers, Ch. 7 (forthcoming, fall 2009), p. 223.

51 Schneckener, Ulrich. “Models of ethnic conflict regulation. The politics of recognition“, in Schneckener, Ulrich and Wolf, Stefan (eds.), *Managing and Settling Ethnic Conflicts*, Hurst & Company, London, 2004, pp. 18-39.

52 Bieber, Florian. “Institutionalising Ethnicity in the Western Balkans: Managing Change in Deeply Divided Societies,“ ECMI Working Paper No 19, Flensburg, ECMI, 2004.

53 See Schnapper, Dominique. *Community of Citizens. On the Modern Idea of Nationality*, Transaction Publishers, New Brunswick and London, 1998.



we should remark here that before the war there existed a Bosnian-Herzegovinian society, but the response to this might be that it was rather a Yugoslav “militant society” in a constant “state of emergency” (*Ausnahmezustand*). These contemporary ethnic nations strive to keep their “society” in such a “state of war”.

### **The constitutive lack in the concept of state building in the Western Balkans**

So what is this “civic deficiency” in the three-nation state really about? Do the relatively consolidated nation-states in the region also have it and to what extent? Could it be that the rationale for their creation, the principle of nationality, built into their foundations, saved them from this deficiency? That this principle cannot be applied to B&H, because of the unacceptable consequences of its definite partition – is not precisely this impossibility a constitutive principle of statehood for this country? What if the present-day failure of consolidation of B&H as a nation-state bespeaks its constitutive deficiency in a required type of consolidation? If this is true, what would be the consequences not only for this country, especially in the time when the famous consolidation appears to be the precondition of all preconditions in the dominant strategy of conditioning access to the EU? The deficiency in national consolidation has obviously something to do with the multi-ethnic composition of the country. Perhaps the only problem is that B&H does not have a clear and strong enough ethnic majority. In contrast to neighbouring countries, its citizens cannot act as a „community of brothers“. Actually, what we have here are three potential or even already virulent national consolidations, which are, unfortunately, too divergent for one single state. It is a bitter irony that the Bosnian-Herzegovinian entities created in the war and post-war turmoil as ethnically homogenous sub-state units (nowadays each constitutive ethnic nation has its own polity established on a part of the overall territory where it is a majority) would most likely do as well (if not better) as their counterparts (nation states) in the neighbourhood. The obvious overlap between the guiding principle of ethnic cleansing, i.e. the principle of extermination *tout court*, and

the principle of recognition and building post-communist states of the region, cannot remain without far-reaching consequences. Srebrenica is but one name for these consequences. Although it is inconceivable that the huge technology of mass extermination could be started and serviced without involvement of a well functioning state apparatus, the ruling issued in The Hague on behalf of today’s Europe could not establish the „responsibility“ of any state.

The constant failure of B&H in its attempts at consolidation perhaps indicates a constitutive lack in the concept of state building in the Western Balkans. This lack, which we called “civic deficiency”, is seemingly not to be found in the ethnically homogenous enclaves. There civic grounds for a new, post-communist political culture are provided by the state, which automatically, almost overnight, turns a majority ethnic group into a “community of citizens”. Those who until yesterday were committed nationalists-separatists become fervent proponents of “constitutional patriotism”. Without any process of civilising nationalism, as building of civil society certainly is, the state can give a “civic outlook” to ethno-politics. That is why it is important, when analysing the political situation in the region, not to ignore a specific dialectic between two different types of relationship towards the state: that of a majority nation and that of a minority nation. It is not the same relationship even if nations, no matter how big they are, as it is the case in B&H, are legally recognised as equal.

As the political representatives of Serbs in Yugoslavia struggled, in their civic nationalism, against separatist nationalism of other “fraternal nations”, so nowadays the leaders of Bosniaks struggle against the separatist nationalism of Serbs and Croats in B&H. It is the ethno-politically defined relationship towards the given state that fixes the focus of the so-called national question for each nation. In contrast to the majority nation, the minority nation invariably expresses its position towards the state in ethnic terms, whether in the form of a pleading for inter-ethnic equality or in the form of more or less militant separatist nationalism.

In post-war Bosnia it is pretty obvious how this ethno-politically defined position dominates party politics and thus makes people Bosniaks, Croats or Serbs, regardless of whether or not these politics are nationalistic. The Bosnian Serb politician Milorad Dodik, who since the elections of 2006 enjoys the greatest support of voters not only in comparison with other politicians of the same ethnicity but in the whole country, is the head of the *Social Democratic Party* and pursues the goals of a clearly defined separatist agenda: either the Serb Republic is independent enough to be able to act as a Serb state-polity, or, if this is put in question, it should separate from B&H. For the last three years Dodik, the prime minister of the Serb entity, has not had any significant opposition among the politicians of his nation. The Bosniak political class sees the common state as their own national state. If nationalism is perceived primarily as separatist nationalism, as is the case in this country, then it seems that among Bosniak people (Bosnian Muslims) there are no more nationalists. This national-political segment is to the largest extent political in the proper sense of the word and is quite complex: in the absence of pronounced nationalists, there is the centre and the left, there are social democrats and liberals, civic-national and patriotic parties, those which address the Bosniaks (and all other citizens as well) and those which address all the citizens (but the Bosniaks in first place).

There are three leading Bosniak parties and their profile could be ethno-politically determined by the conceptual pair civic/ethnic depending on how much emphasis each of them puts on one of the two concepts. The *Party of Democratic Action* as a Bosniak national party headed by Sulejman Tihić, who replaced Alija Izetbegović, the founding father of the modern Bosniak nation, is primarily ethnic and only then civic. The *Party for Bosnia and Herzegovina*, a liberal-conservative political party headed by Haris Silajdžić who left Izetbegović's party in 1996, promotes Bosniak state patriotism and in so doing identifies ethnic

with civic. The third influential party is the *Social Democratic Party* of Zlatko Lagumdžija, which presents itself both as a genuine heir to the legacy of Titoism and as a profoundly pro-European party. This party is civic in its ideological orientation and by no means wants to be classified as an ethnic party, but it is still a dominantly Bosniak party, judging by the majority of its activists, not to mention its followers and voters. Therefore, it is true that Social Democracy enjoys a wide base of popular support in the country, primarily because of nostalgic memories of Tito's time but it appears as ethnically divided: as Serb and Bosniak Social Democracy.

In the forefront of the Bosnian Croatian political scene there are two parties, actually two fractions that broke away from the once unified *Croatian Democratic Union*, a Bosnian-Herzegovinian variant of Franjo Tuđman's party in Croatia. One is led by Dragan Čović and the other by Božo Ljubić. The Croat national question is probably the most complicated and troublesome of post-war B&H, demonstrated by the perplexities and hesitations among Croat leaders regarding this issue. Although being recognised as a constitutive people, Croats with barely 14 percent of the population are a minority in the demographic sense.<sup>54</sup> After the war and the ethnic cleansing of the region Posavina, which is nowadays in the Serb Republic, Croats made up the majority in the south-west part of the country, called Herzeg-Bosnia, a phantom third entity, which is not officially recognised. It was actually dissolved in 1996, but still exists as a specific Croat state-polity. Vacillations of Bosnian Croat politicians as to how to pursue and protect their vital national interests move within the typical scope of minority nationalism: on the one hand, there are separatist tendencies towards a third entity with a high degree of independence; on the other, there are persistent attempts at creating a sustainable multi-ethnic state. The latter oppose the civic nationalism of the majority Bosniak nation preferring, instead, a strong concept of ethno-cultural

54 Which is around half of the pre-war number. See the web page of the Council of American Ambassadors, <http://www.americanambassadors.org/index.cfm?fuseaction=publications.article&articleid=130>

justice.<sup>55</sup> Consequently, in the recent discussions about possible constitutional changes, it has been primarily Croat politicians who have argued that a true solution to the Bosnian knot lies not only in the equality of citizens but also in the equality of “constitutive nations”. As in other multi-ethnic states, the strongest demand for justice comes

from the smallest minority. The greatest problem of this policy is that both alternatives are pretty dismal: a consequent minority separatism may bring Croats into a situation where they one day find themselves imprisoned in a true enclave, while a consequent pleading for ethno-cultural justice appears to be increasingly unrealistic.



**Ugo Vlaisavljević** (born 1957) is professor of philosophy at the *University of Sarajevo*, teaching philosophy of language at the philosophy and sociology department and epistemology of social sciences at the psychology department. He has written widely on phenomenology, post/structuralism, semiotics, political philosophy and is currently editor-in-chief of the journal of philosophy and social sciences *Dialogue* (Sarajevo) and member of the editorial board of the international journal *Transeuropéennes* (Paris). He has written numerous articles, some of which were published in English, French and German.

55 The concept of ethno-cultural justice, see W. Kymlicka and M. Opalski. *Can Liberal Pluralism be Exported?*, Oxford University Press, 2001, pp. 136-9 et passim.



## **PART THREE**

Ex-Soviet Union: The EU's Eastern Neighbours



FRASER CAMERON

## The Eastern European Policy of the European Union

### Introduction

When the Soviet Union collapsed almost two decades ago, there was much talk of a common European home stretching from Vancouver to Vladivostok. World leaders attending the conference that agreed on the *Charter of Paris for a New Europe*<sup>1</sup> in November 1990 were full of hope for a brave new world in which disputes would be resolved peacefully and institutions would be inclusive as opposed to exclusive. The expectations in 1989-91 were very high. Academics were writing about the end of history and the triumph of liberal capitalism. President Bush spoke of a new world order. After the horror of living with *mutual assured destruction* (MAD) for decades, Europeans could now unite and invite Russia and other successor states of the Soviet Union into the common European home. A new dawn appeared to be on the horizon.

But hardly had the ink dried on the Paris Charter than Yugoslavia descended into murderous nationalism. Simultaneously Saddam Hussein invaded Kuwait in a blatant attempt to gain control of its massive oil reserves. The EU and U.S. stood by and did little to stem the bloodshed in Yugoslavia. But in the Gulf, a U.S.-led coalition swiftly ousted Saddam's forces from Kuwait. What was the difference? Most cynics would say a three letter word – oil. Realpolitik was back with a bang.

If expectations following the collapse of communism were high, they were matched by illusions on both sides about the EU's ability to establish a political-economic order covering the entire continent. It gradually became clear, however, that what might be possible between a core group of like-minded countries with a similar GDP per head in western Europe was not easily exportable to the east. It took

many years for the EU to exercise its transformative powers in central Europe, when the prospect of EU membership was the huge carrot. It was to prove impossible to achieve similar transformations in Russia and eastern Europe where the golden carrot was not on offer. At the time of writing, there are some reasons to doubt whether the transformations of the 1990s and early 2000s in central Europe will be permanent. The global economic crisis is threatening the entire European post-war edifice while the recently launched Eastern Partnership policy of the EU has not been greeted with much enthusiasm in the region. Aimed at Ukraine, Moldova, Belarus, Georgia, Armenia and Azerbaijan, the Eastern Partnership specifically excludes the one commitment these countries all want – namely a perspective for eventual membership of the EU.

In contrast to the countries of Eastern Europe, Russia has no ambitions to join the EU. Instead it has sought to re-establish itself as a great power with a specific *droit de regard* over the “Near Abroad” where 25 million ethnic Russians are living. Relations between the EU and Russia have been difficult during the past two decades and reached a new low with the conflict in Georgia in August 2008. The EU intervened successfully to establish a ceasefire but the Russian invasion of Georgia reminded many of the Soviet invasion of Czechoslovakia forty years previously. Moscow's readiness to use force, and its regular use of the energy weapon for political purposes, was a reminder that Russia was not only back as a major power but it was ready to challenge the EU in what officials euphemistically called “the common neighbourhood”. It was evident that the EU and Russia had very different views on how much autonomy the common neighbours should have, especially in foreign and security policy.<sup>2</sup>

1 For the *Charter of Paris* see [http://www.osce.org/documents/mcs/1990/11/4045\\_en.pdf](http://www.osce.org/documents/mcs/1990/11/4045_en.pdf)

2 See further article Landaburu, Eneko. “It's time for hard choices on EU-Russia relations”, *Europe's World*, Spring 2009: <http://www.europesworld.org/NewEnglish/Home/Article/tabid/191/ArticleType/articleview/ArticleID/21349/Default.aspx>

## Expectations versus reality

For all the post-Soviet republics, there was both great ignorance about the EU (and NATO) and also over-ambitious expectations about how quickly one could join these clubs. The ignorance is not difficult to explain. During the Cold War, the EU was largely ignored or described as “the economic arm of NATO”. The Atlantic alliance was also credited with having huge forces of its own (wrong), of having a master plan to dominate the Eurasian landmass (wrong) and both the EU and NATO were alleged to be determined to weaken Russia (wrong). In eastern Europe, there was almost no understanding of the political motives behind the EU and little comprehension of sharing sovereignty. Many countries believed that joining the EU was like joining any other international organisation. There was no comprehension of the efforts required to meet the criteria for membership. On the EU side, there were naive hopes that once Russia had turned its back on the failed planned economy and adopted liberal capitalism, it would reap the economic rewards and move inexorably towards greater democracy. It took some time for the illusions of both sides to be replaced by a more realistic picture.

## Russia

The sudden collapse and break-up of the Soviet Union was a traumatic experience for the ruling elite and the millions who supported the communist party. President Gorbachev has repeatedly stated that the dissolution of the Soviet Union was not his intention.<sup>3</sup> But the communist party had run out of ideas, and once it was clear that it would not use force to preserve the empire, events simply spiralled out of control. The Baltic states were the first to break away, followed by Ukraine and the other former Soviet republics. Russia assumed the legal obligations of the Soviet Union and its seat on the UN Security Council. Boris Yeltsin became the symbol of the new state, waving the Russian flag at tanks with orders to remove him from office. The world marvelled at his courage.

President Yeltsin took over a truncated state with a weak political culture and an economy in free fall. Moscow had previously been regarded as the capital of a superpower, with a permanent seat at the top table alongside the USA. For many Russians, their changed status was hard to swallow. Overnight they lost their empire, their ideology and their superpower ranking. Jokes were made about Russia as being like “Upper Volta with rockets”. In retrospect the marvel of the collapse of the Soviet Union was that it happened with very little bloodshed. The dissolution of other empires, such as the British in India or the French in Vietnam, was much bloodier. And as we know from west European experience, it takes many years to overcome the imperial mentality.

