PROMOTING DEMOCRATIC
VALUES IN THE ENLARGING EUROPE:
THE CHANGING ROLE OF THE BALTIC STATES
FROM IMPORTERS TO EXPORTERS

PROMOTING DEMOCRATIC VALUES IN THE ENLARGING EUROPE: THE CHANGING ROLE OF THE BALTIC STATES FROM IMPORTERS TO EXPORTERS

Papers presented on the International Conference
EuroCollege, University of Tartu

Edited by Andres Kasekamp and Heiko Pääbo

Tartu, 5–6 May 2006

Contents

Preface

This publication presents the results of the international conference "Promoting Democratic Values in the Enlarging Europe: The Changing Role of the Baltic States from Importers to Exporters" organised by the EuroCollege of the University of Tartu and held on the 5th and the 6th of May 2006 in Tartu, Estonia.

The issue addressed by our conference is both politically salient and intellectually rewarding: the promotion of democratic values in the enlarging Europe. The conference brought together international and interdisciplinary scholarship as well as experience from the top-level of European politics and from civil-society networks.

The objective of the conference was to facilitate the learning process of democratisation in post-Soviet societies using the experience gained in the Baltic States during the last 15 years of national independence. Our conference opened up new ways to a deeper understanding of the transformation of CIS countries on their path to democracy and the rule of law.

In the early 1990s Estonia, Latvia, and Lithuania were among the countries embracing the challenge of entering the community of democratic Western states. To meet this challenge they had to import the values and institutional arrangements necessary to make democracy in the Baltic nations work and flourish. Having successfully imported both the democratic values and parliamentary institutional settings the Baltic States are now in the truly unique position of building bridges to neighbouring East European nations like Russia, Ukraine, Moldova, and Georgia, finding themselves under less favourable conditions but striving for implementing the values and institutions indispensable to democracy.

The conference started with two key-note addresses delivered by György Schöpflin, Member of the European Parliament (Hungary), and by Jim Cloos, General Secretariat of the Council of the European Union (Luxemburg). György Schöpflin and Jim Cloos represent two essential levels of European Policy making: the legislative – the Euro-

pean Parliament, and the Executive – the Council of the European Union, its General Secretariat. György. Schöpflin and Jim Cloos are highly experienced political figures who have gained academic merits and international recognition in scholarship as well. Both pursue their respective political activities in a truly European spirit and with profound European erudition.

In order to address the research questions in a well structured way the conference was organised in four panels chaired by Rasma Karklins, Professor of Political Science at the University of Illinois, Chicago; Kristi Raik, Researcher at the Finnish Institute of International Affairs, Helsinki; Ghai Nodia, Director of the Caucasus Institute for Peace, Democracy and Development and Professor at the Ilya Chavchadze University Tbilisi, Georgia; and Andres Kasekamp, Director of the Estonian Foreign Policy Institute and Professor of Political Science at Tartu University.

Panel I "EU Conditionality as the Democratisation Force" dealt with the political assistance the Baltic States received from the democratic nations of Western Europe and North America after regaining their independence in1991. Panel II "The Baltic States' Internal Challenges of Democratisation" addressed the internal processes of building democracy within the Baltic nations. Panel III "Applicability of Democratisation Experience" discussed the role the Baltic States are able to play today in supporting and assisting the democratisation in the neighbouring Post-Soviet countries. In Panel IV "Expectations and Needs Towards Democratisation in the EU's Eastern Neighbourhood" scholars from of Russia, Ukraine, Belarus, Moldova, and Georgia presented their views on the political and social developments going on in these Post-Soviet republics. They addressed achievements and problems alike on the way to establishing the rule of law and to creating a functioning liberal democracy in their native countries.

As the conference concentrated on democratisation processes, it provided valuable experience of the Baltic States to countries like Russia, Ukraine, Belarus, Moldova or Georgia to promote democracy and to move forward to closer cooperation with the European Union. The conference helped to establish an academic framework connecting scholars and experts both from old and new EU-member states, and from East-European nations.

The conference papers are published in two separate volumes, one in the English language, and the other in Russian. Publishing in both languages will not only facilitate building bridges between different scientific communities in East and West. It also will make it possible to disseminate the ideas and concepts being developed at our conference among the wider Russian speaking public in Post-Soviet countries. EuroCollege expresses gratitude to all participants of the conference for their interest and their active role in this international scholarly event. We see our conference as an important event in the academic and the political debates on the processes of democracy-building in the enlarging Europe.

Gert-Rüdiger Wegmarshaus
EuroCollege
University of Tartu

Acknowledgements

PART ONE:

EU Conditionality
as the Democratisation Force

EU Support for Civil Society in the Baltic States

SUSAN STEWART
Department of Social Sciences
University of Mannheim

This paper will provide an assessment of EU activities which have affected the development of civil society in the Baltic states of Estonia, Latvia and Lithuania from the early 1990s to the present, focusing particularly on the period 1998–2004. In order to assess these activities we will explore two issues: the structural changes in civil society brought about *inter alia* by EU involvement, and the transfer of values and norms promoted by the EU and their incorporation into the Baltic context. We understand civil society to be "an intermediary sphere between the privacy of the individual, the family, the enterprise etc., and the realm of the political, in which primarily collective actors organize and articulate public interests" (Croissant/Lauth/Merkel 2000: 16). Civil society organizations are those which can be attributed to this sphere. A subset of these, non-governmental organizations (NGOs), will constitute our primary focus here. These must be 1) organized (have an institutional reality), 2) private (institutionally separate from government), 3) non-profit-distributing, 4) self-governing, and 5) voluntary (utilizing volunteer labour and without automatic membership) (Salamon/Anheier et al. 1999: 467–468).

Phare and other EU involvement

Phare is a pre-accession instrument originally designed in 1989 to assist Poland and Hungary in restructuring their economies. It has since been significantly expanded to cover 10 countries: the 8 new member states in Central and Eastern Europe plus Bulgaria and Romania, which still have candidate status but are slated to join the

EU in 2007.[1] Phare's complete "pre-accession" focus was installed in 1998 after the Luxembourg Council launched the current enlargement process (see www.eu.int/comm/enlargement/pas/phare/index.htm).

Phare priorities are divided into two components: 1) institution building and 2) investment support in regulatory infrastructure (to ensure compliance with the *acquis)* and in economic and social cohesion (ESC) (Marsh 2003: 4–5). Projects related to civil society development can be found under both components. In addition, via the economic and social cohesion component the EU demonstrates its commitment (at least rhetorically) to the inclusion of civil society actors in programming and implementation, since with reference to ESC actions it is stated that "[r]elevant non-governmental actors with experience in the field of economic and social development should also be involved in this process" (www.eu.int/comm/enlargement/pas/phare/struct_funds.htm).

Phare financing in the civil society realm can be found in the Phare Democracy Program, the LIEN Program (primarily for NGOs in the social sector dealing with disadvantaged groups), and the Partnership Program (focused on local economic development) (see Raik 2003: 206). The LIEN Program stands for Link Inter-European NGOs and was established to fund projects which develop connections between CEE NGOs and those in EU member states. In 1999 the LIEN and Partnership programs were combined into a new program entitled ACCESS, which reflected the increasing emphasis on preparing the candidate countries for EU membership. Thus ACCESS was geared toward supporting those types of civic activity believed to promote the implementation of EU legislation (such as consumer and environmental protection) and to support disadvantaged social groups (see also Raik 2003: 206). According to Raik, the Phare programs thus focused both on developing civil society institutions and on improving the quality of the democratic environment in which these function (Ibid.). However, other analysts believe that Phare involvement in the civil society sphere has been too narrowly focused on transposal of the *acquis* and its implementation, rather than on the broader goals of civil

---

[1]   Until 2000 several western Balkan countries (Albania, Bosnia-Herzegovina and Macedonia) also benefited from Phare, but as of 2001 this assistance was replaced by the CARDS (Commmunity Assistance for Reconstruction, Development and Stability in the Balkans) Program.

society development and related governance issues (Multi-Country Thematic Report 2001).

Phare involvement in civil society strengthening in the candidate countries has been surprisingly low, considering the emphasis placed on civil society participation in the EU itself. This lack of involvement is partially explained by the perception which underlies comments such as that of John O'Rourke, Counselor and Phare and ISPA Coordinator for the European Commission Delegation in Warsaw: "It is not the job of the European Union to build civil society" (Krzeczunowicz 2004: title page). Initial stages of Phare did not pay much attention to impacts on civil society, and this relative neglect led to recommendations for a greater emphasis on civil society development (Multi-Country Thematic Report 2001). The ACCESS program has in part remedied this lack of emphasis. However, the Phare civil society focus remains dispersed across various areas, without being mainstreamed into EU support for applicant or new member states as a whole.

EU impacts on civil society development

One realm in which the EU has contributed to changes in the civil society sphere has been the creation of a particular balance between service provision and advocacy organisations. As programmes such as LIEN indicate, the EU is inclined to emphasise service provision. This is perhaps unsurprising as many older EU states have civil society models in which services are provided by a variety of CSOs, often in co-operation with state institutions. However, while such arrangements are present in the Baltics, the structure of civil society is nonetheless different due to Soviet traditions of an omnipresent state. Furthermore, many of those civil society leaders willing to cooperate with state institutions were absorbed into political society shortly after independence, leaving in particular those with antagonistic attitudes toward the public sector to remain in the civil society realm. Thus it is not surprising that numerous "watchdog NGOs", which see their primary task in the independent monitoring of government, have sprung up since the early 1990s. A discussion initiated by the Polish professor Wiktor Osiatyński within the Open Society Institute network financed by George Soros led to lobbying in Brussels which resulted in the inclusion in the EU 2004 budget of a pilot program for an annual

facility of 3 million Euro to support the work of watchdog NGOs (Krzeczunowicz 2004: 7). Previously the EU has not been in the forefront of supporting this type of NGO, which has usually been funded by other western donors. According to Krzeczunowicz, there has been limited EU support for such monitoring functions of NGOs because "[f]ighting corruption, monitoring civil liberties, ensuring the freedom of the media etc. at a national level are not part of the EU's mandate. For one because a member state is deemed to be fully democratic. Secondly, because these are issues to be managed by the national authorities" (2004: 7). However, Krzeczunowicz argues that the work of watchdog organizations will increase in importance with enlargement because new laws and funding sources open up new opportunities for corruption and lack of implementation (2004: 8).

Watchdog organisations are seen by some observers both within and outside the new member states as problematic because they embody the antagonistic civil society – state relationship prevalent in the late Soviet era. Such observers believe a more complex model is called for, whereby civil society actors to some extent co-operate with government, e.g. in the sphere of service provision or as partners in agenda-setting and policy implementation. Actually, this is the case in practice, with many service provider NGOs having been established to take over functions which the state has (at least temporarily) been unable or unwilling to fulfil. For example, in a 1995 survey undertaken by the Latvian Ministry of Welfare, the major NGO activity was found to be social assistance, especially to the disabled, children, and the sick (Baltic Data House 1998: 12, 14). Evidence of this perspective on civil society organisations can also be found in the Estonian Civil Society Development Concept, or EKAK, which emphasises co-operation between civil society and the Estonian parliament.

In addition to having an impact on the balance between advocacy and service provision organisations, the EU has also affected the civil society realm through its emphasis on particular thematic foci. Thus the sphere of human and minority rights has been one exception to the relative lack of EU support for watchdog organizations. In the Baltic states (especially Estonia and Latvia), this has often taken the form of concern with the integration of Russian-speakers into the respective societies (Pabriks 2003; Semjonov 2003). While funding for human and minority rights projects has been welcomed by many, it can also be

seen as a symptom of a larger problem with EU support: its tendency to focus on particular thematic foci which may or may not reflect the needs of the particular societies involved. More recently, within this general focus on rights, an even more specific emphasis on issues concerning Roma has been reflected in EU rhetoric and funding practices (Phare Programming Guide 2001: 10).

Thus certain types of NGO have been promoted much more than others, and priorities for funding have been based primarily on EU documents such as the Copenhagen criteria or certain sections of the *acquis* rather than on the situations prevailing in the candidate countries. This has sometimes meant that organizations have jumped on the bandwagon and/or shifted their focus regularly in order to obtain international funding. This in turn has made their work excessively project-oriented, and resources have had to be expended on grant-writing and on achieving the necessary levels of expertise rather than on establishing a sustainable institutional base.[2] Unlike some other international donors, the EU does not usually offer core funding on the national or sub-national level to keep organizations afloat between projects and allow them to focus on aspects such as establishing an institutional identity and projecting it to the broader society as well as to potential partners in the public and private sectors. These practices tend to keep the NGOs subordinate to the EU, strengthening the EU-civil society link, but in a hierarchical manner. A more partnership-oriented relationship can conceivably emerge over time, as the NGOs acquire more expertise and gain more influence in their national political and societal spheres, but the EU will continue to hold the purse-strings for the foreseeable future.

Related to the thematic focus has been an increasing emphasis on issues concerning the *acquis communautaire*, which understandably gained in prominence as the accession process proceeded. However, the desirability of this emphasis in the civil society sphere was called into question by an evaluation of the Phare programme. This assessment recommended giving "issues of governance, public administrations, judiciaries and civil society bodies as much prominence as the

---

2   This phenomenon is not limited to the EU or to the Baltic states. For examples from the US funding context in Central and Eastern Europe see Mendelson/ Glenn 2002.

acquis" (From Pre-Accession to Accession 2004: 22). While issues of participation and their link to democratization are given lip service, it is clear from overarching Phare projects such as "Development and Strengthening of Civil Society" in Latvia that the main priority is to achieve complete transposal of the *acquis*, here in the realms of environmental protection and socio-economic development (Standard Summary Project Fiche 2002). Furthermore, the emphasis is on service provision, especially relating to "social reintegration" or "support for marginalized groups": There is one section focused on "building the functional and administrative capacity of NGOs", but this appears to be subordinated to *acquis*-related concerns. Nonetheless, projects funded under this rubric do to some extent aim at greater involvement of NGOs in certain aspects of social and economic development and thereby in the policy process (see e.g. Baltic Environmental Forum).

The EU has also had an impact on civil society development through its advocacy of particular types of funding and means of channelling grant monies. In fact, EU (and to some extent other foreign) funding has arguably hindered the development of longer-term domestic financing opportunities by orienting certain NGOs toward EU priorities. This has now been recognized by some international funders, especially those who are pulling out of the new member states (less so by the EU, which will remain active in the region), and attempts are currently being made to raise awareness among NGO activists in the respective countries of the need to diversify funding sources and to create an environment more receptive to public and private financing of civil society activity.[3] This issue is relevant to the Baltic countries and other new member states, although it takes on more extreme forms in the countries further east, because there foreign financing of civil society has been relatively significant in comparison to other funding sources, and the potential for domestic funding from the state, the private sector, and philanthropy is less than it is in the Baltics and East Central Europe (see NGO Sustainability Index). Since the EU is not in the group of donors advocating diversity of funding sources, but rather assumes that NGOs with EU links will continue to receive EU funding (e.g. through the structural funds) or will be

---

[3]   For examples of such attempts see "Summary of BAPP-Latvia 2005–2007 Strategy" and "Summary of BAPP-Lithuania 2005–2007 Strategy".

financed by local or national governments, it would appear to have contributed little to the financial sustainability of the civil society sphere in terms of avoiding dependency on one particular funding source.

In its civil society programs the EU has often granted funds directly to NGOs rather than channelling them through national and regional authorities. This differs from its practice in other areas. Youngs (2001) even argues that "the EU has developed a distinctive 'grass-roots' approach to democracy promotion, which clearly differs from American aid that has been predominantly top-down and focused on the formal elements of democracy" (cited in Raik 2003: 207). This approach has had a variety of effects on the development of civil society in the candidate countries. It has increased the capacity and resources of a number of NGOs directly, allowing them to take responsibility for administering EU programs and to participate in decisions about grant allocation. This has contributed to an intensive learning process among the NGO representatives involved and has helped to prepare them for interaction with the EU in terms of utilizing resources from the EU structural funds. This type of preparation has constituted a major EU goal in the candidate countries and is also advocated by NGO activists in the region (Krzeczunowicz 2004). However, this practice has also tended to privilege a few large and well-connected NGOs in each of the countries involved, increasing their capacity and resources while failing to involve a large variety of smaller, more geographically dispersed NGOs to the same extent. This creates or reinforces existing hierarchies and makes it more difficult for smaller, more remote NGOs to tap into potential funding sources and acquire expertise in working with foreign donors. This tendency is exacerbated by the extremely bureaucratic nature of EU application procedures, although attempts have been made to simplify these for smaller organizations (Raik 2003: 213–14).

EU attempts at value and norm transfer
in the civil society sphere

As indicated above, EU efforts in the context of the Phare program have largely referred to the relatively narrow field of *acquis* transposal rather than to the broader arena of improving governance. Enlargement, however, is arguably first and foremost a question of value transfer, as illustrated by a statement on goals from the enlargement commissioner Olli Rehn: "Enlargement is a matter of extending the zone of European values, the most fundamental of which are liberty and solidarity, tolerance and human rights, democracy and the rule of law" (Rehn 2005). Due to this overarching character of enlargement it is particularly important to examine the informal and unintended aspects of EU involvement, as it is often through these less formal mechanisms that value and norm transfer occurs.

By promoting or even requiring increased civil society participation in political decision-making processes, the EU has granted increased legitimacy to NGOs both in their own eyes and in those of government officials. According to Raik, the Phare program has contributed to the density of informal contacts between candidate countries (now new member states, for the most part) and EU members. She introduces the concept of "indirect empowerment" to capture this type of value transfer, claiming that the EU "supports civil society in the applicant countries indirectly by legitimising the demands of civic organisations and offering new opportunities for them to make themselves heard in public" (Raik 2003: 209). This process is a slow one, as NGOs must have time to gain the necessary expertise and capacity to participate in political agenda-setting and implementation, and officials' attitudes toward civil society involvement in political processes change only gradually and are conditioned by Soviet-era practices. Nonetheless the inclusive model provided by the EU (even if primarily rhetorical) raises the stature of civil society in the candidate and new member states and allows the relevant actors to seek ways of adapting this EU practice to domestic conditions.

The evolution and eventual passage of the EKAK can be seen as one example of such an adaptation. While similar documents exist in several other countries, the Estonian one is unique in the sense that the initiative for drafting it came from NGO representatives (Lagerspetz

2004: 90). However, there was and is no consensus among these representatives on the model of the relationship between civil society and the state to be advocated. The process of EKAK's elaboration allowed three discourses identified by Lagerspetz and associates (see below) to crystallize and compete openly. Lagerspetz believes that while the discourse of a "participant society", in which NGOs represent the pluralism of opinions prevalent in society vis-à-vis the public sector, emerged the strongest among NGO representatives by the end of the EKAK debates, the final document does not fully reflect this development because the parliamentarians involved subscribe to this discourse to a very limited degree. Raik, while welcoming the passage of EKAK, urges caution at an approach which potentially "spells danger for the independence and critical function of civil society" (2003: 216). In her eyes, the passage of EKAK implies the strength of a model of civil society which emphasizes its partnership role with the public sector and focuses on civil society organizations which cooperate with and relieve the state of certain service provision tasks, rather than serving a watchdog function of monitoring government behavior. In addition, it tends to subordinate NGOs to the state, relegating them to an implementing role rather than creating an equal partnership in which they can contribute conceptually to societal design. To the extent that it emphasises service provision and co-operation the EKAK would thus appear to coincide with the prevailing EU inclination as discussed in the previous section.

According to Raik, the EU has implicitly contributed to the promotion of this concept of civil society because "some of the aid programmes (LIEN and to some extent ACCESS) have positioned NGOs in the role of a substitute of the state by supporting voluntary work aimed at alleviating social problems" (2003: 219). Even though the EU has not consistently promoted one particular model of civil society in the CEE countries, it has "influenced domestic developments largely indirectly, by shaping visions and ideas about civil society, and by conditioning civic activity and especially its relations to the state" (Raik 2003: 225). Thus EU influence has gone far beyond the relatively meager financial support aimed directly at civil society strengthening. In this broader, less formal perspective the EU has on the one hand supported an upgrading of the status of CSOs overall and on the other

encouraged a strong emphasis on service provision within the civil society sphere.

Within this overall paradigm encouraging a larger role for civil society in policy processes, competing models of civil society have been present, not only in the old EU, but also within each of the new member states. While "it is important to look at how EU policy interacts with domestic conditions and choices, and how EU norms become appropriated into the domestic context" (Raik 2003: 200), this becomes a complex undertaking, since each individual country presents a different platform for the interaction of domestic and international discourses. In the Estonian example, the three abovementioned discourses about the role of the NGO sector focus on 1) the potential economic contribution of NGOs as service providers; 2) the mobilizing role of NGOs in support of state- and nation-building; and 3) NGOs as elements of a pluralist democracy (Lagerspetz 2004). If we accept Raik's conclusion that the EU has indirectly supported now one, now another discourse by its actions in the accession process, then we can see that the path toward the establishment of a stable civil society with a relatively clear relationship to the public and private sectors is by no means linear, but rather characterised by the presence of a variety of competing models which interact in their struggle for prominence.

The need to take into account domestic conditions dovetails with comments by Lagerspetz et al. (2004), who reject the idea of Estonian civil society being able to make the leap to post-modern forms because of the fact that democratic institutions are not established firmly enough in Estonia (or other post-communist states) to make post-modern types of influence on political decision-making processes possible (Lagerspetz et al. 2004: 42–45). Thus "[f]rom the point of view of democratic participation, the task of Estonian (and more generally, Central and Eastern European) civil society is not to influence the existing channels of participation from 'the outside', but *to create such channels in the first place*" (Lagerspetz et al. 2004: 44, emphasis in original). This raises the issue of the functions civil society is to fulfil vis-à-vis the relevant state and the broader society. Lagerspetz' remarks imply that it is not possible to transfer models involving the development of civil society and social capital which have emerged in the older EU member states directly to the new members/candidate

countries. Rather, these must be adapted in a mutual learning process which includes participants on several levels.

These levels (including on the one hand older member states, new member states, and EU institutions and on the other official/unofficial and elite/grassroots levels in each of these cases) are not always at the same stage of development with regard to democratic institutions and attitudes. Raik argues that the introduction of democratic norms and values into the NGO sector in Estonia is unnecessary because the NGO activists there already subscribe to democratic values. Rather, it is more an issue of providing ideas on how to better implement democratic norms in practice in the Estonian situation. However, elite conceptions of democracy in the new member states do not always include the involvement of civil society in the political process, even if tolerance of such involvement has grown in the Baltics in recent years (see NGO Sustainability Index). Considering the complexity inherent on both the national societal level and the EU level regarding the role and functions of civil society, it appears logical that the EU has not been able to introduce clarity into national discourses on these questions. Rather, it has presented a conception of civil society which, while possessing certain recurring hallmarks, is both in flux itself and capable of interacting differently with the various national discourses.

Issues involving values include not only the question of the relationship between civil society and other sectors, but also the internal evolution of the civil society realm. For example, the EU focus on a few large NGOs has consequences for norm transfer in the area of democracy. It sends the message that smaller organizations closer to their social base are less worthy of being funded than increasingly bureaucratic larger organizations which become more attuned to EU demands and less to local constituencies (cf. Krzeczunowicz 2004: 6–7). These larger organizations are usually located in capital cities, which increases the concentration of resources and expertise there vis-à-vis other areas of the country. It is true that there have been efforts by the EU (and other foreign donors) to counteract some of these tendencies: "EU support for civil society in the CEECs has been developed so as to avoid the focus on a small number of strong organisations … Some of the aid has been especially targeted on small projects, and distribution among different regions and different types of organisations has been the aim" (Raik 2003: 213–14). However, there is a difference between

allocating grant money and allotting the organizations an administrative role. While providing grants is important, it does not usually address issues of capacity building and institutional strengthening which allow the NGO sphere to become more stable and sustainable (see e.g. McMahon 2002; Richter 2002).

Corroboration for the "larger is better" tendency in the Phare realm is provided by Anders Engström of the Union of the Baltic Cities, who cites officials from the Estonian Ministry of the Interior. According to Engström, the Estonian civil servants were told by a Phare delegation to prioritize larger Phare projects of 2 million Euro or more (Engström 2000). This certainly would make it more difficult to involve smaller NGOs in many of the project stages. While evaluations of EU activities in other contexts have acknowledged that small projects are often successful in terms of impact and sustainability, they are nonetheless characterised as "burdensome to manage" (Towards a new Tacis concept, Part II). The focus on larger projects limits the number of civil society actors with which the EU can productively interact and points to an approach which privileges depth of interaction over breadth of organisational involvement.

Conclusions

Although almost two years have passed since the Baltic states joined the EU, changes in the civil society realm in response to accession are occurring only gradually. Phare programs are just now concluding, and other international donors are pulling out of the Baltics slowly. However, an internal shift is taking place among NGOs, many of which realize they will need to work increasingly with the EU bureaucracy and/or seek new domestic sources of funding. Thus there are some indications of how the NGO landscape might look in the years to come.

It seems highly probable that the EU-civil society direct link will remain limited primarily to a few powerful NGOs which correspond to the priorities set by the EU structural funds. Most local and the majority of national NGOs will stay more closely connected to domestic networks, be they governmental, corporate or community in nature. The hierarchy created by the EU will have consequences for the internal functioning of the civil society sphere as well, since a few privi-

leged NGOs have benefited disproportionately from accession. Over-all, however, the status of NGOs as potential partners in policy processes has been raised due to EU involvement, although the particular developments in each country have depended on the type and quality of interaction between EU and national discourses. The continuation of this improved NGO status, however, is likely to depend more on national developments than on EU involvement, since the Baltic states are now full-fledged EU members and no longer under particular scrutiny. Nonetheless, due to a number of parallel developments both within and outside the immediate EU context, NGOs and the civil society realm in general continue to grow stronger and more active, and local and to some extent national governments have begun to realize the benefits of co-operating with NGOs and to better conceptualise their role in the democratic process. While these developments are most advanced in Estonia, they have taken root in Latvia and Lithuania as well. So even if the EU emphasis shifts more completely to formalised support for a small number of NGOs through the structural funds, it appears likely that the incorporation of civil society actors into parts of the political process, to which the EU has been contributing substantially in the past decade, will become increasingly well entrenched in the various Baltic societal and political contexts.

Bibliography

Baltic Data House. Conditions of Enhancement of Civic Participation. Riga 1998, http://www.policy.lv/index.php?id=102360&lang=en.

Baltic Environmental Forum. "Project: Involvement of non-governmental organisations (NGOs) in water management policy", http://river.bef.lv/data/file/about_the_project.pdf

Croissant, Aurel, Hans-Joachim Lauth and Wolfgang Merkel (2000). "Zivilgesellschaft und Transformation: ein internationaler Vergleich", in Wolfgang Merkel (ed.), *Systemwechsel 5: Zivilgesellschaft und Transformation*, Opladen: Leske + Budrich, 9–49.

Diamond, Larry (1994). "Rethinking Civil Society. Towards Democratic Consolidation", *Journal of Democracy* 5/3, 3–17.

Engström, Anders (2000). "Statement by Mr Anders Engström at the CBSS meeting", Brussels, 8 February, www.ubc.net/today/08th0200.html.

Estonian Civil Society Development Concept, http://www.policy.lv/index.php?id=102546&lang=en, accessed on 26 September 2005.

European Commission (2001). European Governance. A White Paper. Brussels, 25.7.2001, COM(2001) 428 final.

From Pre-Accession to Accession. Phare: Interim Evaluation of Phare Support Allocated in 1999–2002 and Implemented until November 2003. Consolidated Summary Report. March 2004.

Krzeczunowicz, Pawel (2004). European Union Funding after Enlargement—Blessing or Curse for Civil Society. Paper commissioned by the Trust for Civil Society in Central and Eastern Europe.

Lagerspetz, Mikko (2004). "From NGOs to Civil Society: A Learning Process", in: Mikko Lagerspetz, Aire Trummal, Rein Ruutsoo and Erle Rikmann (eds.), *Non-Profit Sector and the Consolidation of Democracy: Studies on the Development of Civil Society in Estonia*. Avatud Eesti Fond, 86–103.

Lagerspetz, Mikko, Aire Trummal, Rein Ruutsoo and Erle Rikmann (eds.) (2004). *Non-Profit Sector and the Consolidation of Democracy: Studies on the Development of Civil Society in Estonia*. Avatud Eesti Fond.

Lagerspetz, Mikko, Erle Rikmann and Rein Ruutsoo (2004). "The Structure and Resources of NGOs in Estonia" in: Mikko Lagerspetz, Aire Trummal, Rein Ruutsoo and Erle Rikmann (eds.), *Non-Profit Sector and the Consolidation of Democracy: Studies on the Development of Civil Society in Estonia*. Avatud Eesti Fond, 28–47.

Lauth, Hans-Joachim and Wolfgang Merkel (1997). "Zivilgesellschaft und Transformation: Ein Diskussionsbeitrag in revisionistischer Absicht", in: *Forschungsjournal Neue Soziale Bewegungen* 10/1, 12–34.

Linz, Juan and Alfred Stepan (1996). *Problems of Democratic Transition and Consolidation: Southern Europe, South America, and Post-Communist Europe.* Baltimore and London: Johns Hopkins University Press.

Marsh, Harriet Barseghian (2003). "The Phare Programme. What is Phare and How to Work with Phare?" The European Commission's Information Centre on Enlargement, Brussels, May.

McMahon, Patrice (2002). "International Actors and Women's NGOs in Poland and Hungary"; in: Sarah E. Mendelson/John K. Glenn, *The Power and Limits of NGOs. A Critical Look at Building Democracy in Eastern Europe and Eurasia.* New York: Columbia University Press, 29–53.

Mendelson, Sarah E./John K. Glenn (eds.) (2002). *The Power and Limits of NGOs*. New York: Columbia University Press.

Merkel, Wolfgang (ed.) (2000). *Systemwechsel V: Zivilgesellschaft und Transformation*, Opladen: Leske + Budrich.

Multi-Country Thematic Report on Civil Society (2001). Phare: Assessment of the European Union Phare Programmes by OMAS Consortium, 10 September. Report No. S/ZZ/CIV/01004.

NGO Sustainability Index, http://www.usaid.gov/locations/europe_Eurasia/dem_gov/ngoindex/.

Pabriks, Artis (2003). "Ethnic Limits of Civil Society: The Case of Latvia", in: Norbert Götz and Jörg Hackmann (eds.), *Civil Society in the Baltic Sea Region*. Aldershot: Ashgate, 133–144.

Phare ex post evaluation of country support implemented from 1997–1998 to 2000–2001. Consolidated Summary Report. May 2003.

Phare Programming Guide 2001. http://phare.mfcr.cz/pdf/PHARE% 20Programming%20Guide%202001.pdf

Raik, Kristi (2003). *Democratic Politics or the Implementation of Inevitabilities? Estonia's Democracy and Integration into the European Union*. Tartu: Tartu University Press.

Rehn, Olli (2005). "Values Define Europe, Not Borders", in: *Financial Times*, 4 January.

Report of Working Group "Consultation and Participation of Civil Society" (Group 2a). White Paper on European Governance, Work Area no. 2. Handling the Process of Producing and Implementing Community Rules, June 2001.

Richter, James (2002). "Evaluating Western Assistance to Russian Women's Organizations", in: Sarah E. Mendelson/John K. Glenn, *The Power and Limits of NGOs. A Critical Look at Building Democracy in Eastern Europe and Eurasia.* New York: Columbia University Press, 54–90.

Salamon, Lester M., Helmut K. Anheier et al. (eds.) (1999). *Global Civil Society: Dimensions of the Nonprofit Sector.* Baltimore: The Johns Hopkins Center for Civil Society Studies.

Semjonov, Aleksei (2003). "Ethnic Limits of Civil Society: The Case of Estonia", in: Norbert Götz and Jörg Hackmann (eds.), *Civil Society in the Baltic Sea Region*. Aldershot: Ashgate, 145–157.

Standard Summary Project Fiche 2002, Désirée Number 2002/000-590-01-02. Title: Development and Strengthening of Civil Society (Latvia).

Standard Summary Project Fiche, Désirée Number LE01.03.02. Title: Development of Civil Society in Latvia 2002–2003.

Summary of BAPP-Latvia 2005–2007 Strategy, www.bapf.org/description.html.

Summary of BAPP-Lithuania 2005–2007 Strategy, www.bapf.org/ description.html.

Towards a new Tacis concept and regulation: outline of issues for web-based consultation. Consulted at http://www.europa.eu.int/comm/external_ relations/consultations/cswp_tacis.htm on 26 September 2005.

Youngs, Richard (2001). "European Union Democracy Promotion Policies: Ten Years On", in: *European Foreign Affairs Review* 6/3, 355–373.

Minority Protection & EU Membership in the Baltic States: Myths & Reality

KYRIAKI TOPIDI
The American University of Athens
Queen's University of Belfast

Minority protection in the EU: A policy area in transition

The recent enlargement revealed a clear willingness on behalf of the EU to expand its remit of activities and competencies in the area of human rights. More specifically it touched upon the rights of ethnic or national minorities for the first time, rendering their protection a political pre-condition for the accession of new members.

The momentum of the minority protection requirement on the eve of the 2004 enlargement

The foundations of the decision to enlarge were set at the Luxembourg and Helsinki Councils in 1997 and 1999 respectively.[1] The 2004 enlargement has been described as one aiming at '*bringing our continent together*'.[2] Its scale, involving negotiations with thirteen states, along with its strategic and economic implications, make of it possibly the biggest challenge that the European Union has faced, since the creation of the European Community of Coal and Steel in the 1950s.[3]

---

[1] Luxembourg European Council Presidency Conclusions, 12–13 December 1997, http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/032a008.htm . Helsinki European Council Presidency Conclusions, 10–11 December 1999, http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/ec/ACFA4C.htm .

[2] European Commission, *Strategy Paper 2000: Regular Reports from the Commission on Progress towards Accession by each of the candidate countries*, 8 November 2000, Part I. http://europa.eu.int/comm/enlargement/report_11_00/index.htm .

[3] Suffice to note that since enlargement was completed the EU has increased by 34 per cent its territory and its population by 105 million, not to mention the wealth of the different historical cultures. The initial thirteen countries

In 1993, the European Union at the Copenhagen European Council expressed openly its will, along with its promise, to enlarge eastwards. This was the first time where protection of and respect for minority rights became an integral element of conditionality for the accession of new Members to the EU.[4] It is in that sense that one may easily link the evolution of minority rights policy in the EU with enlargement.