Initially, Yeltsin sought to re-orientate Russian foreign policy towards the west, best symbolised by the appointment of Andrei Kozyrev as foreign minister. As regards the EU, Russia was not a priority in the early 1990s. The EU was busy with its institutional issues (Maastricht treaty), the Balkans quagmire, association agreements and technical assistance for the central Europeans and preparing for the Nordic enlargement. There was only a tiny number of officials who dealt with Russia and the post-Soviet republics, and they were largely focused on trade. Political and security matters were left to the much better equipped member states. The EU, especially a grateful Germany, did, however, provide substantial loans to Russia, offered economic advice and sought to bring Russia into Euro-Atlantic structures. Russia joined the Council of Europe in 1994, although some members thought it was too early. Russia joined NATO's partnership for peace (PfP) programme in 1996 and Bill Clinton created a G8 slot for Russia in 1997. Membership of the G7 was deemed a step too far.

The first agreement between the EU and Russia was the Partnership & Cooperation Agreement (PCA), which was signed in 1994.<sup>4</sup> The trade provisions entered into force immediately but the full agreement did not enter into force until

3 Gorbachev, Mikhail S. *Memoirs*, New York: Doubleday, 1996.

4 [http://www.delrus.ec.europa.eu/en/p\\_243.htm](http://www.delrus.ec.europa.eu/en/p_243.htm)



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*Yeltsin on tank, August 1991.*

December 1997. It was to remain in force for an initial period of ten years. The PCA covered trade and economic cooperation; cooperation in science & technology (including energy, environment, transport, space and other civil sectors); political dialogue and shared commitments (Council of Europe and OSCE) regarding democracy and human rights. Other policy areas covered justice and home affairs cooperation on illegal migration, trafficking in drugs, money laundering and organised crime.

The next milestone was the adoption of an EU Common Strategy towards Russia in June 1999.<sup>5</sup> This aimed at maximising coordination of policy between the EU and its memberstates. In practice the Common Strategy on Russia restated the essence of the PCA, arguing that a “stable, democratic and prosperous Russia, firmly anchored in a united Europe free of dividing lines, is essential to lasting peace on the continent.” Russia also benefited from the EU’s technical assistance programme – Tacis. Up to 2006 Russia received a total of nearly €5 billion but the impact of Tacis has been difficult to assess. In the early years, energy, enterprise support and human resources development absorbed most of the resources. From 1999, Tacis was refocused to broader goals: better transportation, improved border controls and environmental issues. There was, however, inadequate attention in the Tacis programmes

to management training, agriculture (at least a third of the population lives in the countryside), nuclear safety, crime and corruption. Russia claims that most Tacis programmes were of little use and most of the money went to the pay for EU consultants.

Under the PCA, two EU-Russia summits have been held each year. In addition, ministerial level talks (cooperative councils) have been held once a year and senior official level cooperation committees have met on an ad hoc basis (though rarely more than once a year). Nine sub-committees deal at working level with technical issues. A number of working groups on the Common Foreign and Security Policy (CFSP) meet twice a year. A Joint Parliamentary Committee also convenes, affording a regular opportunity for members of the European Parliament and the Duma to become better acquainted. One of the weaknesses of the PCA, however, is the lack of mid-level bureaucratic meetings to really drive the relationship.

Human rights issues have always loomed large in EU-Russia relations. Under the PCA, Russia agreed to maintain the standards and commitments outlined by the Council of Europe and OSCE. But a spate of killings of journalists (most notably Anna Politkovskaya) and human rights lawyers have severely damaged Russia’s image. Another area of contention has been Chechnya where Russia engaged twice in a brutal war against those seeking independence for the region. The EU has also struggled to gain access to the area to carry out humanitarian operations. But the focus on Chechnya was to wane in the aftermath of 9/11 and President Putin’s support for the U.S.-led war on terror. Russian support for U.S. policies meant that Washington tended to turn a blind eye to human rights abuses in Chechnya and elsewhere in Russia. This made it difficult for the EU to constantly press Russia on human rights.

In 2003, the EU and Russia agreed to create “four common spaces”<sup>6</sup> This was bureaucratic

5 [http://www.delrus.ec.europa.eu/en/p\\_243.htm](http://www.delrus.ec.europa.eu/en/p_243.htm)

6 [http://ec.europa.eu/external\\_relations/russia/common\\_spaces/index\\_en.htm](http://ec.europa.eu/external_relations/russia/common_spaces/index_en.htm)

jargon for cooperation on politics and security, economics and trade, justice and home affairs, and education, research and culture. Progress towards a common economic space depends upon Russian accession to the World Trade Organisation (WTO). The Russian government first applied for membership in 1993, but negotiations have not been completed as of mid 2009. Any move by the EU towards the establishment of a free trade area with Russia has effectively been delayed until Russia joins the WTO. President Dmitry Medvedev has recently expressed anger at the delay and stated that the process of joining the WTO should not be endless. "Our position on joining the WTO is the same, it has not changed and it is the following: the Russian Federation is ready to join on normal, non-discriminatory conditions. We have done all that is necessary. This process has been drawn out, and this irritates us."<sup>7</sup>

Energy is perhaps the most sensitive area of the EU's relations with Russia. More than 65% of Russian oil and gas is exported to the EU. The percentage supplied to individual member states varies widely with some wholly dependent on Moscow and others not at all dependent. Most Russian gas comes via Ukraine and the regular disputes between Russian and Ukraine have led to severe interruptions of supply to European consumers. The last such disruption in early 2009 was described by EU Commissioner, Benita Ferrero-Waldner, as "the most serious security concern in relation to gas that has ever happened in Europe."<sup>8</sup> This has led the EU to increase efforts to diversify energy supplies, something that will take some time to realise. Some of these new policies are controversial. For example, the proposed Nord Stream pipeline running under the Baltic Sea from Russia to Germany has been strongly criticised by politicians in Poland and the Baltic states. There are also those who question the viability of the proposed Nabucco pipeline that

would bring gas from Azerbaijan and elsewhere to Europe. Many view Russia purely through the prism of its energy resources and believe this gives Moscow great clout. The huge energy resources are indeed a powerful weapon but on the other side the EU is also the best customer for Russian oil and gas. Gazprom gets more than 70% of its profits from sales to the EU. Russia and the EU disagree on the provisions of the Energy Charter and the Transit Protocol<sup>9</sup> regulating use of pipelines. Russia also needs the EU for finance, technology and know how to renew its outdated infrastructure in the energy sector. It is a clear area for win-win cooperation but western companies are concerned about investing too much in Russia given the absence of the rule of law and the negative experiences of some major investors.

During the Yeltsin era, Russia was rather indifferent to the EU. That attitude began to change with the EU's eastward enlargement and its gradual development as an international actor. Russian concern was reflected in the manifesto, *Russia's development strategy to the year 2010*<sup>10</sup> published in President Putin's first year in office. It opened with a dramatic statement: "By the beginning of the 21<sup>st</sup> century our country has been confronted with a real danger of finding itself on the periphery of the civilised world as a result of its growing lag in the social, technological and economic fields." Putin emphasised the indissoluble link between progress at home and Russia's standing abroad after "decades of stagnation". The *Foreign Policy Concept* of the Russian Federation approved by President Putin on 28 June 2000 noted: "Of key importance are relations with the European Union (EU). The on-going processes within the EU are having a growing impact on the dynamics of the situation in Europe." In particular it stated: "The EU's emerging military-political dimension should become an object of particular attention."<sup>11</sup>

7 Novosti, 4 April 2009, <http://en.rian.ru/russia/20090404/120920092.html>

8 Speech "After the Russia / Ukraine gas crisis: what next?", Chatham House, London, 9 March 2009: <http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/09/100>

9 <http://www.encharter.org/>

10 Full text available at <http://www.russiaeurope.mid.ru/strategy2010.html>

11 <http://www.kremlin.ru/eng/text/docs/2008/07/204750.shtml>



This rather positive view of the EU was to be challenged after the 2004 enlargement bringing in several states that had either been part of the Soviet Union or under its direct control. These states were to seek a tougher EU line towards Russia and in some cases (eg Poland and Lithuania) were prepared to use bilateral disputes to block the opening of negotiations for a new PCA with Russia. This in turn led Russia to engage more with major EU member states, especially Germany, France and Italy, in an attempt to “divide and rule” the EU. Eventually the EU was able to agree a negotiating mandate for the Russia talks and negotiations are currently on-going to reach a new agreement. There is no doubt that these negotiations will be long and difficult. It will also not be an easy process to secure ratification of a new agreement in all 27 member states plus the European Parliament. Much will depend on the image of Russia at the time of ratification.

Russia often views the EU and NATO through one lens, partly because there is a substantial overlap in membership. While it reluctantly accepted EU enlargement, it has never reconciled itself to NATO enlargement. Although Russia joined the PfP and agreed to establish the NATO-Russia Council, it did not lessen opposition in Russia to NATO enlargement. Relations with NATO worsened dramatically as a result of NATO’s bombing of Serbia and the recognition of Kosovo’s independence. Alleged U.S. hegemony and proposals to install missiles in Poland and the Czech Republic were further reasons for Moscow’s discontent. One of Russia’s motives for reacting so sharply in South Ossetia was to emphasise that it was fundamentally opposed to NATO enlargement to Georgia (and Ukraine). Relations began to improve in spring 2009 with NATO agreeing to resume talks with Russia, working with what U.S. Secretary of State Hillary Clinton called a “greater unity of purpose”. Presidents Medvedev and Obama also agreed at the G20 summit in London to start talks on a new nuclear arms control agreement.

## Ukraine

Ukraine has had a difficult first two decades as an independent state. Even before its birth, President Bush questioned whether an independent Ukraine really made sense. In 1994 the EU and Ukraine signed a Partnership and Cooperation Agreement<sup>12</sup> which entered into force in 1998. There were similar provisions within the PCA to that with Russia. In 1999, the EU adopted a Common Strategy towards Ukraine. But as with the similar Common Strategy towards Russia it achieved little and was quietly dropped a few years later. Since 2007, there have been negotiations on an association agreement with the prospect of a deep and comprehensive Foreign Trade Association (FTA) as a key element. The negotiations have made good progress although no final date is in sight for the conclusion of the talks.

The EU and Ukraine have often talked past each other in terms of what each expects from the other. In the early 1990s, the EU spoke of assisting Ukraine with its transformation from communism. There was then the period of partnership as epitomised with the PCA; and then the period of neighbours with Ukraine included in the European Neighbourhood Policy (ENP). Now the talk is of a “partnership and neighbourhood relationship” based on the new EU Eastern Partnership launched in Prague in May 2009.<sup>13</sup> The ENP provided for a jointly agreed Action Plan that was designed to support Ukraine’s rapprochement with the EU. But Kiev was never fully committed to the ENP – as it did not contain any reference to accession – and implementation was patchy. There is a similar lack of enthusiasm about the new Eastern Partnership as it again avoids reference to even the desirability of Ukraine’s accession to the EU.

There is cross-party unity in Ukraine on the desirability of joining the EU (unlike NATO which is a divisive issue). In 1998, the president approved a strategy for closer Ukraine-EU ties and in September 2000 the government put for-

<sup>12</sup> [http://ec.europa.eu/external\\_relations/ukraine/index\\_en.htm](http://ec.europa.eu/external_relations/ukraine/index_en.htm)

<sup>13</sup> [http://ec.europa.eu/external\\_relations/eastern/index\\_en.htm](http://ec.europa.eu/external_relations/eastern/index_en.htm)

ward a *Programme of Integration of Ukraine to the European Union*, which clearly set out the goal of Ukrainian membership in the EU. Since 2002, Ukraine has started to adapt its legislation to that of the EU albeit at a mixed pace.<sup>14</sup> There is no doubt that all Ukrainians feel disappointed at the EU's inability even to welcome the prospect of Ukrainian membership of the EU. Polls show that support for the EU has dropped from 65% in 2002 to 45% in 2008.<sup>15</sup> Many argue that their internal transformation would have been much speedier and successful if the country had such a prospect. But EU officials reply that there is zero prospect of making such an offer when EU public opinion is largely hostile to further enlargement, and because Ukraine has not fulfilled its existing commitments. Further, the political and economic crisis afflicting Ukraine, including its need to borrow substantially from the International Monetary Fund in 2009, and the gas dispute with Russia, has also affected Ukraine's image in the EU.

## Belarus

The EU's relations with Belarus have been minimal as the EU member states refuse to allow the PCA to enter into force or to allow Belarus to join the ENP as long as President Lukashenka continues with his authoritarian rule. In a policy statement in 2006 the EU stated that "the EU cannot offer to deepen its relations with a regime which denies its citizens their fundamental democratic rights. The people of Belarus are the first victims of the isolation imposed by its authorities and will be the first to reap the benefits on offer to a democratic Belarus." There followed a lengthy shopping list of what Belarus should do including respecting the rights of the people to elect their leaders democratically; to receive independent information; to allow NGOs to function; to release all political prisoners; to ensure an independent judiciary; to allow free trade unions; etc. If and when the Belarus government was to move in this direction, then the EU was ready to renew its rela-

tionship with Belarus. Meanwhile, the EU would continue to provide funding for Belarus to assist regions affected by the consequences of the Chernobyl catastrophe, or to support the fight against trafficking.<sup>16</sup>

In 2009 the frosty atmosphere began to ease with a visit of Mr Javier Solana, the EU's High Representative for CFSP, to Belarus and a partial suspension of EU sanctions. Belarus was also invited to send a representative to the Prague summit in May 2009 establishing the Eastern Partnership.

## Moldova

In the past two hundred years Moldova has been subject to rule by the Russian czar, the Romanian king and by the Soviet Union. Since 1991, Moldova has struggled to establish itself as an independent country. To many citizens, the post-communist period has brought little but poverty, corruption and civil war. It may be wrong to describe Moldova as a post-communist country as the communist party has been in power since 2001. The EU has struggled to find the right policy mix towards Moldova. On the one hand it would like to see Moldova make full use of the opportunities under the PCA and ENP. On the other hand it recognises the difficulties imposed by the unresolved "frozen conflict" in Transdnistr. The key to a resolution of the conflict lies in Russian hands (as it has a de facto army of occupation in Moldova) but Moscow has been reluctant to engage seriously with Moldova (and Ukraine) to resolve the issue.

Another problem has been the lack of enthusiasm for President Voronin, the former head of the Moldovan security service, who won two largely free elections in 2001 and 2005 as the head of the Communist party. The country is also deeply divided on its political future as was evidenced by the demonstrations in April 2009, following allegations of vote-rigging in the parliamentary

14 <http://www.mfa.gov.ua/mfa/en/400.htm>

15 [http://uceps.org.ua/eng/poll.php?poll\\_id=387](http://uceps.org.ua/eng/poll.php?poll_id=387)

16 <http://www.delbl.ec.europa.eu/page3242.html>

elections.<sup>17</sup> The country seemed deeply divided between the older generation who looked to Russia for support and the younger generation who looked to the EU for support.

In 2006 the EU carried out a relatively successful training of border and customs officials under the auspices of the ESDP<sup>18</sup> rule of law mechanism. A year later, the EU appointed Kalman Mizsei as a special representative to Moldova. But corruption remains a major problem in the country and hinders economic progress. Moldova is the poorest country in Europe depending on remittances for over a third of its GDP. Although all politicians subscribe to Moldova seeking its future within the EU (it sends more than 50% of its exports to the EU compared to just 17% to Russia) there is little enthusiasm on the EU side to go beyond current structures such as the Eastern Partnership.

## Southern Caucasus

Until the Georgian conflict in 2008, the region did not receive much attention from the EU since the independence of Georgia, Armenia and Azerbaijan in 1991. This was partly due to distance, lack of knowledge, perceived instability and lack of economic potential apart from energy resources. In contrast, all three states had a strong European identity and, after initially being excluded, lobbied hard to join the

ENP in 2004. The EU signed PCAs with each country in 1996, which entered into force in 1999. The three states also benefited from the Tacis programme but its impact was variable in each country. The EU appointed a special representative for the region, Peter Semneby, in 2002 who has struggled to raise the visibility of the region in EU circles. Trade between the EU and two states – Georgia and Armenia – has been insignificant, while the greater share of trade with Azerbaijan is dominated by energy supplies. The “Rose Revolution” in Georgia brought increased visibility for the region and the new President Saakashvili was initially compared well to the autocratic leaders in Azerbaijan and Armenia. But everywhere there was systemic corruption and a reluctance to engage in real reforms.

President Saakashvili seized the opportunity, and the media attention, to promote Georgia’s interest in joining the EU and NATO. It was this latter aim that drew Russia’s fury. Moscow began to introduce trade barriers to Georgian products and harass Georgians living in Russia. In August 2008, Saakashvili launched an attack on South Ossetia that led to Russian retaliation and the de facto conquest of both South Ossetia and Abkhazia. This in turn influenced Russia’s relations with the EU and with NATO with both organisations suspending contacts for a period. The conflict also allowed the EU to play a major role in negotiating a ceasefire with Russia. President Sarkozy of France, holding the rotating EU Presidency, was quick to intervene and secure Russia’s signature on a six-point plan to end the conflict.<sup>19</sup>

Each of the states has certain problems with its neighbours and with regional actors. Armenia is in conflict with Azerbaijan over Nagorny Karabakh. It has no relations with Turkey and has a closed border with that country. Georgia has strained relations with Russia. Azerbaijan is trying to improve relations with Iran. One key element is energy – resources and pipelines. Azerbaijan has



Oilfield Azerbaijan.

17 For example, *Ziarul de Garda*, a Moldovan investigative newspaper, has said that voter lists contained the names of people who had passed away: [www.garda.com.md](http://www.garda.com.md), [www.aljazeera.net](http://www.aljazeera.net)

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19 [http://smr.gov.ge/uploads/file/Six\\_Point\\_Peace\\_Plan.pdf](http://smr.gov.ge/uploads/file/Six_Point_Peace_Plan.pdf)

significant energy reserves and would be a key factor in the successful development of the proposed Nabucco pipeline. The Southern Caucasus also sits astride the transportation routes bringing oil and gas from Central Asia, the Caspian and potentially Iran to Europe. The three states also have borders with important powers – Russia, Iran, Turkey – and it is not surprising, therefore, that the ENP states that the EU “has a strong interest in the stability and development of the South Caucasus.”

## EU influence

It is not easy to assess the EU's influence in eastern Europe over the past two decades. Compared to central Europe, where the accession carrot was on offer, the answer is clearly not very much. It could be argued, however, that the EU has simply failed to make maximum use of the leverage it has. For example, it seems transfixed before the Russian bear that now uses pipelines as a blunt instrument as it once threatened to use nuclear weapons. The divisions on Russia among member states are well known and do not help the EU in negotiating with Moscow. But the EU must learn to be more self-confident. It has a population of nearly 500 million compared to Russia's 142 million. Its GDP is twelve times that of Russia and it spends six times more than Russia on defence. Gazprom also gets 70% of its profits from sales to the EU. Why, therefore, should the EU lack self-confidence in dealing with Russia?

As regards the countries of eastern Europe, the main question mark concerns the EU's refusal to grant these countries a membership perspective. There are many who argue that this refusal has handicapped the political forces in favour of the EU and who wish to push through the necessary reforms. Others, including most EU officials, reject this viewpoint, stating that those countries have to demonstrate their ability to fulfil existing contractual obligations before moving on to any new stage of the relationship. This debate is likely to continue for some time.

## Prospects

The prospects for a fundamental change in relations between the EU and the states mentioned in this chapter depend mainly on how these states evolve internally. For many supporters of closer relations between the EU and eastern Europe, they overlook the three cs – criteria, conditionality, credibility. The EU has strict criteria not only for membership but for association agreements. Brussels, along with the IMF, sets conditions for closer relations and the disbursement of financial and economic assistance. And for these countries to engage in closer relations with the EU they must be credible in the eyes of the Union. At present it is difficult to think of any country meeting the three cs test.

Perhaps a bigger issue is the question of identity. None of these states enjoy political stability, genuine democracy or unchallenged territorial integrity. Russia has waged a bitter ten year war with Chechnya. It has gone through a series of sham elections excluding any serious challengers to the ruling elite in the Kremlin. President Medvedev has spoken of the need to strengthen the rule of law but has done nothing to bolster the law during his first year in office. Ukraine is split ethnically and faces a challenge by Russia to its control of Crimea, home to millions of ethnic Russians and home to the Russian fleet until 2017. Georgia has two provinces, South Ossetia and Abkhazia, to Russian control following the August 2008 conflict. There is also widespread criticism of President Saakashvili's alleged autocratic rule. Armenia and Azerbaijan are in conflict over Nagorny-Karabakh. Moldova is a quasi-failed state harbouring another (internationally not recognised) failed state, Transdniestri, in its territory. It is been pressed by Russia and Romania, each offering carrots (energy and citizenship), to choose sides. Belarus cannot decide whether to remain independent or form a union with Russia.

In these circumstances it is not surprising that so little progress has been made in cementing democracy, the rule of law, human and minority rights. Tolerance is noticeable for its absence in the political culture. There is no notion



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*Konstantin Zalastanishvili, Ambassador of Georgia, and Benita Ferrero-Waldner, Commissioner responsible for External Relations and the ENP.*

of a loyal opposition. Power tends to be absolute and corruption is widespread. These trends are evidence of a clear dividing line between eastern Europe and the EU that shows little sign of diminishing.

In the past twenty years there has been a lessening of illusions. EU member states are suffering from enlargement fatigue and even countries at the top of the queue, such as those in the Western Balkans, are seeing their hopes of accession recede into the distance. The EU's top priority is economic recovery after the worst global crisis since the 1930s. It may have to step in and rescue Ukraine but there will be little public support for such a move. The authoritarian trend in Putin's Russia has also led to a lack of public support for closer relations with Russia. It is also difficult to see any closer relations between the EU and Belarus while Mr Lukashenka remains in office. The situation in Moldova also looks unlikely to change in the near future. Indeed if President Voronin remains in power then the country may look more and more to Russia for support. The Caucasus may have gained some increased recognition – but for the wrong reasons. In short the prospects for closer relations between the EU and eastern Europe are poor and will remain poor until there is a fundamental change in the domestic political systems of these countries.

At the same time the EU is investing heavily in its Eastern Partnership, building on the ENP and the Black Sea Synergy scheme. Karel Schwarzenberg, the Czech foreign minister and – in the first semester of 2009 – holder of the EU presidency, has explained the new policy initiative as “not anti-Russian”. It would not involve extra financial resources, would not overlap with existing EU initiatives and was not about enlargement. Radek Sikorski, Polish foreign minister and one of the drivers of the Eastern Partnership, has argued that the EU must show a willingness to devote extra resources to the region. It must also move towards visa free regimes “as Poland had with Ukraine before it joined Schengen.” Hryhoriy Nemyria, Ukraine's deputy foreign minister, has argued that the EU must avoid the trap of raising high expectations which are then dashed by a lack of appetite, resources or implementation.

The institutional response to these arguments has been one of caution, reflecting the majority view of EU member states. EU Commissioner, Benita Ferrero-Waldner, has stated that the Eastern Partnership must be a “two-way street”. The countries of Eastern Europe had to make further reforms if they wished to move towards free trade. They had to have secure travel documents if they wanted to move towards visa-free travel. There was an extra 600 million euro for the Eastern Partnership on top of the 11.2 billion euro allocated to the ENP.<sup>20</sup>

It is difficult to tell if the Eastern Partnership will work. The six countries are very different in size, geography and outlook. Not all, for example, are so interested in “Euro-Atlantic values”. Ukraine is clearly the most important of the six but is a country deeply divided on many issues. For the EU, a priority is to ensure that the oil and gas pipelines running through Ukraine are not subjected in future to the disruptions that have become almost standard practice in recent winters. Azerbaijan is another EU priority as it is the only one of the six that can export hydrocarbons

to the EU. It is key to the success of the Nabucco project.

Some see the Eastern Partnership as an exercise in the EU's soft power, aimed at seducing and cajoling the messy, corrupt and unstable ex-Soviet states out of the Russian orbit. But it is arguable whether the political culture of these states, twenty years after the collapse of communism, is more like the EU, or Russia. Certainly Russia continues to have considerable influence in all six states and views the region as "its back-

yard". The fact that it does not even pretend to have shared values (democracy, human rights, rule of law) with the EU, shows little enthusiasm for the concept of sharing sovereignty, and prefers hard power to soft power does not attract much criticism in eastern Europe. The struggle for influence between the EU and Russia in their common neighbourhood is thus likely to run for some time. If the EU is to remain faithful to its founding principles, and to appear credible on the world stage, then this is a struggle it cannot afford to lose.



**Dr Fraser Cameron** is Director of the EU-Russia Centre, Director of EuroFocus-Brussels, an Adjunct Professor at the Hertie School of Governance in Berlin and Senior Advisor to the European Policy Centre (EPC) and the European Institute for Asian Studies in Brussels. He is an advisor to the BBC and to the UK government's Higher Education Panel on Europe. From 1975-89, he was a member of the British Diplomatic Service. He joined the European Commission in 1990, as an advisor in external relations. From 1999-2001 he was Political Counsellor at the EU delegation in Washington DC. Dr Cameron was seconded to the EPC in 2002 as Director of Studies. He has been a visiting professor at several universities and is the author of several books and articles on the EU and external relations.

BEKA NATSVLISHVILI

## Georgia on the Way to Europe

### Introduction

The fall of the Berlin Wall on 9 November 1989 was the symbolic end of the fifty year East-West conflict and marked the beginning of a frontier-free Europe. At the end of the 1980s, in the wake of their failed reform attempts the ruling elites of the communist states lost their power and in breathtaking speed disintegrated. As a consequence, the Soviet Union, one of history's most powerful empires, broke apart.

While the end of the Cold War was greeted with universal celebration, the unaccustomed freedom in the majority of the new states was not always a reason for joy. The new governments (some of them democratically elected) of these new states had no experience of ruling independently and were not up to the challenges of domestic and international realities. With the disappearance of the danger of global conflict, old and latent conflicts once more surfaced in Europe. A growing nationalism provoked deep divisions in ethnically diverse societies. Very soon violent conflicts, poor economies and widespread corruption became bitter reality. In a parallel development, these states found they carried new weight in the changed constellation of interests and power. Third countries used these states in the pursuit of their own political and economic interests. Internal problems of state building, outside interference and above all total lack of experience in being able to deal with these challenges held the danger of creating a pre-Westphalian<sup>21</sup> situation.

To some extent a new line of division in Europe could be observed. On the one side were the

countries of central Europe and the Baltic states taken in to the European family and on the other post-Soviet states unable to shake free of the Russian sphere of influence.

The west only began to take a closer interest in the economic development and democratic standards of the region as a result of the growing energy significance of the Caspian region in the middle of the 1990s and the changed strategic circumstances post 9/11. Increased activity on the part of international organisations and growing interest from the west helped the countries of the South Caucasus better tackle their problems. The so-called Rose Revolution of 2003 in Georgia could be described as one of the successes of this development. Although there have been some positive developments in the last two decades, the unresolved territorial conflicts in Georgia and between Armenia and Azerbaijan, refugee problems and weak democratic institutions have held up progress.

After the EU eastern enlargement in 2007 and the prospect of Turkish EU membership, the South Caucasus found themselves in the immediate neighbourhood of the European Union. This meant that they had become a more important factor in the maintenance of peace in Europe. The unresolved conflicts and the precarious state of the countries in this region posed the threat that they could export their instability to the European Union. But at the same time it offered the opportunity for stronger engagement and greater influence in a strategically important region that could lead to positive development.

21 Between 15 May and 24 October 1648 the Peace Treaty of Westphalia that ended the Thirty Years War was negotiated in Munster and Osnabrück. The order established by this Westphalian Peace is regarded as the basis of peaceful coexistence between self-governing states that led to the establishment of modern international law.

Just how important stability in this region is for the EU was demonstrated during the Russian-Georgian conflict. It was French President Sarkozy, in his capacity as President of the European Council, who took on the role of mediator. The six point plan that he negotiated left a couple of questions open (Georgia's territorial integrity and the safeguarding of security in the region) but given the difficult nature of the negotiations can be regarded as a success as it managed to secure a cease fire. The EU's observer mission in the conflict zone and the new Eastern Partnership<sup>22</sup> demonstrate growing European interest in the region.

### The crisis following independence

The collapse of the Soviet republics took place at different rates. In Russia, Kazakhstan, Uzbekistan, Kirghizstan, Turkmenistan, Tajikistan, Azerbaijan, Ukraine and Belarus the still powerful communist power barons were prepared to sign up to the 20.08.1991 Gorbachev proposal for a new union that would replace the Soviet Union with a looser arrangement. For the non-communists in power in the Baltic states, Armenia and Georgia a return to a union with a centralising authority such as Russia was unthinkable. They organised the so-called Kichiniv Forum to coordinate their strategy vis-à-vis Moscow. These five countries in no way formed a cohesive community but they did have one thing in common: a strong dissident movement that had emerged after the 1975 Helsinki final act.

On 27 December 1991, four months after the failed August putsch in Moscow, the Soviet flag was lowered and replaced by that of the Russian Federation. This marked the final dissolution of the Soviet Union. The longed for freedom had now been achieved. In October 1990 the nationalist party grouping (Round table - Free Georgia) under the leadership of the prominent dissident Gamsakhurdia won a parliamentary majority in the first multi-party elections. In 1991 he was elected president.