As the political criterion for accession explains, candidate countries should comply with '*common European values*', such as democracy , the rule of law, respect for human rights and the protection of minorities. These requirements were subscribing to a list of security concerns and were designed to minimize the potential for conflict and enhance political stability,[5] as most of the candidate countries had numerous minorities living on their territories, some of which had been living there for centuries and others being the result of the re-drawing of national frontiers in the region after the First and Second World Wars.

The same security motivations also explain the widely held position of minority rights as an external to the EU matter. In the area of external relations, minority rights protection was explicitly included as a pre-condition in Council Regulations 975/1999 and 976/1999 for the financing and administering of Community action in development and non-development cooperation activities in third countries.[6] The reluctance to inherit ethnic tension of candidate states that were to become members of the EU is understandable in retrospective yet the monitoring of minority protection was conceived and applied in such a way that it artificially maintained, as much as possible, the distinction between internal and external EU matters. Furthermore, the

---

embraced were Bulgaria, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Romania, the Slovak Republic and Turkey. (European Commission, *Enlargement: European Union Enlargement – A Historic Opportunity,* Directorate General for Enlargement, 2001, Brussels, at p. 6.)

[4] Political conditionality, without a direct reference to the rights of minorities, formed part of a preceding policy to the formulation of the Copenhagen criteria reflected in Article 6(1) TEU, Article 49 TEU and in the conduct of external relations. For more details, see De Witte, 'The Impact of Enlargement on the Constitution of the European Union', in Cremona (ed.), *The Enlargement of the European Union* (Oxford: OUP, 2003), pp. 209–251, at pp. 228–233.

[5] European Commission, *Enlargement: European Union Enlargement – A Historic Opportunity* (2001), at p. 27 (Conclusions).

[6] *O.J.*L120/1 and 8.

EU consistently refused to consider minority rights among its 'old' Member States, while formulating demands to the candidate states in the same area, although it had become increasingly difficult both in terms of EU law and Public International Law to continue considering minority problems as an 'internal' matter or one of '*domaine résèrvé* ' of the state.

In that sense, conditionality enhanced the debate on whether the EU needs to develop further the principles it set at Copenhagen within its legal order, among which protection of minority rights.[7] Around 2000, minority rights gradually started undertaking a 'legalization' path internally as well, albeit one with an unclear goal. Doubts as to the aim of this process would bring us to the question of whether enlargement has been more an international relations concept or an attempt to create a supranational polity for the EU[8], sharing common rules on minority rights *inter alia*, which is outside the scope of this paper. The most legally coherent illustration in that respect of the attempted convergence between the 'external' and 'internal' use of the requirement for respect for minorities is the 'constitutional' conver-gence of norms through Article 13 TEC after the Amsterdam revision, which subsequently led to the adoption of the 2000/43 and 2000/78 Directives on non-discrimination.

Based on a largely 'soft law' tool that is the Copenhagen political criterion,[9] steadily EU enlargement policy revealed its weak planning and lack of flexibility with regard to minority rights. The consequences of enlargement in the "*'internal' constitutional fabric of the European Union*" [10] included a reference to fundamental rights but did not extend to minority rights, as reflected in Article 6(1) TEU. Similarly, the mechanism installed under Article 7 TEU for states committing

---

[7] Bruno De Witte, 'The Impact of Enlargement on the Constitution of the European Union', in Cremona (ed.), *The Enlargement of the European Union*, (OUP, Oxford, 2003), pp. 209–251, at p. 210.

[8] Michael J. Baun, *A Wider Europe: The Process and Politics of European Union Enlargement* (Oxford: Rowmand Littlefield Publishers, 2000), at p. 10.

[9] The Copenhagen criteria are here understood as 'soft law' in the sense that despite their dominating political character, they have produced legal effects conducive to the creation of legal acts in the candidate states *inter alia* in the area of minority rights.

[10] Expression borrowed from De Witte (2003) at p. 233.

serious and persistent human rights breaches, whilst representing an attempt to safeguard the fundamental rights principles of the Union, did not expressly mention either the rights of minorities. It cannot be excluded that such a use of the mechanism would not be possible in the future.

Concerning the Charter of Fundamental Rights introduced in 2000, the recent constitution-making project as an open-ended and dynamic process combined with enlargement viewed as a conditionality exercise,[11] operated as a fortunate coincidence. As it has been also argued for Article 13 TEC, the Charter performed a role of reducing discrepancies that emerged as a result of human rights conditionality.[12] Its effect would have been however felt at a larger scale had it acquired a biding legal force. As an attempt for a 'codification' of rights, it offered the advantage of a common minimal understanding on human rights. As such, it can be viewed as a 'facilitator' of enlargement, especially since some candidate states have ascertained its benefit.[13] Minority rights initially spelled out as political norms, have finally in the aftermath of enlargement the possibility to acquire a life of their own.

Future perspectives of minority protection in an enlarged EU

It is often argued that the internal EU legislation does not offer any substantive basis for the protection, let alone the award of minority rights as understood for instance in the Council of Europe's Framework Convention for the Protection of National Minorities.[14] This is a valid point technically speaking but it is clear that at present institutional actors within the Union are considering alternatives to

---

[11] Wojciech Sadurski, 'The Role of the EU Charter of Rights in the Process of Enlargement', in Bermann and Pistor (eds.), *Law and governance in an enlarged European Union: Essays in European Law* (Oxford: Hart Publishing, 2004) pp. 61–95, at pp. 61–62.

[12] The Commission in its Communication on the Charter of fundamental rights of the European Union COM (2000) 0559 final, para. 12 stated that: "*The adoption of a catalogue of rights will make it possible to give a clear response to those who accuse the Union of employing one set of standards at external level and another internally*'.

[13] See for example, Polish Ministry of Foreign Affairs, 'The Treaty of Nice: The Polish Point of View', as referred to in Sadurski, (2004), pp. 61–95, at p. 71.

[14] Bruno de Witte, 'The Constitutional Resources for an EU Minority Protection Policy' in Toggenburg (ed.), *Minority Protection and the Enlarged EU: The Way Forward*, (Bolzano: EURAC Research, 2004) pp. 107–124, at p. 114.

enhance the efficiency of the political criterion for external use and the internal policies and law for the use of the current Member States. Below are considered two sets of factors that guide legal or quasi-legal developments towards new solutions. The first section of this part looks at the possibility of constitutionalising minority protection, given the recent experience with the rejected Draft Constitution for Europe. The second considers the parallel directions envisaged by the Commission in order to offer more flexible options than the traditional legal spectrum is capable of providing.

Exploring constitutionalisation paths for minority rights in the EU

The European Union is undergoing a constitutionalisation process triggered, at least in part, by the recent enlargement to Central and Eastern Europe. Limited space has been devoted in this process to suggest some form of legal recognizance of minority rights as an integral part of the proposed Constitution.

The proposed Constitution incorporated the Charter of Fundamental Rights in its second part providing it with binding legal force, and therefore covered also Article 21 of the Charter on the prohibition of discrimination on the basis of ethnic origin. Similarly, Article 13 of the TEC on the prohibition of discrimination had a place in the new constitutional text.

The sole novelty of the Draft European Constitution was contained in Article I-2 that carried a reference to the protection of the rights of persons belonging to minorities, listing it as one of the fundamental values of the EU.[15] The new provision appeared more a statement of principle, most likely the result of political bargaining between the Member States, but otherwise a weak provision if left unaccompanied by more explicit legislative competence of the EU[16] or alternatively by judicial decisions showing the way for a practical protection of such rights, as has been done by the ECJ in the past for fundamental rights.

---

[15] Article I-2 of the Draft Constitution stipulates: "*The Union is founded on the values of respect for human dignity, liberty, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minority groups. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and the principle of equality between men and women prevail.*"

[16] For a similar view see De Witte (2004), at p. 111.

In a sense, it could be deplored that the Draft Constitution did not exploit the dynamic created by EU conditionality and monitoring during the pre-accession negotiations. The proposed Constitution did not affect the widespread ECJ principle that respect for human rights is guaranteed only when Member States act within the scope of EU law, with the possible exception of Article 7 TEU. The transformation of the European Monitoring Centre Against Racism and Xenophobia (EUMC) to a Fundamental Rights Agency supports, however, the theory that we may be witnessing the setting up of a permanent monitoring mechanism, linked to Article 7 TEU.

Beyond the discourse of the "missed opportunity" for a constitutional text of this type, not crucial if the project is to be revived at a later stage, the question that remains to be tackled is whether despite this constitutional 'disarmament', a process of *de facto* constitutionalisation is taking place in relation to minority rights. Although it is too early to provide a definite answer to this question, there are indicators that point at a gradual concretization of these rights in the EU context.

To begin with, the Charter is already referred to by the ECJ, the European Parliament and a network of experts set up to elaborate an annual human rights report[17], as a basis for judging the performance and actions of states and individuals without having acquired binding legal force. While the purported creation of own standards of human rights protection would pose serious legal questions, particularly, in relation to the EU's commitment towards European Convention of Human Rights principles and rules, the fact remains that the Union is moving into a direction of homemade standards or at least methods. Naturally, it would be bold to argue that the Charter is the ideal constitutional text from the point of view of clarity and content for minority rights but in the absence of more concrete norms, it constitutes a starting point. Its use as a juridical reference by the ECJ merits closer attention in the near future to detect any segments of indirect legal force, something that would not be totally new in the EU context, since the Court has in the past followed the same path when recognizing the value of fundamental rights.

---

[17] The expert group was set up by Communication of the Commission on Article 7 of the Treaty of the European Union, COM (2003) 606, 15 October 2003.

Enlargement practice on minority conditionality also suggests that EU institutional actors tend to take into consideration international human rights standards for the interpretation of 'internal' provisions. Numerous such examples are available from the Regular Reports, often with direct cross-referencing to legal texts emanating from other international organizations. One cannot therefore exclude the potential of this practice for the provisions of the Charter.[18] The 2000/43 Directive and its outreach even to third-country nationals by virtue of its Article 3 (2) is certainly more assertive and realistic. In it, the potential for a satisfactory protection shield is present but the awaited application of the Directive and its full implementation will only reveal the real dimensions of its potential.

Alternative methods of minority protection norm compliance

The freezing of the European Constitution suggests the prevailing of the current *status quo* subject to a number of qualifications. In a relatively recent declaration of intentions on behalf of the European Commission, the partial success of the conditionality on minority rights was acknowledged with specific references to ethnic groups facing widespread discrimination, such as the Roma.[19] It was also openly declared that anti-discrimination remains the principal vehicle of the EU's approach to '*immigration, inclusion, integration and employment'*.[20]

The Green Paper took into consideration the fact that the political Copenhagen criterion has not been legally translated to any corresponding treaty provision imposing obligations to the Member States. The alternative that it therefore proposes moves in the direction of highlighting the benefits of diversity and subsequently '*guide a process of change based on mutual respect between ethnic minorities, migrants and host societies'* [21] through the existing legal resources.

---

[18] De Witte (2004), at p. 115. He uses as an example Article 22 of the Charter on cultural diversity, while partially disagreeing with its reading as a minority protection clause.

[19] European Commission, Green Paper: Equality and non-discrimination in an enlarged European Union, COM (2004) 379 final, Brussels, 28 May 2004.

[20] Ibid, at p. 2.

[21] Ibid, at p. 2.

Such an option will be inevitably built around a model of individual rights. The legislative plans of the Commission embrace indirectly minority rights in at least another two ways: first, by taking into consideration aspects of minority rights in the drafting of the EU's new Social Policy Agenda and second in the monitoring of the implementation of the anti-discrimination directives and Programme launched in 2000. Against the clear risk of a restrictive interpretation of the current legislation by Member States, the Commission plans to respond with insistence on the implementation of the directives and a so-called *integrated approach*, based on equal treatment and respect for diversity as interests of the society as a whole.[22]

The proposed *integrated approach* can only come to fruition if flexible arrangements with quasi-legal effects become available for the protection of the rights of minority groups instead of a legal straightjacket applicable for all without differentiation. Examples of such practices already envisaged are the European Employment Guidelines, which include the need to integrate disadvantaged groups in the labour market[23] and the EU Social Inclusion Process acknowledging the "*high risk of poverty and social exclusion faced by some men and women as a result of immigration*'. [24] Increased financial support through the European Social Fund and the EQUAL Community Initiative are expected to accompany the Commission's intentions in this direction. Yet employment and social inclusion are not the only fields where action in favour of minorities is required. Discriminatory behaviour extends well beyond them, not to mention the need for affirmative action or special measures for the benefit of certain particularly disadvantaged groups (e.g. Roma).

---

[22] Ibid, at p. 6.

[23] Council Decision 2003/578/EC of 22 July 2003 on guidelines for the employment policies of the Member States, in particular Guideline 7.

[24] See Copenhagen European Council Conclusions, December 2002, http://europa.eu.int/comm/employment_social/employment_strategy/ task_en.htm .

Empirical trajectories on integration of minorities: The example of Latvia

A typical illustration of the limitations of EU conditionality in the area of minority protection can be found in the case of Latvia. The protection of the rights of minorities in Latvia has been linked with attempts to foster integration of ethnic groups into Latvian society. This approach largely explains the more general lack of non-discrimination law and policy as well as the tendency towards assimilationist policies. The process of change was triggered by the *Agenda 2000* that criticized Latvia for treating non-citizens differently from citizens. Thus, as of 1998, the Latvian authorities introduced certain measures with a view to secure a place within the EU.

The government committed itself to abolish professional restrictions for non-citizens.[25] The status of the unemployed non-citizens has also improved and it became no longer necessary to demonstrate proof of knowledge of Latvian in order to obtain unemployment benefits.[26] Responses to EU criticisms on the deficiencies of minority rights protection in Latvia steadily gained a more structured profile, reflecting the European Commission's annual opinions and targeted specific points. The National Programme for Integration of Society (NPIS), adopted by the Cabinet of Ministers on 6 February 2001,[27] has been the main tool devised and employed to achieve a greater degree of ethnic integration of Latvia, as a result of OSCE and EU pressure to facilitate integration of Russian speaking non-citizens. It mainly consists of a policy framework aiming at increasing social cohesion,

---

[25] European Commission, *1998 Regular Report on Latvia's Progress towards Accession*,
http://www.europa.eu.int/comm/enlargement/report_11_98/pdf/en/latvia_en.pdf , at p. 13. According to the report, at the same time, restrictions on non-citizens working as fire-fighters, airline staff, pharmacists and veterinary pharmacists had been abolished. The restrictions on becoming private detectives, armed guards and pilots remained.

[26] Ibid, at p. 13.

[27] *Valsts programma: Sabiedrības integrācija Latvijā*, 2001, for an English version see http://www.np.gov.lv/en/fjas/arhivs/SIP.rtf. (Herafter, *Integration Programme*).

participation and interethnic cooperation.[28] It has not been designed to address ethnic issues and the rights of minorities and as such differs considerably from programmes implemented in other candidate states that have been targeting mainly ethnic minorities. The link between issues of discrimination and integration of society in Latvia was therefore clearly missing.

The Society Integration Department, responsible for the administration of the programme, has contributed towards the elaboration of a monitoring mechanism defining new priorities for the programme but without the formal obligation to evaluate specific projects.[29] The NPIS allows for project funding managed by the Society Integration Fund for projects involving civil society and municipalities. EU input in this effort is continuous and considerable. EU Phare funding not only contributes towards the funds destined for projects, it also provides support for more generalized institution capacity building. No evaluation by the EU for the projects in question has been operated due to the different stages in which projects currently are.[30]

The emphasis on the implementation of the reform has been put on the teaching of Latvian, as a means of societal insertion for Russian speakers, indicating an assimilatory trend instead of an integrationist one.[31] The lack of effective coordination between various authorities and of transparency during the call for projects have constituted wider criticisms of the programme.[32]

One of the areas in which the absence of the minority rights dimension in the programme appears most obvious is employment. Ethnic discrimination is not actively addressed, as can be demonstrated by the insufficient proficiency in the Latvian language and the low level of education of non-Latvian job seekers.[33] Furthermore,

---

[28] The final version of the programme was adopted in February 2001and covers the following sectors: civic participation and political integration, social and regional integration, education, language, culture and information.

[29] EUMAP, *Minority Protection in Latvia: An Assessment of the National Programme 'The Integration of Society in Latvia'*, 2002, at p. 316.

[30] Ibid, at p. 320.

[31] On page 10 of the Programme, it is nevertheless emphasized that integration does not mean assimilation.

[32] EUMAP 2002, at p. 311.

[33] Integration Programme, at p. 48.

restrictions on certain types of employment remain for non-citizens.[34] Another example where the Programme demonstrates a flaw is its failure to address unequal access to criminal justice for members of ethnic minorities. The Law on the State Language requires the state, municipal and judicial institutions to accept written documents from private persons in Latvian only or with a notarized translation which is costly, especially for groups such as prisoners or persons under investigation.[35] The programme also calls for the involvement of local governments and the establishment of local integration councils.[36] Its regional dimension remains weak, underdeveloped and loosely implemented, though its potential is undeniable.

The link between integration and minority rights could be further strengthened and a more targeted approach at the level of consistent implementation and policy design relevant to minorities would achieve more concrete results. The EU has not been able to contribute significantly in that direction, revealing a systemic fault of its own minority rights policy, not always responding to the specific sensitivities of each candidate.

The recent ratification of the Framework Convention for the Protection of National Minorities in June 2005, into force as of 1st October 2005, could operate drastically in the present circumstances although accompanying reservations have curtailed the scope of application of the convention with respect to the use of minority languages in relations with administrative authorities and the display of signs in minority languages.[37] Its ratification, ten years after Latvia's signature of the Convention, has been qualified as the result of the threat by the Council of Europe to re-open monitoring in the country.

---

[34] In particular as legal assistants, heads of private detective agencies, airplane pilots and security guards. (EUMAP 2002, at p. 335.)

[35] EUMAP 2002, at p. 353.

[36] Integration Programme, at p. 123. Some municipalities have been provided with the opportunity to create their own integration programme drawing inspiration from the general programme. (EUMAP 2002, at p. 353.)

[37] Council of Europe, *Declaration contained in the instrument of ratification deposited on 6 June 2005*, News (2005) 023, http://www.coe.int/t/e/human_rights/ Minorities/1._General_Presentation/1._News/News%282005%29023%20Latvi a_ratifies.asp .

Minority protection in the EU:
A controversial tool of democratic transition

This paper has tried to show through general analysis and the example of the Latvian integration strategy how the recent enlargement has surfaced the multi-faceted legal and political difficulties concerning minority protection in EU Member States. The challenges that the inclusion of protection of and respect for minorities within the Copenhagen political criterion posed, have not so far been met.

The limited success of minority protection conditionality rendered this area of law an additional concern not only for the future of the current Member States but also for the remaining candidates for accession. The political uneasiness that accompanies it only rarely allows for straightforward legal solutions and remedies, all the more so in a legal system as unconventional and *sui generis* as the one of the EU.

Subject to the continuing enlargement and the ongoing sourcing of standards from other international organizations more focused on minority rights, the Union has turned to 'softer' policy tools but will still need to consider with determination whether it wishes to assume the responsibility and competence to govern certain aspects of minority protection, albeit through a non-discrimination prism. In case of a positive answer, the few available legal rules should be coordinated in their application and enriched with clearer standards and benchmarks of performance. The usual method in similar circumstances has consisted so far in ECJ decisions and opinions that set the tone for the interpretation of the rules on the question. The implementation of the 2000/43 Race Directive remains crucial in that respect.

The possibility for continuing enlargement to the Balkans and Turkey is certainly conducive to further concretization of the notion and effects of the obligation that Member States must undertake regarding minorities. Yet the single most challenging element in the list of issues that the EU will have to address in concrete terms is the admission of third-country nationals as beneficiaries of certain rights through the medium of the recent Directive 2003/109 on the status of long-term third-country residents in the Union. A successful 'opening' in that direction will confirm that minority protection as a democratic value retains realistic potential of success in an enlarging Europe.

Promoting Democracy in the EU's Neighbourhood: Lessons from the Pre-Accession Strategy

PETER VAN ELSUWEGE
European Institute
Ghent University

Introduction

The prospect of EU membership has proven to be an attractive and effective tool to stimulate economic and political reforms. The role of the EU in the stabilisation of the Baltic states and other Central and Eastern European countries serves as a good example in this regard. After the 'big bang' enlargement of 1 May 2004, the EU now faces the challenge to devise appropriate strategies for the spread of democracy and stability in its direct neighbourhood, in particular to countries that do not immediately have a prospect of accession. The emerging European Neighbourhood Policy (ENP) constitutes the EU's answer to this challenge.

In spite of the absence of any immediate enlargement perspective for its target countries, a reading of the Commission documents on the ENP immediately reveals the influence of what could be called the 'pre-accession methodology'.[1] The Union seems to prefer a slight amendment of its successful carrot and stick approach as applied towards the countries from Central and Eastern Europe. Without offering the big carrot of accession, attractive goals such as trade liberalisation and enhanced financial support are designed to stimulate a process of legislative approximation, political democratisation and economic development. Furthermore, the idea of introducing specific

---

[1] Documents on the ENP are available at: http://www.eu.int/comm/world/enp/document_en.htm.

Action Plans in order to set out clear policy objectives and benchmarks can be related to the practice of Accession Partnerships, which formed the key legal instruments of the pre-accession strategy. Finally, an annual review of progress in implementing the Action Plans reflects the regular Commission reports on progress towards accession.

Actually, similarities between the ENP and the EU accession process are not a coincidence. Both policies try to extend the zone of peace, stability and security in Europe and can, therefore, be seen as two sides of the same coin. The general objective of the ENP 'to see reinforced, credible and sustained commitment towards democracy, the rule of law, respect for human rights, and progress towards the development of a market economy'[2] in the EU's neighbourhood is identical to the inspiration for enlargement towards Central and Eastern Europe, i.e. the creation of democratic stability and economic prosperity. From this perspective, this paper analyses the strengths and weaknesses of the EU's conditionality in its pre-accession strategy framework in order to assess its applicability for the ENP.

Conditionality in the EU's Pre-accession Strategy

The EU has a long tradition of promoting human rights and democracy in third countries.[3] Its substantial budget for external assistance, as well as the prospect of close institutional ties – ranging from Trade and Co-operation Agreements to Association Agreements and eventually full membership – providing for progressively more access to the EU internal market and increasing participation in EU decision-making are important incentives to ensure that a third country's political, economic and legal development converges with EU values and norms. In addition to these important pull factors or 'carrots', the EU's conditionality also includes the threat of sanctions or 'sticks' in case of non-compliance. The inclusion of 'conditionality clauses' in bilateral agreements or unilateral regulations is an important manifestation of

---

[2] European Commission, 'European Neighbourhood Policy. Strategy Paper', COM (2004) 373 final, p. 11.

[3] For an overview, see: Communication from the Commission to the Council and the European Parliament: the European Union's Role in Promoting Human Rights and Democratisation in Third Countries, COM (2001) 252 final, 8 May 2001.

this approach. Hence, the application of EU conditionality is not unequivocal and entails a wide range of instruments.[4] In this context, the gradual development of a pre-accession conditionality, starting with the 1993 Copenhagen criteria and elaborated in the framework of the pre-accession strategy, forms a specific and sophisticated form of the EU's general external relations conditionality.

'Pre-Accession Methodology': Instruments of Conditionality

The Commission Opinions on the applications for membership formed the starting point for a sophisticated machinery of conditionality and constant monitoring. For each candidate country an individual Accession Partnership (AP), taking the form of a unilateral Council decision, laid down the short-term and long-term priorities on the basis of the Commission's observations. The Commission's annual assessment reports on the candidates' progress towards accession provided information for regular updates of the APs. From a legal point of view, the APs were not binding upon the applicant countries. In practical terms, however, they established a quasi-legal obligation for the candidate states to satisfy the required conditions. First, the individual APs expected the candidates to adopt a National Programme for the Adoption of the Acquis (NPAA), including a timetable and information on the administrative, institutional and financial resources for achieving the priorities and intermediate objectives set out in the AP. Although the APs and NPAAs are, legally speaking, separate and autonomous documents, they operated in a parallel and mutually complementary manner.[5] Secondly, the quasi-legal impact of the APs can be linked to its regime of financial conditionality. Article 4 of Regulation 622/98 pointed out that:

> *'Where an element that is essential for continuing to grant pre-accession assistance is lacking, in particular when the commitments*

---

[4] See: Erwan Lannon, Kirstyn Inglis, and Tom Haenebalcke, 'The Many Faces of EU Conditionality in Pan-Euro-Mediterranean Relations', in Marc Maresceau, and Erwan Lannon (eds.), *The EU's Enlargement and Mediterranean Stategies. A Comparative Analysis* (Houndmills, 2001), pp. 97–138.

[5] Kirstyn Inglis, 'The Pre-Accession Strategy and the Accession Partnerships', in: Andrea Ott, Kirstyn Inglis (eds.), *Handbook on EU Enlargement* (The Hague, 2002), p. 108.

contained in the Europe Agreement are not respected and/or progress towards fulfilment of the Copenhagen criteria is insufficient, the Council, acting by a qualified majority on a proposal from the Commission, may take appropriate steps with regard to any pre-accession assistance granted to an applicant state.'[6]

It is noteworthy that the individual APs explicitly added insufficient progress in implementing the AP as a possible ground for application of the conditionality clause.[7] The formal procedure of Article 4 of Regulation 622/98 has never been used. The Commission, however, applied the stick of financial conditionality in a more informal manner. The 1998 Progress Report on Poland, for instance, informed that the Commission had decided to reduce Poland's national PHARE allocation by 34 MECU 'because of a lack of sufficient mature projects meeting the priorities of the Accession Partnership.'[8]

The consistent pressure put on the candidate countries to comply with EU requirements implied that their relationship with the EU has been characterised by a growing asymmetry.[9] The Commission clearly played a dominant role due to its monitoring reports and involvement in the preparation of the APs. As a result, the NPAAs turned out to be nothing more than the translation of the Commission's desires into a national document. The adoption of minority integration strategies focussing on state-language training in Estonia and Latvia in comparison to Slovakia's efforts on promoting the use of minority languages illustrates how the Commission influenced domestic policies. At the same time, this example demonstrates a lack of consistency in the EU's approach on this pre-accession condition, which in turn relates to problems of internal competences and the

---

[6] Council Regulation (EC) No. 622/98 of 16 March 1998 on assistance to the applicant States in the framework of the pre-accession strategy, and in particular on the establishment of Accession Partnerships, OJ (1998) L 85/2.

[7] See e.g. Council Decision of 30 March 1998 on the principles, priorities, intermediate objectives and conditions contained in the accession partnership with the Republic of Lithuania, OJ (1998) L 121/34.

[8] European Commission, 'Regular Report from the Commission on Poland's Progress Towards Accession', COM (1998) 701 final, Brussels, 17 December 1998, p. 7.

[9] Klaudijus Maniokas, 'Methodology of EU Enlargement: A Critical Appraisal', http://www.eipa.nl/Topics/Enlargement/maniokas_paper.doc.

absence of clear benchmarks in the field of political conditionality.[10] Accordingly, the observation that the Commission reports essentially assess the implementation of the *acquis*, which is insufficient to check the state of democracy, human rights and the rule of law, has been identified as one of the main weaknesses of the EU's pre-accession methodology.[11] The EU lacks an independent monitoring mechanism or at least clear rules or guidelines for assessing the political criteria. The Commission reports refer to the candidate countries, the Member States, European Parliament reports and conclusions of international as well as intergovernmental organisations as its main sources of information. In addition, the EU's delegations in the candidate countries have been consulted. It is, however, impossible to measure the relative weight of the various sources. The lack of transparency in the compilation of the Commission reports raises the question to what extent the Commission assessments have been politically motivated. Karen Smith, for instance, argues that 'politics have so far prevailed over the objective application of membership conditionality'.[12]

The Impact of EU Pre-Accession Conditionality: the Case of the Baltic States

In spite of important drawbacks in the EU's political conditionality approach, mainly related to a lack of clear benchmarks, coherence and transparency, it can be assumed that the EU has to a certain extend influenced the democratisation process of the candidate countries. In Estonia and Latvia, for instance, EU conditionality contributed to important changes in citizenship and language legislation. In 1998,

---

[10] James Hughes and Gwendolyn Sasse, 'Monitoring the Monitors: EU Enlargement Conditionality and Minority Protection in the CEECs', *Journal of Ethnopolitics and Minority Issues in Europe*, 1 (2003): 12–20.

[11] Dimitry Kochenov, 'Why the promotion of the *acquis* is not the same as the Promotion of Democracy and what can be done in order to also promote democracy instead of just promoting the *acquis*', http://www.inter-disciplinary.net/AUD/AUD2/Kochenov%20Paper.pdf.

[12] Karen Smith, 'The Evolution and Application of EU Membership Conditionality', in: Marise Cremona (ed.), *The Enlargement of the European Union* (Oxford, 2003), p. 132.

Latvia abolished the so-called 'window system'[13] and granted, upon
request of their parents, citizenship to stateless children born in Latvia
after 21 August 1991 in response to the Commission's Opinion and a
Presidency declaration that reform of the citizenship law was a 'key
criterion' for beginning accession talks.[14] Estonia also introduced
important amendments, facilitating the requirements for the acquis-
ition of citizenship. Previous pressure from the OSCE High Commis-
sioner on National Minorities turned out to be ineffective in the light
of strong domestic opposition against any softening of this legislation.
Only the concrete linkage between amendment of the citizenship law
and the perspective of EU Membership influenced the domestic debate
and finally allowed the implementation of the controversial changes. A
second example of the concrete impact of the EU's political condition-
ality relates to Latvia's language legislation. In 1998, the Latvian
Parliament drafted a new language law that obliged private bodies
and enterprises to conduct their activities in Latvian. Messages of the
EU Presidency that the adoption of this law could seriously hamper
Latvia's chances on early EU Membership influenced President Vaira
Vike-Freiberga's decision not to sign the law.[15] Accordingly, a revised
version, assessed to be in conformity with EU requirements, entered
into force a few days before the Helsinki European Council had to
decide on the start of accession negotiations. The example of Estonia
shows that the EU also played a dominant role after the start of nego-
tiations although its persuasion efforts seemed to be more compli-
cated. Confronted with EU concerns on its restrictive language legisla-
tion, the Estonian Parliament turned out to be a very reluctant partner,
which only adopted amendments in 2000, after the Commission had
clearly issued negative statements and after accession negotiations had

---

[13] Within this system, potential candidates for Latvian citizenship were divided
into groups according to age and status. The right to apply for citizenship was
spread over seven years, beginning with the youngest age group (persons aged
16–20) in 1996. In practice, this implied that numerous non-citizens would
never have a chance to apply for citizenship.
[14] Judith Kelley, *Ethnic Politics in Europe. The Power of Norms and Incentives*
(Princeton, 2004), p. 91.
[15] Frank Schimmelfennig, Stefan Engert, Heiko Knobel, 'The Impact of EU
Political Conditionality', in: Frank Schimmelfennig, Ulrich Sedelmeier, (eds.),
The Europeanization of Central and Eastern Europe (New York, 2005), p. 48.

started with Latvia.[16] Hence, the competitive aspect of the EU enlarge-
ment methodology seemed to have facilitated the effectiveness of the
EU's conditionality.

The examples mentioned reveal that the impact of EU condition-
ality in the absence of clear internal standards is only effective when it
is linked to concrete membership related incentives. In areas where the
EU failed to introduce such explicit links, as was for instance the case
with regard to election or education laws, the EU remained a passive
observer without any immediate impact. In other words, condition-
ality works well only when there are substantial carrots and sticks at
stake.[17] The construction of a gradual admission process, with different
intermediate steps and rewards on the road to accession, increases
compliance.[18] The question, therefore, is whether the pre-accession
methodology works in the absence of membership as a target?

Applicability of the Pre-Accession Methodology
in the Framework of the ENP

Instruments of the ENP

The gradual development of the ENP immediately reveals the influ-
ence of the pre-accession experience. In its first important Communi-
cation on the topic, the Commission proposed a 'differentiated, pro-
gressive and benchmarked approach', based upon Action Plans setting
out the actions the EU expects of its partners and operating as a plat-
form for assessing its implementation in ENP country reports.[19] The
listing of priority areas in the Action Plans and the correlated targeting
of financial assistance on the basis of a new European Neighbourhood
and Partnership Instrument (ENPI) reflects the practice of the Acces-
sion Partnerships and the pre-accession financing. An important inno-
vation is its cross-border co-operation component. From 2007
onwards, the ENPI will solve the complex combination of various

---

[16]   Kelley, *Ethnic Politics in Europe*, pp. 100–103.
[17]   Paul Kubicek, 'The European Union and Democracy Promotion', in: Paul
        Kubicek (ed.), *The European Union and Democratization* (London, 2003), p. 212.
[18]   Kelley, *Ethnic Politics in Europe*, p. 46.
[19]   Communication from the Commission to the Council and the European Parlia-
        ment, 'Wider Europe – Neighbourhood: A New Framework for Relations with our
        Eastern and Southern Neighbours', COM (2003) 104 final, 11 March 2003, pp. 15–17.

instruments with different procedural requirements through a single approach to co-operation across the external borders of the Union.[20]

Importantly, the Commission tries to avoid the impression of unilaterally imposing external conditions on the partner countries by references to 'shared values', 'common interests' and the concept of 'joint ownership':

> '*The EU does not seek to impose priorities or conditions on its partners. The Action Plans depend, for their success, on the clear recognition of mutual interests in addressing a set of priority issues. There can be no question of asking partners to accept a pre-determined set of priorities. These will be defined by common consent and will thus vary from country to country.*'[21]

In spite of this rhetoric, there is no doubt that the EU is the dominant party in the asymmetric, conditionality based, relationship.[22] This can clearly be derived from the principal role of the Commission within the drafting of the Action Plans[23] and the inclusion of a suspension clause in the proposed European Neighbourhood and Partnership Instrument (ENPI)[24]. Hence, it can be concluded that the ENP largely

---

[20] Proposal for a Regulation of the European Parliament and the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument, COM (2004) 628 final, 23 Sep. 2004.

[21] European Commission, 'European Neighbourhood Policy. Strategy Paper', COM (2004) 373 final, p. 8.

[22] Marise Cremona, 'The European Neighbourhood Policy: Legal and Institutional Issues', CDDRL Working Papers, 25 (2004), p. 7. (http://iis-db.stanford.edu/pubs/20738/Cremona-ENP_and_the_Rule_of_Law.pdf.)