*Georgian nationals protest about the war outside the Russian Embassy in London.*

The Soviet use of a divide and rule ethnic policy in such a small country where there was already a fear of foreigners helped foster an ethnically driven nationalism that later proved fatal. The government proposed that the ethnic minority, some 30% of the population, should, in the interest of domestic peace, recognise the special position of Georgians in the Georgian state. The already secessionist minded minorities did not agree. Ethnic tensions in two autonomous regions had already been pre-programmed during Soviet times but the nationalist rhetoric of the Georgian government brought things to a head and made military conflict inevitable. In 1991 fighting broke out in the South Caucasus while something similar was brewing in Abkhazia.

Russia intervened in the conflict, profiting from Georgia's inability to maintain its own position in the region. The idea that the west would support Georgia's independence whatever happened proved to be naïve.

In order to neutralise Russian influence and disappointed by the west, the government changed its foreign policy focus. With the Chechen leader, Jokar Dadaev, Gamsakhurdia introduced the "Caucasus House" - a solidarity initiative for the people of the Caucasus under Georgian and Chechen leadership but lacking any clear-cut concept. This change of policy suffered both from the animosities of the various peoples in the region and the repeated underestimation of Russia.

22 See [http://ec.europa.eu/external\\_relations/eastern/index\\_en.htm](http://ec.europa.eu/external_relations/eastern/index_en.htm)



This new policy was in contradiction to the originally planned western orientation and contributed to the country's isolation. Gia Jorjoliani, a member of the first Georgian parliament described it as follows: "Because of the undemocratic nature of government leadership, its policies attracted more criticism from the west than support. In addition, the government had no clear idea as to possible foreign policy partners. Europe hardly came into the picture, the west was equated with the U.S. but the U.S. preferred a policy of Russia first."

The desolate state of the economy, the ethnic conflicts and an inclination to dictatorship, split society and led to a putsch in December 1992. The swift failure of Georgia's first steps as an independent state were not just due to external influences, ethnic conflict or inexperience on the part of the governing elite but also society's perception of independence.

In contrast to the Baltic states that had viewed the way to independence as being bound up with the fight against the Soviet system and communism, the Georgians viewed this as disengagement from Russia. The question as to what came next was only posed later. The Balts found their identity and bearings in the European family and strove to return to its fold. The Georgians did not succeed in doing so and this proved to be crucial.

## **The West discovers the Caucasus**

It was after Eduard Shevardnadze took over power that the first signs of statehood became visible. It was clear to the military council that had taken over after the putsch that it alone would not be able to lead the country out of isolation. The only person for this task was Eduard Shevardnadze, the former Soviet foreign minister, whose achievement in helping put an end to the Cold War made him a popular international interlocutor. This tactic slowly took shape. The German political leadership in particular reacted immediately to Shevardnadze's positive contribution to the German unification process. Germany was the first to recognise Georgia as a sovereign nation on 22 March 1992. Others quickly followed.

Although Georgia had now achieved a foreign policy breakthrough, it still faced numerous domestic challenges. Hostile manoeuvring by followers of the former president, the war in Abkhazia and the actions of the powerful military council forced Shevardnadze to make concessions to Russia. In June 1993, Georgia joined the Commonwealth of Independent States (CIS). As a result, with Russian help Shevardnadze was able to neutralise some of the destructive domestic forces but it also helped pave the way for a long term Russian military presence in Georgia. The hope that Russia would help solve these conflicts and provide economic assistance was dashed.

From 1995 Georgia began to orientate its foreign and security policy towards the West. Two factors played an important role: first Shevardnadze had consolidated his domestic position and the institutions of state had begun to function better; and second, the West had become more involved in the Caucasus. A "contract of the century", signed in 1994 between the Azerbaijan government and an international consortium allowing exploitation of Azerbaijan oil marked a turning point. At the same time there was a greater NATO presence in the region, via the Partnership for Peace programme, and the EU had also increased its engagement.

At the beginning of the 1990s, EU activities were limited to its humanitarian office (ECHO) providing refugee assistance. After a measure of stability had been restored, the EU expanded its activities to the promotion of democracy and market economy within the framework of the Technical Assistance to the Commonwealth of Independent States (Takis) programme. From 1995 there were programmes to promote food security and agriculture, reform public administration and develop the private sector. Assistance was also given for the restructuring of the banking system and the drafting of a new constitution. One of the largest of the Takis infrastructure programmes was the regeneration of the silk route, the Transport Corridor Europe-Caucasus-Asia (TRACE-CA). This project was to improve transport in the ten participating countries that stretched from the Caspian to the Black Sea and so provide faster

and cheaper routes to the international market. It was also to balance out the rather one sided connections to the post-Soviet space and help open up long term future markets for the EU. A complementary project to TRACECA was the Interstate Oil and Gas Transport to Europe (INOGATE). This was the beginning of a European infrastructure project that, in the wake of the second Gulf war, reflected the EU's growing interest in diversifying energy sources and improving energy security.

A new phase in the relationship between the EU and the three countries of the South Caucasus was the Partnership and Cooperation Agreement (PCA), signed in 1996 and ratified in 1999. In the preamble, the EU emphasised the political and economic importance of the region and called for a step by step approach to greater cooperation between the republics of the South Caucasus and Europe. The PCA requires the EU to support the sovereignty and territorial integrity of the countries and provides measures to foster cooperation. The partner countries for their part undertake to respect democracy, human rights and the principles of the market economy as prerequisites for deeper relations with the EU.

With greater investment by European companies in the region's energy sector, local South Caucasus conflicts began to be noticed by European politicians. In February 2001 an EU troika delegation visited the region. This visit marked a turning point in relations between the EU and the South Caucasus and led to the EU considering a more active security role in the region. The Commission believed that it would be better if instead of a technical assistance role it took a more proactive stance to help resolve regional conflict.

This increasing interest resulted in new EU policies for the region. In 2002 there was a new European Neighbourhood Policy (ENP). In the European Commission's first communication on the subject, the three South Caucasus states were only mentioned in a footnote. In the summer of 2003 the Council nominated Finnish diplomat Heikki Talvitie as special envoy to the South Caucasus. His mission was to raise the presence, coherence and visibility of the EU in the region.

Shortly afterwards the Commission, together with the High Representative for the Common Foreign and Security Policy (CFSP) and the special envoy proposed that the Council also include Armenia, Azerbaijan and Georgia in the ENP. They cited various reasons: the importance of the region as an energy producer for Europe and its recent political and economic improvements; secondly, decisions as to acceptance into the ENP were being made on the clear ground that ENP participation held out absolutely no prospect of EU membership. At the same time, with the imminent accession of Bulgaria and Rumania and possible membership for Turkey, the EU's borders were moving ever closer to the region. Thirdly, the Rose Revolution had aroused sympathy for Georgia in western countries and this provided a positive impulse for more intensive relations with the region.

In contrast to his predecessor, Shevardnadze's government could demonstrate some success. The first steps towards a market economy were made. The country became a member of the World Trade Organisation (WTO) and the Council of Europe. He also succeeded with significant support from the International Monetary Fund in stabilising the country's currency. The foundations were laid for media and press freedom and, most importantly, the country had succeeded in determining its foreign policy without outside interference.

Even so, the country was still a long way from being a proper democracy. Corruption and business mafias were ubiquitous. Criticism in the media about the government had no effect. The difficult social situation and unresolved conflicts caused much resentment among the population.

### **The Rose Revolution and new challenges**

With the further engagement of the west in Georgia the Shevardnadze government lost its backing. It was above all the U.S. that was firmly convinced that Georgia should be democratised whatever the cost. Shevardnadze was soon dropped for another candidate. International aid had already been reduced even before the fixed

parliamentary elections of November 2003 that finally brought down the government, on the grounds that projects in the energy and finance sectors had been unsuccessful. The Council of Europe and the EU were increasingly critical. Tbilisi found itself disproportionately under the microscope of international democratic monitoring groups.

As expected, the elections had irregularities. Hefty western criticism gave the Georgian opposition the green light to go on the offensive. Led by a young pro-western politician, Michail Saakashvili, the opposition succeeded in forcing Shevardnadze's resignation after weeks of protest action. Because of its peaceful nature, this change of government became known as the Rose Revolution.

In a wave of national euphoria, Michail Saakashvili was elected president by an overwhelming majority. His party, the *National Movement* won more than 60% of the parliamentary seats. The young president therefore was in a good position to push through the necessary reforms and pursue a firm foreign policy.

As expected, the new government made great strides in concentrating its policies on the west. Membership of NATO and the EU were declared foreign policy goals. In a symbolic gesture almost every house in Tbilisi displayed a European Union flag alongside that of Georgia.

Bolstered by unlimited political power, a number of reforms were carried out at the beginning of his period of office. Initially, corrupt officials from the previous government were called to account, although sometimes using questionable methods. As with the selling of indulgences, offenders could officially buy themselves out of trouble. This filled the state coffers but aroused great ill feeling in the population.

One reform banished corruption from educational institutions but many of the old teachers and professors remained unemployed. Reform of the health service also aroused resentment amongst broad swathes of the community. The treatments became expensive and many doc-

tors lost their jobs. Economic reforms improved the investment climate by reducing taxation and simplifying company registration but workers still had no protection.

For a long time the police, along with the church, was the only institution trusted by the Georgians but over time it too was criticised for its brutal actions. There was much popular discontent that officials, who had abused power, seemed to have got off so lightly. Blinded by the force of their political power, the government simply ignored these mistakes. The pent up dissatisfaction burst forth in a wave of protests in 2007. In November of that year a demonstration was violently broken up and a television station that had criticised the government was shut down. With these actions the regime lost all vestige of legitimacy. To regain it, elections were ordered to be brought forward and Saakashvili and his party were duly returned. Many sections of the population questioned the validity of the election results. After the event an OSCE electoral observer commission was also critical. The goal of restoring the government's lost legitimacy had not been achieved. Since then every crisis of legitimacy has turned into a crisis of the state.

The country also faced many foreign policy challenges. Unresolved territorial conflicts and a tense relationship with Russia forced the government to undertake far reaching military reforms. Georgia, as a member of the anti-terror coalition and NATO applicant, has received very generous aid from the U.S. Russia, however, has felt threatened by the idea that NATO could expand into its immediate neighbourhood and that Georgia would seek to remedy its territorial conflicts by military means. After repeated Russian provocations in the border areas of the conflict regions, Georgia instigated combat operations that came to a head in August 2008 when the Russian-Georgian war broke out. As a result, Russia recognised the sovereignty of both secessionist states and established new military bases on their territory. In contrast to the U.S. that reacted by simply condemning the Russian action, the EU swiftly responded and negotiated a ceasefire.

## EU policies and interests in the region

The EU's strategy for Georgia and the South Caucasus is one based on the creation of a zone of affluence and good neighbourhood – a ring of friendly states. This might all sound a bit altruistic but there is hard headed political thinking behind it as the following quotation from EU Commission for External Affairs, Benita Ferrero-Waldner (speaking about the ENP) demonstrates:

“Exporting security, stability and economic well being to our new neighbours and assisting them with structural reforms has a clear security dimension. In this manner the ENP is an intelligent, long term security policy for a whole region.”

It is above all the need to secure energy resources that defines the EU's interest in the region. Georgia is part of the energy corridor whose pipelines transport gas and oil from the Caspian Basin to Europe, bypassing Russia thus reducing Europe's dependence on energy imports from Russia. Three projects are already in operation: the Baku-Tbilisi-Supsa and Baku-Tbilisi-Ceyhan oil pipelines and the Baku-Tbilisi-Erzurum gas pipeline. An additional gas pipeline “Nabucco” is planned and a connection from Odessa to Brody is being extended to allow the mineral rich countries of Central Asia to be brought into the project.

The EU is also interested in fighting drug imports from Afghanistan, organised crime, international terrorism, illegal migration and tackling environmental problems. It is very important that the EU presses ahead with the development of regional structures in the South Caucasus in order to stem conflicts.

In addition to the ENP, the EU has a further instrument it can use in its policy for the Caucasus, the new Eastern Partnership that was inaugurated in 2008 following an initiative from Poland and Sweden. These two programmes are complementary. In contrast to the old ENP, the new programme has taken a step forward in that it offers participating countries the possibility of

association agreements. In addition, the countries have the possibility of determining the tempo and extent of their individual reforms. In return the participating countries gain free access to the European market, less demanding entry requirements for travellers and the chance to take part in the single European energy market. It is no accident that the Eastern Partnership was a Polish initiative. Along with the Baltic states, Poland is one of the group of countries that supports the integration of the South Caucasus, and Georgia in particular, into European and Euro-Atlantic structures. Germany, the United Kingdom and the Scandinavian members of the EU also lobby for the further integration of Georgia into the EU but it is the EU's eastern member states that are the prime movers. In the interests of security they are concerned to create more stability in their immediate neighbourhood. Secondly, their shared history as post-communist countries and the resultant collective and deep-seated mistrust of Russia brings them together for mutual support even if this sometimes means they come into conflict with one of their alliance partners.

## On the way to Europe – the social and political dimensions

In order to examine to what extent Georgia is ready to move closer to the EU, it would be sensible to see how far the country meets the Copenhagen Criteria, the preconditions that applicant countries need to fulfil before becoming members of the EU:

*Political criteria:* stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;

*Economic criteria:* existence of a functioning market economy and the capacity to cope with competitive pressure and market forces within the Union;

*Acquis criteria:* acceptance of the Community acquis: ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

The political criteria are normally the ones that need to be fulfilled before any negotiations on membership can be commenced. In order to guarantee institutional stability there needs to be a clear division between the executive, judicial and legislative powers. After Michail Saakashvili took power the constitution was amended but the so-called reforms only served to increase the power of the executive (i.e. the president) and thus completely destroyed what little balance of power there had been. In addition, the legal system is in a constant state of reform, making it non-transparent. It is often difficult to follow what decisions judges have taken and this damages the rule of law.

The fact that the ruling party has no ideology but is a collection of vested interests bound to the person of the president has meant that public office has not been awarded on democratic principles but according to political loyalty. This has led to the amalgamation of the state, government, party and administration.

The observation of human rights is also lacking in some areas. This was most obvious in the violent way that the peaceful demonstration on 7 December 2007 was broken up. The treatment of minorities, however, has shown some positive developments. There are still too few ethnic minority office holders in those areas where most of them live but everyone has the right to an education in his or her mother tongue.

It is not the political system that can be arbitrarily changed by the government that is the crucial factor in becoming closer to the EU but society's perception of its own European identity.

"In the north, south and west, Europe is surrounded by sea. The Arctic and Atlantic oceans form the continent's natural boundaries. Scholars define the northern most point of Europe as the island of Wagera, the southern most point as the island of Crete and the western most point Dunmore Head. The eastern boundary runs through the Russian empire along the Urals, through the Caspian Sea and then through the Transcaucasus. But after this the jury is still out. Some scholars re-

gard the area south of the Caucasian mountains as part of Asia and others, with particular reference to cultural developments in the Transcaucasus, declare that it must be part of Europe. Well my children, it all depends on you as to whether our town belongs to an advanced Europe or a backward Asia."

This passage comes from a book entitled *Ali and Nino* that portrays events in the Caucasus both before and after the First World War and makes clear the desire of the people of this region to identify with Europe.

The identity of a people is not just dependent upon geographical location but is primarily influenced by history and culture. The Georgians' aspiration to be both European and part of Europe is no accident. In the collective consciousness, Georgia is seen as an outpost of Christianity against the Muslim East and as such part of the *Pax Christiana* that is equated with the West and Europe.

Historically, Europe has had no fixed size – according neither to geography, religion, language, culture nor politics. The motto of the European Union "United in Diversity" demonstrates this. What else can European identity mean other than the sharing of common values? The basic characteristics of European identity such as rationalism, individualism, secularism, nationalism and ideals such as freedom, equality and justice have developed after centuries of debate. Three important historical stages, the Reformation and the religious wars, the French Revolution and the industrial revolution were decisive in shaping these values. As all these significant events are for the most part associated with western Europe, Georgia felt their effects rather late and in an indirect manner.

After a long period of isolation, economic and cultural contact with the West was resumed under Russian rule and this assisted the "Europeanisation of the Caucasus". Georgian students who had enjoyed an education in Russian universities returned at the end of the 19<sup>th</sup> and the beginning of the 20<sup>th</sup> centuries bringing advanced European

ideas such as individualism, rationalism, freedom, equality and justice and the idea of the nation state. The realisation of these ideas, including that of modern nationalism, not based on loyalty to an ethnic group but to the nation and its institutions, was nipped in the bud by the Soviet system.

If one reduces European values and European identity to the lowest common denominator, one is left with democracy. After the demise of the Soviet Union, Francis Fukuyama prophesied the global triumph of western liberal democracy and its values. In Georgia democracy was once more a topic of conversation. The process of self discovery and the search for identity were difficult given the new value system. The following reasons explain this: democracy was for the most part imported from outside via international organisations and society was ordered to adopt it by the government and the political elites. Instead of there being an arena for public discussion in which society's conflicts could be settled in a manner that would encourage democracy and democratic values to develop naturally, it was the government and the elite who dominated the debate. Democracy was just something that was imitated. Accordingly, society was unable to exercise one of the primary principles of democracy, namely the power to decide its own future.

When we look at the process of democratisation in the context of liberal economic reforms and cultural change, we can see that a considerable section of the population, who had suffered loss of status as a result of these changes, exhibited anti-democratic tendencies. The reason there is no nostalgia for Soviet times is down to the permanent state of tension with Russia. Reforms have increased the gap between rich and poor, town and country. This has meant that the feeling of solidarity with fellow citizens and the development of civil society, so necessary in the initial phase of state building, have been impeded.

## The outlook

Although integration into NATO and the EU remain the government's primary foreign policy aims, it cannot be ignored that far more effort is

being invested in relations with NATO. Tamar Beruchashvili, the deputy state secretary for integration into Euro-Atlantic structures confirmed this in an interview: "The Georgian government is keeping to its foreign policy course in relation to the EU and NATO. Given the fact that entry into the EU is not going to happen in the foreseeable future and that the security situation of Georgia is precarious, membership of NATO is being given precedence. This does not, however, mean that we will break off or diminish our EU aspirations as laid down in our current agreements."

While the people of Georgia have knowledge of and speak about NATO, the same does not apply to the EU but this is to be expected given the low level of activity in relations with the Union. The EU is generally equated with the west and in rare cases with the U.S. In addition, there is very little knowledge amongst the populations of third countries about their various treaties, agreements and planned activities with the EU because of the poor way European politicians communicate on these issues. Finally, EU projects are mostly credited in the media to specific national governments thus hampering any upgrading of popular knowledge about the Union.

It was only in the wake of the Russian-Georgian war that the EU, as a result of its intermediary role, began to get wide media coverage and accordingly gained in popularity. Those voices that were mistrustful of NATO membership after losing the war with Russia became ever louder in their calls for greater cooperation with the European Union. It would, however, be naïve to think that the EU, independent of NATO could guarantee Georgia's security. But in a phase when there is still a danger that war could once more break out, a stronger focus on relations with the EU rather than NATO might prompt a less aggressive Russian reaction and help reduce tension. Even the government now seems to demonstrate more interest in the EU. The new Eastern Partnership initiative has also given a decisive thrust in the right direction.

Peace, security, economic prosperity and the freedom to travel, all the things enjoyed by the cit-



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*Europe Square in Tbilisi, Georgia.*

izens of the EU, are what the Georgians expect for their own future. After the collapse of the Soviet Union, Georgia found itself on the losing side of the imaginary division thrown up as a result of the differing speeds of development but this division can be overcome if there is continued political and economic convergence with Europe.

This process of convergence is already irreversible and initiatives such as the ENP and the

Eastern Partnership bear testimony to it. There is no promise of EU membership but these are the first steps towards enjoying the advantages that integration into European structures has to offer. It may be that the EU is a flexible institution but there is no way that it will further put to the test its decision making and other powers with another round of enlargement. Membership of the EU is not an end in itself but rather a way of continuing the country's modernisation. For this reason Georgia would be well advised to carry through the reforms foreseen in the European initiatives and await the next opening of the EU's doors to new members.

As the French diplomat Jean Francois-Poncet said: "There are no mandatory historical, geographical or cultural reasons that define the boundaries of the European Union. Europe is a political and cultural entity that depends upon the interests of those constructing it."



**Beka Natsvlshvili**, born in 1977, is a research associate at the Department for European Affairs of the Centre For Social Studies and lecturer at the NEWKAZ Tourism School. He studied German in Georgia and took a master's degree in politics, sociology and religious studies at the University of Munster, Germany. From 2007-2009 Natsvlshvili was executive manager at the Georgian tourist association. From 2006-2007 he was an associate at the New Economic School Georgia. He is the author of a number of publications on foreign policy issues particularly on Georgia, Russia and Europe.

JENS SIEGERT

## Russia and the European Union: A Deep Moat in Place of the Iron Curtain?

In 1989 Europe – and this includes Russia – was on the brink. Gorbachev, *glasnost* and *perestroika*, everyone had their dreams. At least most did. 1989 marked the breaking free of the countries of central and eastern Europe from the Soviet yoke, for the most part with velvet revolutions. The Berlin Wall came down and the whole continent hoped for a different, a “new” Europe. For two years Mikhail Gorbachev’s idea of a “Common European home” had fired the collective imagination and so many things, maybe everything, now seemed to be possible. The Soviet Union, unusually, did not respond to the European thrust for freedom with threats and tanks. It joined in and under Gorbachev was even to the forefront. Without Gorbachev’s sanguine Soviet Union there would not have been such a swift and smooth German unification and with it the symbolic ending of the division of Europe.

In the wake of this happy and, despite all the differences, shared experience, most countries concentrated on their own affairs. This was only to be expected, as there were enormous problems. Germany had to come to terms with its unexpected (many had already given up hope) unification and the new but old position of once more being the largest country in the centre of Europe. Since then, the older nation states to the east (of the middle) have attempted, not unsuccessfully, to follow the thorny but unquestioned path to democracy and market economy that signifies belonging to the West. Even further east, young countries that had just emerged from the ruins of the Soviet Union sought to define their identity. This also included the new Russia. Throughout the former Eastern bloc, the social, political and cultural changes were profound. Even today the West still remains remarkably and naively untouched by these developments.

Those countries, deprecatingly called “Middle Europe” by the larger powers, aspired to the

fastest possible EU accession but, above all, they desired membership of NATO. They craved security. They wanted to be certain that they would never again be caught between the rock of Germany and the hard place of Russia. There in “central/eastern Europe” or “central Europe” (but not, heaven forbid, “eastern Europe” any more, which just goes to show how hard it is to find a name for the region!) the 1990s were seen as a tough time but one in which things were moving in the right direction – westwards. For them, the EU and the U.S. honoured their promises of freedom, peace, democracy and not least prosperity.

It was different in Russia. There the 1990s are viewed as predominantly years of chaos, economic and social collapse, even national shame and humiliation. Poverty, a weak or even absent state, corruption, a frequently inebriated and laughable president and separatism are just some of the descriptions that are used today to describe this period. In the minds of the Russians, all of this has become bound up with “democracy” and “the West”. This has affected their understanding of these concepts and they have been discredited as both role model and goal.

The passing enthusiasm for all things “western” quickly disappeared in Russia. To be more accurate, they made a mental separation. “Western” was good when it meant technology, efficiency and diligence. The use of the “euro” prefix was a guarantee of quality: Euro-comfort, Euro-renovation, even Euro-cleaning became very popular marketing terms. As soon as it was about their perception of themselves, their society or their state, however, Europe and the West lost their attraction. The “West” that came to Russia was not the dreamed about paradise but a form of limbo or purgatory. A large section of the political elite and the general population came to the conclusion that the “western democracy” foisted





*Soviet war memorial in Tallinn, Estonia.*

on them during the 1990s was not for them. What remains is a mistrust of politics that in recent years, especially with Russian economic recovery, has grown even stronger. In place of the decade long separation provided by the iron curtain that vanished in 1989, Russia and the rest of Europe are now like two tectonic plates sliding past each other. This has left a gap that is hard to bridge.

This will be particularly obvious in the celebratory year of 2009. There will be many celebrations in the EU. Countless fora will debate the significance of the events of 1989. Discussions will center on hopes and failures, memories and that which has been suppressed. Despite all the old and new problems, the disagreements, the all-pervading economic crisis that is once again calling free market economics into question, the tenor of the discussions will be that 1989 was a happy year.

It will be different in Russia. For Russia 1989 is not a particularly memorable year. The astoundingly swift economic developments and the sheer weight of events in these years makes it difficult for the collective Russian consciousness to pick out one particular time that all can agree symbolises this epoch. What is more important today is what

people looking back see as the trigger for the dissolution of the Soviet Union at the end of 1991 and the beginning of 1992. They look at the events triggered by the putsch against Gorbachev in August 1991 and the actions of the presidents of Russia (Boris Yeltsin), Ukraine (Leonid Kravchuk) and Belarus (Stanislav Shushkevitch). Memories of 1989 inspire no celebration in Russia. On the contrary it evokes a melancholy and sometimes angry mourning. The memories in Europe are quite different.

### **The burden of history**

It is a truism that history, despite the prophets of doom, did not cease with the collapse of the Soviet Union. Since that time, many changes in Europe have progressed based on this assessment. Because of their poor historical experiences with Russia and Germany, Poland, Czechoslovakia, Hungary and the Baltic states pushed energetically first for NATO membership and then EU accession. The fact that they had found their way back to Europe was correctly celebrated as the reunification of a continent that had suffered an unnatural political, economic and cultural split. This, however, immediately raises the question of where the new boundaries of Europe lie. The more one moves westwards, the more glib and swift the reply that the boundaries of Europe are viewed as the boundaries of the EU. But why should they stop on the Bug, the Dnieper or the Beresina? Those who live beyond also live in Europe, in a very “old Europe” according to Jurko Prohasko, a writer from Lemberg. Ukraine, Moldova, Belarus and even Russia are “old Europe in two ways: one as part of the old Europe from former times and second as part of the unmodernised Europe that, unintentionally has been marginalised and de-Europeanised by the actions of the EU.” Prohasko’s statement calls for Ukraine to be admitted and also the other above mentioned countries. He also includes Russia. This is not due to any lapse of judgement because of a lack of experience or any particular affection for Russia. Prohasko is quite clear that Ukraine confronted by the choice of Russia or the west would simply be torn apart. Dmitri Trenin, Director of the Carnegie Moscow Centre explains it as follows: “Ukraine does not want to be part of Russia but neither does it want

to part with Russia.” Drawing boundaries in the east of Europe is not easy but drawing no boundaries is also not easy.

In the spring of 2008, *Memorial*, a human rights organisation called for the establishment of a forum on European history to examine the different national interpretations of the events of the 20<sup>th</sup> century. *Memorial* wants to counter the same new demarcation lines in Europe as those cited by Prohasko. Many are keen to use the organisation for good reasons but there are others, who harbour bad intentions. The new boundaries began to emerge just as the call for a forum was being made. Even today it is still not clear who can join the EU and who cannot but one thing is certain, Russia is not included. On this both sides agree. It looks like that in Russia and to the west of Russia those who propagate the myth that the Russians are “different” to the Portuguese, or the Greeks or the Estonians are once more in the ascendancy.

### The Cold War – in the mind

There are a number of different versions as to what happened in 1989. In spite of this, the majority of the citizens of today’s EU would agree with the statement that it marked a victory for freedom: a victory above all of freedom for the people, who for decades or even longer had been forced to be part of the Russian empire and freedom for those, who had lived and suffered in the dictatorships of central and eastern Europe. In today’s Russia only a very few people would agree with this interpretation. It would, however, be wrong to say this is because Russians were bad Europeans or do not feel themselves to be European. There is quite a big difference between freeing yourself or being freed from colonial rule and dissolving an empire by freeing the colonies. This is what happened in Russia under Mikhail Gorbachev – even if many Russians now regret this as a moment of weakness and damn Gorbachev for doing it.

One of the reasons for this negative view is because of the interpretation (accepted on both sides) that the events of 1989 marked the defeat of the Soviet Union in the Cold War. This interpretation, however, tends to obscure in the memories

of Russians and a large number of Europeans the good that came from it. It was good because there was almost no violence. Good because democracy and human rights were victorious. The Cold War was no normal war; it was a fight between ideologies. Victory by one side did not have to mean the other had been vanquished. But unfortunately that is just what happens today: the West won and the East, above all Russia, has had to adopt the political and value system of the victors. Gorbachev, *perestroika*, mass demonstrations in Russia for democracy and *glasnost* or openness have all vanished. In Russian conversation the liberators became the traitors.