[23] The Commission issues a proposal for a Council Decision on the position to be taken by the European Community and its Member States within the relevant Association or Partnership and Co-operation Council. Once approved by the Member States, the Association of Partnership and Co-operation Council is to endorse the Action Plan. Communication from the Commission to the Council on the Commission Proposals for Action Plans under the European Neighbourhood Policy (ENP), COM (2004), 795 final, 9 Dec. 2004, pp. 3–4.

[24] Article 28 of the proposed Regulation provides that the Council, acting by qualified majority on a proposal from the Commission, may suspend the assistance granted to a partner country that fails to fundamental principles mentioned in Title I of the Regulation. Proposal for a Regulation of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument, COM (2004) 628 final, 29 Sep. 2004, p. 30.

reflects the characteristics of the pre-accession methodology.[25] This implies that the ENP faces similar challenges such as the absence of clear internal standards and the need for transparent and consistent monitoring in order to overcome the reluctance of target countries to comply with EU requirements. Taking into account the different circumstances of the ENP and the pre-accession process, it seems obvious that the effectiveness of the former will more depend on 'joint ownership' and concrete initiatives rather than on asymmetrically imposed norms and the offer of long-term benefits. Hence, the active involvement of ENP target countries and neighbouring EU Member States in the drafting of concrete projects with mutual benefits is a crucial determinant for success. In this respect, the role of the Baltic states cannot be underestimated, in particular with regard to developments in Ukraine and Belarus.

The Role of the Baltic States in Promoting Democracy in the EU's Neighbourhood

Whereas the commitment of the Baltic states to the Copenhagen political criteria can partly be explained on the basis of the EU's conditionality approach (cf. *supra*), the consistent involvement of the EU institutions and the EU Member States, in particular the Nordic countries, cannot be underestimated. It would go beyond the scope of this paper to give a detailed analysis of the (in)direct support provided by Finland, Sweden and Denmark to the democratisation and stabilisation process of the Baltic states, both in bilateral and multilateral frameworks.[26] It is sufficient to refer to the dominant role of these countries in the pre-accession twinning exercises, i.e. projects involving the secondment of civil servants from Member States' administrations to institutions of the candidate countries to support the process of institution-building, and to the sponsoring of democratisation projects under the umbrella of the Nordic Council or Council of Baltic

---

[25] See also: Judith Kelley, 'New Wine in Old Wineskins: Promoting Political Reforms through the New European Neighbourhood Policy', *Journal of Common Market Studies*, 44/1 (2006): 29–55.

[26] See: Annika Bergman, 'Nordic Integration Assistance: The Case of the Baltic States', http://www.gla.ac.uk/departments/dcees/Bergman.pdf.

Sea States. Arguably, this active involvement has, in itself, contributed substantially to the successful transition of the Baltic states.

Proceeding from this experience, the introduction of twinning projects and increased support to the development of a genuine civil society in the EU's eastern neighbours seems to be an important policy objective, irrespective the effectiveness of conditionality. Taking into account their geographic location and recent experience, the Baltic states should play a key role in this process. The EU accession of Estonia, Latvia and Lithuania has created new opportunities for the promotion of democracy in the ex Soviet republics, which was not a priority for the EU in previous times. The contributions of Lithuania to the framing of the ENP[27] and the general support of the Baltic states to extend its scope to the Southern Caucasus (Georgia, Armenia and Azerbaijan)[28] provide good examples of how these countries influence the EU's agenda. Hence, following the example of the Nordic countries, the Baltic states are in a good position to support the democratic transition in neighbouring countries. The response of Lithuania to the Orange revolution in Ukraine and its support to democratic forces in Belarus provides a first manifestation of such a role.[29]

Conclusion

After the restoration of independence in 1991, the Baltic states faced an uncertain future. Today, Estonia, Latvia and Lithuania constitute stable democracies firmly anchored within the European and Transatlantic structures. Undeniably, the process of accession to the EU has contributed to this successful transition. The 'carrot' of EU membership in combination with a credible pre-accession strategy turned out

---

[27] Council of the European Union, 'Wider Europe – New Neighbourhood, Proposals from the Lithuanian Delegation', 9399/03, 23 May 2003.

[28] Rosa Balfour, Vladimir Bilcik, Stephen Calleya, e.a., 'One Year On. The Foreign Policy of the Enlarged EU. An Overview of the New Member States' Contribution to European Foreign Policy, http://www.cespi.it/Sem-Turchia/ Balfour-Turchia%202.pdf.

[29] For instance, support from the European Initiative for Democracy and Human Rights (EIDHR) to Belarus has been granted through a project with the Lithuanian Union of Journalists. (See: http://europa.eu.int/comm/europeaid/ projects/tacis/publications/annual_programmes/belarus_2003_en.pdf).

to be successful tools for influencing domestic policy choices. A number of lessons can be drawn from this experience. First, EU political conditionality worked in spite of the absence of clear internal standards. The asymmetric nature of the relationship did not prevent the adoption of EU recommendations on the condition that compliance with these recommendations could be linked to progress on the road to accession. Second, the effectiveness of the EU's conditionality essentially depends on the offer of concrete benefits, such as e.g. the opening of accession negotiations. Third, effective co-operation with other normative based international organisations such as the OSCE or the Council of Europe and constant involvement of neighbouring EU Member States increases the impact of the EU's conditionality on third countries. Fourth, the competitive environment of the pre-accession process stimulated democratic reforms.

In comparison to the ENP, a number of important remarks have to be made. First, the ENP target countries do not have a perspective of EU Membership, at least not in the short term. Second, the candidate countries never seriously questioned the necessity of democratic reforms. This is not necessary the case in all ENP target countries. Authoritarian regimes such as Lukashenko's Belarus are not very receptive to the EU's policies. Third, as a result of the broader differentiation between the countries involved, the ENP does not seem to create a genuine competition between its target countries, as was the case in the pre-accession process.

Proceeding from the pre-accession experience and taking into account the different context of the ENP, a number of policy recommendations could be formulated to increase the effectiveness of the EU's political conditionality. First, the EU's monitoring mechanism could be improved on the basis of closer and more visible co-operation with the OSCE and the Council of Europe. Both organisations are dealing with human rights issues and the promotion of democracy in the European partner countries. Accordingly, a transparent division of labour might be necessary to increase the credibility of the monitoring activities and to avoid duplication. With regard to the EU's Mediterranean neighbours, which are by definition no members of the OSCE or the Council of Europe, comparable monitoring mechanisms have to be established. In this respect, the European Parliament recalled the idea of extending the OSCE to the Mediterranean area or to create a sepa-

rate regional organisation modelled upon the OSCE.[30] Second, the Commission has to elaborate clear priorities and objective criteria for the evaluation of the achievements, linked to concrete benefits. A more detailed step by step approach towards full access to the internal market and participation in the CFSP or co-operation in the area of Justice and Home Affairs could be contemplated. Third, participation in Community programmes in areas such as culture, youth, education, the information society or research and science forms an important first step contributing to the 'joint ownership' of the project. Fourth, the reform experiences of the new Member States could be used through the institution of twinning projects and joint TAIEX activities[31]. In addition, the facilitated procedure under the ENPI opens up new opportunities for cross-border co-operation between EU Member States and neighbouring countries. Fifth, a number of institutional mechanisms could be developed. The European Parliament, *inter alia*, proposed the establishment of a special European fund to support the promotion of parliamentary democracy or the setting up of sub-committees on human rights with all the neighbouring countries.[32] At least, these suggestions emphasise the primary importance attributed to the development of human rights, democracy and the rule of law as part of the ENP and the crucial role of the new Member States in this process.

---

[30] European Parliament resolution on the European Neighbourhood Policy, 19 Jan. 2006, PE.368.264.

[31] TAIEX is the Technical Assistance and Information Exchange Instrument of the Institution Building unit of Directorate-General Enlargement of the European Commission (http://taiex.cec.eu.int/). On 23 January 2006, the Council adopted an important decision enabling the ENP target countries as well as Russia to benefit from the TAIEX programme. See: Council Decision 2006/62/EC, OJ (2006), L 32/80.

[32] European Parliament resolution on the European Neighbourhood Policy, 19 Jan. 2006, PE.368.264.

PART TWO:

THE BALTIC STATES' INTERNAL CHALLENGES OF DEMOCRATISATION

From Conditionality to Convergence? –
EU Enlargement as an Instrument
of Democracy Promotion

KRISTI RAIK
Finnish Institute of International Affairs

Enlargement of the European Union seems to be the most effective tool of democracy promotion ever applied by an external actor. Its effectiveness in spreading democracy is explained by a combination of the strong appeal of membership, a credible prospect and clear conditions for membership, and extensive support for meeting the conditions[1]. In other words, the EU has been a successful democratiser if and when candidate countries have been highly motivated to become members, the EU has promised to accept them as members once they satisfy the so-called Copenhagen criteria, and extensive assistance (mostly given through the Phare programme) has helped the candidates to carry out necessary reforms.

Democracy promotion in general has become an increasingly important part of EU foreign policy since the early 1990s. There are two main instruments that the EU uses in order to support demoratisation in external countries: conditionality and assistance. Both of these policy tools are applied as part of the EU foreign policy all over the world, but they have been most effective and consistent when linked to enlargement. A third way for the EU to extend democracy, which is even more tied to enlargement, is through convergence and socialisation that inevitably come along with integration. Neither convergence nor socialisation can be actively used by the EU as policy tools in a similar manner as conditionality and assistance. Rather they are indirect and to some extent unintended mechanisms that help to

---

[1] Cf. Milada Anna Vachudova, *Europe Undivided: Democracy, Leverage & Integration After Communism* (Oxford: Oxford University Press, 2005), pp. 108–138.

"fasten" democratic norms and values in candidate countries and new member states.

It is argued in this paper that, in spite of the undeniable contribution of enlargement to democratisation, we should not exaggerate the EU's positive impact so far and its potential to continue spreading democracy through enlargement. The paper discusses the tools and mechanisms just mentioned above, paying special attention to the limitations and problems of promoting democracy through enlargement. The general and conceptual discussion will be illustrated with some examples from the case of Estonia.

Conditionality

Conditionality in general means a policy according to which benefits to or sanctions on another actor are linked to the fulfilment of certain conditions, the objective being to change the policies of that actor according to one's own values and interests. Democratic conditionality that ties benefits or sanctions from an external actor to certain political criteria is a specific form of conditionality policy. During the post-Cold War era it has become an increasingly popular policy tool among western actors.

Conditionality has been applied much more extensively by international organisations than by states because of the perceived conflict between conditionality and state sovereignty. It is a fundamental problem of conditionality policy that it offends sovereignty and may be seen as illegitimate interference in the domestic affairs of the target country. On the other hand, international concern about the state of democracy and human rights all over the world has become widely accepted in the post-Cold War period. Nonetheless, the norms of sovereignty and non-intervention are still considered to be obstacles to the application of conditionality by states, whereas conditionality policies of multilateral organisations have not been as vulnerable to criticism on these grounds.[2] In this respect the EU has been in a relatively good position to promote democracy through conditionality.

---

[2]   Karen E. Smith, "The Use of Political Conditionality in the EU's Relations with Third Countries: How Effective?", *European Foreign Affairs Review* 3:2 (1998): 256–57.

The norm of political conditionality has been making its way into the EU's relations with third countries since the late 1980s, and has "developed first and furthest with respect to Central and Eastern Europe"[3]. The most positive judgements of the EU's democratic conditionality policy refer to the Copenhagen political criteria and the annual Commission reports which have been seen by some analysts as a proof that "conditionality works"[4]. According to Diane Ethier, conditionality does "strongly influence the progress of democratization /…/ when the stake or reward is accession to the union"[5]. EU membership criteria are indeed the strongest form of conditionality ever applied in practice. Conditionality works so effectively towards the candidate countries if and when candidates know that compliance with the criteria guarantees them membership, and on the other hand, a failure to comply leads to exclusion.

However, the effectiveness of membership conditionality with regard to democratisation raises some serious questions. With the exception of Slovakia that was excluded from the first group of enlargement in 1997 because it did not satisfy the political criteria, the eastern applicant countries satisfied the Copenhagen political criteria already according to the first Commission reports issued in 1997. Hence, there has not been much need to apply democratic conditionality. Only if an applicant country does not satisfy the political criteria, the EU may play a strong role in turning its course. This has to take place before the start of accession negotiations because the fulfilment of basic democracy criteria is a precondition for starting the negotiations. Once the negotiations have begun, the EU's role becomes confirmative: it monitors the development and may suspend negotiations if a setback in the functioning of democracy occurs (this principle is now stressed in relation to Turkey in particular).

---

[3]   Ibid., p. 260.
[4]   Geoffrey Pridham, "Rethinking regime-change theory and the international dimension of democratisation: ten years after in East-Central Europe", in Geoffrey Pridham and Attila Ágh (eds) *Prospects for democratic consolidation in East-Central Europe* (Manchester and New York: Manchester University Press, 2001), p. 71.
[5]   Diane Ethier, "Is Democracy Promotion Effective? Comparing Conditionality and Incentives", *Democratization* 10:1 (2003): 116.

The Copenhagen political criteria entail the basic, minimal conditions for democracy. The Commission reports on the applicants go beyond the membership conditions on many questions concerning democracy and respect for minorities – in other words, the reports do not only cover issues that must be in place before accession. Additional recommendations by the Commission do not, however, represent a strict form of conditionality policy. Recommendations from Brussels that have not been decisive for EU accession have had minor relevance in the overall process of enlargement – which is not to deny that they have put some pressure on the candidate countries' governments and initiated changes of policies. For example, the amendments introduced in the Estonian Citizenship Law in 1998 and the Language Law in 2000 were clear reactions to criticism from the European Commission.

The strict conditionality of enlargement has mostly concerned other than democracy criteria. It has been an absolute requirement that the applicants implement the membership criteria, including the adoption and implementation of the approximately 80,000 pages of EU legislation. For the Central and Eastern European countries (CEECs) that joined in 2004 there was less room for manoeuvre and negotiation than in previous enlargements. This is partly because the *acquis* had grown much larger and more detailed in the meantime. In addition, the EU's approach was different this time — a "reciprocal relationship" was replaced by treating the applicants as "clients"[6]. The Commission was constantly reviewing their progress in the preparations for membership. The detailed recommendations presented in the Commission reports were specified further in the Accession Partnerships (APs)[7], which laid down short- and medium-term priorities in each issue area, and in the National Programmes for the Adoption of the Acquis (NPAAs) prepared by each CEE government, following the request of the Commission. Progress in negotiations was tied to the implementation of these work programmes.

---

[6]   Heather Grabbe, "How does the EU measure when the CEECs are ready to join", in Charles Jenkins, ed., *The Unification of Europe? An analysis of EU enlargement* (London: Centre for Reform, 2000), p. 43.

[7]   The idea of APs was introduced in 1997, and the first versions that were designed individually for each applicant country were presented in March 1998.

The dominant role of EU demands in domestic politics and the tight timetables of meeting the accession criteria have had a number of negative side-effects on democracy in the candidate countries. For example in Estonia during the accession negotiations (1998–2002) there was little time for discussing EU-related matters in public or even in parliament *before* decisions were taken; civil servants were overloaded with work; the quality of new legislation was often poor; EU norms were often adopted in a superficial manner, without being internalised in the domestic system; and there were huge problems with implementation and enforcement. Moreover, many citizens felt alienation, apathy and scepticism towards the state and political elite.[8]

Altogether, there is little proof of the effectiveness of democratic conditionality in the EU's relations with the CEECs. To quote a conclusion made by Schimmelfennig and others, "the impact of democratic conditionality has been marginal, but not irrelevant"[9]. Rather than making a decisive difference, conditionality has mostly worked in cases in which its role has been confirmative or reinforcing.

Assistance

The conclusion we just made about conditionality is also valid for the other main democracy promotion instrument of the EU: assistance. The EU has been the largest external donor to the CEECs, with the amount of aid growing constantly since the late 1980s. The share of democracy of the total aid has been very modest[10]. What is even more

---

[8] For a more detailed analysis, see Kristi Raik, Democratic Politics or the Implementation of Inevitabilities? – Estonia's Democracy and Integration into the European Union. (Tartu: Tartu University Press, 2003).

[9] Frank Schimmelfennig, Stefan Engert and Heiko Knobel, "Costs, Commitment and Compliance: The Impact of EU Democratic Conditionality on Latvia, Slovakia and Turkey", *Journal of Common Market Studies* 40:3(2003): 515.

[10] According to several sources, it was only about 1 % in the 1990s. No exact data are available of the whole pre-accession period of the countries that joined the EU in 2004. Karen E. Smith, "Western Actors and the Promotion of Democracy", in Jan Zielonka and Alex Pravda (eds), *Democratic Consolidation in Eastern Europe, Vol. 2: International and Transnational Factor* (Oxford: Oxford University Press, 2001), p. 49; J.R. Wedel, *Collision and Collusion: The Strange Case of Western Aid to Eastern Europe* (New York, Palgrave for St. Martin's Griffin, 2001), p. 87.

important: no matter what the amount of funds, external democracy aid in general does no miracles. During the past two decades the overall democracy assistance given by Western countries has multiplied. Yet there is a considerable amount of suspicion among foreign policy makers and researchers alike about the effectiveness of these efforts. For example, one of the leading experts in the field, Thomas Carothers, calls for "modest expectations", reminding that "democracy aid generally does not have major effects on the political direction of recipient countries"[11]. Domestic factors continue to be decisive for the success, failure or absence of democratic reforms. External support may contribute to democratic reforms, and it may help pro-democratic forces in authoritarian countries to pursue their goals, but it does not bring about change if the domestic will to democratise is not there.

Democratic conditionality is in principle attached to all EU assistance, which means that assistance may be suspended if a country violates democratic principles. Aid may also be offered as a carrot so that the more committed a country is to democratisation, the more assistance it receives from the EU. However, according to Richard Youngs, "Overall EU aid to Central and Eastern Europe has not correlated to any notable degree to states' respective progress in improving the quality of democratic procedure"[12]. Furthermore, the EU has developed no reporting mechanisms or systematic procedures on which to base the democratic conditionality of its foreign aid[13].

When it comes to the amount of democracy assistance to the candidate countries, it is actually not enough to look at specific democracy programmes only. It is often not easy to draw a line between what is democracy aid and what is not, since all political and economic assistance to a transition country may contribute to the strengthening of democracy. It undoubtedly makes democracy function better if the institutional machinery of the state works well, professional civil servants have good skills of policy planning and legal drafting, the judiciary is independent and effective etc. Institution

---

[11] Thomas Carothers, *Aiding Democracy Abroad: The Learning Curve* (Carnegie Endowment for International Peace, Washington D.C., 1999), p. 308.

[12] Robert Youngs, "European Union Democracy Promotion Policies: Ten Years On", *European Foreign Affairs Review* 6:3 (2001): 359.

[13] Smith 1998, 266.

building and the improvement of administrative capacity have been among the main targets of the overall pre-accession assistance from the EU to candidates, but most of it has not been called "democracy aid". At the same time, a lot of EU assistance is at best remotely linked to democracy. For example, a democracy can function well without the harmonisation of taxation policy with the acquis or the administrative structures needed for the implementation of Common Agricultural Policy.

One of the areas where EU support has been gradually growing is civil society. The EU has supported civic initiative in the applicant countries through various programmes under the framework of PHARE. More than half of the specific PHARE democracy aid has been given to NGOs, which is relatively much compared to the U.S. aid that has focused more on the formal elements of democracy. One can thus speak about a specific 'grass roots approach' of EU democracy promotion.[14] In the pre-accession period, Estonian NGOs received aid via various PHARE programmes, and the share of this sector in total EU assistance was relatively high, up to 4 per cent[15]. In line with the overall focus of EU democracy aid on human rights issues[16], one of the most important targets was the integration of the Russian-speaking minority into Estonian society. In addition, in the late 1990s support for projects aimed at raising the level of public awareness about the EU started to grow. This area became particularly important prior to the referendum on membership held in September

---

[14] Youngs 2001. It has to be noted here that the US has also increased support to civil society, especially in countries where the government is not reform-minded.

[15] Between 1993–2000, Estonian civil society received over 3 million € from PHARE funds, while the total PHARE allocations to Estonia were 153 million € (24 million € in 2000). The ACCESS programme allocated approximately 820 000 € to Estonian NGOs. The share of civil society projects in the total PHARE budget for Estonia rose to 4 per cent in 2001. (Sources: the Delegation of the European Commission in Estonia; European Commission, The PHARE Programme: Annual Report 2000.)

[16] Youngs 2001: 362–65.

2003. The European Commission was the largest single financer of the non-governmental referendum campaign in Estonia[17].

EU accession and in particular the referendum contributed to the activisation of Estonian civil society and its ability to perform a critical role in relation to the state. The EU-related projects of NGOs improved their capabilities to scrutinise the activities of public authorities, formulate their views and promote their interests in an organised manner. This example illustrates that EU assistance reinforced the democratic development that was home-grown, based on domestic will to strengthen democracy. The seeds of funding from the EU or any other external actor would not have brought about democratisation without fertile domestic "soil".

Convergence and socialisation

While democratic conditionality matters most before the start of negotiations, and assistance becomes increasingly important in the course of the pre-accession period, convergence and socialisation take place more slowly and become more relevant after accession. Convergence, in brief, means "gradual movement in system conformity"[18], and it is closely related to and partly overlapping with conditionality: it is the purpose of membership conditions to promote convergence through making the applicant countries confirm with the rules and norms of the EU. It is not enough that the applicants merely superficially adopt the rules, but they are also expected to be truly committed to the common values and to adopt shared understandings of national and European aims and interests – to the extent that there are shared values and understandings that underlie the apparent differences and disagreements among the member states.

It is the internalisation of shared norms and values that lies at the core of socialisation. This is an ongoing process in the EU, as the scope of EU policies and activities is constantly extending and the founding principles are every now and then specified and revised. For example, the Union added the notions of democracy and the rule of law to its

---

[17] Through the Small Projects Programme specifically targeted at public awareness raising, the Commission granted 150 000 € to seven projects in 2002, and 200 000 € to ten projects in 2003.

[18] Pridham 2001, 57.

basic treaty not before 1997, and the content of these norms has become more and more precisely defined in recent years through enlargement as well as the European Convention and the draft constitutional treaty. To take another example, the past decade has seen a rocketing evolvement of the common foreign, security and defence policy of the EU, together with a set of common norms and aims (including democracy) that constitute the basis of this new policy.

It is fairly easy and straightforward to measure flows of EU assistance to candidate countries. The effects of democratic conditionality can also be to some extent clearly pinpointed in the form of decisions that are taken and legislation that is adopted in a target country as a reaction to EU demands. Convergence and socialisation, by contrast, are very difficult to prove or measure. Instead of immediate effects, they are presumed to have a significant role in shaping the political systems and cultures of candidate countries in a longer perspective.

Let us take a look at the example of civil society again. Several studies conducted in the 1990s show that civil society was at the time considerably weaker in the CEECs that in so-called Western Europe.[19] One could even characterise the CEECs and their western neighbours as different types of democratic communities (Fuchs and Klingemann). Not only was the level of civic activity lower in post-communist countries, but there were considerable differences between former east and west in terms of political values, including law abindingness and trust in other members of the community.[20]

However, the political culture and civil society of the CEECs continue to change and are more dynamic in the new member states than in the more established old EU countries. As I argued above, EU integration has given a boost to the development of Estonian civil society. In terms of quantity, the gap between new and old members is

---

[19] E.g. Sten Berglund, Frank H. Aarebrot, Henri Vogt and Georgi Karasimeonov, 'Civil Society', in *Challenges to Democracy: Eastern Europe Ten Years after the Collapse of Communism* (Cheltenham and Northampton: Edward Elgar, 2001) pp. 147–70; Marc Morjé Howard, "The Weakness of Postcommunist Civil Society", *Journal of Democracy* 13:1 (2002): 157–69.

[20] Fuchs, Dieter and Klingemann, Hans-Dieter, "Eastward Enlargement of the European Union and the Identity of Europe", in Peter Mair and Jan Zielonka (eds), *The Enlarged European Union: Diversity and Adaptation* (London and Portland, Or.: Frank Cass, 2002), pp. 19–54.

decreasing: the number of NGOs in Estonia was just over 3000 in 1996 (the estimated number of active groups being higher, around 4000)[21], but it reached 11000 in 2005 (plus 12000 housing associations). In terms of quality, in some aspects civil society has been even more active in Estonia than in old member states. The most visible evidence of the dynamic and innovative nature of Estonian civil society is the Civil Society Development Concept adopted by the Estonian Parliament in December 2002. The document lays down a national strategy aimed at enhancing cooperation and partnership between NGOs and public authorities. It was a result of over three years' preparatory work involving hundreds of NGOs, several academic experts and all major political parties – a process that in itself indicated and strengthened the viability of this sphere in Estonian society[22]. The adoption of the Concept was celebrated by Estonian NGO activists as a major step and even an "international success story" that raised interest in many other countries, both "new" and "old" democracies[23]. The positive development was indicated by the NGO sustainability index, measured yearly by USAID, that rated Estonia as the first country in CEE in 2004[24]. The EU has had no direct impact on this positive development, but the process of integration has contributed to a change of attitude towards civil society among the political elite, and increasing cooperation of Estonian NGOs with their European partners has been supported by the EU and has encouraged Estonian activists.

Like conditionality, convergence and socialisation also involve negative aspects. Candidate countries and new member states do not only internalise democracy, but also the democratic deficit that characterises the EU. The main features of that deficit are weakness of

---

[21] Heli Kask, "NGOs in Estonia", http://www.esis.ee/ist2000/einst/society/ngo.htm (10.3.2006)

[22] Mikko Lagerspetz, "Estonian NGOs as Civil Society?" Paper presented at the 5th Conference of the European Sociological Association, 28 August – 1 September 2001, Helsinki, Finland.

[23] Kerttu Ruus, 'Change of mindset underway as Estonian parliament adopts agreement on civil society.' *the public policy site*, http://www.policy.lv/index.php?id=102558&lang=en 04.02.2003.

[24] USAID, "The 2004 NGO Sustainability Index for Central and Eastern Europe and Eurasia." Eight Edition – May 2005. United States Agency for International Development, Bureau for Europe and Eurasia, Office of Democracy, Governance and Social Transition.

popular control by citizens over political decision-making, the strong role of the executive branch in EU decision making, and correspondingly a weak role of parliaments, the European Parliament as well as national legislatures. Furthermore, there is no common European public media, and the coverage of EU issues in the national media is often limited. It is difficult for citizens, organised groups and even national parliaments to follow and influence EU decision-making. The EU is a thing of a narrow circle of elites. The new member states are similar to the old ones in this respect.

Conclusion

The ability of political scientists to prove the effects of EU enlargement on the democratisation of (former) candidate countries is limited. It could well be that the CEECs that are now EU member states would be democratic even without membership, but we are not able to turn back time and test this claim. Nonetheless, there is strong support to the argument that the new member states, with the exception of Slovakia, have been committed to democracy and integration with the West in any case, and the priorities of their domestic leaders have, by and large, overlapped with Western expectations. Conditionality and assistance from the EU to candidate countries have mostly focused on issues other than democracy, and conditionality does not necessarily lead to convergence. The limited impact on democratisation that the EU has made through different tools and mechanisms is summarised in the following table.

Table 1. The main forms of the EU's impact on democratisation in the candidate countries

Tools and mechanisms	Aims and effects	Timing
Democratic conditionality	Formal compliance – adoption of Copenhagen criteria, including minimal conditions for a liberal democracy	Focus on pre-negotiations: Minimal criteria for democracy as a precondition for starting accession negotiations
Assistance	Support to the adoption and implementation of EU norms, institution-building, the rule of law, civil society etc.	Focus on pre-accession: assistance grows gradually as candidates come closer to accession
Convergence, socialisation	Internalisation of common norms – indirect, long-term impact of integration; brings EU members closer to each other	Focus on post-accession: Starts during pre-accession, continues and deepens after accession

The relevance of the experience of the latest "big bang" enlargement for the EU's democracy promotion policy in the future will be marginal unless the EU expresses a clear commitment to continue enlargement. The "big bang" expansion has been exceptional in terms of its scope and intensiveness. Bulgaria, Romania and probably Croatia are still expected to join the same "wave" and become members within this decade. Beyond that, there is little support in the EU for a further expansion. Hence, the EU is unable to have a similar influence on the development of the rest of its neighbouring countries. The effectiveness of enlargement as a tool for democracy promotion remains disputed, and we are unlikely to receive further evidence in order to prove or disprove our assumptions on this matter in the coming years. Perhaps the EU will (at least it should) become more open to further enlargement if member aspirants such as Turkey and Ukraine will be successful in their domestic reforms and prove their ability to satisfy membership conditions. In that case, the EU's role would again not be decisive, but supportive and confirmative.

Russian Speaking Communities and Democratic Consolidation in the Post-Soviet Baltic Societies

Timofei Agarin

DFG-Graduiertenkolleg "Generationengeschichte",
Georg-August Universität Göttingen

Department of Politics and International Relations,
University of Aberdeen

Recent research concerning the social and political transformation in post-Soviet Baltic states has shown disparity between government agendas for democratic consolidation of respective societies, and the actual preparedness of ethnic groups to interact in the socio-political arena. Despite differences regarding the ultimate goal of democratic transition in the process of European enlargement, steps to consolidate Baltic societies have been undertaken by governmental institutions, the general public and minority groups alike. Basing on the notion of 'triple transition', introduced in early 1991 by Claus Offe, this paper assesses the significance of the Russian language in shaping multifaceted change in the Eastern Baltic Sea rim. Although Russian-speaking communities aspired to somewhat different outcomes of the transformation process than Estonians, Latvians and Lithuanians, it is argued that the direction and pace of transition negated interethnic conflict and assisted in democratic consolidation of post-Soviet Baltic societies.

'Triple transition' as a precondition of democratic consolidation

Observing transformation unfolding in Central Eastern Europe in the early 1990s, Claus Offe suggested that a political system could be established as a combined result of decision-making, taking place at three hierarchically organised levels, with the 'decision on identity'

being of paramount importance.[1] Offe asserted that consolidation of identities should be achieved through establishing new rules, procedures and rights, with decisions on terms and conditions of political power-distribution and economic resources concluding the process.[2] Admitting that both market economy and democracy have to be forced upon society simultaneously, and each sustained with supervision 'for a long period of time', Offe emphasised that the process is not without perils and can result in social discontent.[3] The arbitration and reconciliation of different socio-political aspirations would then be smoothened, leading in due course to a growing legitimacy of democratic rule, and would allow for '"synthetic solutions" to the conflicting preferences'[4].

The Baltic states have mounted remarkable institutional transformation in political, economic and socio-cultural spheres in the aftermath of secession from the Soviet Union, and this transformation has been influenced considerably by post-Soviet democratisation and 'Westernisation' processes. Nonetheless, the role of intervention and supervision by international organisations in the region could not have been anticipated by Offe and should remain a focal point in analysis of socio-cultural change.[5] Discussions of democratic transition have reiterated that although democratic institutions might be in place *and* function appropriately, it is individual participation in the existing framework that indicates popular acceptance of new regime.[6] For democratic transition to be commonly accepted, the support of the general public should be regarded as proof to the fact that change is desirable and successful. Whilst civic engagement in the socialist societies was not thought to be an effective instrument for regime and policy change, political participation in the democratic state represents a feed-back mechanism for government policies. Therefore civic

---

[1]   Claus Offe, 'Capitalism by democratic design? Democratic theory facing the triple transition in East Central Europe', *Social Research*, 58 (1991): 865–82.

[2]   Ibid., p. 869.

[3]   Ibid., p. 875.

[4]   Ibid., p. 892.

[5]   Vello Pettai and Jan Zielonka, *The Road to the European Union. Volume 2: Estonia, Latvia and Lithuania* (Manchester: Manchester University Press, 2003).

[6]   Juan J. Linz and Alfred Stepan, 'Toward Consolidated Democracies', *Journal of Democracy*, 7 (1996): 14–33.

activity in the post-Soviet states can be regarded as an accomplishment of the Independence period, signalling internalisation of certain democratic values and norms. In its turn, civic engagement testifies for growing awareness that individuals involved in activity can express their collective interest vis-à-vis state. Furthermore, popular acceptance of democracy and civic activities are *not* restricted exclusively to members of the political community. Instead, 'democratically consolidated society' provides instruments for those engaged in civic activity to demonstrate their belonging to the political community through declaring their preparedness to inform policy-makers of necessary changes.[7]

Particular discussions of the role civil society plays in the democratic transition either focus on promotion of democratic values and therefore the construction of a more *civic* society, or conceptualise civil society as a range of instruments available to the political community to counterbalance the influence of state on individual.[8] Far more importantly, civil society assists in the promotion of democratic values and creates effective links between the political community and state institutions, seen as impersonal instruments for accommodating collective interests. Successful activities of civil society increase the interpersonal trust of individuals, with an overall effect of promoting exchange between the members of society and political institutions on the expectations and directions of development.[9] Attention should be focussed in this regard upon the nature of civil society, which is neither oriented toward power acquisition nor profit accumulation, but which is aimed at formulating and implementing goals not achievable through individual action alone.[10] Of course, this definition of civil society implies that members of the social community can cause change in existing power relations and, in some cases, undermine the

---

7   Michael W. Foley and Bob Edwards, 'The Paradox of Civil Society', *Journal of Democracy*, 7 (1996): 38–52.

8   Putnam, 'Bowling Alone: America's Declining Social Capital', *Journal of Democracy*, 6 (1995): 65–78.

9   Theda Skocpol, Marshall Ganz and Ziad Munson, 'A Nation of Organizers: The Institutional Origins of Civic Voluntarism in the United States', *American Political Science Review*, 94 (2000): 527–46.

10 Marc M. Howard, *The weakness of civil society in post-Communist Europe* (Cambridge: Cambridge University Press, 2003). 32–38.

legitimacy of state authority, *if* they perceive change as possible, collective activity as sensible, and estimate the impact of civic activity on political structures as effective.

There is growing interest in the role of civil society organisations during the period of democratic consolidation. In particular the theory of multiculturalism had been influential in the promotion of the rights of persons and groups to express their interests and needs in a political framework.[11] The amenities of multicultural community can be achieved through acceptance of the rights of minority groups, and acknowledgement of their contribution to the development of civic state community. When the right for membership in the state-community is not applied to all individuals resident within the borders of a nation-state, it is important to consider the activities of those individuals whose influence on political processes has been denied, e.g. by not having the right to vote in national elections. As has been widely discussed in the scholarship, Baltic societies, Estonia and Latvia in particular, comprise not only citizens, but equally residents, whose social interests and political demands have not been recognised as legitimate. Nonetheless, over the past decade legislation was put in place, allowing these groups, mainly composed of Russian-speaking Soviet-time labour-migrants, to use state institutions as 'service stations', recognising the legitimacy of their demands toward the elected authorities of respective states.[12]

Although differences in citizenship policies, nation-building strategies and pace of social consolidation between the communities of 'titular nationals' and of mainly Russian-speakers range across the three Baltic states, their role in pre-empting the political, economic and socio-cultural transformation in the region remains paramount. The success of 'triple transition' was recognised internationally as the Baltic states were invited to the first round of EU-enlargement. At a time when positive outcomes of economic transition could not be solely attributed to the presence of Russian-speaking populations, policy-copying and policy-lending underpinned many political and

---

[11]   Taras Kuzio, 'Western Multicultural Theory and Practice and its Applicability to the Post-Soviet States', *Journal of Contemporary European Studies*, 13 (2005): 221–37.

[12]   Dovile Budryte, *Taming Nationalism? Political Community Building in the post-Soviet Baltic states* (Aldershot: Ashgate, 2005).

socio-cultural changes in the Baltic states. The following part of the paper will describe the changes wrought by necessary accommodation of the interests of the Russian-speaking residents of the Baltic states in the course of preparations to EU accession.

Structural limitations of the transition process in the Baltic states

Democratisation theories have emphasised that even political communities with liberal criteria for membership, find themselves under permanent constraint from policies that provide cohesion on public discourse and allow social requirements to be applied in policy-making. Also, the specific interpretation of previous nation-building processes and socio-economic transition can diminish public preparedness for democratic consolidation, while reinterpreting varieties of memory, status and possibilities in ethnic terms, in order to guarantee the wishful outcome to transition.

Despite the fact that parts of the local populace were excluded from decision making in the earlier stage of nation-building in the early 1990s, explicitly, as in Estonia and Latvia, or implicitly, as in Lithuania, the provision for opportunities to express opinions *on the ground* allowed them to participate actively in policy-making. Mutual appreciation of public majorities and minorities in the Baltic states was later made possible by corrections of original social and political policies and recognition of Russian-speakers' interests, as well as by liberalisation of political inclusion criteria.[13] Although the reasons for accepting the existing polity as legitimate may differ, both Russian-speakers and titular nationals of the Baltic states have successfully drawn upon the existing corpus of laws and norms to advance their interests and precipitate political change that would otherwise be unlikely The consideration of activities by Russian-speaking minority groups is essential for analyses of their cooperation with state institutions, especially as economic interests and understanding of cultural group-rights prevail

---

[13] Will Kymlicka, 'Western Political Theory and Ethnic Relations in Eastern Europe', in Will Kymlicka and Magda Opalski (eds.), *Can Liberal Pluralism Be Exported? Western Political Theory and Ethnic Relations in Eastern Europe* (Oxford: Oxford University Press, 2003),

in discussions of the social and political decision-making process. Similarly, it is the preparedness of policy-makers to accommodate interests expressed by those not included in the citizenry that is instrumental in promoting, sustaining, and supporting civic involvement as a central asset in the process of democratic consolidation.

Over the past decade, members of Russian-speaking communities in the Baltic states were successful in advancing their interests and participated actively in policy-making at the local and national level. At different levels and to a different extent, Russian-speaking populations were involved in informing policy-makers of changes seen as necessary to fulfil particular expectations from state-institutions. Different scenarios could be observed during the preparation for EU-accession, with Russian-speaking communities either opting for problem-solving as the local governmental representatives; supporting parties explicitly representing interests of minorities or ethnic-minority parties; or supporting majorities' political parties, which argued to represent the social interests of minority populations.

The first scenario could be observed in Estonia, where compact settlement of Russian-speakers in Northern and Eastern Estonia allowed the national government to grant non-Estonian residents the right to choose regional officials, who would represent the interests of community members not allowed to express their political will at the national parliamentary elections. In this way, for example, local official bodies could be directly informed of the interests of Russian-speaking residents in, e.g. Tallinn and Narva and represent these in the city council, over the entire post-Soviet period, assisting in ongoing policymaking at that level.

Different development is observed in Latvia, where Russian-speakers' parties have a more direct influence due to their continuing representation in the national Parliament. Although a number of Russian-speakers' parties had been represented in the Latvian Parliament throughout the period of Independence, specific patterns of political support expressed by Russian-speakers and Latvians became more pronounced in the aftermath of discussion on amendments to Citizenship Law in 1998.[14] The joint efforts of four parties enabled the coali-

---

[14]   Naturalization Board of the Republic of Latvia, *Programme 'On the Way to a Civic Society – 2000', Survey of Latvian Inhabitants* (Riga: 2001).

tion For Human Rights in United Latvia (FHRUL) to occupy a quarter of seats after the 2002 Parliamentary Election, allowing representation of interests of the Russian-speaking electorate, as well as non-Latvians, who were previously deprived of the right to vote in the national parliament.[15]

The nature of Lithuania's ethnic composition and the relative passivity of Russian-speaking populations, as regards the forwarding of interests in parliamentary elections, resulted in the concerns of these groups being voiced mainly by Lithuanian parties, which pursued the social agenda, rather than expressed grievances of particular ethnic groups.[16] Despite the inclusiveness of the political community in Lithuania, Russian-speakers were reluctant to participate in political action and withdrew from political process altogether.[17] Small numbers of homogenous settlements of Russian-speakers, different social and economic interests within each group and a tendency to support left-leaning political projects, might explain the overall support that Russian-speakers granted Lithuanian parties, if not the limited political participation of Russian-speakers.

This brief overview points to difficulties which Baltic societies face with regard to effective mobilisation of Russian-speaking citizens and non-citizens for political activity. Nevertheless, the change in political behaviour we observe in Estonia and Latvia suggests that with political engagement bearing fruit, grass-root organisations expressing the interests of those excluded from the political process may continue to grow in popularity. While during the Soviet inclusion Russian-speakers were settled around Soviet industrial premises, their limited participation in political activities during the post-Soviet years does not come as a surprise. With economic restructuring following political independence of the Baltic states, Russian-speaking communities had to form closer ties within linguistic communities in urban areas, where their economic and social needs could be met adequately. Therefore Russian-speakers had to rely on social networks to overcome the effects of social and economic exclusion, whereas political engagement

---

15 For Human Rights in United Latvia, *www.pctvl.lv*

16 Natalija Kasatkina and Tadas Leoncikas, *Lietuvos etniniu grupiu adaptacija: kontekstas ir eiga* (Vilnius: Eugrimas, 2003), p. 12.

17 Mindaugas Jurkynas, 'Emerging Cleavages in New Democracies: The Case of Lithuania', *Journal of Baltic Studies*, 3 (2004): 278–98.

or applying for citizenship assumed lower priority.[18] It is therefore understandable that despite common linguistic identity, parts of communities denoted as Russian-speaking have contradictory inter-ests, making their expression in political terms rather difficult. For this reason, engagement in civil society organisations should be regarded either as a means of 'par proxy' representation of those excluded, or as an instrument of political engagement for non-citizens.

Growing the economic prosperity of Russian-speaking community members over the past 15 years, made it clear that the legacy of Soviet social and economic policies can explain their political passivity in the early years of independence. The legitimacy of the post-Soviet state-hood was provided mainly by symbolic means with 'titularisation' of Baltic states taking place in an attempt to deal with potential non-liberal expressions of political will by Russian-speakers. External secu-rity dimension considerations in post-independence political discourse in Estonia and Latvia have been examined in detail. Though subject to less analysis, policy-making in Lithuania was similarly dominated by the issues of 'security' and 'identity'.[19] Comparisons can be drawn between the sentiment of cautiousness, dominating relations between Lithuania's minorities and titular nationals over the past decade, and critical views of Russian-speakers in Estonia and Latvia, with steps to accommodate the interests of minorities taking place as guarantees of sustaining Independence and democratic rule were provided by the prospect of European integration.[20] It is therefore understandable that present-day political regimes seen as guarantees of economic stability will increasingly influence the development of positive attitudes Russian-speakers have toward their respective states of residence. At the same time, incoherent policy toward Russian-speakers in the Baltic states, increasingly authoritarian practices, and negative ramifications

---

[18] Aadne Aasland and Tone Fløtten, 'Ethnicity and Social Exclusion in Estonia and Latvia', *Europe-Asia Studies*, 53 (2001): 1023–49.

[19] Inga Pavlovaite, 'Paradise Regained: The Conceptualization of Europe in the Lithuanian Debate', in Marko Lehti and David J. Smith (ed.), *Post-Cold War Identity Politics: Northern and Baltic Experiences* (London: Frank Cass, 2003), pp. 199–218

[20] David J. Galbreath, *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influence and Identities in Estonia and Latvia* (Stuttgart: ibidem Verlag, 2005).

of socio-economic transformation have made non-titulars from the Baltic states reluctant to advocate regional reunification with and individual immigration to the Russian Federation.[21]

Current scholarly perspectives on political developments in the post-Soviet Baltic states acknowledge the fact that both political and social actors consider a democratic regime as the only appropriate one for the region. The concessions made by the Baltic governments to the non-titular groups throughout the Baltic states, allowed those excluded from political membership to participate in regional development in the economic sphere. The steps undertaken to support the economically disadvantaged irrespective of their citizenship-status, lend support to the view that the present political regime should persist and the future of the Baltic states lies within the European Community. With most political developments considered to be lawful (even if some of them could be seen as discriminatory), both Russian-speaking and titular populations of the Baltic states will be likely to address the differences of a social, rather than a cultural nature.[22]

A number of the sequels of 'triple transition', discussed here as change in economic, political and socio-cultural frameworks, require negotiating what is at stake in the process of consolidating societies in post-socialist states. With the political framework remaining the central instrument for political power-sharing, engagement in civil society organisations nevertheless represents an effective instrument for the recognition and inclusion of economic and socio-cultural interests of different social groups in policy-making. As the expression of activities of civil society organisations becomes more marked, they will most likely contribute a new dimension of 'civic patriotism' to democratic consolidation of the Baltic societies.

---

[21] Richard Rose, Sten Berglund and Neil Munro, *Baltic Identities and Interests in a European Setting: A Bottom Up Perspective* (Glasgow: Centre for the Study of Public Policy, 2005).

[22] Giovanni Sartori, 'Understanding Pluralism', *Journal of Democracy*, 8 (1996): 58–69.

Bibliography

Aasland, Aadne and Tone Fløtten, 'Ethnicity and Social Exclusion in Estonia and Latvia', *Europe-Asia Studies*, 53 (2001): 1023–49.

Budryte, Dovile, *Taming Nationalism? Political Community Building in the post-Soviet Baltic states* (Aldershot, Ashgate, 2005).

Foley, Michael W. and Bob Edwards, 'The Paradox of Civil Society', *Journal of Democracy*, 7 (1996): 38–52.

For Human Rights in United Latvia, *www.pctvl.lv*

Galbreath, David J., *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influence and Identities in Estonia and Latvia* (Stuttgart, ibidem Verlag, 2005).

Howard, Marc M., *The weakness of civil society in post-Communist Europe* (Cambridge, Cambridge University Press, 2003).

Jurkynas, Mindaugas, 'Emerging Cleavages in New Democracies: The Case of Lithuania', *Journal of Baltic Studies*, 3 (2004): 278–98.

Kasatkina, Natalija and Tadas Leoncikas, *Lietuvos etniniu grupiu adaptacija: kontekstas ir eiga* (Vilnius, Eugrimas, 2003).

Kuzio, Taras, 'Western Multicultural Theory and Practice and its Applicability to the Post-Soviet States', *Journal of Contemporary European Studies*, 13 (2005): 221–37.

Kymlicka, Will, 'Western Political Theory and Ethnic Relations in Eastern Europe', in Will Kymlicka and Magda Opalski (eds.), *Can Liberal Pluralism Be Exported? Western Political Theory and Ethnic Relations in Eastern Europe* (Oxford, Oxford University Press, 2003).

Linz, Juan J. and Alfred Stepan, 'Toward Consolidated Democracies', *Journal of Democracy*, 7 (1996): 14–33.

Naturalization Board of the Republic Of Latvia, *Programme 'On the Way to a Civic Society – 2000', Survey of Latvian Inhabitants* (Riga, 2001).

Offe, Claus, 'Capitalism by democratic design? Democratic theory facing the triple transition in East Central Europe', *Social Research*, 58 (1991): 865–82.

Pavlovaite, Inga, 'Paradise Regained: The Conceptualization of Europe in the Lithuanian Debate', in Marko Lehti and David J. Smith (ed.), *Post-Cold War Identity Politics: Northern and Baltic Experiences* (London, Frank Cass, 2003), pp. 199–218.

Pettai, Vello and Jan Zielonka (eds.), *The Road to the European Union. Volume 2: Estonia, Latvia and Lithuania*, (Manchester, 2003).

Putnam, Robert, 'Bowling Alone: America's Declining Social Capital', *Journal of Democracy*, 6 (1995): 65–78.

Rose, Richard, Sten Berglund and Neil Munro, *Baltic Identities and Interests in a European Setting: A Bottom Up Perspective* (Glasgow, Centre for the Study of Public Policy, 2005).

Sartori, Giovanni, 'Understanding Pluralism', *Journal of Democracy*, 8 (1996): 58–69.

Skocpol, Theda, Marshall Ganz and Ziad Munson, 'A Nation of Organizers: The Institutional Origins of Civic Voluntarism in the United States', *American Political Science Review*, 94 (2000): 527–46.

Returned Diaspora and Political Leadership: The Cases of Postcommunist Latvia and Lithuania

JENNIFER SKULTE-OUAISS
Lebanese American University

The interplay of national identity, diaspora experience and postcommunist politics is complex. In the immediate postcommunist period, ties linking countries to democratic pasts (actual and embellished) and to national histories "interrupted" by communist rule are sought and returned diaspora can help to provide them. If one understands national identity as closely linking diaspora members and those in the homeland together, a perception in the homeland of continuity in the political history of the country is made possible when members of the diaspora return to the homeland to assume leadership roles in the political arena. In the special case of diaspora groups formed when the communists won control in Central and Eastern Europe and Eurasia, diaspora members often feel that not only were they or their parents and grandparents forced to leave their homelands but the homelands were subsumed into a larger empire that sought to erase much of the former nations' national identities. They therefore can have an even stronger feeling of homeland national identity and the interest of "restoring" what they perceive as the authentic identity of the homeland itself.

This short article describes the "return" of some Latvian and Lithuanian diasporans to assume political leadership positions in their homelands. The description and analysis stem from over twenty in-depth interviews with return diaspora political leaders from the summer of 2002 through the fall of 2004. Given the small number of total return diaspora political leaders in the two Baltic countries, conclusions drawn from the interviews are interwoven with analysis of the broader phenomenon of diaspora return and re-engagement in their

homeland societies – a phenomenon that is increasing worldwide in reality as well as finally coming into the mainstream discourse of social science. Discussion and analysis centers on addressing the questions: When are returned diasporans able to enter into political leadership in their homelands and how do they act as political leaders? The article concludes by discussing the ways in which returned diasporans seem to have been helpful to democratization in the two Baltic countries before generalizing how the Baltic experience may be informative to other former Soviet republics in the postcommunist era.

Overview of Research

While official communism sought to eradicate nations, in actuality, Soviet communism used small nations and nationalism to further other political goals – in the process, reemphasizing national identities.[1] A goal that was achieved – at least during much of the communist period – was to break down networks based on nation (as well as religion and profession) and create a largely but not totally atomized society where individuals could engage with others only through the government and the Party. The atomization of Latvian and Lithuanian societies under the Soviets meant that when communism collapsed, the Latvian and Lithuanian publics craved connections and networks outside of the Party. I will argue in this article that this situation created environments more amenable to defining political opportunities to include returned diaspora in the post-Soviet and postcommunist societies. Still, while their diaspora status enabled the returned diaspora to be able to claim membership in the nation, differences between them and "natives" (co-nationals who never were part of the diasporas) were inevitable when the former had created lives outside of the homelands never fully believing that they would definitely be able to return. This dualism of being a part yet also not being a part of

---

1   Ronald Suny, *The Revenge of The Past : Nationalism, Revolution, and the Collapse of the Soviet Union* (Stanford, Calif.: Stanford University Press, 1993) and Romuldas J. Misiunas and Rein Taagepera, *The Baltic States. Years of Dependence 1940–1990 (*Los Angeles: University of California Press, 1993).

the nation came up repeatedly in the interviews conducted for the research.[2]

While this article is not the venue in which to fully describe the data and analysis gained from the interviews,[3] a few important findings need to be shared. Since many non-ethnic Balts did remain in the Baltic states after the countries regained independence, studies have shown that many former communist political leaders moved into private business (often through and as a result of the massive privatization schemes of the early and mid-1990s) or into the bureaucracy where knowledge and experience greatly overshadowed former political allegiances.[4] Therefore, the native political leaders with whom the returned diaspora share leadership are often younger, communist trained political careerists who have come to political leadership through vertical continuation rather than longtime Communist Party apparatchiks.[5]

A key characteristic shared my some of the most self-reflective returned political leaders that I interviewed was an understanding of how to use the media – particularly the international media – to one's advantage. General Kronkaitis and Nils Muiznieks were most descriptive in how they have sought to use the media as a strategy in attaining political goals.[6]

---

[2]   Personal interviews in May 2002 with Muiznieks, Skucas, Smulkstys, Zemkalnis, Kronkaitis, Pavlovskis, and Vaskelis.

[3]   For the complete research and analysis on this topic, see Jennifer Annemarie Skulte, *Returned Diaspora, National Identity and Political Leadership in Latvia and Lithuania*, Ph.D. Dissertation, University of Maryland, 2005.

[4]   John Higley, Wlodzimierz Wesolowski and Jan Pakulski, eds., *Postcommunist Elites and Democracy in Eastern Europe* (Palgrave MacMillan, 1998); Anton Steen and Jüri Ruus, 'Change of Regime-Continuity of Elites? The Case of Estonia" in *East European Politics and Societies*; vol. 16: 1 (Winter 2002); and Vladimir Shlapentokh, Christopher K. Vanderpool and Boris Doktorov, *The New Elite in Post-Communist Eastern Europe* (College Station, TX: Texas A&M University Press, 1999).

[5]   Steen and Ruus, 2002 for a succinct discussion of "vertical continuation."

[6]   Muiznieks stated that during the period when he began to more publicly criticize the Latvian government's treatment of the Russian minority, he learned to use the media to situate his opinions and political positions in the midst of prevailing views of human rights in Europe while situating those of the Latvian government's outside the mainstream of the Europe that Latvia hoped to join in the near future. He learned to cultivate relationships with the

Those who professed to understand and/or expressed a willingness to learn to understand the situation in the country were more likely to return to the homeland in the first place.[7] This is a somewhat difficult characteristic to pin down as it is somewhat "self-serving" to the return diaspora that I interviewed to describe themselves this way while it also reflects a bias of those who have stayed (in the homeland) in that they were able to adapt. Nevertheless, the ability to adapt is key to being successful in joining the ranks of the political elite so this characteristic cannot be overlooked. In addition, it is interesting to note that virtually all those interviewed noted the "need to adapt culturally" when they returned to their homelands – they themselves reaffirming that differences do exist between natives and those in the diaspora despite the strong ties of a shared national identity.

To wrap up a general description of returned diaspora political leaders in Latvia and Lithuania, it should be noted that without fail, each person interviewed cited connection to the homeland as a strong motivating factor to return. While this may seem obvious, the degree of identification of returned diaspora political leaders with the national identity of their homelands bears highlighting. Nevertheless, most interviewees also cited varying degrees of ambivalence regarding their identities as former diasporans or felt that they had dual and sometimes competing identities.[8]

Research Findings

My research and analysis on the topic of returned diaspora and political leadership in Latvia and Lithuania shows that returned diaspora are most able to enter political leadership in their homelands when both formal and informal opportunities exist. Specifically, diaspora must be viewed by the majority of the homeland society as being a constituent part of "the nation" and therefore able to represent it in political leadership. Furthermore, the political institutions and rules

---

media to the extent that after a while, members of the Latvian media and even Latvian political elite asked him to share with them how he seemed to use the media so effectively (Personal interview, May 2002).

[7] Personal interview with Kestutis Jankauskas, April 2003. Similar sentiments expressed by many of the interviewees.

[8] Names withheld to protect interviewees.

that exist provide greater or lesser opportunities for the entrance of "outsiders" into political leadership as shown by a comparison of the parliamentary system in use in Latvia (greater opportunity for diaspora involvement) and the hybrid parliamentary-presidential system in use on Lithuania (lesser opportunity for diaspora involvement).

Experience of and in the diaspora

All of the interviewees stressed how their prior experience – professional or personal or both – played an important role in their political leadership. On the one hand, their experience as immigrants outside of their homelands left an indelible mark on almost everyone. On the other hand, quite a few interviewees did note a certain ambivalence in regards to their feelings of belonging to two cultures. While Jonas Kronkaitis paralleled his loyalty to the U.S. and Lithuania to a child's loyalty to his/her two parents,[9] others noted that they felt compelled to give up their adopted citizenship to hold only the homeland one.[10] In contrast, some actively decided to retain both citizenships in order to be able to return to their adopted countries at sometime in the future because they felt that they really did not "belong" in their homeland anymore.[11]

Experience in the diaspora that is viewed as most important to being a political leader seems related to skills, interests and opinions that were or still are not readily available in the homeland. From the perspective of the homeland, certain skills and experience are required for countries to maximize their political potential. Particularly in Latvia and Lithuania, where democratization and marketization are still underway, the goals of the homeland, particularly foreign policy ones, can sometimes best be met by returned diaspora political leaders – or at least that is what many in the Latvian and Lithuanian electorates seem to think.

---

[9]   He said: "It's a matter of values. If the countries share values, [there are] no problem[s]…much like a child can be loyal to two parents." (May 2002)

[10]   Examples of this are Ojars Kalnins and, of course, Valdas Adamkus and Vaira Vīķe-Freiberga, who were required by law to renounce any other citizenships. Interestingly, it seems that more returned diaspora political leaders that I interviewed chose either to retain both citizenships – and shared this fact with me – or obfuscated their decision due to the potential for public criticism.

[11]   Names withheld upon request.

Therefore, the potential opportunity for diaspora to return and get involved in political leadership seems highest when the differences in political, social and economic development between homeland and adopted country are highest. To return to the homeland to be a political leader involves many calculations about dedication to the homeland, what will be gained (financially, politically, socially, and professionally) as well as what will be lost by leaving the adopted country.

This is when diaspora experience and the socialization through living in a country and participating in it politically (via citizenship) does have lasting effects. In the case of these two postcommunist countries, experience with democracy was perceived positively by the electorates and was put into practice by the returned diaspora political leaders themselves through the use of negotiation and compromise in trying to attain their political goals.

The research findings also come down squarely in the camp of those who have argued that national identity is not only mutable but a dynamic tool that is used by the individual and by groups in the political realm. In this research, national identity was found to be both a key factor in how formal and informal opportunities for returned diaspora participation in political leadership are structured as well as a basis for informing political opinions and actions.

National identity has been key to certain aspects of the political leadership of returned diaspora in Latvia and Lithuania. While all cited their strong national identity as one of the factors that motivated their return to the homeland, many also cited national identity as a basis for formulating political goals such as how citizenship should be defined or how soldiers should regard the national flag.[12] Strong national identity has linked the diaspora with their homelands in ways that are obvious and subtle. An important conclusion that can be drawn from the present research is that the greater the debate over defining national identity vis-à-vis ethnicity, the greater the opening for individuals in the diaspora to return and get involved in politics because despite their absence, they are perceived as an integral part of

---

12   Interview with Kronkaitis, May 2002.

the nation.[13] This is highly important and bears significant further study.

Of lesser importance in terms of theory building but still interesting to note, from the interviews and other research, I also gathered that, overall, returned diaspora politicians are perceived by themselves and other political and academic elites in their homelands as less corrupt than 'native' politicians and less prone to corruption.[14] This seems to result from a variety of factors, among which are personal ethics, absence or weakness of membership in 'local networks' of patronage, not being 'tainted' by the communist and/or Soviet period and different reasons for political involvement (a 'higher calling' to serve the public, etc.).

In addition, returned diaspora politicians also seem to differ in their career backgrounds from their 'native' colleagues. Many returned diaspora politicians have professional backgrounds such as law or military that were undervalued during the Soviet period (as in the case of law, e.g.), or in which many of those in the profession were non-Balts or were considered unacceptable to be leaders in the postcommunist countries because of 'tainted pasts'. The professional skills and networks that returned diaspora politicians bring with them to their work in Latvia and Lithuania can be instrumental in not only in getting them elected but also in making them perform at a high level once in office.

Additional areas of difference between returned diaspora politicians and their 'native' colleagues are the formers' experience with democratic politics. The electorate has seemed to view the returned diaspora candidates and political leaders as more knowledgeable about democracy – both theoretically and through experience. While this has not been a completely positive characteristic – because direct experience with democracy means that most likely one did not have direct experience with communism – it has been an oft-cited reason for supporting returned diaspora political leaders.

---

[13]   This analysis assumes that the diaspora and the titular nation are one and the same, which is not always the case. It would also be interesting to research how diasporas other than those of the titular nation fare in "returning to the homeland"; for a regional example, the Jews to Lithuania or Latvia.

[14]   Though many interviewees and scholars noted this, to date I have not found any surveys substantiating this claim.

Besides conclusions that may be applicable in other contexts, my research and analysis on this topic point to two noteworthy findings: the staying power of elites – even in the face of dramatic regime change – and the importance of adopted country socialization and networks. The first, the staying power of elites, supports the theory that while elites may circulate they rarely are replaced on a large scale. The second, concerning the importance of adopted country socialization and networks, supports some current international relations research on transnational politics as well as how political culture can and can not change.

The staying power of elites

While the majority of the literature on elite continuity and change would predict significant elite change when regime change such as that which occurred in the early 1990s when communism collapsed and Latvia and Lithuania regained their independence, the data that was collected for this research seems to contradict this. When elites are forced to leave (or feel that they are forced), they hope to return to reclaim their "rightful" roles in society – and usually they have the means to do so. While, again, it is worth noting that returned diaspora political leaders in Latvia and Lithuania have found themselves in a specific historical context that most likely is not repeatable, dramatic regime change and the opportunity for diasporans to return to the homeland has occurred (Afghanistan, Iraq, Palestine, Lebanon) and will occur elsewhere (perhaps Belarus?). As Dogan and Higley note:

[A] change of political elites is possible only if there is an organized opposition and thus a reservoir of counterelites. A new ruling elite cannot be created *ex nihilo*. When their communist regimes fell between 1989 and 1991, the countries of Eastern Europe were not pluralist societies. Apart from Poland, where the communist regime had always been more authoritarian than totalitarian (Higley and Pakulski, 1995; Linz and Stepan, 1996), there were no free parties, no free trade unions, and no economic forces independent of the state, and in the Orthodox countries of the region there were no relatively independent church hierarchies. Because of the absence of counterelite power bases under communist rule, it is not surprising that large pro-

portions of postcommunist elites have consisted of persons who were prominent in the communist regimes.[15]

Adopted countries in the diaspora – socialization and connections

In a similar vein, *where* diasporas settle is very important for their interest in remaining and, more important, their ability to remain, involved in diaspora-homeland political activity and to potentially "return" to the homeland to get directly involved in politics. In the case of the Baltic states, members of the elite who emigrated at the end of World War Two went west while ethnic Balts – elite and non-elite – who were deported were sent east into the interior of the Soviet Union. For the Latvian and Lithuanian diasporas that remain in the countries of the former Soviet Union, none seems wealthy enough or possesses the requisite skills for their members to attain political leadership positions in independent Latvia and Lithuania. What is important here is that the political and economic systems of western, liberal democracies, for the most part, have a history of accepting immigrants and integrating them (minus Sweden and Germany up until recently). Immigrants to these countries were largely able to acculturate themselves and become active citizens of their host countries while retaining distinct cultural and other ties and aspects of lifestyle of their homelands. When the opportunity came for dedicated diaspora to return to the homeland (and, many would argue that the western diasporas had a role in making that opportunity), they were willing and able to take advantage of the opportunity.

Can we generalize from this research?

While the two Baltic cases are undoubtedly quite rooted in a specific historical moment of the collapse of the Soviet empire and the discrediting of communism, there are lessons to be learned from the cases that can be applied in other contexts. First, it bears repeating that

---

[15] Mattei Dogan and John Higley, *Elites, Crises and the Origins of Regimes* (Lanham, MD: Rowman and Littlefield Publishers, Inc., 1998); 23. See also, Juan Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation: Southern Europe, South America and Post-Communist Europe* (Baltimore: Johns Hopkins University Press; 1996).

it seems that returned diaspora are most likely to get involved in homeland politics in political leadership positions when there are ample opportunities for them to do so. By this I mean that citizenship laws and how the homeland national identity itself is defined allow or disallow as well as urge or dissuade returned diaspora to aspire to political leadership. Formal political institutions and procedures are also very important as can be seen in the differences between Latvia's parliamentary system with strict proportional representation versus Lithuania's mixed presidential and parliamentary system with both first-past-the-post single mandate districts and proportional representation via multi-seat districts and national party lists.

The type of regime change is also an important factor in determining whether or not returned diaspora can or aspire to become involved in the political leadership of their homelands. The more dramatic the regime change, the greater the likelihood that diasporans who left because of prior regime change will be interested in returning. However, while regime change does, of course, seem necessary in order for large numbers of diasporans to return and get involved in politics, one can see individuals returning here and there to participate even when there is no large-scale change.

The dramatic collapse of Soviet communism in Latvia and Lithuania in the early 1990s brought both significant changes and unforeseen continuities with both the interwar and communist periods. The different political institutions (re)adopted by each country as well as the different Soviet and communist institutional and human legacies have created different opportunities for returned diaspora political involvement at a high level. The ability of homeland national identity to weather the Soviet period inside of the Baltic countries as well as in the diaspora has undoubtedly helped Latvia and Lithuania to re-establish sovereign, democratic states. Without doubt, returned diasporans have played key roles in the restoration and development of their homeland states.

PART THREE:

APPLICABILITY OF DEMOCRATISATION EXPERIENCE

Anti-Corruption Advice for the Postcommunist Region: One Formula for All?

RASMA KARKLINS
University of Illinois, Chicago

The answer to the question posed in the title is the classic "yes and no." The "no" refers to the need to take account of local and national contexts; successful anti-corruption strategies need to be worked out on the basis of careful analysis of local conditions. On the other hand, there are certain basic principles that provide something akin to an anti-corruption formula.
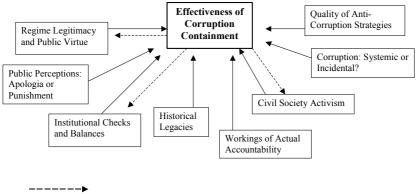
Democratic consolidation is tied to the degree of success in dealing with corruption. Corruption is not an immutable fact of politics as fatalists believe, but can be limited by good policy. The three cornerstones of corruption containment are creating institutional checks and balances, assuring that the mechanisms of accountability actually work, and mobilizing the citizenry to participate in enhancing the public good.[1] Yet anti-corruption policies only work if a host of other factors are considered as well, as discussed in my book-length study and summarized in Figure 1. Here is a summary of points made.

A Model

The first crucial link to lowering levels of corruption involves the legitimacy of the political regime of any particular state and the extent to which it galvanizes virtuous public behavior. Corrupt behavior is linked to negative views of politics and the citizen's role in it. People must believe their system of government works. If they are convinced

---

[1] Rasma Karklins. *The System MadeMeDo It: Corruption in Post-Communist Societies* (New York: M.E. Sharpe, 2005)

of the efficacy of the regime, they will be motivated to work for the common good of the nation. It is insufficient to fight "against" corruption; people must believe in a positive alternative to dirty politics. For this one needs to go beyond the teaching of ethics and outline the logic and value of civic virtue and a state with an engaged citizenry cooperating for common goals. Many post-communist citizens yearn for a political system that works well and that they can support. Building legitimate political regimes is difficult, but it is crucial for fostering public spiritedness, which can be defined as the opposite of corruption, namely, "using public power for the public good."

Figure 1. Influences on Levels of Corruption

This leads to the second factor shown in Figure 1, the extent to which citizens and officials think that certain corrupt acts can be justified or are unacceptable. Public values and views are expressed in discourse, which creates a climate of either corruption apologia or social rejection. Anti-corruption work needs to limit tolerance for both petty and grand corruption. Honest people are the core constituency for reform, but to date all too many post-communist citizens participate in petty corruption and tolerate it in others. Yet many are also angry, especially about high-level corruption. When designing anti-corruption strategies, this ambivalence should be anticipated. A good policy

can use the anger to mobilize people against grand corruption and pinpoint the danger of tolerance for petty corruption.

The level of corruption can be influenced by democratic institutional checks and balances on power holders, especially as exercised by an independent judiciary, oversight bodies, and free media. Good laws and institutional mechanisms go a long way in inhibiting corrupt impulses. This logic is summarized in the anti-corruption formula that corruption can be contained by de-monopolizing decision making, limiting discretion, and creating accountability.

How well this works is influenced by manifold historical legacies, especially the habits formed under the preceding communist regimes. Old habit die hard, even more so if they are based on informal structures, such as networks of personal exchange of favors at the elite and mass level. The communist regimes promoted the emergence of powerful networks of political patronage and personal influence. This legacy survives in part, most dangerously so in the case of political cartels that engage in state capture. Mutual covering up and the use of *kompromat* are other habits that subvert the ability of the rule of law to function coherently.[1]

Established patterns of behavior and incentives often undermine political accountability. It is not enough that laws and institutional accountability provisions exist, they must have real consequences. The implementation of effective accountability constitutes the fifth pillar of the corruption-containment edifice. Once the people in the region see that politicians and officials are held accountable for their actions, corruption will decline and trust in public institutions will grow.

The sixth factor depicted in Figure 1 is the involvement of civil society in corruption containment. The mobilization of citizens "from below" is a crucial driving force for cleaner government. This can mean civic activism of various kinds, including the forming of electoral coalitions. On a daily basis, nongovernmental associations have an important role in corruption monitoring and promoting various projects that raise awareness and increase political transparency.