Contrary to accepted opinion, the Cold War, did not end in 1989 – at least in Russian minds. This is perhaps the most important reason for the temporary failure to agree a European Union that includes Russia. The Cold War did not begin in the wake of the last “hot” war, nor in 1946 with the split in the allies and nor in 1949 when two opposing German states were established. The Cold War was already a fundamental part of Stalinist ideology and began at the latest at the end of the 1920s according to Arsenji Roginsky, president of *Memorial*. The idea developed from the Bolshevik notion that the Soviet Union, as a new historical phenomenon was in perpetual struggle with the rest i.e. the capitalist world. The country was regarded as a stronghold, besieged by enemies. Within the stronghold there was a fifth column paid by and reporting to foreign enemies. The Terror of 1937-38 marked the first appalling climax of this obsession. Its effects, however, neither ended in 1938 nor with Stalin’s death and not with the disappearance of the Soviet Union. For a short period during the Second World War it did vanish behind the need to deal with an even greater evil than capitalism, that of German National Socialism.

Furthermore, the idea that the country was permanently threatened by enemies made the Russians incapable of any self criticism. The Soviet Union’s perception of itself and its people was not just that they were in conflict for world power but they also felt morally superior to the West. They were fighting for something good. Even

more, they saw themselves as peacemakers, fighting against the Cold War that had been forced on them by the capitalist West. It was the others, the U.S. and the West who were the aggressors. During the Brezhnev period in the 1970s, this rather emphatic view was slowly replaced by a more pragmatic and cynical interpretation. It was *perestroika* that finally put paid to the Cold War. In the event it was only for a short time, perhaps from 1986 to the end of Boris Yeltsin's time in office in 1996. Why was this so?

The great thrill of freedom that swept Europe in 1989 was regarded by almost everyone in Russia as a defeat. This is what those, who, for whatever reason, regret the passing of the Soviet Union thought and still think. But even those who were glad to see the end of the communist dictatorship also saw these events as a defeat. This group mostly agreed with the Western interpretation: democracy, freedom and market economy have defeated Soviet dictatorship and the planned economy. The difference, however, was in perception. One side was pleased about the victory (those in the west and those in the east outside Russia) or about the defeat (dissidents and democrats in Russia). The other side, composed of the vast majority in the new Russia, after a short period of hope and then confusion, were pained by the defeat.

During Boris Yeltsin's presidency, there was an attempt to give the defeat some kind of meaning. This always happens after a defeat. At this point nations begin a period of reflection, in which they come to admire their opponents and then ask themselves how it was that they come to lose. Historian Wolfgang Schivelbusch has found examples of this in his analysis of the U.S. southern states during the Civil War, in France after the Franco-German war in 1870-71 and in Germany post World War I. In the first instance there is not just recognition of the opponent's technological superiority but also distaste for its social and political system. Both aspects are studied to see if anything useful can be learned for their own society with the object being to avoid future defeats. In this process, however, the defeated party always seeks to reassert what it sees as its real self. In order to be victorious in future unavoidable

contests, the moral and ethnic basis of society that has suffered in the wake of defeat needs to be re-established. The technology and techniques of the opponent need to be studied, adapted and then adopted and should the need arise be further developed. The demonisation of the victors as materialistic, decadent and shallow fits perfectly into this way of thinking.

Today, Russians believe that under the cover of humanitarian and altruistic actions, the West used their country's temporary period of weakness in the 1990s to expand its power base to their borders. This manoeuvre meant they controlled regions that the Russians regard as vital to their survival. The long term goal of this policy is to remove Russia as a rival, in other words tie up the giant and keep it within its boundaries. The enlargement of NATO to the east in particular and less importantly that of the EU are interpreted in today's Russia as primarily against Russian interests or even directly against the country itself. These views are all the more so shared by the political elites and the vast majority of Russian citizens on the grounds that for the Baltic states, Poland and other central and eastern European countries belonging to the West is all about being protected from Russia. In the case of Poland there is also an element of protection against Germany. There are few people in Russia prepared to recognise the real historical reasons for these ambitions.

The fall of the Soviet Union was not a catharsis on the scale of the German experience on the downfall of National Socialism. It was neither deep enough nor morally clear enough and therefore did not have the requisite impact. Attempts to accept responsibility and adopt the values of the opponents failed. Unlike the GDR, Russia was unable to put herself on the side of the victors by simply changing its system and elites. This had only been possible during the era of the blocs and it was now impossible that the victims of Soviet repression would choose the same way as Russia. Their histories were now the histories of victims and clashed with the Russian version.

## National narrative

The same history and the same events but this does not mean the same experience for those involved. Did the Soviet Union liberate Estonia, Latvia and Lithuania from the German occupation in 1944-45? Yes, of course. Did the Red Army and its secret service commissars then impose a cruel occupation regime? Yes, also correct. Many Estonians, Latvians and Lithuanians find it very difficult to agree with the first statement and the majority of Russians deny the second. Here is another example: was the famine in the south of the Soviet Union 1932-33 "holodomor" (genocide) as the Ukrainians say, a deliberate attempt by Stalin to destroy Ukraine and its people? The answer is both yes and no, depending on your point of view. Most historians agree today that the famine was primarily the result of the Soviet Union's brutal industrialisation and forced collectivisation of agriculture. The lack of food affected Ukraine, the bread basket of Europe, more severely than other regions. Many also died of famine in the south of Russia and in the Kazakh steppes. Historians also conclude that even if Stalin did not deliberately target Ukrainians, the fact that they made up most of the dead was at least a desired "side effect".

The conflict concerning the bronze statue of a soldier in the Estonian capital of Tallinn in the spring of 2007 and the (to put it diplomatically) hysterical overreaction in Russia that was only partly managed by the Kremlin, tells us a great deal about the power behind national interpretations of history. In this case it was not a matter of deciding who was right and who wrong. In most cases it is neither possible nor necessary. What is unsettling is that especially in central and eastern Europe the various narratives about what happened in Europe during the 20<sup>th</sup> century are used as an instrument for creating dividing lines that lead to problems of identity and power.

The national narrative or as *Memorial* in its appeal describes it, "national pictures of history" have, in recent years, clashed more often, more violently and more intransigently in the eastern part of the continent. This has and continues to happen in more western areas but there are three

important differences. First of all, the conflicting parties mostly now recognise that where difficulties have not been overcome that they must be dealt according to common democratic and liberal values. They must not be openly nationalistic but the issues can concern vital moral or ethical matters. In the EU there are a whole range of discussion fora and other institutions, with whose help such conflicts can mostly be successfully dealt in a civilised manner. Secondly, Russia was for more than one hundred years a colonial power and empire. All the new EU member states in the east and also the CIS republics spent many years under its often harsh domination. They are now attempting to secure their recently won independence – and do this both domestically and internationally quite understandably first and foremost if not exclusively out of concern about their large neighbour to the east. Many of these countries have already found security in NATO and the EU. Others, such as Georgia or Ukraine hope to join. The third difference is the natural insecurity of all countries in the region about their still new identities and recent independence. This insecurity leads to unnecessary aggression and this particularly applies to Russia.

Up to the present, Russia has only a very imprecise idea about itself and especially about its borders. Before 1989 there had never been a Russian nation state. The principality of Moscow of the late middle ages developed after the time of the "Smuta" (the troubles) into an empire that expanded continuously until 1945. Russia's borders including those at the end the Union of Soviet Socialist Republics were always fictitious. They were administrative boundaries within a country but they were not state frontiers. The people of Russia therefore did not have any relationship with these boundaries as the limits of their country. For them Russia had no geographic end. They felt that even beyond the boundaries that was also their land and where that ended was also unclear. This sentiment is strongest in relation to Ukraine.

Until 1945 Russia was a constantly expanding country. Because of this there was a general perception that the country always had to defend itself. For the Russians, borders are prima-

rily of a military nature, lines of defence. Here is where we are. Over there is the enemy. Military frontiers need buffer zones. If the enemy is directly on the frontier, defending against an attack means fighting on home territory, with possible high casualties. The German offensive in the Second World War showed many Russians how damaging this could be. It was for this reason that the idea of a new *cordon sanitaire* became a plausible and attractive option for both elites and general population.

### The Russification of Soviet history

Many Russians and that does not just mean the political and economic elites close to the Kremlin feel, for the above reasons, excluded. To be more exact they feel twofold exclusion.

In the opinion of the Russians, most of the countries that lived under Soviet domination have, with their push to the West, abdicated responsibility for a common Soviet history by Russifying it. In this way they have been able to present themselves as being for the most part victims of Russian repression.

These new national narratives predominantly follow a common line. Russia and more importantly the Russians (including those living in other former Soviet republics) are often portrayed as offenders. The old EU members understandably tend to side with the new members and their interpretation of history.

Within the EU there is a tendency to equate the Union with Europe the continent. This is particularly noticeable where values are concerned. EU enlargement criteria are quite clear that only democratic, liberal and free societies are allowed to be members and this is strictly controlled before accession. Not all member states and certainly not all the pre-accession countries meet these criteria. Nevertheless, some countries that are already members of the EU or appear to have a good chance of becoming so in the near or distant future have rather dubious democratic credentials. Russians therefore correctly conclude that there must be other membership criteria. At

the same time, Russian membership of the EU is fully excluded. There are all kinds of good and clever arguments on this topic and Russia had made one of the greatest contributions to ensure that this is no longer up for discussion. Russia has become trapped by its authoritarian and undemocratic history, having once more come to believe the myth that democracy is not for Russians. There was a short period in the 1990s when this was not so but now it would appear to be firmly entrenched.

The call by *Memorial* to establish an international forum for history is based on a third and, this time, inner Russian exclusion. Critics of official greater Russian history have an ever declining audience. The proposed forum could be one way to create more flexible conditions for a reasoned and less ideological treatment of the recent Russian past. A full frontal attack would be the wrong way to go about this initiative.

### Similarities and differences

States supposedly have no friends just interests. If this is true, there is a lot to be said for close cooperation between Russia and the EU. It is not difficult to find reasons among the many statements made by politicians in the EU and Russia: increasing trade, refugee problems, border regimes, education, and fight against international terrorism. In all these and many other areas the EU and Russia cooperate on a daily basis. It is, however, just as easy to find issues that divide them. Interestingly enough there is little on this list that is new. Most of the conflicts have been around since the end of the 1990s: Kosovo, eastern enlargement of NATO, conventional weapons parity in Europe and relations with the common neighbourhood in the east.

Have EU-Russia relations changed at all under Putin? Yes. In the 1990s, Russia was rather weak and the EU was dreaming of becoming a sort of "civil super power". Today, the majority of Russians and their government are convinced that they have (almost) regained their former strength, while the EU is undergoing a post-enlargement crisis. Russia has become a bit richer

and very much more self-confident. The EU has become much bigger but also more uncertain.

The problem, however, is not so much Russia's strength but rather, as the economic crisis has shown, that it is too weak and above all too lacking in confidence to be a reliable partner. It is for these reasons that it bullies its neighbours and that its neo-imperialist attempts often appear heavy handed. For these reasons, the war in Georgia can be seen as a sort preventive defensive action. It was less about Georgia and the protection of people in South Ossetia and Abkhazia and more about the old fear of being surrounded and the *idée fixe* that it always has to measure up to the U.S.

Many of the points of conflict have to do with the fact that the EU has moved eastwards. The new EU members in central and eastern Europe (whose membership of the West had begun more than a decade earlier when they joined NATO) with their long experience of being "Russian" colonies or subject to "Russian" rule still feel anger against their former oppressor. While this might be historically understandable it is not always very practicable. For the EU going "east" means coming closer to that part of Europe that Russia, rightly or wrongly sees as its vital area of interest. This alone could make conflict much more probable as the war in Georgia has already demonstrated.

## Historical traumas

Russia's political elite has done much to ensure that their country is today once more regarded with caution and scepticism by the West. The view shared by many Russians that they are not really welcome in the EU, has a tangible basis. NATO was founded to keep the Americans in Europe, the Russians out and the Germans down. A cynic might say that the EU fulfils the same function for the new members. This does not, however, excuse the lack of democracy in Russia but it does explain much about Russian reactions to criticism from the West and it makes it easier for the Kremlin to manipulate public opinion.

There is another historical disagreement between Russia and the EU that makes mutual understanding difficult. Their respective understandings of state and nationhood are based on quite different historical traumas. They are so fundamentally different that they are mutually exclusive.

The EU is the result of 300 years of European wars that during the first half of the 20<sup>th</sup> century (as the result of German aggression) ended in catastrophe. For Europe to survive it would require the individual nations (the large ones to the forefront) freely to give up part of their national sovereignty. This has now been in operation for 50 years and most EU citizens would say that it works very well.

Russia, in contrast, is still suffering from the break-up of the Soviet Union (or in other words the Russian empire) and it still greatly fears that the same thing could happen to Russia. Putin's recipe for preventing this is to concentrate sovereignty centrally, in one hand. Today, most Russians are firmly convinced that Putin is the right doctor administering the right medicine.

These concepts are not just different they are mutually threatening. The EU, by example and active engagement promises its neighbours that membership will lead them to a full and active life. The EU is an empire of values that has enormous and often underestimated attraction. This attraction also functions in the immediate Russian neighbourhood.

In addition, there is a wide spread belief in Russia that the EU cannot continue to function and will break up. In contrast, there is the Soviet Union with its many constituent national groups that is often equated with the EU. The Soviet Union did not disintegrate directly because of nationalism but it did provide the yeast, whose fermentation finally blew the Union apart. The most important difference between the EU and the Soviet Union, freedom in the first and coercion in the second has not been ignored. For the Russians and their political elite this difference counts against the EU. Only a strong hand



© European Commission

Greeting between Vladimir Putin and Romano Prodi 2003 on EU-Russia summit.

and state control are effective in the long term at holding together such a many faceted institution as the EU and even a highly centralised one such as the Soviet Union. Based on this perception, the end of the Soviet Union is seen as being caused not as a result of too much coercion but too little. In today's Russia, Gorbachev is regarded as a weak and incompetent leader, who did not have the toughness and strength to force the country to stay together.

## Sovereignty

While the Russian political elite rejects the West's liberal democratic model, neither do they subscribe to Asian schools of thought on nationalism. They look instead to a concept of sovereignty that is both anti-pluralist and anti-populist. This concept can be found in the writing of Carl Schmitt, whose definition of democracy concerns the identity of the rulers and the ruled. Domestic sovereignty comes from the power to define friend and foe and take decisions when they are needed. For many Russians, Putin embodies this identity.

External or state sovereignty is for the majority of the Russian elite, ignoring all reference to international law, not a natural right that states enjoy but an accomplishment. This accomplishment has to do with size (that most interpret as historical achievement), will and the vitality of the people. Given this definition, there are only three real sovereign nations in the world: the U.S., China and Russia. There are three further potential such powers: India, Brazil and the EU.