The seventh and eighth determinants of the effectiveness of corruption control involve the intensity of corruption and the extent to which an appropriate anti-corruption strategy can be worked out. If corruption is widespread or even systemic, it is much more difficult to contain. Systemic corruption can be institutionalized, or it can be the

result of pervasive patterns of popular behavior. Individual behavior is tied to the behavior of others and if "everyone" engages in illicit acts, it is difficult to reverse the trend. Here the media have to walk a fine line: they must expose corruption, yet coverage must be concrete and non-fatalistic. If corrupt acts are projected as being the dominant public behavior of elites and masses, this may become a self-fulfilling prophecy.[2] Good policy must aim at the opposite, that is, triggering a downward spiral, where fewer and fewer such acts occur.

As Figure 1 suggests, the influence of the various factors determining the effectiveness of corruption containment is not one-directional and contains feedback processes. Increasing success in controlling corruption, for example, changes public perceptions and encourages more people to resist it. Both corruption and corruption fighting can be contagious and can affect the actions of other people in society.

Practical Considerations for Devising an Anti-Corruption Strategy

For any anti-corruption strategy to work, the policy makers first need to consider the meaning of "strategy." Strategy is a plan of action that outlines not only what one wants to achieve and by what basic instruments, but also calculates the sequence of steps that will lead to the goal. It must consider how to avoid structural pitfalls and it needs to anticipate countermoves of the opponent, in our case, people who profit from corruption. Based on such an analysis, policy makers must identify initial priorities, the steps that will have the highest impact on countering existing corruption and the policies that will have the highest deterrent effect on future corrupt acts.

There are many other considerations for identifying initial targets of anti-corruption. How can the largest sum of public money be saved? How can one get quicker and more visible results? What results will have highest impact on overall morale and credibility that the corruption spiral is being reversed? Timing of new initiatives must be considered carefully to enhance their impact, and the same applies to the maximum impact of international support. Above all, one needs to weigh carefully who can be the most effective driving force spearheading initiatives: should these be political leaders, specialized anti-

corruption units and bureaus, or civil society and popular mobilization?

If the last is decided on because the political establishment itself is too corrupt to undertake reform, civic society activists must take account of the unequal balance of power confronting them. Officials heading public institutions have a built-in advantage of resources and a network of dependent workers. Individuals challenging "the system" are unlikely to succeed unless they manage to organize one or several groups that can stage a sustained campaign and support each other. Effective solidarity is important because officials have the power of retribution. They can penalize those who challenge the status quo with loss of jobs or stipends and many other means. Institutional corrupt actors have a high stake in protecting themselves and their schemes, and they tend to be very adept and determined at fighting off any challenges.

To counter the strength of this system, anti-corruption groups can apply the lessons of the dissident movements fighting the communist regimes that also looked very powerful. The dissidents were victorious when they based themselves on well-thought-out strategies of lawfulness, the higher moral ground, mutual aid and solidarity, the use of international publicity, and appeals for mass support at decisive moments. It bears remembering that corruption and the self-dealing of officials were major issues raised by Solidarity and similar groups during the end phase of the communist regimes. Where corruption is endemic in post-communist states, similar movements may emerge in time.

The Four Stages of Corruption Containment

The ultimate goal of this study is to understand what it takes to have effective corruption control. The first step is to recognize that corruption is a serious issue, and this also constitutes the first of four phases in the development of anti-corruption policies. Besides acknowledging that corruption has a price, this initial stage involves starting to research the facts about the corruption one is dealing with. The second stage begins to put in place the legal and institutional mechanisms of accountability, and the third stage is where these mechanisms actually start to work as intended. The fourth stage

involves the fine-tuning of the corruption-prevention enterprise so that it becomes a normally functioning part of developed democracies.

The twenty-eight post-communist states of Eastern Europe and the former Soviet Union differ considerably in regard to the stage of anti-corruption policy they are in. The *avant garde* is constituted by the states that became full members of the European Union and NATO. For them, the phase of recognizing the seriousness of corruption started around 1995–96; the second stage of initial laws and insti-tutions to prevent corruption began to be put in place between 1997 and 1998, and was basically completed by early 2004, mostly because an anti-corruption policy was required for accession to the European Union. Whether, and to what extent, these institutional measures have started to work and whether these states have entered the third stage of effective corruption control remains to be seen. It is an open question when these states will reach "normal" levels of corruption as encountered in consolidated democracies. For many other states in the post-communist region, an even longer road lies ahead.

Bastion, Beacon or Bridge?
The Role of the Baltic States in the EU's Relationship with the Eastern 'Neighbours'.[1]

DAVID J. GALBREATH AND JEREMY W. LAMOREAUX
Department of Politics and International Relations
University of Aberdeen

Only two years from dual enlargement, the Baltic States have first hand experience with the international influences on democratisation. Combined with their experience as former Soviet republics, this places the Baltic States in a key geo-strategic position to influence the process of reform in what has ordinarily been referred to as Russia's 'near-abroad'. The question is what role the governments in Tallinn, Riga and Vilnius will play in this process? We argue that there are three roles the Baltic States may play in relation to the EU's 'new outsiders': bastion, beacon or bridge.[2] With growing indications of enlargement fatigue as well as belligerent Russian foreign policy over energy exports in the former Soviet region, the Baltic States may be the eastern edge of 'Fortress Europe'. Alternatively, preliminary investigation suggests that the Baltic States have expressed a cohesive strategy of attempting to close the gap between the 'West' and other post-Soviet states despite still developing their foreign policy strategies to cope with the changing opportunities and constraints of institutional

---

[2] For the term 'new outsiders', see Stephen White, Ian McAllister and Margot Light, 'Enlargement and the New Outsiders', *Journal of Common Market Studies*, 40 (2002): 135–53. They use the term to denote those of the Western NIS (newly independent states), itself an antiquated phrase.

membership.[3] Consequently, they may play the part of leading examples of triple transition: democratisation, marketisation and de-Sovietisation. Finally, we may expect the Baltic States to play an active role in engaging with the countries of the eastern 'neighbourhood' to foster reform and inclusion into the Euro-Atlantic community. Whether as a 'bastion, beacon or bridge', the Baltic States will play a key role in the West's relations with the East.

The paper is broken down into two sections. First, in order to appreciate the logical implications of the three metaphors, we lay out the larger context of relations in the eastern 'neighbourhood'. We build this context by identifying three competing logics of the region: Russian, European and Baltic. Russian foreign policy in the post-Soviet area has moved on from the 'near abroad' label but Moscow remains heavily engaged in the affairs of other post-Soviet states. The EU's logic in the region is based on a practical, constructive relationship with the Russian Federation while encouraging political and economic reforms in Moldova, Georgia and Ukraine specifically. The Baltic logic in the region is based on past experiences of inclusion into the Soviet Union as well as post-Soviet Russian foreign policy concerning troops, borders and minorities.[4] The Baltic governments are keen to see a reduction in Moscow's influence in the post-Soviet region and locking-in other post-Soviet states into the Euro-Atlantic community furthers this cause. Second, we discuss the role of the Baltic States in the eastern 'neighbourhood' through three metaphors. By 'bastion', we mean the Baltic States as border-states demarking the line between 'us' and 'them'. 'Beacon' represents the Baltic States as exporters of transition to those who would remain outside the Euro-Atlantic community. 'Bridge' represents the Baltic States as being active promoters of further enlargement of the EU and NATO to include the European

---

[3]   For a preliminary study, see David J. Galbreath, 'The Baltic States and the European Neighbourhood Policy: Maximising the Voices of Small Nations', in Tiirmaa-Klaar, Heli (ed.), *Baltic Outlooks on European Foreign and Security Policy* (Tallinn: Tallinn University Press, 2006). For a study of Latvian foreign policy since enlargement, see David J. Galbreath, 'Latvian Foreign Policy after Enlargement: Continuity and Change', *Cooperation and Conflict*, (2006 Forth-coming).

[4]   The three issue-areas laid out in, David J. Galbreath, *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influence and Identities in Estonia and Latvia* (Stuttgart: ibidem Verlag, 2005), chapter eight.

states mentioned in the EU's European Neighbourhood Policy (ENP). Each of these roles depends on the interests of Russia, Europe and the Baltic States. Let us take a closer look at the regional logics.

Competing logics of the 'neighbourhood'/'near abroad'

There are three logics regarding the shared Russian/European 'neighbourhood' of Moldova, Georgia and Ukraine, as well as to a lesser extent, Belarus.[5] The logics addressed are those of Russia, Europe (meaning primarily the EU) and the Baltic States. Russia's logic, for historical and strategic purposes, is to retain these states within its 'near abroad'. Europe is divided in their logic regarding these states. While some desire to see Europe continue its pro-active trends of influence, *perhaps* even offering membership to these and other states, another group is determined that Europe should cease expansion and focus on developing the already existent Europe. The latter focus comes with enforcing a 'fortress Europe', dividing insiders and outsiders. Finally, the Baltic States suffer no divisions regarding their logic of region. Because of historical reasons and future purposes the Baltic governments would like to accelerate the inclusion of Moldova, Georgia and Ukraine into the wider Europe. The underlying theories for these three logics highlight the overall foreign policy objectives of Russia, Europe and the Baltic States.

Russia's view toward the 'near abroad' is heavily influenced by their view of the world in general. According to Derek Averre, the Russian foreign minister has stated that the world is a cruel place where the weak get beaten, and states are prone to dislike any other state that is becoming stronger.[6] According to this view, political leaders in Moscow view the world through a 'power politics', realist lens. Indeed, the theoretical perspective driving the Russian logic is one in which anyone attempting to exert influence in the area seen by Russia as its sphere of influence is a potential threat to Russian security.[7] However, this logic does not imply that Russia is an aggressive state unwilling to compromise or work with other

---

[5]   Galbreath, 'The Baltic States and the European Neighbourhood Policy'.

[6]   Derek Averre, 'Russia and the European Union: Convergence or Divergence?' *European Security*, 14 (2005): 175–202, p. 193.

[7]   Ibid., p. 179.

countries. On the contrary, it means that Russia and the EU have a very similar foreign policy: secure those countries with which they share a common border in the hope of preventing the spread of exterior insecurity across their own borders. From the standpoint of this primary theoretical perspective, we can identify two further bases for Russia's 'near abroad' logic. First, most of the states in question have had bonds with Russia for several centuries. Understandably, Russia is hesitant to relinquish influence in those states where they have invested (and extracted) so much. Second, Russia sees itself as the 'centre of political, economic and security structures in the Common-wealth of Independent States (CIS)'[8], of which Moldova, Georgia and Ukraine are part. Russia is neither willing nor eager to surrender this position. In surrendering this position, Russia risks relegation from a position of power within the region to one of outsider looking in, especially economically and socially.[9] According to Smith, in its current form the ENP would relegate Russia to the role of outsider, although it was the Russian government itself that baulked at being included in the 'neighbourhood'.[10] Consequently, a successful ENP would mean an isolated Russia.

Whereas both Russia and the EU share common goals in their relationship with their shared 'neighbourhood', the EU follows an outwardly more liberal framework in the development of its underlying policies. Where Russia sees increased influence of other powers within their neighbourhood as a threat to security, the EU sees its own intervention as a means of promoting a positive-sum security agenda, specifically through the spread of democratic values, human rights observation, and economic development.[11] These concepts are based on two broad liberal theories: democratic peace and complex

---

[8]   Ibid., p. 176.

[9]   Helmut Hubel, 'The Baltic Sea Subregion after Dual Enlargement', *Cooperation and Conflict*, 39 (2004): 283–298, p. 291.

[10]   Karen E. Smith, 'The Outsiders: The European Neighbourhood Policy', *International Affairs*, 81 (2005): 757–773, p. 760.

[11]   *European Neighbourhood Policy: Strategy Paper* Commission of the European Communities, 12.5.2004 http://www.europe.eu.int/comm/world/enp/pdf/ strategy/ Strategy_Paper_EN.pdf., p. 7.)

interdependence.[12] Where the democratic peace theory argues that democratic states do not fight one another, complex interdependence argues that interdependent states are less likely to act aggressively toward one another for fear of negative reverberations. There is an underlying link between the two broad liberal theories of international relations; that when states are linked whether ideologically, politically or economically, there is less chance of conflict. Consequently, the ENP encourages cooperation; not isolation, exclusion or *realpolitik*. Theoretically, were the ENP successful in promoting democracy and interdependence in the European neighbourhood, the EU would be able to construct, a 'ring of countries, sharing the EU's fundamental values and objectives, drawn into an increasingly close relationship, going beyond co-operation to involve a significant measure of economic and political integration.'[13] However, the EU must determine how deeply they wish to cooperate with these new neighbours, as cooperation can, and often is, interpreted as integration and full membership.[14] Two specific problems stem from the question of intensity. First, if the EU decides to encourage deep integration with the eastern 'neighbourhood', they risk driving a wedge between Brussels and Moscow, a problem they have sought to avoid.[15] Second, and in contrast, if the EU does not offer integration or membership as options to the eastern 'neighbourhood', it greatly lessens the influence of the EU in those states and thus potentially exacerbates the very issues the EU would like to address.[16]

If the EU is divided on how they ought to approach the eastern 'neighbourhood', the Baltic States offer a united position: bring the eastern 'neighbourhood' closer to the EU, with the intention of

[12] For a debate on the democratic peace theory, see Michael E. Brown, Sean M. Lynn-Jones and Steven E. Miller, *Debating the Democratic Peace* (Cambridge, Massachusetts: MIT Press, 1996). For an examination of 'complex interdependence', see Robert Keohane and Joseph Nye, *Power and Interdependence: World Politics in Transition* (New York: Little Brown, 1977).

[13] *European Neighbourhood Policy*, p. 5

[14] See, for example, the case of Ukraine as portrayed in Smith, 'The Outsiders', p. 767–769.

[15] Christopher S. Browning and Pertti Joenniemi, 'Regionality beyond Security? The Baltic Sea Region after Enlargement', *Cooperation and Conflict*, 39 (2004): 233–253.

[16] Smith, 'The Outsiders', p. 768.

expanding membership to include them.[17] This seems to be the logical course when considering small state foreign policies. [18] If small states must surrender some autonomy to a larger collective entity, why not surrender it to the entity that has the better track record? For the eastern 'neighbourhood', the choice is between Russia on one side and the Euro-Atlantic community on the other, as was the case for the Baltic States. The successes experienced by the Baltic States in the processes of democratisation, marketisation and de-Sovietisation, provide the perfect example to Moldova, Georgia and Ukraine of how to consolidate political and economic reforms in their attempt to integrate with the Euro-Atlantic community.[19] Despite the apparent simplicity in this plan of action, the choice is much more complex for the eastern 'neighbourhood' in part because of the historical ties they share with Russia. Where the Baltic States were acknowledged independent states in the inter-war period, the geographical and political regions which are now the eastern 'neighbourhood' have been attached to Russia for centuries and not until the fall of the Soviet Union in 1991 did they gain independence.[20] Can the Baltic States help the eastern 'neighbourhood' overcome their versions of the Soviet legacy? This depends on the role the Baltic governments play in facilitating the ENP.

Baltic foreign policy through the metaphors

Since enlargement, the Baltic States have enhanced their diplomatic relationships with other post-Soviet states. Development co-operation projects of the foreign ministries in Estonia, Latvia and Lithuania illustrate that their focus has primarily been on Moldova, Georgia and

---

17 Galbreath, 'The Baltic States and the European Neighbourhood Policy', p. 3.
18 David Vital, *The survival of small states: studies in small power/great power conflict* (London, New York: Oxford University Press, 1971). Small state theory claims that small states have only two options in world politics: attempt to remain completely autonomous and in so doing risk entirely losing their autonomy to a larger state, or form an alliance with a larger state and, in so doing, forfeit only a portion of their autonomy.
19 Galbreath, 'The Baltic States and the European Neighbourhood policy', p. 1.
20 *Wider Europe – Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours* (Brussels: European Commission, 2003).

Ukraine.[21] Moldova's post-Soviet experience is a reminder of how things could have been different in Estonia or Latvia had ethnic conflict arose between titular nationals and Russian-speakers as it has done in the Transdniestra region. The Moldovan government's primary foreign policy objectives match those of the Baltic States before enlargement, EU and NATO membership, although they have much further to go than have any of the three Baltic States. Relations with Georgia have improved since the 2003 Rose Revolution and the change in tone of Georgian foreign policy vis-à-vis Moscow. Georgia also has set its sites on NATO membership; an unsurprising goal of the Mikhail Saakashvili government considering the myriad of complex insecurities facing Georgia.[22] Ukraine faces different sorts of problems primarily as a result of its interdependence on the Russian Federation and its own version of the Soviet legacy. Like events in Georgia, the relationship between the Ukraine and the Baltic States has improved since the 2004 Orange Revolution. Moldova, Georgia and Ukraine face many of the same problems as the Baltic States have faced and still face. For Estonia, Latvia and Lithuania, this meant seeking institutional membership as a route to 'locking-in' democracy and security, transitioning from a command to a market economy, as well as implementing efficient and accountable public policy. Thus, it comes as no surprise that Moldova, Georgia and Ukraine are choosing the same route following their evolving relationship with the Russian Federation.

However, the future of an enlarged EU has been dealt a heavy blow by the 'no' results for the referendum on an EU constitution in France

---

[21] Estonian Ministry of Foreign Affairs, *Estonian Development Co-operation Projects in 2004*, http://www.vm.ee/eng/kat_178/5306.html (Date accessed: 9 December 2005). Estonian Ministry of Foreign Affairs, *Estonia Today: Development Co-operation*, http://web-static.vm.ee/static/failid/224/Development_co-operation.pdf (Date accessed: 9 December 2005). Latvian Ministry of Foreign Affairs, *Development Co-operation Plan of the Republic of Latvia for 2005* http://www.mfa.gov.lv/en/DevelopmentCo-operation/Projects/ (Date accessed: 8 December 2005). Lithuanian Ministry of Foreign Affairs, *Programme of the Government of the Republic of Lithuania for 2004–2008* http://www.lrv.lt/main_en.php?cat=16&gr=4&d=2001 (Date accessed: 5 December 2005).

[22] Bruno Coppieters and Robert Legvold, *Statehood and Security: Georgia after the Rose Revolution* (London: MIT Press, 2005).

and the Netherlands.[23] As well as showing disapproval of the current status of domestic politics, the rejection of the constitution was also about unease over recent and future enlargements. Coupled with this internal dilemma, the EU has also been unwilling to extend too far, too quickly for a fear of unsettling Moscow.[24] Throughout the 1990's, the Russian foreign ministry has repeatedly expressed its unwillingness to have Western influence in the CIS region. While the relationship between the EU and Russia has become evidently more asymmetric, there is still reluctance in Brussels to intercede except though Russian approval. Such an intercession is the EU's mission to monitor the Ukraine-Moldovan border (i.e. that of the Transdniestra region) established in December 2005.[25] Nevertheless, as set out earlier, the at times contradicting logics of the EU and Russia do leave room to manoeuvre for Moldova, Georgia and Ukraine. The Euro-Atlantic community has renewed its relationship with these new 'outsiders', prospectively breaking the cycle of 'disinterest, partnership, dis-illusionment'.[26] Taking into account the EU's limitations both inter-nally and regionally, what role will the Baltic States play in the Euro-Atlantic community's relationship with its new 'neighbours'?

We identify three possible roles for the Baltic States vis-à-vis the EU and the eastern 'Neighbourhood': *bastion*, *beacon* and *bridge*. By 'bastion', we refer to the EU's projection as 'fortress Europe', traditio-nally applied to EU immigration policy as well as trade policy.[27] While

---

[23] *Wall Street Journal*, 'Membership has its privileges – Or does it?', 27 June 2005.

[24] *EUI ViewsWire*, 'EU/Georgia politics: Georgian premier wants EU to punch its weight', 8 December 2005.

[25] *EIU ViewsWire* 'Moldova politics: EU to join negotiations on the future of Transdniestra', 29 September 2005; *EIU ViewsWire* 'EU/Moldova politics: Partial reprieve for rogue state's officials', 8 December 2005.

[26] See Taras Kuzio, 'Ukraine's Relations with the West: Disinterest, Partnership, Disillusionment', *European Security*, 12 (2003): 21–44.

[27] Lykke Friis and Anna Murphy, 'The European Union and Central and Eastern Europe: Governance and Boundaries', *Journal of Common Market Studies*, 37 (1999): 211–232. , Andrew Geddes, 'Europe's Border Relationships and Inter-national Migration Relations', *Journal of Common Market Studies*, 43 (2005): 787–806. , Paul Howe, 'Insiders and Outsiders in a Community of Europeans: A Reply to Kostakopoulou', *Journal of Common Market Studies*, 35 (1997): 309–314. , Theodora Kostakopoulou, 'Why a 'Community of Europeans' Could be a Community of Exclusion: A Reply to Howe', *Journal of Common Market Studies*,

the enlargement process that culminated in the EU's largest ever expansion marked a period of inclusion rather than of exclusion, 'enlargement fatigue' has set in, tending towards a reestablishment of 'fortress Europe'. If thus, the ENP is a strategy aimed at holding the EU's neighbours at arm's length. Neither the *Wider Europe – Neighbourhood* framework nor the European Commission's *European Neighbourhood Policy* strategy paper set out an agenda for further enlargement, although there is some scope for regional integration. For instance, while the Ukrainian government would like to see an EU entry treaty by 2008, according to Ukrainian foreign minister Boris Tarasyuk in December 2005, the European Commission has not reciprocated with an indication that it would like to see Ukraine become a member.[28] Despite a clear signal from Brussels, the Ukrainian government has marked EU harmonisation as a high-level priority within the government's agenda.[29] As a 'bastion', the Baltic States would take the role of border guard, limiting co-operation with the EU's eastern 'neighbourhood' to that required for regional stability and practical economic gains alone. Since the financial collapse in 1998, economic gains to be had in the CIS area have been few and far between The Baltic States had already made an active effort to change their trade relationships away from other states in the former Soviet Union. Thus, EU membership would mean that further integration has led the Baltic States to look ever increasingly westward in their foreign relations to the detriment to relations with the EU's eastern 'neighbourhood'.

While many of the countries in Central and Eastern Europe have made the transition to democratic governance and market economies, most of the countries in the former Soviet Union have either stalled or reversed altogether. One key difference that separates these two regions is the impact of the Soviet legacy on the transition in the latter set of countries. Although they still have their problems with the

---

35 (1997): 301–308. , Jan Zielonka, 'How New Enlarged Borders will Reshape the European Union', *Journal of Common Market Studies*, 39 (2001): 507–536.

[28] *EIU ViewsWire* 'Ukraine politics: Ukraine eyes EU entry treaty 'by 2008'', 21 December 2005.

[29] See Ukrainian Ministry of Foreign Affairs, *Measures to Implement Ukraine-EU Action Plan in 2005* http://ukraine-eu.mfa.gov.ua/data/upload/publication/eu/en/2000/078_ap-measures_e.doc (Date accessed: 28 February 2006.

Soviet legacy, the Baltic States have not only democratised and marketised but also de-Sovietised to the point that by 1996, Estonia was placed on the short-list for EU membership with Latvia and Lithuania confirmed a year later.[30] With their experience of triple transition and subsequent European integration, the Baltic States may act as a 'beacon' in exemplifying the transition from post-Soviet to European. Like their impact on the nationalist movements in the late Soviet-period, Baltic integration has the potential to act as a roadmap to transition.[31] This means that Baltic exceptionalism can only have been a temporary circumstance and that the problems that face Moldova, Georgia and Ukraine are not preclusive to their own triple transitions. The logical conclusion of the Baltic States acting as a 'beacon' is that the focus is on transition itself rather than membership in the EU or NATO. This role for the Baltic States fits best the ENP, where the focus is on making the 'neighbourhood' a peaceful and stable region, rather than on preparing the 'neighbourhood' for inclusion. NATO's potential for expansion is not hemmed in by such grand strategies but nevertheless the collective security institution does have a policy of integration without membership enshrined in the Partnership for Peace Programme (1994). The Baltic States as 'beacon' suits this end: regional integration without institutional membership. For the reasons discussed earlier, the EU's ability to continue to expand has been shaken by the rejection of the constitution. Following the inclusion of Romania and Bulgaria (2007/08), will the EU have the political will to go further? The answer remains unclear.

Perhaps the EU will have the political will and practical capacity to expand further beyond the Balkans. That is, to become a truly European institution. To this end, the Baltic States may act as a 'bridge' to membership rather than as examples or as border guards. Because of the power politics of the Baltic sub-region, bridging the gap between the 'neighbourhood' and the European institutions is a favourable role of the Baltic States. Not only does membership (or the accession process) 'lock-in' political and economic reforms, but membership also locks in place bandwaggoning positions. By these

---

30   See the European Commission's *Agenda 2000* (1997).
31   Nils R. Muiznieks, 'The Influence of the Baltic Popular Movements on the Process of Soviet Disintegration', *Europe-Asia Studies*, 47 (1995): 3–25.

positions, we mean the 'not their near abroad, but our near abroad' strategy. The Baltic States acting as a bridge best overlaps the Baltic logic of the eastern 'neighbourhood'. Having governments sceptical of Moscow's regional policy does two things. First, it confirms the Baltic view of the region, where the Russian government is deemed as imperial and untrustworthy. Such actions as the constant violation of Baltic airspace by the Russian military, the recent gas disruptions in Ukraine and Georgia, and the perceived tacit support for separatist groups in Moldova, Georgia and Azerbaijan, confirm this view. Second, western-oriented governments in the 'neighbourhood' keep the EU involved and engaged with the East especially at a time when there is continued pressure within the EU to look south. The Baltic governments do not want another period of 'disinterest' or 'disillusionment' but rather continued 'partnership'.[32] Overall, the EU-Russian relationship does not always match the expectations of the Baltic governments, as the current Baltic Sea pipeline plan sponsored by Gerhardt Schroeder illustrates.[33] Increasing the commitment on all sides may manage to change the power dynamics in the sub-region completely.

The Baltic logic of the eastern 'neighbourhood' as established earlier suggests that governments in Tallinn, Riga and Vilnius are unwilling to support a 'fortress Europe' to the exclusion of European states such as Moldova, Georgia and Ukraine. Nevertheless, so much effort was made on the parts of the Baltic governments over the years to join the Euro-Atlantic community that it is still too early to pin down Baltic foreign policy strategies. Yet, foreign policy projects adopted from 2004 illustrate a cohesive strategy of the Baltic States towards supporting reforms in Moldova, Georgia and Ukraine. This early evidence suggests that we discount the role of 'bastion' for the Baltic States. The distinction between 'beacon' and 'bridge' is however more difficult because it is partly determined not by the Baltic governments, but instead by events within and between the EU, and NATO and Russia. The Baltic governments know that in order to maximise the chance for successful transition in these states, the

---

[32] Kuzio, 'Ukraine's Relations with the West'.

[33] *The Baltic Times*, 'Adamkus shares frank words with Schroeder' 2 November 2005.

chance of membership must be attached to the bargaining process that is accession. Likewise, the Baltic States know that European integration is a positive way to counter the perceived aggressive nature of Russian foreign policy in what was once referred to as Russia's 'near abroad'. The Euro-Atlantic community needs to 'bridge' the gap and support European integration of the European 'neighbourhood'. The Baltic States can be that 'bridge'.

Bibliography

Wider Europe – Neighbourhood: A New Framework for Relations with Our Eastern and Southern Neighbours (Brussels: European Commission, 2003).

Averre, Derek, 'Russia and the European Union: Convergence or Divergence?' *European Security*, 14 (2005): 175–202.

Brown, Michael E., Sean M. Lynn-Jones and Steven E. Miller, *Debating the Democratic Peace* (Cambridge, Massachusetts: MIT Press, 1996).

Browning, Christopher S. and Pertti Joenniemi, 'Regionality beyond Security? The Baltic Sea Region after Enlargement', *Cooperation and Conflict*, 39 (2004): 233–253.

Coppieters, Bruno and Robert Legvold, *Statehood and Security: Georgia after the Rose Revolution* (London: MIT Press, 2005).

Friis, Lykke and Anna Murphy, 'The European Union and Central and Eastern Europe: Governance and Boundaries', *Journal of Common Market Studies*, 37 (1999): 211–232.

Galbreath, David J., 'The Baltic States and the European Neighbourhood Policy: Maximising the Voices of Small Nations', in H. Tiirmaa-Klaar (ed.), *Baltic Outlooks on European Foreign and Security Policy* (Tallinn: Tallinn University Press, 2006).

Galbreath, David J., 'Latvian Foreign Policy after Enlargement: Continuity and Change', *Cooperation and Conflict*, Forthcoming (2006):

Galbreath, David J., *Nation-Building and Minority Politics in Post-Socialist States: Interests, Influence and Identities in Estonia and Latvia* (Stuttgart: ibidem Verlag, 2005).

Geddes, Andrew, 'Europe's Border Relationships and International Migration Relations', *Journal of Common Market Studies*, 43 (2005): 787–806.

Howe, Paul, 'Insiders and Outsiders in a Community of Europeans: A Reply to Kostakopoulou', *Journal of Common Market Studies*, 35 (1997): 309–314.

Hubel, Helmut, 'The Baltic Sea Subregion after Dual Enlargement', *Cooperation and Conflict*, 39 (2004): 283–298.

Keohane, Robert and Joseph Nye, *Power and Interdependence: World Politics in Transition* (New York: Little Brown, 1977).

Kostakopoulou, Theodora, 'Why a 'Community of Europeans' Could be a Community of Exclusion: A Reply to Howe', *Journal of Common Market Studies*, 35 (1997): 301–308.

Kuzio, Taras, 'Ukraine's Relations with the West: Disinterest, Partnership, Disillusionment', *European Security*, 12 (2003): 21–44.

Muiznieks, Nils R., 'The Influence of the Baltic Popular Movements on the Process of Soviet Disintegration', *Europe-Asia Studies*, 47 (1995): 3–25.

Smith, Karen E., 'The Outsiders: The European Neighbourhood Policy', *International Affairs*, 81 (2005): 757–773.

Vital, David, *The survival of small states: studies in small power/great power conflict* (London, New York: Oxford University Press, 1971).

White, Stephen, Ian McAllister and Margot Light, 'Enlargement and the New Outsiders', *Journal of Common Market Studies*, 40 (2002): 135–53.

Zielonka, Jan, 'How New Enlarged Borders will Reshape the European Union', *Journal of Common Market Studies*, 39 (2001): 507–536.

Common Values as a Basis for Integration: Is there an End to Europe? The Baltic States as a Bridge Between Europe and Beyond

KATRIN NYMAN-METCALF

Riga Graduate School of Law

Concordia Audentes University

Institute for East European Studies at Uppsala University

Introduction

The European Union (EU) has a unique possibility to influence legal developments in transition countries through the fact that for accession or even for other forms of closer relationships, EU can make demands of legal and administrative reforms. To be accepted as a candidate or partner, such demands must be fulfilled with only limited scope for national exceptions. This does not mean unification of laws or administrative systems, apart from in limited fields, but it does mean a common basis. For this to function there must be a foundation of shared values and principles. One key word is trust: The EU system is construed around the fact that Member States trust one-another. There are safeguards in the structure of the Union and mechanisms to enforce the co-operation, but an underlying feature of the system is that Member States trust decisions by authorities of other countries. Such trust is needed also for close relations short of actual membership. The closer the relationship, the more essential common values and trust become.

The building of systems of trust and a shared outlook on the world was an underlying feature of the process for EU membership for the recent Members and remains so for new potential ones. The success of the Baltic States as EU members indicates that these countries fitted

well into the value family. The extension, potential or actual, of this value family is a criterion for how far EU may expand and for what kind of relations it may have with e.g. NIS countries. It is important to realise to what extent values can be shaped by external influences such as EU assistance and pressure for reform and to what extent they are given by cultural circumstances.

EU as an instigator of reform

EU is without doubt the most important factor for reform in Europe. This is clearly seen for countries that have recently become or wish to become Members, but also for those who may not (at present) aspire to join. Related to this importance, EU has unique potential to influence legal developments in transition countries. EU can and will make demands. As a consequence of the sovereignty of states under international law a country may chose to ignore such demands, but if it does it will not be able to enjoy the benefits of the relationship with EU. This gives EU a possibility to influence that other international organisations do not have. It has so much to offer in the package of relations that it can set the stage for reform for many states. EU could make even more and stricter use of conditions than it does today. The application of conditionality in EU relations with the rest of the world is not consistent and does not always reach up to its expressed aims. Mainly less powerful states that for various reasons are easier to influence (often because of their desire to join EU) feel the full force of conditionality, whereas large states (like Russia or China) will be able to have relations with EU regardless of respect for human rights that in theory should be a condition.

Nevertheless, this does not reduce the importance of EU as an instigator for legal reform in Europe and its vicinity. This reform includes technical issues like competition, customs and tele-communications law but also matters that go to the hart of what is a democratic rule of law state. In some areas, notably the technical ones, legal reform may to a large extent consist of bringing legislation in line with EU law. But EU influence goes further than that: even areas which remain in the Member State's own competence or which are not included in Partnership and Association agreements with non-members, shall be regulated in a manner that meets certain standards.

For transition countries EU demands are important as yardsticks of what is good legislation. As examples, telecommunications and competition legislation in the Baltic countries is modern and up to international standards – sometimes more so than in old established EU democracies. Transition countries like the Baltics did not have a legacy of partly compatible older legislation to deal with, but started from scratch in an era of liberalisation and advanced legislation using recent and sophisticated EU rules as models. All transition countries should be able to enjoy the benefit of starting from nothing, but this requires openness, political willingness as well as competence to write laws and set up implementation procedures. The fact that EU provides practical assistance through aid, training and various projects further underlines its importance as a factor for reform.[1] The Baltic States may serve as examples of how successfully to use the possibilities given.

Approximation of legislation, institutional and public administration reforms are crucial for candidate countries but also – albeit in more limited form – for other partners of EU. For potential Members, the special nature of EU law as an integral part of national law – to be implemented by Member States – emphasises the importance of functioning institutions. The goal of EU membership or at least of closer ties as a carrot and stick for reform is essential. If the prospect of membership or close relationship with EU were to be taken away from states undergoing reforms, an important possibility to exert positive influence would also be lost. This is evident when looking at Balkan countries or Turkey and in a slightly longer time perspective, the same is true for NIS.

Membership of EU

The criteria for EU membership are set out in Article 49 EU Treaty, stating that any European State which respects the principles set out in Article 6(1), namely liberty, democracy, respect for human rights and fundamental freedoms and the rule of law may become a member. It explicitly says in Article 6(1) that the principles enumerated are prin-

---

[1] Katrin Nyman-Metcalf "Influence through Assistance – The EU Assistance Programmes", *European Public Law*, Vol. 9, Issue 3, September 2003, pp. 425–442.

ciples common to the Member States. These criteria were introduced through the Amsterdam treaty amendments 1999. Previously the criteria were even more general, just saying that any European state could apply to become a Member. There are also criteria for other types of relationships with the EU, like for Partnership and Association agreements. The character of the relationship decides the type of criteria. By underlining principles like liberty, democracy, human rights and the rule of law and furthermore spelling out that these principles are shared among Member States, it is apparent that there is to be a community of values. This, more than the geographical limitation to European States, sets out who can aspire to become an EU Member. It is difficult to determine if there is a closed circle of potential Members and in that case who they are. Currently existing EU Members (including new ones) are reluctant to talk seriously about new ones beyond those with agreed candidate status. At the same time, political developments not least in NIS mean that there are more potential Members. Even if the Council of Europe and EU are completely separate organisations, the fact that the Council of Europe has 46 members may appear to indicate that there are indeed more potential EU candidates than those in the waiting room already.[2]

There can be no compromise when it comes to demanding that potential Members submit to the general EU system including the supremacy of EU law and the duty of loyalty. Countries, which for reasons of their size or otherwise are not willing to enter into this system, cannot be accepted as Members. The nature of the Council of Europe, very different from EU, means that membership in this body in no way indicates that a state is willing to submit to the demands of EU. As EU constantly grows in size as well as influence, it becomes all the more important to create constructive relationships with non-member states. EU is a *sui generis* organisation with no equivalent elsewhere in time or space, thus it could also use the opportunity to create *sui generis* relationships with others. This will only work if both parties are interested and willing to find the most appropriate solutions. Until now, talk of special relationships has mainly been brought up one-sidedly by some states as a way to avoid the problem

---

[2] Thibault Courcelle „Le Conseil de l'Europe et ses limites", *Hérodote,* 3e trimestre 2005, No. 118, pp. 48–67.

of certain applicants (notably Turkey). General talk of other relation-ships than full membership is not useful to avoid dealing with the issue of who can become Members, but this does not mean that it should not be something seriously explored when there may be a mutual interest in a special status. A country like Russia has important potential for the EU – potential use as well as potential danger.[3] There is everything to be gained and nothing to be lost by integrating close neighbours of the current EU into European structures, even if it is not an easy task to set out what those structures should look like.

It is the question of common values that not only determines where the EU borders must lie, but also what further reforms are necessary to accommodate new Members. If common values are essential, the number and nature of potential Members may be different than if practical issues alone determine who may join. Reforms will not only be based on practical considerations but on how to further basic values. Maybe it appears difficult to enlarge EU to countries with more different cultural systems and history, a difficulty from the viewpoint of the organisation as well as that of current and new Members. But the question of what the yardstick is against which the cultural systems and values should be measured is equally difficult. EU does not strive for uniformity and is already very diverse – what is to say that certain countries are and remain too different when all European countries are changing, who knows exactly how at what time? The fact that EU needs institutional reform cannot be allowed to be forever an obstacle. If practical issues are solved there is no absolute limit in numbers on how large the EU could be but the limit is in how many states will fit into the system of common values.[4]

Once a country is an EU Member it can influence the policies of the Union. The decision making process gives disproportionate influence to small states. The Baltic countries have thus moved from being subject to the necessity of reform to being able to shape EU. Even if the formal possibilities are there and are important, this should not be exaggerated: one small member itself will not change the entire EU.

---

[3]   Falk Bomsdorf "Die gesellschaftliche Dimension des russischen Wandels", *Europäische Rundschau* 2003/2, pp. 19–30. Regarding Turkey, see *Internationale Politik* Nr. 11, Nov. 2000 „Kandidat Türkei" thematic issue.

[4]   Yves Lacoste "Dans l'avenir, une très grande Europe de l'Atlantique au Pacifique?" *Hérodote,* 3e trimestre 2005, No. 118, pp. 202–212.

The fact that the Baltic countries for apparent reasons have a good understanding of the former Soviet Union means that they may also have a good possibility to influence the relationship EU has with former Soviet states, like how to assist and what realistic criteria to set and how to explain these.

Common values

If and to what extent cultural specificities of states should be taken into account in legal reform is controversial as is the question of cultural relativism of rights generally. There is in certain countries a propensity to declare that as the country is "different", rights cannot be applied in the same way as elsewhere and this must mean slower or lesser reforms. It is popular both on behalf of authorities and people to claim that certain reforms or progress is not possible because the country and the mentality are "different". This is heard e.g. in Russia as well as in the Balkans. The Baltic attitude rather tends to be that anything is possible! Negative views on possibilities of a country can easily be exploited by authorities as an excuse to avoid reform. It is a poor excuse: even if reforms will have to look different and may work differently because of traditions and culture, there is no excuse for not having good legislation and mechanisms to ensure human rights and the rule of law. The Baltic States as EU members coming from a Soviet background can serve as examples of how reform is possible even from a poor starting point. However, it is in this context that one hears the comment that the Baltic's are successful because their culture allowed for reforms and this would not be the case in the "different" countries. Peters and Schwenke put it well when they warn that culture-based moral relativism may pay a high price as it can easily be made a handmaiden of dictators.[5] Even if leaders of transition countries may be more cautious than autocratic leaders in presenting relativism of rights, when this goes to the essence of the rights and their protection rather than to details of implementation, it must be

---

5   Anne Peters, Heiner Schwenke "Comparative Law beyond Post-Modernism", *International and Comparative Law Quarterly* Vol. 49 October 2000, pp. 800–834.

recognised for what it is: limitation of internationally recognised and most often also nationally protected human rights.[6]

Can something as vague as common values be a source of something as specific as legal obligations? How do we know what these values and principles are, whose values should they be and who determines it? These questions are complicated enough on the national plane but when involving states with different cultures and traditions the issue becomes even more complicated. At the international level the use of values and principles is however very important. Article 38 of the Statute of the International Court of Justice[7] lists sources of public international law. Apart from conventions and customary law, and under some conditions judicial decisions and writings of authors, point c) mentions "the general principles of law recognized by civilized nations". This phrase must be seen in a temporal context, the Statute was written in 1945 when it was acceptable to distinguish between the developed "civilised" world and the rest which still to a large extent was under colonial domination. Although some see point c) as obsolete, many commentators find that it can be read in today's circumstances, simply with a different meaning – the reference to civilised nations must be seen as reference to shared values and principles from which no states can derogate, including certain human rights and a ban on aggression. Whatever the more specific interpretation, it indicates that common principles are a source of public international law. Taking the step from the global to the national level, it is not unusual to find references to principles. In continental law systems it is not so common that courts make explicit references, but principles are instead used as an element of interpretation or implementation. In common law countries, principles are used more as a source of law.

---

6   An example of the autocratic view on cultural relativism of rights can be seen in the quote from Chinese Prime Minister Li Pang in an address to the UN Security Council in 1992 as quoted by Müllerson: "*In essence, the issue of human rights falls within the sovereignty of each country. A country's human rights situation should not be judged in total disregard of history and national conditions..",* Rein Müllerson *International Law, Rights and Politics* (London & New York, 1994) pp. 203–204, fn. 135.

7   Statue of the International Court of Justice, San Fransisco 26 June 1945 (UN Charter). In force 24 October 1945.

They will have developed and crystallised over time for the specific country.

There are examples in EU law of direct references to common principles. These vary between technical matters and fundamental principles. Article 288(2) European Community (EC) Treaty says "In the case of non-contractual liability, the Community shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused (---)". Article 11 EU Treaty on common foreign and security policy mentions as one objective "to safeguard common values, fundamental interests, independence and integrity of the Union (---)". It is interesting to consider how one determines what may be a common principle. If all the Member States have identical or very similar provisions, it is easy enough. Generally, it has not been difficult to find common principles and the Court of Justice has highlighted them in its case law. To find principles it is often not possible to mechanically compare legislation of different countries to see if the same provision exists. The legislative style differs, something expressed in one country's law may be implied in another, principles may be in specialised legislation or general law or even be unwritten – such a comparison would take much more time and effort than the result of it would merit. There would also be such questions as what if 20 or 24 Member States have the same provision and one or five do not? Does it make a difference if these would be the largest or smallest Members? There are almost endless constellations of possibilities and the exercise may not lead to any useful result. This is not how common principles are found, that determination must go beyond factual comparison and look at principles behind provisions, at the sprit of the law and what it is trying to achieve rather than the exact wording. Common underlying principles are often identifiable even if specific rules and legal systems vary between countries provided a basic common understanding is there.

Finding common principles it facilitated by the fact that EU membership has lead to legal harmonisation also in areas still under national as opposed to EU law. This may be as a direct consequence of EU action or indirectly, as a result of cooperation. In commercial law also in a wider context it is not unusual to find similar rules, as there is a lot of harmonisation between countries active in the same commercial environment. Harmonisation takes place through legislation or

other state measures like conventions, maybe with model laws, but also through the actions of the commercial partners themselves. Starting from almost nothing in this area again proved often to be advantageous for the Baltic States and others in similar situations, even if the lack of experience may put the states in a weaker position in some respects.

The question of common principles can be approached also from the angle why we need them and what they contribute. In this discussion, a key word is trust. The EU system is construed around the fact that Member States must trust one-another. The willingness of the Member States to submit to the common system, to accept joint decision making, majority decisions and the important duty of loyalty are necessary prerequisites for membership. EU law is to a major extent implemented by the Member States and their institutions. There are safeguards in the structure of the Union like the monitoring role of the Commission, possibilities to take States to court and mechanisms to enforce co-operation, but the importance of trust cannot be denied. To recognise decisions by authorities of other countries, to allow products or professionals certified in another country to circulate freely requires trust. We trust someone if we feel they meet the requirements and expectations we have on them. This is no different on the level of states.

Speculating on the psychology of states, old EU Members are sometimes suspicious of East and Central European countries. Apart from the weaker (but much faster growing!) economies of these states or specific laws and procedures not being in compliance with EU requirements, a more abstract lack of trust also matters. If this lack is based not only on specific examples of discrepancies in legislation and procedure but also because underlying principles are not accepted, efforts to overcome the lack of trust cannot be restricted to law harmonisation. Instead a set of values and principles must be sought to be transferred to the countries in question and these countries must know how to incorporate as well as show they share these principles, that differences in application are just questions of practice and need for legal and institutional reform. The new Members wanted to join EU as they felt part of the European family, forcibly parted from it and

wishing to rejoin.[8] Their temporary absence was due to historic events and a situation forced upon the states. This may also be true for other states accepted or hoping to be accepted as candidates. But the will to undertake genuine reform must be there. All European states – with a wide interpretation of what is Europe – are parties to the European Convention on Human Rights. The principles of this Convention are adopted by the EU as the yardstick for European values. The implementation of them must be genuine and serious.[9] The new Member States have succeeded in achieving gradually more trust relatively quickly (not least the Baltic States). The better understanding that the new Members including the Baltic's have of the countries even further east may help to overcome the suspicion toward them – or in some case instead to urge caution if the "old" Europe is not suspicious enough!

Conclusions

There is no alternative to common values and trust between Member States of EU and to a somewhat smaller extent, between EU and other partners. When determining the possible extent of EU the question of who fits into the value family is more important than just geography. EU is important through its practical work in shaping the reform process in Europe and through this to some extent it also transfers values. The issue is not one of making states identical, EU does not strive for uniformity, but to ensure respect for the rule of law in a manner that inspires trust. EU requires common values both for its practical functioning and for the survival of the idea of European integration. The process of becoming a Member or partner of EU is a practical reform process as well as a learning process of how to accept and use common values. For the practical reform process it is often a benefit to start from scratch and the Baltic States are good examples of

---

8   Francois Mitterand said on the occasion of the fall of the Berlin Wall that Europe was "comme un fleuve rentre dans son lit, l'Europe est rentrée dans son histoire et dans sa géographie" – like a river that returns to its bed, Europe has returned to its history and geography. Quoted by Courcelle, p. 48.

9   On values and human rights, see J.H.H. Weiler *The Constitution of Europe: "Do the new clothes have an emperor" and other essays on European Integration* (Cambridge University Press, 1999)

how to make use of this benefit. When it comes to the values and common principles, a tradition that allows these to be accepted facilitates the process. However, culture and tradition should not be used as excuses not to undertake legal reform ensuring respect for rights. The Baltic States have a potential not just as examples of how reforms can be made to inspire trust even when starting from a difficult starting-point, but also as EU Members in transmitting its understanding of what is possible to the rest of EU.

Bibliography

Falk Bomsdorf "Die gesellschaftliche Dimension des russischen Wandels", *Europäische Rundschau* 2003/2, pp. 19–30

Thibault Courcelle "Le Conseil de l'Europe et ses limites", *Hérodote,* 3e trimestre 2005, No. 118, pp. 48–67

Yves Lacoste "Dans l'avenir, une très grande Europe de l'Atlantique au Pacifique?" *Hérodote,* 3e trimestre 2005, No. 118, pp. 202–212

Rein Müllerson *International Law, Rights and Politics* (Routledge, London & New York, 1994)

Katrin Nyman-Metcalf "Influence through Assistance – The EU Assistance Programmes", *European Public Law*, Vol. 9, Issue 3, September 2003, pp. 425–442

Anne Peters and Heiner Schwenke "Comparative Law beyond Post-Modernism", *International and Comparative Law Quarterly* Vol. 49 October 2000, pp. 800–834

J.H.H. Weiler *The Constitution of Europe: "Do the new clothes have an emperor" and other essays on European Integration* (Cambridge University Press, 1999)

"Kandidat Türkei" thematic issue, *Internationale Politik* Nr.11, Nov. 2000.

Baltic Democracy Exporters
to Central Asia?
A Lithuanian Perspective

EGDŪNAS RAČIUS

Institute of International Relations and Political Science
Vilnius University

Lithuania and her sister states Latvia and Estonia are lauded by Western European and North American countries as examples of successful and speedy democratization to be emulated by other ex-Soviet states.[1] Lithuanian (and it might be assumed, Latvian and Estonian) leaders also frequently speak of the need to spread democracy further east, into the territories of the former Soviet Republics.[2] In fact, they have already taken active part in bringing about democratization to the Ukraine, Georgia, Moldova and less fruitfully Belarus.

Conspicuously, among Lithuanian politicians this talk of spreading democracy to the East very rarely includes Central Asian states. There have been just a handful of instances when Central Asia was mentioned as a possible destination of spreading democracy. For example,

---

[1] See, for example, *President Bush Discusses Freedom and Democracy in Latvia*, The Small Guild Hall Riga, Latvia, 7 May 2005, http://www.whitehouse.gov/news/releases/2005/05/20050507-8.html

[2] But few examples are recent speeches by the Lithuanian President. See *Speech of President of the Republic of Lithuania Valdas Adamkus "Discovering Terra Democratica in Eastern Europe and Beyond: Successes, Challenges and the Way Forward"*, Chicago Council on Foreign Relations, Chicago, 19 September 2005, http://www.president.lt/en/news.full/5982. See also Adamkus, Valdas. Black Sea Vision, *Lithuanian Foreign Policy Review*, 2004, 1–2. See also *Address by H.E. Mr. Antanas Valionis, Minister of Foreign Affairs of Lithuania, at the international conference "The Baltic region and the South Caucasus: strategies for cooperation and patterns of reform"*, 8 February 2005, http://amb.urm.lt/nato/ showitem.php?TopMenuID=983&ItemID=2535&SiteID=66&LangID=2

the deposed President Rolandas Paksas and his followers have declared promotion of democracy in Central Asia as one of their foreign policy priorities. In the Program of the so–called Rolandas Paksas' Coalition "For Order and Justice", itself based on Paksas presidential elections' program of 2003, it is stated that if voted to power its members would among other things "promote the spread of democracy in other members of the Commonwealth of Independent States (CIS), the neighboring Belarus, in the Caucasus and Central Asian states".[3] The then acting President Artūras Paulauskas in the mid–2004 indirectly urged Lithuanians to pay more and closer attention to the democratization of states to the east of its boarders, implying among others Central Asia.[4]

The current President Valdas Adamkus (sworn in in the summer of 2004), however, has not so far directly spoken on the issue, though it might be judged from his activities and other speeches that he would subscribe to the idea of promoting democracy as far as Central Asia. The Lithuanian MFA has also kept silent on the issue.[5] In fact, key documents on Lithuania's foreign policy do not mention Central Asia at all.[6]

---

[3] *Program of Rolandas Paksas' Coalition "For Order and Justice"*, dated 6 July 2004, http://www.ldp.lt/list.php?strid=1266&id=2047. Paksas' supporters make an opposition group of 9 (out of the total 141) MPs in the current Lithuanian Parliament

[4] *Speech by H. E. Mr. Artūras Paulauskas, Acting President of the Republic of Lithuania, at Vilnius University, on Lithuania's New Foreign Policy*, 24 May 2004, http://www.urm.lt/popup2.php?item_id=8496

[5] It is, however, generally argued that Lithuania's involvement in Afghanistan, where it heads a PRT, is an expression of spreading of democracy (and thus sharing its own democratization experiences) into Central Asia

[6] *Resolution on Directions in Foreign Policy of the Republic of Lithuania following Lithuania's accession to NATO and the European Union*, adopted by the Seimas of Lithuania on 1 May 2004, http://www.urm.lt/popup2.php?nr=1&item_id= 8500&_m_e_id=4&_menu_i_id=162;240&no_cache=1. The other one, *Agreement between Political Parties of the Republic of Lithuania on the Main Foreign Policy Goals and Objectives for 2004–2008*, although explicitly states that Lithuania will seek "to support democratic processes in Ukraine, Belarus, Moldova, the countries of the South Caucasus and the Russian Federation, in particular the Kaliningrad region" gives no word on Central Asia. 5 October 2004, http://www.urm.lt/ popup2.php?item_id=255. Same can be observed in the case of *Programme of the Government of the Republic of Lithuania for 2004–2008* (Foreign Policy Chapter),

Though, as it appears, not urgent at the moment, the question of relevance of the Baltic democratization experiences to the situation that has been developing in the countries of the former Soviet Central Asia is nonetheless worth considering. Can one plausibly hope that the Baltic states' democratization experiences can be (if appropriately amended) successfully applied in the Central Asian states? In other words, can the Baltic states become democracy exporters to Central Asia?

The "Shared history" argument

What do the two regions share, and how much difference is there despite the common experience of having been a long-time fellow "inmates" in the "prison" called the Soviet Union? Lithuanian politicians and political analysts routinely dwell on the perceived "shared history" of Baltic and other ex-Soviet Republics.[7] In their depiction, having been "inmates" in the "prison" Soviet Union for some four decades the captive nations supposedly grew to know each other rather intimately.

Several aspects of this "shared history" are characteristically advanced. First of all, it is argued that all Soviet Republics were administered in principle in a more or less uniform fashion through local Central Committees of the Communist Party. Therefore, purportedly, knowing how the system worked in one practically means knowing how it worked in all of the Soviet Republics. Secondly, however, the USSR was a centralized state, with Moscow being the ultimate decision-making center in matters political, defense and economic. This meant that governments of the Republics had little if at all say not only in matters related to foreign and defense policies but also internal affairs.

where it is states that the Lithuanian government will continue "to support democratic reforms in Ukraine, Russia and Transcaucasian states, to encourage the determination of these countries to join the area of Euro-Atlantic cooperation. To support the efforts of Belarus to strengthen its independence, democracy and civil society", but does not mention its position on Central Asia. http://www.urm.lt/popup2.php?item_id=256

7   See, for example, *Address of the President of the Republic of Lithuania Valdas Adamkus to the Members of Georgia's Parliament*, 11 November 2005, http://www.president.lt/en/news.full/6167

Since the economy of the entire state was planned in Moscow, the Republics had to simply follow the indicated course.

Thirdly, on the social level, there supposedly was ample mingling among people from the Republics (for example, while serving in the Red Army, in which most of the males did serve, usually far away from one's motherland, or during the study years either by studying together in Moscow, Leningrad, Kiev or elsewhere with mates from different regions of the country or on study trips to various corners of the state, or during one's career years – pan-Soviet conferences, symposia, training, festivals, etc). Presumably, these encounters with people from remote Republics laid ground for "cultural awareness" or even "cultural literacy"[8] of each other, something that now has become an indispensable asset and advantage in comparison with either Western Europeans or Americans, who lack it. Finally, *lingua franca* in the USSR was Russian, the language still widely understood by the elder generation in practically all parts of the former USSR.

Though outwardly (especially to the outside world) the argument of this "shared history" might seem convincing enough, its application in real terms is questionable. First of all, because the "shared history" argument either implies some sort of a unified Soviet culture, which societies in the former Republics supposedly share even now, or it ignores cultural differences as non-significant and thus easy to overstep. However, the USSR was not (or rather failed to produce) a monolithic unified culture it claimed to be – its constituent cultures survived the unification policies of the Soviet machinery even if in adultered forms. One can actually speak of two-layer history (or parallel histories) only one part of which can be called "shared". The "shared history" refers to the pan-Soviet level of history comprising

---

[8]   By 'cultural awareness' it is meant basic acquaintance with history and languages of the societies one is dealing with. It might be maintained that 'cultural awareness' is an essential prerequisite in any transnational relations – whoever is involved in them has to have a minimal baggage of knowledge about the local culture – this would facilitate smoother interaction producing more favorable results. But it might also be argued that 'cultural literacy' would be even more desirable. This includes not only superficial familiarity with basic aspects of indigenous culture(s), but some deeper knowledge of intellectual currents and undercurrents, stratification of society under question, pressure groups, informal authorities, and religion, all this supported by in-depth studying of appropriate local language.

either inter-Republic relations in which Moscow inevitably was a constituent third party or Republic-Moscow relations. The "shared history" relates to this reality (artificial pan-Soviet relations among Republics) that is hardly relevant to or useful in a post-Soviet reality. Most of accumulated knowledge and skills became obsolete as soon as the conditions that facilitated them melted away. Especially since the Baltic states stayed aloof the newly patched CIS and with introduction of visa regimes travel between the Baltics and more distant former Republics but ceased.

Moreover, under the surface of a more or less unified pan-Soviet life–style and official culture there had always continued alternative (parallel, and usually unobserved) history of respective nations. There has been permanent tension between the artificial official (and wishful) history and culture on the one hand and the persistent indigenous ones on the other hand. However, since unmediated inter-Republic relations, involving any degree of closer cooperation with and interest in each other, were too rare, they did not allow people from one Republic to get to know the indigenous culture of societies of other Republics. Consequently, internal fabric of Republics, with their cultures and subcultures, remained barely observed by outsiders. And the "cultural awareness" in reality was little more than a collection of stereotypes upheld in jokes.

The geographical proximity has been a major factor allowing for a higher degree of authentic "cultural awareness". This way, in the cases of Belarus and the Ukraine, Lithuanians can claim to possess some intuitive knowledge of these societies (Belarus, after all, used to be part of the same Grand Duchy of Lithuania and the Joint Polish-Lithuanian state, before its incorporation into the Russian Empire; so to a certain extent did the Ukraine) which could guide them in their involvements in Belarusian and Ukrainian affairs. Apparently, the perceived affinity has helped Lithuania in its performance as one of the mediators in the Ukrainian case.

But the further one moves eastward the less of affinity one finds between the Baltics and other parts of the former USSR. The South Caucasus states already prove the point. Ultimately, on a closer look, it becomes apparent that the Baltic societies are of a significantly different nature from those found in today's Central Asia. In the Lithuanian case, one might add virtual non-existence of professional

interest in history, language or contemporary issues of the Central Asian (and also South Caucasus) societies throughout the Soviet period.

The different paths

The Baltic states all at the same time took a decisive turn toward rapid two–layer democratization – both citizenry and political elites longed for a democratic make up of their respective countries. The Soviet nomenclature initially was sidelined by progressive nationalist forces, who took first major steps toward a complete revamp of their societies. Ex-Communists, however, soon regrouped to make re-gains, and in some cases, namely Lithuania, they even eventually came back to power. Only now they more or less shared the national vision originally pushed by the nationalists. The set priorities of becoming a competitive liberal economy and open, pluralistic and democratic society while pursuing accession to the EU and NATO (the former served as prerequisites for the latter) have been upheld by all often changing governments, both Left and Right.

The Central Asian Republics, contrary, took equally decisive steps toward rejuvenated authoritarian rule. The initial differences between the Baltics and Central Asia can already be observed at this point – first of all, societies of the Central Asian Republics, unlike those in the Baltics, hardly sought secession from the USSR (though there had been internal unrest since the late 1980s). While the Baltic nations had been actively pushing for their independence for some three years before regaining it, the Central Asian societies gained theirs by virtue of the collapse of the USSR with virtually no effort on their side. In other words, while Baltic people anxiously sought independence, Central Asian inhabitants got it unintentionally. To many of them collapse of the USSR still is a lasting trauma.

Secondly, in contrast to the Baltics, the political leadership in the Central Asian Republics did not pass into the hands of anti–Communist/nationalist forces (which simply did not exist) and was retained by the very same Communist leaders who had been running them on behalf of the Soviet Communist Party. These swiftly moved to neutralize whatever political opposition was forming and soon succeeded in consolidating their debilitating grip on societies.

The different backgrounds and recent history of statehood might in part help explain the different paths societies of the two regions took. It might be recalled that in-between the wars the Baltic countries were internationally recognized independent nation states (members of the League of Nations) with their defined international boarders and their title nationalities. All this was messed up in the then already Soviet Central Asia, pacified and brought into subjugation by Bolsheviks with no independence, artificial though not international boarders, multiethnic societies. This meant that while during the Soviet period the Balts had to cope with the loss of independence and struggle to regain it, the Central Asian societies had yet to arrive at identifying themselves as nations.[9]

One can make a preliminary conclusion that while in the Baltics both the societies and politicians were willing and capable of transformation, in the case of the Central Asian states the societies were neither capable nor willing and politicians were definitely non-willing.

Prerequisites for democracy exporting

Having argued that the Baltic and Central Asian societies are so different, what then can if at all be shared? Depending on the partner chosen, there might be two approaches. In one case, it is the current governments; in the other – political opposition and (civil) society (presumed in the form of NGOs).

In the first (evolutionary) approach, institutional and administrative/legal reforms perhaps are one of the fields where Lithuania could share its experiences with the former Central Asian "inmates". Such reforms should ideally lead to expansion of good governance practices and rule of law, which in its turn would hopefully facilitate democratization of the concerned Central Asian states. This approach, however, appears least feasible – the decisively authoritarian regimes in some of the countries of the region (namely, Uzbekistan and Turkmenistan) would never change themselves and would not allow for any changes in the states they rule. As in the case of Lithuania's

---

[9] This is very convincingly analyzed in Olivier Roy, *The New Central Asia. The Creation of Nations* (New York, 2000), pp. 161–189

neighbor Belarus, it makes almost no sense talking with the rulers of those countries. Moreover, Lithuania lacks diplomatic capacity in its MFA (only two diplomats work in the whole of the Central Asia and South Caucasus Division) and representation in Central Asia (the only three-diplomat embassy in the region covers Kazakhstan, Kyrgyzstan and Tajikistan while Uzbekistan is covered from the embassy in Turkey) to engage local authorities in a more or less continuous dialogue.

In the second (revolutionary) approach, the democratic changes would have to be promoted bottom–up – through nurturing and engaging political opposition and elements of the civil society. The revolutionary phase should ultimately lead into the evolutionary one – once the incumbent regime is changed from the beneath, the new leaders would be approached as a kind of disciples to be taught the new (democratic) methods of governing.

But in the case of the revolutionary approach, in–depth knowledge of the local society is even more indispensable than in the evolutionary one. By knowledge here it is meant not mere superficial individual experiences or memories from the Soviet past but comprehensive baggage of studies and analysis of both history and contemporary socio-cultural realities of the societies concerned. In other words, one has to be "culturally aware" or even "literate".

Of course, one cannot expect every single government official or employee in private sector, charged with specific duties related to or on the territory of remote societies, to be well versed in the intricacies of local cultures. Yet, one is to expect (or even to demand) that those, who make decisions, either themselves possess knowledge of cultures their decisions are to affect or have expert-assistants, who do so to advise them. Only 'culturally literate' decisions have propensity to be welcomed by partners. It is also advisable that even lower–level government and private sector employees are exposed to advance 'culture training' – e.g. are given courses on history, language, religion, and society of countries they are to be posted to or work with.

Thus the cultural background and structural make up of societies one is to engage should be studied anew. Reliance on a perceived "shared history" would not help to tackle with such new factors as family and clan-based social, political and economic system or the resurgence of the role of religion (namely Islam, which is virtually

unknown in the Baltics) in the Central Asian societies. As there has been much talk of resurgence of Islam in practically all of them (with a notable exception of Kazakhstan)[10], failing to appreciate this would ultimately leave one handicapped in any (democratizing) endeavor. Permanent threat of terrorism in Central Asia is another feature to be kept in mind at all times. One might add drug trade, arms smuggling and illegal migration to the line of features that make two regions apparently dissimilar and thus require an effort to familiarize with the realities of local societies. So far, however, no expert-level knowledge on these issues has been accumulated in Lithuania.

Conclusion

Lithuania, having achieved the status of democratic society with functioning liberal economy, has a moral obligation to share its achievements with other less fortunate countries to the east of its borders. Yet, it has to be realistic about where and what it can achieve. So far, Lithuania's political establishment (by deliberate choice or by accident) has mostly abstained from including into its "spreading democracy" rhetoric Central Asia and has rather concentrated (both in rhetoric and practice) on geographically closer former Soviet Republics.

Such posture is justified from several points discussed above. First, the "shared history" argument is hardly valid in the case of Baltic and Central Asian societies and is of little help in real terms. Second, in order to engage someone, one has to possess a minimum baggage of awareness of the partner. Lithuania so far neither on political nor on academic level is "culturally aware/literate" to assume a position of expert on Central Asian states. Moreover, one has to realize that there in reality is very little common between the Lithuanian society and those in Central Asia. Thus, avoiding the neo-orientalist trap, Lithuania should avoid assuming it knows those societies. Third, receptiveness of the Central Asian societies to democratic changes is very low – the regimes resist them while civil society is weak. For any

---

[10] Mir Zohar Husain, *Global Islamic Politics* (New York, 1995), pp. 250–268; Roy, *The New Central Asia*, pp. 143–16: Odil Ruzaliev, 'Islam in Uzbekistan: Impli-cations of 9/11 and Policy Recommendations for the United States', *Journal of Muslim Minority Affairs*, 25/1 (2005): 13–29

real changes to take place, there should stem some interest from the societies concerned – they have to be willing to change for more democratic ones. So far, this unfortunately, is not observed. Contrary, one witnesses their creeping reislamization.

These formidable obstacles would surely prevent Lithuania (and Latvia and Estonia also) from any successful export of democracy to Central Asia. Consequently, though it would be highly advisable that Lithuania takes a deeper interest in the vast and important region of Central Asia, it nevertheless should avoid falling into the trap of illusion that it can influence the processes in the region or become a democracy exporter.

PART FOUR:

EXPECTATIONS AND NEEDS TOWARDS DEMOCRATISATION IN THE EU'S EASTERN NEIGHBOURHOOD

What Democratizing Countries May (Hope to) Get from Abroad?

GHIA NODIA

Caucasus Institute for Peace, Democracy and Development

Ilya Chavchavadze University of Language and Culture

Whose Democratization?

Foreign-guided or even foreign-assisted democratization is a paradox of sorts, but it has become a norm. It is a paradox because by definition, democracy is based of the power of the people – meaning, *this* people, its will, its habits, its traditions, its institutions. Democracy is supposed to be homegrown, and consequently as unique as the *demos* that substantiates it: it is expected to be endemic to its soil. The discourse of the politicians underscores this: everybody insists that people are making their own choices, that they build institutions that are only fit for this particular country and reflect their own values and interests.

And yet, there is a wide-spread perception that we live in an era of guided or assisted democratizations. Success or failure of democratic change in a given country is almost considered an indicator of the good or bad work of a US ambassador who happens to be serving there. It is not only about the US of course: with every conspicuous step in the direction of democratization, a plethora of foreign governments or democracy-assistance organizations are there to take credit. On the other hand, if there is stagnation or backsliding in a group of 'transitional' countries, a number of sarcastic publications appear castigating the democracy-assistance community for throwing hard-earned taxpayer money at those corrupt governments and elitist local NGOs.

The philosophical problem of ownership (how much are democratizations owned by domestic constituencies or foreign promoters?) is

linked to a practical one of measurement. As everybody who is involved in giving or getting money for democracy-assistance work knows all too well, an ever-increasing share of those moneys is spent on measuring efficiency and impact. Arguably, however, the most important sorts of impact are the hardest to measure. Relying on ostensibly precise social science methodologies tends to be misleading. Therefore, I will rather formulate several observations based on my experience of dealing with those actors who have had the most obvious impact on political processes in my country, Georgia.

What Kind of Difference Can the Outsiders Make?

I will start with some very general statements. Of course democracy – or efforts to become democracy, aka "democratization" or "democratic transition" – are always locally owned. That is, a given country becomes a democracy, backslides (becomes more authoritarian), or tries but fails to become a democracy, depending on what the local players do or do not do. Democratizations as a result of direct military interventions – like in Germany or Japan after the World War 2, or in Iraq more recently – are special cases, but even they show that at the end of the day, the fate of democracy depends on the domestic players (that proved to be more prepared for consolidating democratic regimes in Germany in Japan then than in Iraq today). Outside interventions can only create an opening.

In situations short of military interventions, the impact of outside players may be described as threefold:

(1) Impact of encouragement: external players in some way encourage the locals to do things that they might not otherwise (dare to) do.
(2) Impact of containment: external players stop the local players from doing things they would otherwise have done.
(3) Impact of expertise: Domestic agents learn from external ones how to *better* do things they wanted to do anyway.

The so-called democracy assistance, that is a wide set of intentional and targeted activities taken by specific external agents in order to achieve specific goals, are for the most part (though not necessarily exclusively) related to the third area. No wonder most of democracy

assistance work comes under the more genial heading of "technical assistance", that is transfer of expertise. Without any wish to denigrate these kinds of efforts, however, I would argue that it is the first two kinds of influence that are the most fateful for the spread of democracy worldwide – including to countries like Georgia. So there I will start.