India and Brazil still need time to achieve their full potential. The EU fails, however, because of lack of will to emancipate itself from the U.S. and either take up a position as a Russian ally or one that puts it equidistant between East and West. If this logic is followed, the development of the new central and east European democracies can provide no model for Russia. Membership of or close association with the EU (or NATO/U.S.) are seen as possibilities for smaller nations such as Poland or the Baltic states, but not for Russia. The idea of state sovereignty is presented as being as universal as the idea of democracy. Here the *Brezhnev Doctrine* of limited sovereignty peeps through but this time as natural law.

## The malady of vanity

When Vladimir Putin said that the end of the Soviet Union was "the greatest geopolitical tragedy of the 20<sup>th</sup> century", it appeared in the West to be a gross exaggeration that demonstrated just how deep was the malaise caused by the fall of the Soviet Union. This sickness had been made worse in the 1990s when they realised they were a weak nation whose government had been forced to take instructions from the International Monetary Fund. The peoples of Ukraine, Poland and the Baltic states, who were experiencing enormous economic and social problems and political devastation did not just have the promise of a democratic and free future in a united Europe but they had also taken real steps in this direction in the 1990s. The tragedy of Russia is that her citizens paid for their hard won freedom with poverty, great inequality, civil strife and inept government.

This was the atmosphere that allowed a "Putinism" to flourish that returned the country to the state of a besieged fortress. "We" are once more in the position to affront the West. There is one fundamental element of the Stalinist variation of the great struggle that is not present in Putinism. This new struggle can be interpreted as less about ideology and more about culture and civilisation. From the Russian point of view they do not want the West to take away the essential quality that makes them Russian and demonstrates how

they are positively different to the West. This debate is not new either in Russia or elsewhere. Already in the dispute between the Slavophiles and the so-called Westerners in the second half of the 19<sup>th</sup> century the issue was whether Russia should follow the Western pattern of development to become part of "European civilisation". Even in Germany this question was to the forefront for a long time. Thomas Mann, referring to Fyodor Dostoyevsky, who was close to the Russian Slavophiles wrote *Observations of a Non-political Man* during the First World War justifying Germany's defence against the West as the necessary protection of its "inner being".

### A wide moat instead of an iron curtain

Twenty years after the upheaval, Russia is still caught in a strange intermediate state. It cannot decide whether to be a friend or a foe of the West and the EU. It pivots between rejecting and wanting to belong to Europe. The present and the future speak for friendship but the past holds the country in the old friend-foe grip. While this question has been decided in most of Europe, it has remained open for a few countries on the eastern edge of the continent. This does not, however, mean that the EU should write these countries off. They are not doing this with Ukraine, Moldova, Georgia, Armenia or Azerbaijan and not even with a recalcitrant Belarus under Lukashenka. In many respects, Russia is of a different calibre. The Russians know this and the EU senses it.

The isolation of Russia by other countries and its self-imposed isolation are two sides of the same coin. In 1989 the Iron Curtain was

wrenched open and this was a joint effort. In the West one often gets the impression that the Soviet Union was forced to its knees pushing Russia to take its chance. Such chance does not last long. Questions and doubts as to whether the action had been correct or not soon arise. There were a number of fainthearted attempts in Russia to credit the end of the Soviet Union and the abolition of the East-West divide as the result of their efforts. The simultaneous loss of world power status and economic and social collapse blighted this view and it was these latter factors that held sway. Quite if and when there will be another opportunity, nobody can say. A new separation of Russia from the rest of Europe would not be beneficial – and impossible.

As Dmitri Trenin has said: "There will be no peace in Europe without the missing piece Russia." Or in other words: there will be no peace in Europe without Russia, but with Russia peace will be difficult. The countries lying between Russia and the EU must not be left alone. The promises of 1989 also apply to them. If, despite all resistance and fears, Russia is not successfully brought into a common Europe then there is a danger that a new in-between Europe will be created. The countries of this region must not be left on their own. No attempt, however, must be made to push or pull them as this could well tear them apart.

Recently the EU has shown signs of weariness. The large country to the east is simply too much. The Americans, the Chinese and the Russians can fight it out in a multi-polar world but the EU does not want to participate. It must, however, or the promises of 1989 will not be fulfilled.



**Jens Siegert** (1960) studied political sciences, sociology and economics in Marburg. He was active in the peace movement, the movement against nuclear power plants and within the German Greens. Since 1993 Siegert has worked as a correspondent in Moscow for German radio stations and has contributed on a regular basis to German-language magazines and newspapers. Since 1991 he has advised and managed projects of the Heinrich-Böll-Stiftung in the successor states of the former Soviet Union. In 1993 Siegert became the "honorary consul" of the hbs in Russia. Since 1999 he is the director of the Heinrich-Böll-Stiftung Russia.



JURI DURKOT

## Tales from Ukraine

### Scenes from the Orange Revolution

There are two images of the *Orange Revolution* that are as fresh in my mind today as if they had occurred yesterday. If I remember correctly, the first image is from the second day. My friends and I were on the way to a demonstration. I think it was about putting pressure on the local government of Lemberg in the western Ukraine. The police were sporting orange ribbons on their uniform jacket arms and the streets were packed and noisy on that cold November evening. The first buses were hastening to Kiev, carrying people to Majdan Square that was filling up with ever more demonstrators. Even the rumour that there would be roadblocks en route did nothing to intimidate people. The whole of Lemberg was bathed in a strange soft glowing light. I did not immediately realise that this was only partly due to the rather meagre street lighting. It appeared to emanate from the crowd, from their orange jackets and scarves, from their happy faces and from their friendly smiles. There was no fear in their eyes, no tense or worried looks although it was certainly not at all clear as to how the situation would develop.

The second image from a few days later is one of a group of small children walking along the street. The children and their supervisors were on the way to the playground. They must have been from a kindergarten as none of the children appeared to be old enough for school. They were somewhere between four and six years old. They all wore orange scarves and sang the song "Together we are many...", the song of the revolution. For the children it was a game. They did not understand what was happening in their country even though every family was speaking about it at home. What they did understand, however, was the prevailing mood. Clearly they were enjoying it and they wanted to take part in the carnival at-

mosphere. This image was so natural and moving that it was suddenly clear to me that we would win. The old corrupt regime could not hang on much longer.

### Five years later

Almost five years on, virtually no one talks of this time with any enthusiasm. The Orange Revolution aroused too many expectations and the following years brought too many disappointments. It was only in the immediate six months afterwards that we were all unbelievably proud of our country and ourselves. Some observers say that the Orange Revolution was the Ukraine's later version of the 1989 Revolution. At that time we did not have to fight for our independence. With the demise of the Soviet Union, Ukrainians unexpectedly gained their independence in 1991. The boldest dreams appeared to be coming true. We had gained our freedom. Feted by the democratic world, we believed there would be swift reforms and a fast entry into the European Union. But it was to be different.

The fight against corruption that was a major election promise of Viktor Yushchenko in 2004, was never undertaken. The country is as far away from an independent judiciary today as it was five years ago. The separation of business and politics has barely been tackled. The fusion of interests of the powerful business clans and Ukrainian politics is hardly less than it was in the early 2000s. At this time, during the last years of President Kuchma, the oligarchs really took control. Today, it would appear that the country is sinking into chaos. Despite ever more serious challenges, the political elite only pursues its own interests and appears incapable of giving up power or desisting from partisan feuding. It would, however, be incorrect to blame this stagnation only on the politicians. It was a popular argument that soci-

ety was much better than the politicians. It is not, however, the case. Ukrainian citizens have again shown themselves to be too weak. Have we once again run our aims into the ground?

### **Chaos – an attribute of Ukrainian democracy**

Despite all the disappointments, warranted criticisms and numerous prophecies of doom, the country did undergo definite change after the Orange Revolution. A more or less free press and democratic elections are taken for granted in the West but in post-Soviet (or should one say neo-Soviet?) regions these are still the exception. The Ukraine has been promoted but the problem is now that it is in a league of its own where not only are there no winners, there is not even a championship competition. You either get promoted or relegated. Of all the characteristics of democracy, the country only seems to have taken one on board – chaos. There is so much in the Ukraine that either does not work or does not work properly. Rubbish collection functions just as badly as the disposal of corrupt and unreliable politicians. The wasteful and uncontrolled use of energy is, for inexplicable reasons, presented as energy consumption. Corruption has not only become socially acceptable but there has even been an attempt to give it a positive spin. The argument runs as follows; if corruption suddenly disappeared, the whole economy would come to a standstill. The country has experienced various scourges in recent times – natural disasters such as floods and tornadoes; economic crises; an unexpectedly good harvest; continuous feuding and elections among the same politicians and the European Football Championship of 2012.

### **Pluralism and competition**

In comparison with other post-Soviet states, Ukraine nevertheless demonstrates a large number of democratic tendencies, particularly in the area of pluralism. This pluralism can be found in politics, in the Ukrainian party system, in public debate and in the media. In the wake of the Orange Revolution competition was once more in the ascendancy in Ukraine. Competition



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*A protester in Kiev inserts roses into riot police shields.*

is evident in politics where today no party or institution is able to obtain total control. The elections (even when they have their problems) are, for the most part, free and democratic. What is perhaps more important is that, until now, they have always resulted in a change of government. This was the case in the spring of 2006 when, after something of a tug of war, the regional opposition parties succeeded in replacing the “orange” coalition. It was also the case in the parliamentary elections brought forward to the autumn of 2007 when the Timoshenko bloc in alliance with President Yushchenko’s *Nasha Ukraina* (Our Ukraine party) again managed a paper thin majority in Parliament. It will certainly be the case in the forthcoming presidential elections as no one can imagine that with popularity ratings of less than three percent Yushchenko will remain in office.

Elections in Ukraine have become the instrument of legitimate regime change. This has not only enormous significance for Ukraine society but it is also unique in the states previously part of the Soviet Union. In practically all post-Soviet states elections are currently seen as a rather unpleasant and time consuming process to either hang on to power, ensure an “ordered change of government” or as a way of rubber stamping a successor. In other words, a necessary sacrifice to democratic traditions made for international opinion.

Competition is not just limited to politics. There is also competition in the media that, post 2004, became free of censorship. Today’s media is increasingly exposed to diverse economic and

political pressures. It is not uncommon for journalists to practise self-censorship and for published articles to be commissioned and paid for. Nevertheless, massive manipulation of public opinion is no longer possible. For this reason, the accusation that Kiev lost the information battle during the last gas pipeline dispute with Russia is spurious. Ukraine neither won nor lost the media battle. The fight never really got going but this was not because Ukraine was too weak or lacked the skills. A media battle requires certain pre-conditions such as a propaganda machine or government control of a large part of the relevant media, etc, but these conditions no longer exist in Ukraine. Competition in the media does not quite guarantee absolute media freedom and objectivity but the lack of censorship does ensure that the reader, listener or viewer does have the possibility of acquiring information from a variety of sources and the chance to make up his or her own mind.

At the economic level there is also competition and not just between the rich and powerful business interests and clans. In the last few years, the ever-expanding small and medium business sector has provided further competition although this group now sees the current crisis as one that threatens its very existence.

The fundamental problem is that the vital framework required to ensure competition does not function. Even those involved show little readiness to observe the rules. The result is that competition (one of the fundamentals of a democracy) almost inevitably leads to chaos. Two additional fundamentals for democracy – separation of powers with functioning institutions and a readiness to achieve consensus – are still a long way off in Ukraine. The courts continue to be used for political purposes, the president interferes in areas where the government is competent, laws are often passed to achieve short term political goals, all those active in politics try to alter the rules to their advantage and in power struggles politicians look for immediate political success. In addition, the situation is complicated through obvious regional differences between the various parts of the country. Often these differences are simplified as conflict between eastern and west-

ern Ukraine and attract numerous clichés but this only serves to make the situation even more complicated. The Ukrainian elite has been unable to negotiate a consensus on the country's most important strategic questions such as the negotiations with Russia on gas supplies and the definition of foreign policy priorities.

Even when individual institutions or political parties (be it the president or party actually in office) want to acquire more power, political competition makes it very difficult for this to happen. There is now in Ukraine a political triangle made up of the parliamentary majority/government, the opposition and the president. The interplay between these institutions differs depending on the situation and the current political constellation. There will, however, always be fundamental extremes in this system between government and opposition as well as government and president. It is therefore no surprise that the relationship between the president and the prime minister is not much better than it was during the Yanukovich period even though Timoshenko and Yushchenko actually belong to the same political camp. In contrast the relationship between the president and the opposition is often much more relaxed as the president often views the opposition as an ally in the fight against an overly powerful government.

The constitution approved during the Orange Revolution in December 2004 and entering into force at the beginning of 2006 replaced a system based on a strong presidency with one based on two power centres in the executive and a muddle of competences. This system has not proved to be particularly effective. In the meantime, all political parties talk of the need for a new constitution. Each party, however, has its own ideas as to what this means. While the president understandably wants to see his institution strengthened and a de facto return to the old situation (the president's name is not so important), other political players have their own agendas. On this issue the interests of the government and the opposition converge as both prefer a weaker rather than a stronger presidency.



Ukraine-Poland border.

The tense relationship and conflicting interests encompassed in this political triangle make for an unstable equilibrium that hinders Ukraine's development. At the same time it replaces the true democratic separation of powers and the necessary balance between the legislative, executive and judiciary. Changes to the Ukrainian constitution that would remedy these contradictions are overdue. As any change in the constitution will require broad consensus and as the interests of the most important political players are so different, there is unlikely to be any swift reform. In addition, there is also the danger that changes made as a result of compromise may be just as contradictory and lead the country into yet another political dead end.

### Nostalgia for communism

At the beginning of 2004, a friend gave me a Polish book with the short title *Nostalgia*, a paperback first published in Poland by Czare and which had almost cult status in Ukraine. The front cover, done in sepia, showed a couple of stalls bearing all kinds of junk against the background of a house wall and an enormous portrait of Karl Marx. The subtitle of the book was *Essays on the Longing for Communism*.

One of the contributions described what the Polish writer, Pavel Smolenski, had observed in an Italian ski resort, Bormio, at the end of the 1990s. It was the middle of January, the shoulder season before the start of the Italian holidays. There were not many tourists. Most of those in the bars, on the slopes and ski lifts were speak-

ing Polish, something unimaginable ten years previously. At one table there were two couples, middle aged, elegant ski suits, new gloves and the latest carver skis. Everything was from Rossignol and the height of fashion. One of the men paid with a credit card and remarked – presumably in relation to their conversation – “that everything had been better under the Communists”.

Smolenski was particularly surprised that such a comment had come from a member of the Polish middle class. How had it been better? What had been better? Where had it been better? It is not so easy to find an answer as to why someone should regret the passing of communism, especially when this someone had clearly been so successful after the fall of the old regime.