The external actors may influence what we do or not do in two ways. One is intentional and targeted: this may simply be called *political pressure*. External actors want domestic ones to change their behavior in one way or another: they have to pressure them into it. Another kind is unintentional: this is called *demonstration effect*. From the consumer perspective, one can rather call it *lessons learned*. Agents in some countries do something – for instance, they create a successful democratic system, or successfully challenge an autocratic regime – and agents in other country decide to *imitate* their efforts.

My observations on political behavior of Georgian players, as well as those in other countries, suggest that targeted influence of external players on domestic ones is much more effective when it is negative, that is, when it takes the shape of containment. Even for the most powerful external players it is much easier to pressure local actors into not doing something they might otherwise have done, rather than force them to do something they do not want to do. On the other hand, when it comes to *positive* impulses from without, the mechanism of "demonstration effects" or "lessons learned" looks more adequate.

Why would a critical mass of people in a given country (that is, political agents who are capable of achieving certain results) decide that it is time to do something to challenge the existing order of things and turn their country into a democracy? They should believe at least in two things. One, that democracy is a good political regime (or, to speak in Churchillian terms, less bad than what they already have). Second, that the effort in democratization in their country makes practical sense, that it, that there are reasonable chances of success. (I make an assumption here that people who are ready to take the effort of challenging the existing autocratic/totalitarian regime even if they know it is totally hopeless are so few that for purposes of this analysis they may be ignored). In order to galvanize sizeable scope of political activism, the idea of democracy shall be considered both *good* in general and *feasible* for my particular country.

That democracy is a better (or less bad) political regime than any other, may be argued in different ways, including using metaphysical arguments: that freedom and equality, the principles on which democracy rests, happen to express the core of the human nature. This is what the classical liberal philosophers of modernity, those who first formulated the ideas shared by most democrats today, believed. I would argue, however (being personally committed to the mentioned set of political ideas), that this is not enough: other political metaphysics have been created since then – those that underpin different versions of totalitarian or autocratic rule – that have displayed no less seductive power for the intellectuals and the masses. Liberal democracy has won (so far, at least) the historical competition with other ideological systems because it has been more successful: because it has secured sustainable peace, welfare and order for a certain part of the world (conventionally referred to as "the West") in a way no other political regime could, and it was at least partly responsible for creating a huge developmental gap between "the West" and "the Rest". The main historical outcome of the 20th century has been that democracy has been identified with success, while the lack of it is perceived as failure. Therefore, the greatest incentive for democratization is provided by what I would call *collective vanity*: I want my country to be democratic because I want to live in a country that is successful, not a failed one. Georgians want their country to be democratic because the most powerful, rich and stable countries of the world are democratic, and Georgians want to imitate the recipe of their success. Therefore, the greatest thing that the external players (and we usually have in mind countries of the West here, do not we?) can do for democratizing countries is to simply stay democratic, at the same time being rich, powerful, and internally orderly and stable.

But even if I admire the success of the countries of the West, the next question arises: yes, but *can* my country be democratic? There may be two possible impediments, political and cultural. One are agents that want tyrannical rule to persist (domestic dictators or other interest groups, foreign imperial powers, whoever). Or there may be cultural impediments: my people may not "be ready for democracy": That is, their social and cultural habits, for whatever reasons, may be preventing them from mastering democratic institutions. Georgia, and countries like Georgia, usually deal with both kinds of impediments at

different times. How can external political players make a difference in such cases?

The first thing is to challenge tyrants. What the local democrats want from powerful external players is first of all direct political support: the outsiders should weaken (or, best of all, directly overthrow) domestic tyrants, and strengthen or open the road to power to those who challenge them. This kind of direct help, however, rarely comes or is not enough to make a real difference. Direct military involvement is extremely rare and it is usually not primarily motivated by the wish to change the dictatorial regime because it is dictatorial. Tyrants, on the other hands, are usually rational political players who do not want to be overthrown: if the outside players do not opt for violent "regime change," it is not easy to pressure tyrants into doing something that will eventually lead to their exit from power. Local democrats are usually disappointed by passivity of foreign democratic powers, while the latter reiterate that the most difficult and dangerous job of challenging the tyrants is their own.

However, on the stage of overthrowing tyrants the external players may be much more important through leading by example (that is, creating a demonstration effect). If I see tyrants being overthrown in another country, this encourages me to do the same in mine. However, it also matters a lot what are those countries from which I learn my lessons: the closer it is geographically and culturally, the more similar our past political experiences have been, the more likely the contagion is. If tyrannies were successfully challenged in "countries like us," we believe we can do it too.

I will now illustrate the above points by taking several examples from the recent Georgian experience.

Fighting the Communist Regime

The first episode is related to the period of fighting the quintessential tyrannical regime, that is the Soviet Communist rule in the end of the 1980s. For Georgia, the tyranny was represented by a foreign (Russian) imperial power. Gorbachev's policy of liberalization from above provided an opening for change, but this is only obvious with hindsight: when the *perestroika* reforms were actually occurring, it was far from clear whether they implied any potential for the substantive

regime change. Taking advantage of the new opportunities – that is positing *perestroika* as an opening for a regime change – was in itself a matter of creative political action.

Georgians did eventually take advantage of the opening of pere-stroika, but this only happened after they were awakened to it by the external example. This was the example of the Popular Fronts in the Baltic countries. The latter were "countries like us" – small constituent republics of the Soviet Union, even if they denied such a status in legal terms, – and they demonstrated that perestroika made possible large-scale political mobilization challenging the existing political regime and raising the twin agenda of national liberation and democratiza-tion.[1] For Georgians of that time, the Baltic national liberation move-ments (and the Estonian one was the first to show the way) became a major catalyst for action.

This case, however, also showed that demonstration effect can only go so far. While the Baltic example awakened them to action, the Georgians did not succeed to actually *learn the lessons*: That the key was to unify around the national liberation issue, realistically assess specific opportunities provided by perestroika, and not to allow the opponent (the imperial power) to replace the political agenda with the ethnic one (that of conflicts with domestic minorities). The Georgian national liberation movement behaved in an exactly opposite way: it was split into factions unable to agree on the joint course of action, it was led by romanticist radicals that defied the concept of political reality as "immoral", and it soon got enmeshed in messy and bloody ethno-nationalist conflicts. The result was the catastrophe of early 1990s that led to the following decade being spent on efforts to estab-lish the most basic order rather than development. Consequently, today Georgia is in a totally different league from the Baltic countries.

It is notable that the influence of external actors such as Baltic countries was not reduced to general demonstration effect and a failed Georgian effort to learn from the Baltic lessons: there was also an attempt of direct technical assistance. It was represented by a person from the Latvian Popular Front, who spent months and months in

---

[1]   Armenia also presented an example of broad popular mobilization challenging the existing regime. However, this example was less attractive even if powerful, since it was focused on ethno-nationalist irredentist agenda while the challenging the Communist Empire was only a derivative to that.

Georgia who talked to different political actors and even addressed large rallies in order to pass the Latvian experience of building up a powerful organization that capable to challenge the Communist authorities. To my knowledge, that technical assistance effort was not supported by any western foundation. However, this brave mission of a young Latvian woman was probably the first in the long strain of failed projects of European technical assistance. It was not the scarcity of funding that was responsible for the failure, but – as it happened later in much better funded projects – lack of readiness and capacity on behalf of the receiving side.

Fighting the Semi-Authoritarian Regime

Skipping the period of the relative stabilization of Georgian institutions during the 1990s (though many interesting things may be said on the subject of the role of external actors at that time), I will move to the more recent example of the November 2003 Rose Revolution and its aftermath. There is logic to this sequence: the Rose Revolution may be understood as a new attempt to set herself on the road to democratic modernization, something she failed to do in late 1980s. Leaders and supporters of the Rose Revolution present it as a belated replica of velvet revolutions that took down Communist regimes the central and Eastern Europe the 1989. Reforms that followed it are in certain way about completing the unfinished business of overcoming the Communist legacy, thus replicating the eastern and central European experience of 1990s. To be sure, this is a gross simplification: many important things, such as development of political and civil society pluralism, or laying the ground for the development of market economics, did happen in the 1990s under the leadership of Eduard Shevardnadze. In 2003, the political regime to be overcome was no longer the weakened totalitarianism of late-Soviet period, but rather a semi-authoritarian rule that at least superficially recognized the main principles of liberal democracy.

In this context, however, another feature should be noted that sets the Rose Revolution apart from the events that led to the dismantling of Communist regimes in the late 1980s and early 1990s: much greater scope of influence of external actors. However, saying this does not imply getting into the territory of conspiracy theories that see the

American Embassy as the mastermind of everything that happened. There is no tangible evidence of direct meddling of international actors into the events that led to the regime change in Georgia. It is true that most outside observers were rather displeased with Eduard Shevardnadze's performance in his last years in power, but so were they with most other post-Soviet rulers. The international election observers were ready to be moderately critical about electoral processes in Georgia – but this also was the case in many other post-Soviet elections, and such moderate criticism was considered part and parcel of international politics as usual.

If there was a stronger than usual attempt to influence events, it failed. There was direct political pressure applied to President Shevardnadze to carry out elections decently – this included such a special and rarely used method, as sending James Baker, special envoy of President Bush, and making President Shevardnadze sign specific commitments to ensure fairness of the elections. In addition, hundreds of thousands of dollars and euros were spent on technical assistance such as helping to improve the voter registry, or training electoral staff. However, the efforts of the US administration did not work, while the money of European and American taxpayers allocated for electoral assistance were successfully flushed down the toilet: the elections were blatantly rigged. The program carried out by the International Foundation for Election Systems (IFES) probably constituted the most telling example: this organization invested lots of money and resources into an effort to help the Georgian electoral administration to create a computerized voter registry, only to learn a few days before the elections that those lists were discarded altogether and the electoral commissions decided to hastily compile hand-written lists from scratch.[2]

This story shows that even with a semi-authoritarian, notionally pro-western regime that at least ostensibly subscribed to principles of democratic political game, external political pressure could not be successful to force the political leaders to do something they did not want to do. For the Shevardnadze regime, conducting fair elections

---

[2]   See on this Office for Democratic Institutions and Human Rights, *Georgia Parliamentary Elections 2 November 2003*, OSCE/ODIHR Election Observation Mission Report, Part 1, Warsaw, January 28, 2004.

meant losing power – therefore, it did not want to do anything ensuring fair elections. If technical assistance tries helping somebody do something they are not interesting in doing, the project is doomed to fail.

On the other hand, in this case there was another, somewhat more modest mode of external intervention, which was about *containment*. In the days of public protests that followed the fraudulent elections, the main message of the international community (the US administration was the most active part of it) towards Eduard Shevardnadze's regime was that no force should be used against the demonstrators. There is no way to prove that these demands were definitive for the decision of the regime not to use force. It is quite possible that the government simply lost nerve, or was not confident that its armed forces were loyal enough to turn against the people. However, it makes sense to believe that in some decisive moments Shevardnadze was hesitant to use force because he was aware of important international repercussions.

In order to find the positive side of external influence in this episode of Georgian history, one should look at the other side of the virtual barricades – the opposition. For the latter, it was important to have a precedent, a model of successful political mobilization against a semi-authoritarian regime in order to overcome its effort to rig elections. It found such a model in the Serbian revolution that forced the Milosevic government to accept its electoral defeat. However, unlike attitudes to the Baltic model fifteen years ago, the Serbian precedent was more than just a general encouragement ("the Serbs could do it, so we may try as well"). There was direct *transfer of expertise* from the Serbian civil society to the Georgian one, and it worked. Members of Otpor, the Serbian civil resistance network, trained Kmara, a similar organization in Georgia. Political leaders of the Georgian revolution carefully studied the Serbian experience as well. A documentary about the Serbian revolution was shown on prime time on the pro-opposition television Rustavi-2. This was really a demonstration video for the Georgian people: look how peaceful "European style" revolutions are made.

This shows that transfer of expertise works when there is a constituency on the receiving side that is ready (in terms of sharing more or less similar values and political culture) and strongly motivated to

achieve results for which this expertise is used. While I cannot quote specific figures, but I have no doubt that moneys spent to support civil society organizations that played a more or less direct role in the revolution (such as Kmara or election-monitoring organizations) was much smaller that moneys spent to help Shevardnadze's government to conduct decent elections. It was the difference in the motivation of the receiving side that translated into a contrast between the resounding success of the people's protest and even more resounding failure of elections.

Building Institutions after the Breakthrough

The issue of external influence takes a different turn in the context of the positive task of building democratic institutions. Here, the issue is not about helping democrats overcome resistance of authoritarian rulers. The impediments are rather about political culture (entrenched habits or behind-the-scenes "coping strategies", if you wish), vested interests of specific groups, or authoritarian instincts of the reformist leaders themselves. This respectively defines tasks of external actors: to contain authoritarian instincts of the rulers (as the domestic opposition and civil society institutions may not be strong enough to do the job on their own), in some cases – to push them to take certain steps they might not be prepared to take otherwise, strengthen the reformers politically against its opponents, and transfer specific knowledge about the most effective ways to make democratic state institutions work.

In the Georgian case, the importance of the external actors is obvious in all the above spheres. The government does have autocratic leanings to contain, and the domestic opposition and civil society in Georgia are not powerful enough to do the containment work effectively enough alone. These leanings were displayed most vividly in the first year after the Rose Revolution, when a large part of the society was still euphoric (the euphoria was even augmented by the no less important success of ousting Aslan Abashidze, a local tyrant in the province of Achara). The enthusiasm was to a large extent shared by the international community. But starting from later 2004, the political mood started to sober up, and political practices, though far from ideal, tend to be more balanced.

The criticism and suggestions from international institutions, such as the Council of Europe, the US government, NATO, and others played an important part in this sobering up.[3] As in the case of most other post-Communist countries (and here the comparison between Georgia today and central and eastern Europe in the 1990s is I believe rather valid), the most powerful motivating factor for the Georgian government to respect external advice is the prospect of joining the prestigious western institutions, such as NATO and the European Union. It is true that with regards to the EU, the prospects of actual membership are rather nebulous at the moment. But the processes of cooperation with NATO provide fairly realistic hope that membership in this organization has moved from the area of a distant dream to a realistic political project that could be fulfilled within the lifetime of the current government. This creates an especially strong incentive for Georgia to accept advice coming from western countries – and not only in reforming the security sphere – with utmost attention.

One can conclude by saying that the influence of external players on the behavior of the Georgian political elite is considerable, and this is caused by several circumstances. One is the general consensus of the strong majority of Georgian society that the future of Georgia depends on close cooperation with the West, and political projects of joining NATO and the European Union are crucial for the success of nation-building in Georgia. Legitimacy of the current government largely rests on its success in implementing this political project.

On the other hand, while the new Georgian government is strong-willed and ambitious, it understands that its major problem is the lack of resources. What is meant here is not so much financial resources as such (though they are rather scarce as well), but principally the resource of human competence necessary for building successful and effective democratic institutions. Therefore, the new political elite needs to do lots of learning. This is another important arena for the activities of external actors.

When it comes to the question, which external actors are implied here, one could distinguish between two sets of players. Both of them belong to "the West" in a general sense, but there are two layers to be

---

3   See, for instance, Parliamentary Assembly of the Council of Europe, *Honouring of obligations and commitments by Georgia*, Resolution 1415 (2005).

distinguished. On the one hand, there is a group of the most powerful: the United States and the countries of Western Europe. They embody the ultimate or primary model of development: the definition of "democracy" or "market economy" that everybody understands and accepts is "the political and economic model that exists in the US and countries of Western Europe". Moreover, these countries are the deciders when it comes to most important issues defining Georgia's future (NATO membership being the most pressing one). This gives these countries great power to influence political steps made by Georgian leaders.

However, these countries were considered influential towards Georgia during the previous regime as well: the latter saw "the West" as the most crucial protector from the neo-imperial encroachments of Russia. In what the new government differs from the previous one, it gives increasing priority to relations with the former Communist countries of central and Eastern Europe. There are two main reasons for that. One is political: In Europe struck by "enlargement fatigue", Georgia has rather problematic chances to attract favorable attention of western European countries. Georgia has much better chances to win support of the "new Europeans" who have much greater sympathy towards the travails of a country struggling to secure its statehood in Russia's shadow. Therefore, it is exactly within this group of countries where Georgia hopes to cultivate new friends that will be better disposed to its ambition to join prestigious western clubs.

But there is another issue – that of expertise. The model of development represented by the "core West" – US and the Western Europe – is the most attractive, but distant and hardly attainable for Georgia in the foreseeable future. The development gap is too great, whether one has in mind political institutions, economy or political culture. Former communist countries of the central and Eastern Europe, on the other hand, have more or less a similar trajectory of development, and their success demonstrates the feasibility of the democratic modernization project for Georgia.

In this latter category, one can still discern several groups of countries. Poland and the Czech Republic represent the most successful mode of transition and are the most popular reference points; the Baltic states also represent success, but they have the advantage of being closer to the Georgian case in their trajectory. First of all, they

have actually been part of the Soviet Union, and their size (respectively, perception of their power) is similar to that of Georgia. Last but not least, there are several Balkan countries (Romania, Bulgaria, Serbia) that represent greater cultural affinity (not least because of the shared eastern Orthodox heritage), are much closer in the level of development, and have more or less similar political trajectory in the last years: They also failed to catch the first train to Europe, and, in case of Serbia, also went through a period of ethno-territorial conflicts and political upheavals. Georgia's best hope probably is to catch the third train (hopefully, there will be one), and the experience of those who are on the first and second post-Communist trains is especially valuable.

All of these countries, in different ways, are "countries like us," that is those who face, or have faced in the recent past problems, that are similar to Georgian ones. Therefore, they are increasingly considered the best tutors for Georgia. In the post-Revolution years, consultants from the three Baltic states are especially in vogue: this time, Georgians appear to believe that they can learn a lot from this cooperation, while those from the Baltic states appear to appreciate a chance to move from the league of importers of best democratic practices to that of exporters, and see Georgia as one of those places where they can make a real difference.

Republic of Moldova
on the European Pathway

IURIE GOTIŞAN
Association for Participatory Democracy, ADEPT

Overview of Moldova-EU relations

Having declared its independence on August 27, 1991, the Republic of Moldova became one of the first sovereign states from the former Soviet Union. The newly created state was facing a set of political, economic and social problems which it had to resolve alone, relying on its own potential and resources. State-building and economic trans-formation were influenced by certain conditions: the country was highly dependent on the Russian economy, newly created state insti-tutions were unstable, radical transformation of the economic system resulted in deep crisis through the 1990s. Moreover, Moldova had to confront the armed conflict in 1992 which generated the Transnistrian separatism which resulted in disintegration of the country, the loss of a considerable part of energy resources and border control.

However, during the 1990s Moldova managed to accomplish certain development goals. By the mid-1990s, first generation reforms were successfully introduced such as freeing up the vast majority of prices and domestic trade, fight over the hyperinflation. Liberalisation of trade policy permitted Moldova to become one of the first CIS countries to join the WTO in 2001. In terms of privatisation, a mass voucher scheme relatively quickly sold out the state-run small and medium enterprise sector. As a result, Moldova's private sector accounted for 80% of official GDP in 2003. Moldova's economy and trade, earlier fully oriented to the Eastern markets, have started to turn gradually to Europe.

Moldova, as a newly established state was firmly expressing its intention to integrate into the international society as well as gaining credibility and financial assistance. To strengthen its security and

stability, the young state has made concrete steps towards joining international institutions such as the United Nations, World Bank, International Monetary Fund and recently, World Trade Organisation. In this context, Moldova's participation in regional and sub-regional structures such as the European Bank for Reconstruction and Development, the Council of Europe, the Organisation for Security and Co-operation in Europe and the Pact for South-Eastern Europe hold an important place.

However, taking into account geopolitical, economic and social values, it is the European Union that represents a priority among Moldova's fundamental objectives. Yet, due to unstable democratic institutions and lack of clear foreign policy objectives, the evolution of Moldova-EU relations has been rather slow in comparison to other new democracies from Central and Eastern Europe. At political level, the mutual relations became more active after November 1st, 1993 when exchanging official letters between the President M. Snegur and J. Delors, the President of the European Commission. As a result, a consequent first assessment was conducted by the European Commission on Moldova's compliance with EU requirements. This assessment ascertained the country's positive reforms: democratic parliamentary elections; the drafting of a new Constitution and the beginning of legislative reform; economy liberalization and democratisation of the social area. Likewise, on December 13, 1996, President P. Lucinschi stated for the first time Moldova's intention to join the EU and the need to start the preparation of procedural actions of this important process, in a message addressed to the President of the European Commission, J. Santer.

In Moldova's foreign policy, the first act that deliberately refers to *integration into the European Community* was the 1995 Concept of Moldova's Foreign Policy[1] and that it was part of a multi-vectorial foreign policy. It should be mentioned that such a formulation is ambiguous and may be interpreted differently. Therefore, the need to adopt a new concept of the country's foreign policy, including a chapter on relations with the EU with ultimate goal of accession became

---

[1]   Parliament Decision No. 368–XIII from February 8, 1995 (Official Gazette from April 6, 1995, No. 20, pp. 3–4, art. 187).

urgent[2]. Later, the action programs of all governments reflected to a larger or lesser extent the idea of European integration and cooperation with this structure.

The clear vector of Moldova's integration in the EU was also illustrated in Moldova's government Action Program for 1999–2002 *The Rule of Law, Economic Revival, European Integration*[3] and *Revival of the economy – revival of the country*[4] action program for 2001–2005 which established activities related to foreign policy, necessary for building FTA, implementation of PCA and fulfilment of DG Development programs of the European Commission towards Moldova.

As one can obviously see from the above mentioned, all governments viewed EU integration as a basic objective, but unfortunately the stipulated measures remained declarative in most of the cases.

The existing legal basis of EU-Moldova relations is formed within the contractual framework of the Partnership and Cooperation Agreement (PCA). The PCA between Moldova and the EU was signed in November, 1994 and entered into force in July, 1998. It was signed for an initial period of 10 years. After the expiration of this period it is automatically renewed on an annual basis, except for cases when one of parties declares its termination.

Since the moment of its enforcement, PCA substituted the Agreement on Trade, Economical and Commercial Cooperation from December, 1989[5] between the three European Communities and the former Soviet Union.

Throughout the period between the signing of PCA and its enforcement, EU-Moldova relations were based on the Interim Agreement on trade and related measures from October, 1995, in force since May, 1996. The Interim Agreement contained provisions related to trade with goods, payments, competition, intellectual and commercial property. On its basis, *according to art. 10 of PCA*, the most signifi-

---

[2]   In fact, it was only 2002 when the draft of the new Concept of foreign policy was made public.

[3]   Government Decision Nr. 270 from April 8, 1999 (Official Gazette, April 22, 1999, No. 39–41, p. 2, art. 279) – abrogated by the Government Decision No. 20, from January 11, 2000.

[4]   Government Decision No. 854 from August 16, 2001 (Official Gazette, August 18, 2001, No. 100–101, p. 2, art. 887).

[5]   Art. 105 of PCA.

cant part of the agreement was introduced concerning mutual trade relations. The parties accord to one another most favoured nation (MFN) treatment and limit the possibility of imposing restrictions on imports and exports.

PCA is the key agreement under which Moldova regulates its relations with the European Union. The document gave political dimension of bilateral co-operation based on common democratic and economic objectives and developed common institutions for the first time, namely Cooperation Council, Cooperation Committee and Parliamentary Cooperation Committee. PCA covers a wide range of areas including political dialogue, trade and investment, economic co-operation, legislative approximation, culture and science as well as financial assistance. The parties recall the common values that they share and state their commitment to respect for democratic principles and human rights. Moreover, it establishes the conditions for liberalization of goods trade and offers the perspective to set up a free trade area[6].

Yet for the EU, which faced 2004 enlargement and institutional and policies reforms, Moldova was not a priority. However, *since 2007 Moldova is located directly on the border of a future enlarged EU*[7], instability and poverty in this country are a matter of concern for the EU. The European Union had to reconsider its position toward Moldova. *The European Neighbourhood Policy*[8] (ENP) is a response to this new situation. Within this initiative PCA remains the legal framework of co-operation. However, the poor records in implementation of its commitments prove that new incentives and more active involvement from both sides are needed. European Neighbourhood Policy offers an ambitious and realistic framework for strengthening their partnership. The objectives for the next years are to reduce poverty and create an area of shared prosperity and values based on deeper economic integration (including creation of FTA, investment promotion, legal approximation), intensified political and cultural relations, enhanced cross-border co-operation and shared responsibility for the conflict prevention. It also provides financial assistance. The proposed closer

---

[6] Art. 4 of PCA.

[7] In 2007 Romania and Bulgaria are joining the EU.

[8] Ibid.

co-operation strategy, together with concrete tasks and time frame-work to be achieved enlisted in EU-Moldova Action Plan, is the first step of the new EU approach towards its neighbour.

Within ENP, Moldova is not considered a candidate for EU membership at least in the mid-term perspective. However, the EU enlargement circumstances have created both new opportunities and challenges for the country. In fact, the offered privileged relationship covers all fields of integration without access to EU institutions,[9] which should be fully utilized by Moldova. This refers not only to economic, social and institutional development but to the Transnistria problem[10] as the EU priority is to establish stability in the region as well. The ENP, including the EU-Moldova Action Plan, signed on 22 February 2005, is a strong signal of the EU's determination to continue to step up its engagement with Moldova and to assist the country towards a significant degree of economic integration and a deepening of political co-operation. The Action Plan is to become a solid platform for moving ahead on this path. Though, again, the speed and intensity of the integration process will depend on the will and capability of Moldova to engage in the broad agenda of ENP. The first political steps from the Moldova side have already been undertaken. President V. Voronin clearly declared that European integration is a foreign policy priority. The government has prepared the Concept for European Integration[11] enlisting the areas of closer co-operation and internal actions to fulfil the PCA commitment and submitted to the European Commission in September 2003. The provisional structure for future co-ordination system of European policy has also been established within public administration.

---

[9]   Speech by Romano Prodi President of the European Commission *A Wider Europe – A Proximity Policy as the key to stability*, Peace, Security And Stability International Dialogue and the Role of the EU Sixth ECSA-World Conference. Jean Monnet Project, Brussels, 5–6 December 2002.

[10]   *The European Council Conclusions on Moldova* as of 14 June, 2004 reaffirms the importance of outstanding border management issues on the entire Moldovan-Ukrainian border, in particular the Transnistrian section, being addressed by the parties concerned; http://europa.eu.int/comm/external_relations/moldova/intro/gac.htm#mo230204

[11] Valeriu Gheorghiu, *European Strategy of Moldova*, Institute for Public Policy, www.ipp.md, (Chşinău, 2004).

Moldovan Political and Economic Situation with Regards to Copenhagen Criteria

Political criteria

Democracy and the rule of law

The first act to be noted is the Moldovan Constitution of 1994, according to which democratic institutions as well as the rule of law are established. According to the Fundamental Law Moldova is a parliamentary republic based on the separation of powers. After 2000 constitutional modifications, the Parliament elects the President of the country, who proposes the candidature of Prime Minister.

Moldova's legal framework provides a basis for democratic elections, although some modification and clarification of current legislation is still ongoing. However, the OSCE and the Council of Europe have expressed increasing concerns about the practical implementation of basic democratic principles in Moldova. The OSCE observers monitoring the 2003 local elections, raised concerns in particular about the secrecy of the vote, reported intimidation of opposition candidates, the incomplete separation of party and government.

Another political concern is that the legal powers do not supervise the whole country area due to the separatist movement in Transnistrian region. As a result of the territorial disintegration, Chisinau lost control of the considerable part of its area and borders. It has been stated in the introduction that the situation in Transnistria, a separatist region in Moldova, needs a more deep separate analysis and has been omitted in this paper. Yet, the deadlock still persists over the status of this region, where separatists declared independence from Moldova after the latter's independence in 1991. Despite the signing of the agreement about the withdrawal of Russian forces in 1994 and the commitments taken by the Russian Federation at the 1999 OSCE summit in Istanbul, there are still Russian soldiers in the region – including those involved in peace-keeping activity. Moreover, a significant amount of Russian equipment and munitions remain in the area. Observers report that the area has become a ground for illegal arms dealing and organised crime. The EU recognises the territorial integrity of Moldova and wishes to see a settlement of the conflict leading to a viable state, based on democratic values and principles

and backed up in a strong and balanced way by the international community[12]. The undeniable fact is that the Transnistrian problem affects Moldova's foreign relations and economic development as well as democratic consolidation.

The judicial and legal reforms were launched in 1994. The main step in the establishment of the legal framework and the rule of law has been the adoption of the Constitution, which includes a separate chapter dedicated to judiciary authority. Both, the Constitution and the Law on the Court System stipulate that the judiciary system is independent from the executive and the legislative powers.

The judicial reform has caused essential changes with regards to the status, role and functions of courts of law resulting in the introduction of judicial competence in all areas of social and economic relations. The judicial system in Moldova comprises the Supreme Court of Justice, courts of appeal, and courts of first instance as well as a system of economic courts including an Economic Court of Appeal[13]. The central idea has been to focus the judiciary on the protection of personal rights, thereby upholding the principle of free access to justice and the right to satisfaction from competent courts of law. The status of judges has been modified based on the principles of independence, impartiality and immovability. The reform process is a comprehensive and a long one, and experience has shown that the judiciary system still represents a barrier to the constitutional right to free access to justice. The third power – judiciary – still has no real independency despite the fact that legal framework declares it[14].

Economic criteria

The positive assessment of the country based on the fulfilment of the economic criterion can be made not only on the basis of the country reports of the European Commission, but also as a result of the endorsements of international organizations and independent analysis

---

[12] http://europa.eu.int/comm/external_relations/moldova/intro/gac.htm#mo230204

[13] *Law on Judicial Organisation* as of 6 July 1995; *Law on the Status of Judge* as of 20 July 1995; *Law on the Military Courts System* as of 17 May 1996; *Law on Supreme Council of Magistrates* as of 19 July 1996.

[14] *Economic Growth and Poverty Reduction Strategy Paper* (2004–2006). Government of the Republic of Moldova, Chisinau, June 2004, p. 55.

undertaken by consultants or national public institutions. Still, the current positive endorsements from the IMF and the World Bank will be crucial for the future relations between Moldova and the EU.

Essentially, a functioning market economy is comprised of the following components already mentioned in the paper[15]:

- internal liberalization (prices) and external liberalization (complete convertibility of national currency and elimination of any import-export barriers), as well as the freedom in the economic freedom as such;
- presence of a developed institutional "infrastructure" of the economy, including for the protection of property rights, free competition, and for the free entry and exit of companies on the markets;
- macroeconomic environment is stable and predicable;
- a strengthened and dynamic private sector;
- the economic policy is accepted from the social point of view, it supports and stimulates the internal capacity of the economic system;
- the financial system is sufficiently developed in order to support the positive dynamics of the real economy.

The existence of a functioning market economy

Internal and external liberalization

Price and trade liberalisation is the area where Moldova probably made the most progress. With regard to liberalization, Moldova completed the necessary reforms in the first few years of transition. Thus, price liberalization – the key-stone in the functioning market economy – commenced at the end of 1994, and after three years of successive liberalizations the share of liberalized prices reached 80% of GDP[16]; the process continues to nowadays.

Generally the prices are liberalized and to a large extent follow the dominant tendencies on the market. The state monopoly has been

---

[15] According to the indicators used by the European Commission in assessment of economic criterion (Applicants' *Questionnaire*, *Avis*, Regular Reports, etc.) and followed by applicants countries to which this papers refers: Poland and Romania.

[16] CISR, *Economic Survey of Moldova in Transition*. No. 9, (2002) www.cisr-md.org

removed from most sectors of the economy and the privatization of a large number of enterprises has been completed. There are only a few socially-sensitive sectors of the economy where the prices remain fixed by the state. This is however completely in line with the practices of a functioning market economy that is socially-oriented. Even in European countries, certain prices for products and especially, services of public importance are fixed.

At the same time, it is necessary to undergo a periodic review of the fixed price levels in complete agreement with both producers and consumers, as for example, for utilities. Price level that is too low will simply jeopardize the public and private producers of utilities and lead them into bankruptcy. In addition, there are a few economic sectors that are not liberalized, such as telecommunications.

With regard to external liberalization, there are no significant quantitative restrictions on imports or exports. Practically, all quantitative barriers have been removed. *The Republic of Moldova is one of the most open economies in Europe and its foreign trade*, which exceeds even the level of GDP[17] (share of imports in GDP stands for 65% and exports – 55% of 2003), reflects its dependence on the evolution of international economy. The Moldovan Leu is freely convertible and there are no significant barriers in bringing in or removing the currency out of the country (liberalization of the capital account).

The labour market has also undergone liberalization, and the salaries are established through negotiations between trade unions and employers. Concurrently, the real wages are not sufficient to cover the subsistence level of income. This is a very complex problem in the area of public policy. The banking and insurance sector has also been liberalized. However, despite liberalization, the banking sector does not offer the contribution it could have to the economic development of the economy. This deficiency is not directly related to the liberalization process. Partially, it is reflected by the objective risks prevailing in the Moldovan economy, partially – by the emphatic corporate nature of the banking system, and finally – by the weak managerial capacity of economic agents.

Nonetheless, a free economy does not mean only free prices and exchange rate, but also the absence of any abusive intrusion into the

---

[17]   www.statistica.md

activity of the companies. In the second half of the 1990s, Republic of Moldova was regarded by the international community as a country with advanced progress towards economic liberalization. Concurrently, the unfounded government intervention in the economy and the inertia of structural reforms led to the increase in the gap between the degree of liberalization in Moldova and other countries.

Macroeconomic developments

During the 1990s, Moldova's economic structure changed significantly. The agricultural sector shrank to 24% of GDP in 2001, down from 43% in 1991. The industrial sector's share also declined significantly and now supplies 25% of the GDP (from 33% in 1991). The services sector share grew to reach 50% of GDP. The latter was also the only one to exhibit positive, though limited, growth over the 1991–2000 decade.

Moldova, when compared to Ukraine and CIS members, maintains a relatively stable macroeconomic environment. However, with regards to European Union standards, significant imbalances in economic stability occur. The increase of prices is relatively under control, at least according to official data[18]. Exchange rates have a tendency to increase. Budgetary deficit is under control during the last years, but the budgetary balance is still unstable by the fact that some of government's social and political projects are too generous or lack financial coverage. To finance some urgent needs, the Parliament has made the National Bank credit the Government. The main macroeconomic problems of Moldova are the trends of external financial misbalance and risk of trade balance deficit aggravation.