Smolenski's explains that one of the reasons for this is that under the communists it was very easy to distinguish between “good” and “evil”. Society was divided into two: “us” (the ordinary people, society and the opposition) and “them” (the power holders, the Party and the police). The line up was clear, the division was clear (of course there were “grey areas” but they did not really influence the overall picture) but you did not need to think about it. The prevailing ideology divided everything into a simple “black” or “white”. It was taken for granted that the majority of Polish society fell into the “us” category. Today, in a democracy, it is no longer so clear as to where the lines between “good” and “evil” lie. The nostalgia for the communist regime is really nostalgia for a time when matters seemed much simpler. When you live in more complicated times, there is a subconscious desire to return to the simpler era.

At the time, this example made a deep impression on me. Again and again I asked myself if such a story would be possible in Ukraine. It is clear that there are still a good number of Ukrainians who regret the passing of the Soviet Union. You only need to look at any of our parliamentary elections – the Communists only ceased to be the strongest political group in 2002. Today there are many fewer adherents to communism but obviously they are nothing like as rare as bananas, western cigarettes or a half way decent tasting

toothpaste were in the Soviet Union. These people are mostly those who have lost out (or think they have lost out) from the change of regime. Perhaps this group also includes those, who for ideological reasons, see the demise of the Soviet Union as the greatest disaster of the 20<sup>th</sup> century. But someone from the middle class? I have repeatedly tried to imagine such a situation. I have mentally gone through my list of acquaintances. Nothing. (At that time hardly any Ukrainians went skiing in the Alps.) Perhaps our middle class was too weak. Perhaps I just did not know the right people. Perhaps it was because Ukraine had still not achieved a great enough distance from communism.

### Little change among the elite

In his book *The Real and the Imaginary Ukraine*, Mykola Rjabtschuk, a Ukrainian publicist, divides the post-Soviet successor states into three groups. The first group consists of the Baltic countries, Estonia, Latvia and Lithuania. Post the demise of the Soviet Union, civil society in these countries was strong enough to take over control of the apparatus of state and effect a change to a liberal democratic system from the previous authoritarian regime. A few years later, when the post-communists came to power (as happened in many other countries in eastern Europe), society had already undergone sufficient change. A return to the past was no longer possible. In contrast, in the second and third groups there was never any change at the top. The Central Asian republics of Kazakhstan, Kyrgyzstan, Tajikistan, Turkmenistan and Uzbekistan had no tradition of civil society. As a result, with the ending of the Soviet empire these states quickly developed into differing forms of oriental despotism. Any stirrings of civil society were quickly crushed. In the European ex-Soviet states such as Ukraine, Moldova and Belarus in the west and Georgia, Armenia, Azerbaijan in the Caucasus and also in Russia, civil society was too weak to crush the authoritarian state and transform it into a liberal democracy and the state was not strong enough to subjugate an even weaker civil society movement.

According to Rjabtschuk, this situation resulted in a certain kind of pluralism. The communist

elite was no longer able to control everything on its own and it had to compromise. In the Ukraine, the communist old guard made a deal with the *National Democrats* but after a short interval was able to assert itself once more.

Ukrainian society, so strongly influenced by the Soviet system, was not mature enough in the first years of independence to ensure that there was no going back from democracy. During the first phase of the unstable alliance between the National Democrats and the post-communist elite under President Kravchuk (1991-94) efforts to implement democracy were minor and half-hearted. The consequences of this indecisive policy (that would seal Kravchuk's fate) were an economic crisis and the escalation of domestic tension that resulted in the separatist movements in the Crimea. In addition, the difficult relationship with Russia made the whole situation even more complicated.

As independence did not bring about any change in the political elite, democratic reform was only piecemeal. Leonid Kuchma's election victory in 1994 replaced the Kravchuk era Communist party old guard with the more pragmatic "new guard". But one can hardly describe this as a real change at the top. It was rather a transitional change. Some economic reforms were introduced but measures to build democracy were slow to be developed and in the second half of the 1990s they were removed piece by piece. The 1996 Ukrainian constitution established a centralised vertical hierarchy with some elements of regional self government. It was especially during President Kuchma's second term (1994-2004) that Ukraine moved ever further from democracy to an increasingly authoritarian state. This went hand in hand with the rise of the few finance and business groups, who had made their fortunes in raw material trading, especially gas, and knew how to exert political influence. Bit by bit they pushed aside the old post-communist nomenclature, enriched themselves with, often dubious, privatisations and enjoyed wide ranging privileges, tax advantages and monopolies. In time they were able to extend their control over whole areas of the Ukraine economy. Observers

increasingly spoke of an oligarchy directed by a small number of financial and business clans in which business and politics were fused together. Also typical for such a system is widespread corruption, a lack of an independent judiciary, no functioning separation of powers and a free media. In spite of all this, there was some development of civil society that soon showed itself to be much stronger than in Russia and other neighbouring post-Soviet countries.

Even the Orange Revolution did not result in a clean break with the past. There was no change at the top. Even though there was a significant change in administrative personnel, the new officials still came from the same milieu. Hardly any of the old racketeers were brought to book – neither for falsifying election results nor dubious privatisations nor for persecuting journalists. Even today we still do not know who was responsible for ordering the murder of Georgi Gongadse.

There is now a sort of political caste in the Ukraine that carries on bitter power struggles (at both national and regional level) but party political affiliation is not an important aspect of the conflict. There are still changes of government but the fundamentals of the political system that has become an instrument for serving personal interests and increasing personal wealth, remain the same. All politicians have too many skeletons in the cupboard to have any serious interest in changing the system. There is now an enormous chasm between the population and politicians. In the short term it will be very difficult to alter this situation. What is more likely is a continuation of the chaos and only small and laborious steps in the direction of democracy.

### **Dialogue with the EU**

The Swiss author, Martin Suter in his book *Business Class*, tells an amusing and ironical story about Prince Charles, who when he wants to use the ski lift has to stand in line like everyone else. This, he points out is what is good about an old democracy. In Ukraine, Prince Charles would not have had to stand in line. Many of those who have made it to the top in Ukraine would not stand in

line. Given that, why would you bother to respect small things such as traffic regulations and other rules of conduct? Ukrainian society is too anti-social and lacks a feeling of solidarity. Are these perhaps the real reasons as to why, from the very beginning, it was so difficult to have a proper dialogue with the EU?

Immediately after gaining independence, Ukraine set a careful foreign policy course to develop closer relations with the West. As early as 1996 there was a first reference to the strategic goal of integration into European and Euro-Atlantic structures. The continuing political manoeuvring between Moscow and Brussels, but especially the domestic developments in Kiev, aroused increasing scepticism amongst the Europeans. As the European Union did not really have a proper strategy, Brussels was quietly happy with the situation as it meant it just had to react. The Partnership and Cooperation Agreement signed in 1995 and entering into force in 1998 never developed its full potential. It was only in 2004 that there was more impetus in the relationship.

Even today, it is difficult for the EU to decide a clear strategy. Brussels does not have much leeway. It would, however, be wrong to write off Ukraine as a hopeless case and a land descending into chaos. This point of view happily does not have many supporters within the EU, although the unpredictability of Ukrainian politics does make life difficult for the pro Ukrainian lobby. If cooperation is to be developed there are three important areas that need consideration: expansion of the Eastern Partnership programme (in its widest sense), active participation in the modernisation of the Ukrainian pipeline infrastructure and real advances in the application of the agreement on easier visa regulations. For the Eastern Partnership there could be a medium term option of increasing funding for various projects. It will be particularly difficult persuading the Russians that modernising Ukrainian pipelines is not against their interests. Opposition from Moscow will, however, require the Europeans to develop a not insignificant amount of political will and a common strategy. A real improvement to the visa regime requires, at the minimum, a less bureau-



*Parliamentary election, democracy thrives in Dnipropetrovsk under the watchful eye of capitalism and communism.*

cratic approach in the EU consulates in Ukraine and clear improvements at border crossings. Unfortunately, Ukraine is sending mixed messages in all three of these areas.

## The visa problem

It is something of a paradox that since their independence Ukrainians have had their freedom to travel continuously curtailed. In the first few years they could travel visa free to former Warsaw Pact member states and the requirements for western Europe were not particularly strict. With time this has changed. Little by little there were stricter visa regulations as neighbouring countries introduced restrictions, finishing with Poland and Hungary in 2003. Since then, some hundred thousand Ukrainians are now working illegally in southern, western and eastern Europe – in Spain, Portugal, Italy, the Czech Republic, Greece and Poland. Not long after the Orange Revolution a visa scandal broke out in Germany that clearly demonstrated how easy it was for such problems to be exploited in domestic politics. The abolition of visa requirements for EU citizens in May 2005 was absolutely correct but it meant the EU would not loosen its general regulations. At best the agreement reached a few years ago to make visas easier to come by has resulted in some improvements. EU consular officials assert that the number of refusals has since declined and the number of visas granted has risen, but this is all a bit like discussing inflation – the statistics differ from the perception.

## Fortress Schengen

When I arrived in January 2008 at the Ukrainian-Polish border, the crossing appeared almost sinister. The large, empty halls, whose purpose even in earlier times had never been clear to me, the multi-lane under cover clearance zone, the corridor for foot passengers bounded on either side by a high and often broken wire fence – a world for smugglers and street hawkers. In fact, the border crossing was completely empty. There were no people and no vehicles. A few weeks earlier, Poland had become a member of the Schengen area.

For many in the region this was the end of the world. Ukrainian street hawkers, who had made a living from small legal and illegal trading, suddenly found themselves without a Schengen visa and without a job. Increasingly angry, they then had to watch helplessly as Polish traders, who did not need a visa to enter Ukraine could carry on their business as before. There were no other jobs for them in the region. Polish wholesalers registered a 70% fall in turnover and even bus traffic collapsed as drivers were unable to get their visas in time.

In the meantime the situation has returned to “normal”. Once more there are queues that seem to move forward and then stop for no particular reason. How much time you need for the crossing is impossible to estimate. It depends on the mood of the border and customs officials and perhaps also luck. Bus drivers now get their visas as do the drivers of heavy goods vehicles and of course the street traders. They get their Schengen visas via an agency for 200 euro (the official price is 35 euro). The new Schengen rules have had an inflationary effect. Many youth and festival organisations are worried about how this will affect cultural exchanges. One often hears stories in Kiev that choirs and children’s groups have to sing or dance to prove their credentials for a visa. A number of theatre groups have already missed out on festivals in fortress Schengen.

## 20 years on


In March I set off for a skiing holiday with my family in Austria. As last year, we decided to travel via Hungary. Then we only needed a half hour for the border crossing. The crossing in Tschop is also a haunt of street traders from both sides of the border. The queue was not long but there was barely any movement. A couple of locally registered SUVs bearing Ukrainian versions of Prince Charles and assorted relatives drove straight past the queue. The Ukrainian border post is on one bank of the river Theiss, the Hungarian on the other. There is an old single lane bridge between them. Once through the Ukrainian passport control there is a 150 metre stretch of relatively wide road before a curve that narrows onto the bridge. Once on this piece of wider road the race began. We were overtaken by cars with both Ukrainian and Hungarian number plates. It looked like they were all fleeing from something but they were just speeding to get a better place in the next queue. When, after three hours, we finally reached the Hungarian border and customs post, it became

clear what was going on. The young Hungarian official was taking his time – he kept disappearing into his booth, then he walked in a bored fashion around the next car. He could not speak any foreign languages, making no reaction to English and demonstrating knowledge of two words in Russian (car bonnet and boot). His other words were international; cigarettes, alcohol and passport. We do not smoke and we had no alcohol with us and with that our short conversation came to an end. My son, bored in the back seat, played chess on a little board on his knee. With all our skiing equipment we hardly looked like street traders but nevertheless the wings and roof of our VW Golf were searched for alcohol and cigarettes. Well at least the young official gave the impression of making a thorough search. You never know what they expect with these Ukrainians! The official's attitude and body language clearly said that he was the one with the power. After a further ten minutes, in which nothing happened, we were allowed to continue. The control had taken place. Welcome to the European Union, 20 years on!



**Juri Durkot** born in 1965, studied German at the University of Lemberg. At the beginning of the 1990s he was a free-lance journalist working for Austrian newspapers. From 1995 until 2000 he was spokesman for the Ukrainian Embassy in Germany. Since October 2000 he has been working as a free-lance journalist, publicist, translator and producer. Juri Durkot has published numerous articles, political reports and analyses. He has been involved in productions with and contributed numerous commentaries to German public radio (BR, WDR, SWR etc). His translations of works by Mykola Rjabtschuk and Ljubo Deresch have been published in German by Suhrkamp-Verlag.





When in 1989 communism collapsed in central and eastern Europe, the road seemed to be open for the reunification of a divided Europe. The enthusiasm for membership of the European Union was great among the nations of the former Soviet bloc. The German Democratic Republic became part of the Federal Republic of Germany within a year, a year later the sovereignty of the Baltic states and Ukraine was restored. Whereas the disintegration of the Soviet Union proceeded in a remarkably calm way, everything went wrong in Yugoslavia where ethnic conflicts led to ten years of bloody civil war and the disintegration of the country (1991-2001).

In 2004 the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia, and Slovenia became members of the European Union. Rumania and Bulgaria followed three years later. Twenty years after the end of communism in Europe, the European Union includes ten post-communist member states, eleven, if one takes the former GDR into account. This, however, does not mean that the “reunification of Europe” has been successfully concluded. Many post-communist states are still struggling with their

new identities, the countries of ex-Yugoslavia have, with the exception of Slovenia, not yet found their way into the European Union and have not arrived at a sustainable reconciliation. Ukraine and the countries of the Southern Caucasus have not yet turned into stable democracies and their perspectives for EU-membership are practically non-existent. Belarus has remained more or less untouched by changes in neighbouring countries and Russia, finally, has not made the much hoped-for progress on the road towards democracy and has developed an often problematic relationship with the European Union and other neighbours.

Where do the post-communist countries of central and eastern Europe as well as those of the Western Balkans now stand in Europe? What role has the example of the European Union played in the last twenty years? In what way has the accession of the post-communist countries influenced the European Union and its policies? How do the post-communist countries see themselves in twenty years time? And, finally, on what goals and values should Europe’s future be based?

**Heinrich-Böll-Stiftung**  
European Union, Brussels

15 Rue d’Arlon – B-1050 Brussels – Belgium  
T +32 2 743 41 00 F (+32) 2 743 41 09 E [brussels@boell.eu](mailto:brussels@boell.eu) – [www.boell.eu](http://www.boell.eu)