According to official statistics, in 2003 Moldova's trade deficit with EU countries reached 163.5 million USD, CIS – 153.7 million USD, Central and Eastern Europe – 45.4 million USD, and other countries – 83.7 million USD. Moldova has registered the highest trade deficit with Ukraine 222 million USD, largely due to the imports of energy and raw materials. The main trade partners still remain Russia and Ukraine, next to the EU. However, there is positive tendency of trade towards Western markets.

---

[18] Iurie Gotisan *Inflation in the Republic of Moldova: causes and effects*, February 9 (2004), www.e-democracy.md

Foreign direct investment in Moldova remains low because the market is small and the legal and administrative environment is difficult and unpredictable. Moreover, several foreign enterprises were confronted with unclear and contradictory decisions of the administration. In 2002 the EU companies invested almost 1.6 billion USD in Moldova[19].

Conclusion and recommendations

It is true that every European country is allowed to apply for membership. However, the pure fact of application for EU membership must be preceded by many talks with EU partners as well as lobbying actions aiming at preparing counterparts to give positive reaction from EU side. Strong economic arguments must be presented to convince 25 EU member states towards Moldova accession as well. In this context it is advisable to bear in mind the case of FYROM which has submitted the application without previous consultations. The EU noted the fact and declared to respond in due time. In other words, the country, when applying for membership, must be sure of the willingness of the EU member states to give positive answer.

Domestic efforts should be accompanied by diplomatic actions and political lobbying in Brussels and towards member states is necessary to promote the country's potential and build strategic support abroad for Moldova EU aspirations. The revival of good proximity relations with Romania is a priority.

The best scenario for the Republic of Moldova is a complete integration with the European Union (future membership) and not only sectoral or trade integration. Moldova wants and needs to be a developed country with stable democratic institutions and well-functioning free market as well as integral from political, social and territorial points of view. The process of gradual integration into the EU will contribute to the achievement of these goals. It will undoubtedly constitute an external positive impact upon the quality of governance, business and living in the country.

---

[19]   http://europa.eu.int/comm/trade/issues/bilateral/countries/moldova/index.htm

Bibliography

Assessing Competitiveness in Moldova's Economy. A study conducted for USAID, July, 2004.

Centre for Economic Policy of the IDIS Viitorul, *Economic Statewatch: quarterly analyses and forecast*, issue 1, Quarter 2, 2004.

CISR, *Economic Survey of Moldova in Transition*. No. 9, 2002.

Country Strategy Paper 2002–2006, National Indicative Programme 2002–2003, Moldova, European Commission, 27 December, 2001.

Decision of the Constitutional Court on interpretation certain provisions of art. 4 of the Constitution of Moldova, No. 55, 14 October 1999 (MO, No. 118–119/64, 28 October 1999).

Decision on Accession of the Republic of Moldova to World Trade Organization, WT/ACC/MOL/39., 14 May, 2001.

Decision on application in judicial practice by the courts of certain provisions of the ECHR, No. 17, 19 June 2000 (Bulletin of the SCJM, 2000, No. 9–10).

Economic Growth and Poverty Reduction Strategy Paper (2004–2006), Government of the Republic of Moldova, Chişinău, June, 2004.

EU Moldova Action Plan, European Commission, 22 February, 2004.

European Neighbourhood Policy Country Report: Moldova, European Commission, Brussels, 12 May, 2004.

Gheorghiu Valeriu, *European Strategy of Moldova*, Institute for Public Policy, Chişinău, 2004.

Gotişan Iurie, *Inflation in the Republic of Moldova: causes and effects*, 9 February, 2004, www.e-democracy.md.

Gudîm Anatolii, *Moldova as a Neighbour of an Expanding EU: Economic Challenges, Stability Pact for South-East Europe*, Munich, 2003.

Interim Agreement on trade and trade-related matters between the European Community, the European Coal and Steel Community and the European Atomic Energy Community, of the one part, and the Republic of Moldova, of the other part, 1995

Partnership and Cooperation Agreement, the European Union, the Republic of Moldova, 28 November 1994.

Prodi Romano, President of the European Commission, speech *A Wider Europe – A Proximity Policy as the key to stability* – Peace, Security And Stability International Dialogue and the Role of the EU – Sixth ECSA-World Conference. Jean Monnet Project, Brussels, 5–6 December 2002.

Regulatory Impact Analysis. Best practices in OECD Countries. OECD, 1997.

Transparency International Report on Corruption, 2003.

Weder B., *Institutional Reform in Transition Countries: How Far Have They Come*? W.Dc., IMF, 2000.

White Paper: Preparation of the Associated Countries of Central and Eastern Europe for Integration into the Internal Market of the Union, COM (95) 163, May, 1995.

Wider Europe –Neighbourhood: A new Framework for relations with our Eastern and Southern Neighbours, COM (2003) 104 final, Brussels, 11 March, 2003.

WTO Report of the Working Party on the Accession of the Republic of Moldova, WT/ACC/MOL/37, 11 January 2001.

Relevant sites

http://europa.eu.int/comm/external_relations/moldova/intro/gac.htm#mo 230204

http://www.europa.eu.int/comm/world/enp/pdf/action_plans/Proposed_ Action_Plan_EU-Moldova.pdf

http://www.oecd.org/EN/document.html

http://www.parties.e-democracy.md

www.e-democracy.md

www.statistica.md

www.europa.eu.int/comm/trade/issues/bilateral/dataxls.htm

Integrated Nation as a Social Value: an Attempt to Apply Estonian Experience to Ukrainian Reality

SERGIY KURBATOV
Kyiv National Aviation University

"Cultural values are collective conceptions of what is considered good, desirable, and proper – or bad, undesirable, improper – in a culture"(Richard Schaefer, 2000). So, cultural values could be regarded as something primordial, intrinsic for certain type of culture, or something, that is formed as a result of social construction of reality. As ancient philosophers mentioned, truth is in the middle, so in understanding of the nature of social values we could borrow the ideas of these two approaches. If we follow a constructivist approach, we could ask a question how to make the "integrated nation" such kind of positive value in collective consciousness? Especially in a situation of unsustainable social identity and "short-term mentality"(Zygmunt Bauman, 2001). Such type of identity becomes norm in contemporary society. But, at the same time, even short-term mentality needs to be something homogenous, if we speak about society, especially relatively young society in Western understanding of this term, like in Ukrainian case. I think that integration, as a social value is extremely important for such type of society as a powerful factor of modernization of political, economic and social institutions.

During so called "Orange revolution" (November-December, 2005) we faced the situation of existence of two geopolitical orientations (Eurasian (Russia) *vs* European (EU)) in Ukrainian society and strict distinction between a) the position of the majority of population of Eastern and Southern Ukraine, and b) other parts of our country. The parliamentary election in March 2006 supported this tendency. It is important, that this distinction consists of not only ideas regarding political future of Ukraine and further models of it's economic devel-

opment, but concerns much more wide questions of cultural priorities, including the question of state language. In a situation, where the new Ukrainian authorities declare integration to EU as one of the main priority of the Ukrainian policy, overcoming of this distinction is extremely important for the successful realization of this scenario. In this respect, the relevant experience of Baltic States seems to me useful for Ukraine and we could implement some of principal components of this experience in programs, which would be working toward overcoming of this distinction on both the state and NGO levels.

In my research I plan to concentrate on Estonian experience on integration of society, because, thanks to the late Mati Luik I had the opportunity to study the Estonian activities on this issue. First of all, I need to mention the differences between Ukrainian and Estonian society. First of all, the number of population and the area of Estonia and Ukraine differ greatly. So, we could speak about implementation of Estonian experience in Ukraine in so-called regional dimension, in certain Ukrainian regions. Also, we have no such deep cultural differences between Ukrainians, Russian-speaking Ukrainians and Russians as Estonian society had between Estonians and Russians at the beginning of the 1990s. Moreover, according to current sociological monitoring (Natalia Panina, 2005), 48,6% of respondents support the idea of gaining official status for Russian language and 34,4% reject this idea. "2005 survey results show that a large portion of the Ukrainian population felt that the Russian language should be granted official status: nearly 49% of the population support the measure (34% oppose, 17% undecided). 81% of native Russian speakers feel this way as do 31% of those, whose native language is Ukrainian. In 1995, 52% of respondents wanted to see Russian as an official language. 51% of the population would prefer to fill out the sociological questionnaire in Russian (down from over 53% in 2004). Based on these responses, half of the public would prefer to deal with Russian language official documents because they feel they do not fully understand everything written in the Ukrainian language. Therefore, it can be argued, half of the population would prefer to fill-out official documents as well as receive official information (legal documents, medical prescriptions and information, etc) in a native language"(Natalia Panina, 2005). At the same time, at the last parliamentary election the opposite block "Ne TAK", the leaders of which declared the official status of Russian

language as their main priority and organized a great advertising of this idea, received only 1,01% and did not enter the parliament (http://www.pravda.com.ua/news/2006/3/26/40237.htm). At the same time, the results of parliamentary election support the previous tendency for spliting the opinion of the Ukrainian society – the opinion of population of Western and Central Ukraine differs greatly from the opinion of the population of Eastern and Southern Ukraine. The first year in power of the new regime in Ukraine did not change this dangerous gap. Moreover, I think, that the Eastern dimension of the contemporary Ukrainian internal policy needs to be much more active.

Also, the problem of Ukrainian citizenship is not so important for Ukrainian society as it was (and, probably, is) for the Estonian one. Except for the case of the returning Crimean Tatars, it would be diffi-cult to find a serious problem with this issue at the level of the whole Ukrainian society. At the same time, according to recent research (Vladimir Paniotto, Natalya Panina, 2005), the level of xenophobia in Ukraine during the last years has increased. According to Vladimir Paniotto we could indicate Ukrainian-language Ukrainians, Russian-language Ukrainians and Russians as the main ethnical groups in Ukraine. The level of social distance, according to Bogurdus Scale – "one of the scales, the purpose of which is the measurement of sym-bolical social distance at the level of individual's and group's con-sciousness" (Zinaida Sikevich, 2005) – during the period 1994–2004 increased in all these groups. For example, for Ukrainian-language Ukrainians from 1,7 to 2,20; for Russian-speaking Ukrainians from 1,78 to 2,21, for Russians from 1,95 to 2,48. The attitude of the population to these groups is the best one. Then we have the attitude towards Belarussians and Jews – in 2004 they have 3,40 and 4,29 according to Bogardus scale. The worst attitude is towards the Roma (gypsies) – 5,7 in 2004. There was a short tendency for decreasing the level of social distance in 1998–1999, but after 2001 it increased greatly. The level of xenophobia in Ukraine depends on the level of education and place of residence of the person. It is lower in urban regions and higher in rural regions.

Also we have a kind of cultural alienation between the population of Western Ukraine (where 90% speaks Ukrainian as their native lan-guage) and Eastern Ukraine (90% speaks Russian). According to contemporary researches, the place of living is very important factor in

contemporary Ukraine. The main four regions – Western, Eastern, South and Central Ukraine – differ by the main branches of economy, the number of population, the historical traditions (Sarah Birch, 2000). Geopolitical orientations of the populations of these regions differs greatly – 40% of population of Western region connect Ukrainian future with Western countries, at the same time 54% of population of Eastern region connect future with Russia (Ukraine: The Road to EU, Warsaw, 2006 p.27). This distinction could be crucial for further development of Ukrainian society, especially if ethnic mobilization would take place. "Ethnical feelings are actively used by politics and NGO leaders for different purposes, and ethnical mobilization could become possible in certain conditions. Among the last – already existing or currently shaping social differentiation according to ethnical borders, unequal access to power, legal and cultural discrimination, propaganda of xenophobia and negative stereotypes" (Valeriy Tishkov, 2001).

We could easy apply these points of the Russian researcher to the Ukrainian situation. Moreover, "cultural trauma" as "negative, dysfunctional, adverse consequences of rapid and radical social change", which "is slowly healed due to the consolidation of democracy and market" (Piotr Sztompka, http://www.ces.uj.edu.pl/sztompka/trauma.htm) could open a broad space for different speculations with these issues. In this case, the content of the state program "Integration in Estonian Society 2000–2007" is an important conceptual model for the development the relevant Ukrainian program or programs, and the experience of implementation of this program in Estonian society could help us to shape the relevant steps in further development of Ukrainian society. The main dimensions of this program are: 1) communicative and language integration; 2) political and legal integration; 3) social and economic integration (Marju Lauristin, 2000). All these dimensions are important for Ukrainian society, but the most relevant to contemporary reality (as we see before) is communicative and language integration. In the Estonian variant it's main goal is the increasing of the level of tolerance and openness based on creation the common informative space in the area of education and culture, mass media, in situation of everyday communication (Lauristin, 2000).

In the Ukrainian case we have two main scenario to support such integration: 1) spreading the area of Ukrainian culture and language as "the cornerstone of every culture" and "the principal means by which

human beings create culture and transmit it from generation to generation"(Hughes, 1999) to Russian-speaking population of Ukraine; and 2) integration Russian language into the Ukrainian culture and creation bilingual type of culture. For the first scenario we could think, how to implement the Estonian experience – for example, promoting integration processes in Ukrainian society on the same principle, as Integration Foundation in Estonia: "through support for projects implemented at the 'grassroots level', to encourage greater public interest and active participation in integration processes; through the development of extensive, ad hoc projects, to channel the resources at the Foundation's disposal toward the solution of current problems; through the gathering of information about institutions and projects dealing with integration processes, to establish co-operation contacts with all interested parties" (Integration Yearbook, 2003). In the second scenario we have a kind of challenge for Ukrainian identity, but, at the same time, interesting geopolitical model for Ukrainian society as a kind of mediator between Western countries and Russia and a kind of main exporter of liberal and democratic values to this culture. In order to support this scenario, we again could mention the great differences between regions of Ukraine, which could give us opportunity to say about the danger of the splitting of the country or the splitting of society, which could be crucial for the Ukrainian future. But we need to evaluate these differences objectively in order to avoid stereotypes, which are especially powerful in this sensitive area.

Here we come to idea of conducting a kind of monitoring like "Integration of Estonian Society"(2000). This monitoring consists of two parts – general monitoring and monitoring of mass media. In my research I plan to investigate the general understanding of integration in Ukrainian society based on opinion of the student's youth as a most sensitive group for different innovations in our society and the main source of future elite for Ukraine. In Estonian case the problem of understanding of integration consists of four blocks: 1) ranging of different social processes, connected with integration; 2) the evaluation of process of integration; 3) the evaluation of situation with cross-ethnical relations; 4) the evaluation of influence of non-Estonian population on different social processes in the country (Juri Kruusvall, 2000). Based on Estonian materials (Kruusvall, 2000) I plan to conduct a pilot survey among Ukrainian students in Kyiv (Central Ukraine),

Lviv (Western Ukraine), Simferopol (Crimea) and Sumy (Eastern Ukraine) regarding their understanding of the process of integration in Ukrainian society and the reflection of integration as a social value. The opinion of students is especially important, because here we face the way of understanding of future Ukrainian elite. Also, students' opinion could help to evaluate the influence of past state policy in this area. I also expect to see regional differences in understanding of this problem, which are based on regional differences, indicated above. The questionnaire for this survey is in the Annex 1. As a result I expect to have four models of integration of Ukrainian society, and finding the correlation between these four models would serve a kind of introduction for contemporary stage of researches in this, extremely important for Ukrainian society area. If we could find this correlation, we could speak about opportunity to create the unified model of integration of Ukrainian society with four sub-programs, which are based on regional differences, indicated above and the relevant implementation of the experience of Baltic states.

Bibliography

1. Richard Shaefer *Sociology. A Brief Introduction – 3rd ed.* (Boston, 2000), p. 58
2. Michael Hughes, Carolyn Kroehler, James Vander Zanden *Sociology. The Core – 5th ed.*(Boston, 1999) p. 40
3. *Integration Yearbook* (Tallinn, 2003) p. 7
4. Natalya Panina *Ukrainian Society 1994–2005: Sociological Monitoring* (Kyiv, 2005) p.130–131.
5. Sarah Birch *Interpreting the Regional Effect in Ukrainian Politics, Europe-Asia Studies*, 2000, vol.52, №6, p. 1017–1041
6. Zygmunt Bauman *The Individualized Society* (Cambridge, 2001)
7. Валерий Тишков *Этнология и политика*. (Москва, 2001) р.47.
8. Владимир Паниотто *Ксенофобия: испытание чужим.*// "Зеркало недели", 1 октября 2005 года № 38(566).
9. Зинаида Сикевич *Социологическое исследование* (Санкт-Петербург, 2005) стр.193–197
10. *Интеграция эстонского общества. Мониторинг 2000* (Таллинн, 2000), стр.4, 14–21
11. *Обозрение и обсуждения на темы мультикультурности, интеграции и изучения языков в Эстонии.* Стр. 12–16.
12. *Разнообразие подходов к интеграции в СМИ: Интеграционный медиамониторинг 1999–2003./ Составитель Рагне Кыутс* (Тарту, 2004) стр. 4–28.
13. *Україна на шляху до Європейського союзу* (Варшава, 2006) стр. 22–28.

Annex 1. Questionnaire

Question 1
What group you belong to?
a) Ukrainian-language Ukrainians;
b) Russian-language Ukrainians;
c) Russians;
d) Other (please, indicate)

Question 2
How the existence of different ethnic groups, currently living in Ukraine, influence:
a) increasing the level of cultural diversity;
b) increasing the level of crime;
c) increasing the number of representatives of professional labor forces;
d) the spreading of drug's addiction;
e) improving the level of understanding with Russia and other neighbouring countries;
f) increasing the number of Ukrainian population;
g) enforcement of external influence in inner affairs in Ukraine;
h) increasing the level of understanding between Western and eastern Ukrainians;
i) spreading of prostitution.

Variants of answers: 1 – very important; 2 – important; 3 – not important; 4 – it is difficult to say.

Question 3
Last time there are many discussions about the ways of integration of non-Ukrainian population in Ukrainian society. Would you evaluate the importance of the following statements for the development of this process:
a) non-Ukrainians need to know Ukrainian language;
b) non-Ukrainians need to be loyal to Ukrainian state;
c) non-Ukrainians need to participate actively in Ukrainian political life;

d) non-Ukrainians and their cultural traditions need to be integrated in cultural life of Ukraine;
e) young non-Ukrainians need to study in Ukrainian schools;
f) it is important to be more tolerant in evaluation of relations between Ukrainians and non-Ukrainians;
g) in cross-ethnical relations in Ukraine we need to destroy contemporary stereotypes and prejudices;
h) non-Ukrainians need to identify themselves as a part of Ukrainian population.

Variants of answers: 1 – very important; 2 – important; 3 – not important; 4 – it is difficult to say.

Question 4
How useful for Ukraine would be joining the European Union?
a) very useful;
b) useful;
c) not very useful;
d) not useful;
e) it is difficult to say.

Question 5
How useful for Ukraine would be joining the Common Economic Space with Russia, Belarus and Kazakhstan?
a) very useful;
b) useful;
c) not very useful;
d) not useful;
e) it is difficult to say

Question 6
Do you think that Russia could be a source of danger for:
a) Ukrainian Independence;
b) Ukrainian Economic Development;
c) Integration of non-Ukrainians in Ukrainian Society;
d) Russia could not be a source of danger;
e) Your variant

Question 7

Do we have a kind of cultural division between the population of Eastern and Western Ukraine?

- a) yes and this division is dangerous for the unity of Ukraine;
- b) yes, there are some cultural peculiarities, but they are not very important;
- c) no, these peculiarities are the result of political propaganda;
- d) no, Ukraine is a consolidated nation in cultural sense.

Question 8

What do you think, who is interested in the process of deepening of contradictions between population of Eastern and Western Ukraine?

- a) Ukrainian society;
- b) The certain political groups;
- c) Representatives of big business (oligarchs);
- d) Representatives of regional elite;
- e) It is difficult to say;
- f) Your answer.

Question 9

Please, evaluate this statement: Russian language and Russian culture are discriminated in Ukraine.

- a) strongly agree;
- b) agree
- c) neither agree nor disagree;
- d) disagree;
- e) strongly disagree

Question 10

Your gender:

- a) female;
- b) male

Question 11

Your age:

- a) 18–19 years;
- b) 19–21 years;
- c) more than 21 years

Question 12
Your area:
- a) humanities;
- b) science;
- c) economics;
- d) other

The Role of Local Self-Government Networks in the Democratization Process of the Baltic Region Countries

ALEXANDRE V. KOUROTCHKINE
Department of Political Science
St. Petersburg State University

The term "network" is, apparently, the most widespread one in modern social science. It is employed by economists, political scientists, sociologists and jurists in various contexts and on different levels of analysis, starting from the study of a specific organization structure up to development of the original network conception of the modern society. According to an opinion widely accepted in the Western political science, we are witnessing transformation of the political and administrative order of organizations/ hierarchies (and markets/ anarchies) into the network model of coordination. The process means that society is not controlled exclusively by the centralized structures, first of all by state, any more; the tools of control are dispersed: material resources and information are distributed between the multiple different actors. Coordination is not a result of a "centralized guidance", but emerges in the process of goal-oriented interaction of many individual actors (Blatter, 2003 : 503).

Spreading and substantiation of such kind of hypotheses have led, as mentioned before, to an original sociological theory, representing the modern society as a network society. The theory of the network society in its complete form has been elaborated and presented in the works *The Information Age: Economy, Society and Culture*, *The Rise of Network Society* and "Toward the Sociology of the Network Society" by a prominent contemporary sociologist Manuel Castels (Castels, 1998, 1996, 2000). In his analysis of the modern society, Castels proceeds from the idea of alternation of dominant forms of organization: "bureaucracy yields its place to the real "trouble-makers" — informa-

tion workers, who operate in networks" (Уэбстер, 2004 : 137). The traditional bureaucratic organization becomes replaced by the self-programmed, self-governed units guided by the principles of decentralization, participation and coordination (Castels, 1998 : 166).

From the perspective of change of principles and content of governance in the situation of expanding network interactions, organization theory and the theory of public management provide the richest material. The network approach is a rather popular and elaborated analytical method in these subdisciplines.

The author will attempt to examine the role of network structures in the process of democratization of political-administrative systems of the Baltic Sea region transition societies in the following three interconnected aspects: first, from the perspective of the effect of democratization of network structures themselves (de-hierarchization and broadening opportunities of participation in the political process); second, from the perspective of analysis of network structures as the most effective tool to disseminate the experience of democratic governance, and, third, networks are considered as a most effective tool of coordination of interaction of national, regional and local actors of integrated Europe.

The first aspect may be elucidated, taking into consideration the democratic nature of network structures. Networks emerge when connections between organizations or individuals become regular and subordinated to the principle of satisfaction of mutual interests. They emerge, when activity of the separately functioning network elements is not sufficient. Network structures appear, when network's actors become aware of their being just small fragments of the whole picture. Network structures may require independent action of the separate members, yet when facing complex problems, which independently acting systems are unable to solve, the network participants are transformed into a new whole. (Keast , Mandell, Woolcock, 2003)

Networks presume co-governance as the basic form of management interaction, which, in its turn, implies actors' interest in co-operation. The main advantage of co-operation is the effect of synergy, a kind of "surplus value", resulting from the joint action, in comparison to the outcome of separate actors' action or their action in a hierarchy.

Thus, the network management is a form of governance oriented towards the joint solution of problems. It is to be distinguished from the usual governance strategies, realized by separate actors in the course of connected (in the sense of game theory) actions. To reach their goals in the situation of interdependence, actors need to use flexible strategies, taking into consideration consequences of their dependence on other actors, when elaborating and realizing their own strategies. Network management may be defined as a process of mutual regulation of behavior of actors with different purposes and interests in respect to the problems to be solved within the structure of interorganizational relations. Actors of equal standing (e.g. municipalities) are compelled to use democratic approaches to problem solution within the network, which entails active involvement in the democratic political practice and, undoubtedly, influences the inner structure of actors and changes their administrative habits.

Efficiency of networks as a tool of dissemination of democratic governance practice is determined by network's ability to distribute information quickly and without obstacles across borders and to any distance. These characteristics of network structures provide unique opportunities to develop interstate and cross-regional political and economic connections. To illustrate the argument one could use multiple examples of successful functioning of benchmarking networks in Europe. The European benchmarking network (EBN) has been created under the aegis of the EU and has unified the leaders of public governance of all EU member states in the framework of informal co-operation to share experience, knowledge and new ideas. The network provides free access to information on the recent achievements in Europe for all participants and interested persons and offers service necessary to choose a benchmarking partner.

Networks as a tool of European integration (including states and regions that do not belong to the EU) support the development of cultural, administrative and economical cooperation of organizations and territories of different states. In the Baltic region as an intensively developing and well-connected European area, network cooperation has a special significance.

The Baltic region embraces a voluntary co-operation of states (Denmark, Latvia, Lithuania, Estonia, Finland, Sweden, Poland, Germany and Russia), which have an outlet to the Baltic Sea, based on the

stable long-term political, economical and cultural contacts (Курочкин, Курочкина, 2004). One should emphasize that the definitive role belongs not to geographical neighborhood, but to the joint realization of economical and geopolitical interests on the basis of equal partnership of all states of the region. At present, a necessity of a more intensive regional cooperation has stimulated creation of several large regional organizations based on the network principle: Baltic Sea States Subregional Cooperation (BSSSC), Union of Baltic Cities, Baltic Sea Chambers of Commerce Association (BCCA), etc.

Network cooperation of the Baltic region municipalities involves the two basic trends of development:

1. Cooperation of the frontier area municipalities, whose social and economic development wholly depends on intensity of such kind of cooperation, which is vital for them;
2. Cooperation of Russian municipalities and their foreign partners for the latter to share the experience of social-economical reforms accumulated for the last decade.

The first trend is vital, for instance, for the development of the Kaliningrad region, surrounded by the EU member states. More active involvement of the municipal units (districts, cities and settlements), business community and non-profit organizations in the European networks of cross-regional cooperation would help solving of many economical problems of the region. Today the network cooperation of the Kaliningrad region and neighboring Baltic states is realized mostly in the form of separate projects. The project "New Bridges", initiated by the Baltic Institute and Association of Southern Sweden Municipalities in February 1999, is an example of a successfully realized project that has unified representatives of state, local self-government, business and non-profit organizations to solve the actual problems of the Baltic region. Transformation of short-term projects into the permanently functioning networks could become a worth-while goal for the Kaliningrad region. There are positive examples of such transformation in the same area. Thus, a Polish city of Stettin, not unlike Kaliningrad, of a decisive geostrategic significance, is an active member of the following associations: Union of Sea Cities and Municipalities, Union of the Cities of Poland, Union of the Baltic Cities, The Foundation of the Pomeranian Archive of the Home Army,

Union of the Western Municipalities of Poland, Union of the Largest Cities of Poland, Association of the Healthy Cities of Poland, Association of the European Frontier Area Regions, "Euroregion Pomerania", the Baltic Sea Tourism Commission, the Hanseatic League. Moreover, Stettin actively develops bilateral contacts with partner cities: Berlin, Lübeck, Rostock and Bremenhaven in Germany, Hull and Bradford in England, Esbjörg in Denmark, Malmö in Sweden, Murmansk in Russia and Saint-Louis in the USA.

The second direction of the network cooperation is particularly important in the context of the local self-government reform in Russia.

The process of reforming of the system of local self-government in the Russian Federation is similar to the processes that took place in the other postcommunist countries of the Baltic region. The first stage of Russian reforms included drastic political transformations, such as change of legislative basis of organization and functioning of the local self-government. Local self-government was officially and publicly recognized as an institution of nation's self-governance independent from state in the early 1990s, when the law on the common basis of the local self-government (1990) and the law on the local self-government (1991) were adopted.

Yet the active stage of the self-government reforms in Russia started only in the end of 1993, along with abolishment of the Soviet system of self-government and adoption of the new Constitution of the Russian Federation, which laid the basis for the contemporary system of local self-government, as defined by three key principles: administrative and financial independence of the local self-government bodies, independent determination of form of functioning and structure of the local self-government, democracy of realization of the local self-government. After the Constitution had been adopted, the process of legislative regulation of the local self-government started, in the course of which key federal laws were ratified: "On the general principles of organization of the local self-government in the Russian Federation", "On the basis of municipal service", "On the financial basis of the local self-government of the Russian Federation", "On the protection of the citizens' constitutional rights to self-government". All these processes evolved in the European context since the legislative regulation of the principles of organization and functioning of the self-government was closely connected to the statements of the European Charter of Local

Self-Government. There developed, although with a slight lag, a parallel process of the institutional shaping of self-government in the subjects of the Russian Federation. As a result, the legislative basis regulating the functioning of local self-government had been created by the late 1990s. Yet a number of serious problems, which prevented development of the modern effective and democratic local self-government, remained unresolved. One of the main problems was a lack of long-term practice of full-fledged self-government as well as domination of the bureaucratic administrative structures on the local level. The bureaucratic structures not only often neglect the responsive, user-friendly governance principles, but also distort the traditional principles of administrative policy. Another problem, related to the first one, is a lack of real economical independence from state in the majority of municipal units. In a number of subjects, a share of the total municipal budget is less than 10% of the federation subject, on whose territory they are situated. Such municipal units are, obviously, to a greater extent dependent on the regional authorities in their decisions. All these facts led to necessity of initiation of a new stage of reforms.

The new stage is related to the adoption and ratification (although partial) of the federal law "On the general principles of local self-government organization in the Russian Federation". The new law implies a considerable reforming of the existent system of local self-government, particularly its territorial organization, and establishing the two-level system of municipalities. The Baltic states had similar problems and tasks in the 1990s, and the experience of Baltic partners might be useful for Russia.

A special attention should be paid to the democratic process of solving of interests conflicts that concern different questions of determination of the strategy of reforms and its realization. It is, in particular, a problem of organization of a public discussion on the territorial aspect of the local self-government reform and the procedures of involvement of different actors in the process of elaboration of a solution acceptable for those whom it may concern. The problem of enlargement of municipal units is the sharpest one in the series of reformation initiatives, carried out in the Baltic countries. This fact is related to the obvious inefficiency of the system of administrative-territorial division and the system of local self-government organized

on its basis. Inefficiency of the administrative-territorial division system is especially evident in Estonia and Latvia, where the number of municipal units has not decreased in the decade from the moment of the establishment of the democratic system of local self-government (there are 247 municipalities per 1.45 million people of population in Estonia and 552 municipalities per 2,4 million in Latvia). Besides, there is a great difference in the numerical strength of municipal population. Thus, the population of the largest municipality of Latvia, the city of Riga, is 752 thousand people and the population of the smallest country municipality is 351 people (Vanags, Vilka, 2000).

Population of a half of Estonian municipalities is less than 2000 people. Two third of municipalities has population of less than 3000 people. Research on the relation of the socio-economical level of development of a territory to its size and the size of its population, conducted in the Baltic countries, clearly points to deplorable condition of small country municipalities. Thus, the index of territory development for Latvian municipalities with population of less than 1000 people is –0,49, whereas it is 1,98 for the municipalities with population of more than 6000 people (Vanags, Vilka, 2000).

Yet, from the political and social perspective, the process of enlargement and annihilation of municipalities is a painful process. Advocates of the territorial reform insist on a positive economical effect of enlargement and leveling of the economical indices of municipalities all over the country. Opponents argue that small territories would lose their right to independent realization of self-government, which would be an obvious contradiction to the principles of democracy. Network forms of interaction of state and municipalities would be the most convenient (from the organizational point of view) and effective (from the point of view of compromise decisions) platform to discuss and elaborate the program of the territorial reform. The Association of the Cities of Latvia is an example of network cooperation. Besides, network structures help to initiate a broad public discussion of the reform, which provides an opportunity of citizens' and non-governmental organizations' participation in the process.

This kind of experience is, undoubtedly, helpful for the Russian Federation, undergoing a complex and not fully predictable stage of self-government reforms. Hopefully, the cross-regional network coop-

eration of municipalities would help realization of the democratic practice of governance, subsidiarity principle, establishing of direct business and cultural inter-municipal contacts and, on the contrary, prevent development of the tendencies of subordination of self-government institutions to state, observed in Russia.

The future of the Baltic region depends on the degree of openness of state and municipal government of the respective countries, their political and legislative ability of active cooperation in all spheres of politics. Therefore creation of a common administrative space of the region as a part of administrative space of integrated Europe would be a good prospect of network cooperation of municipalities and state institutions.

Bibliography

Blatter J. 'Beyond Hierarchies and Networks: Institutional Logics and Change in Transboundary Spaces'*Governance: An International Journal of Policy, Administration and Institutions*, 16/4, (2003): .

Castels M. *The Information Age: Economy, Society and Culture*, (Oxford, 1998).

Castels M. *The Rise of Network Society*, (Oxford, 1996).

Castels. M. 'Toward the Sociology of the Network Society', *Contemporary Sociology*, 29/5, (2000).

Vanags E., Vilka I. 'Local Government in Latvia',. in *T. M.Horvath (ed.), Decentralization: Experiments and Reforms; Local Governments in Central and Eastern Europe. (Budapest, 2000).*

Keast R., Mandell. M., Woolcock G. 'Network Structures: Working Differently and Changing Expectations', *Public Administration Review,* 64/3 (2003).

Курочкин А.В., Курочкина Е.О. **'**Опыт муниципального реформирования в государствах Балтийской Европы', *Политические исследования*, № 3, (2003).

Уэбстер Ф. *Теории информационного общества,* (Москва, 2004).

Europeanization Mechanism of Socialization as a Means of Exporting Democratic Values into Belarus

ALIAKSANDR LAHVINETS
Belarusian Robert Schuman Society

Among all Central and Eastern European countries, Belarus has the worst record both in democratization reforms and developing cooperation with the European Union. Under the rule of A. Lukashenka, the Belarusian government has been deliberately and regularly neglecting the EU offers of cooperation and partnership while violating the basic democratic values and developing an alternative non-democratic integration pattern with Russia as the only solution for Belarus, and recreating a Soviet-style socialization model that could be threatening the regional stability.

Since the EU influence on the developments in Belarus has been weak and re-active[1] one can argue that a pro-active policy of an enlarged EU which now includes three out of the five Belarus' neighbours will create necessary conditions for positive democratic changes from within as well as increase the EU influence in this country.

For decades, the European integration has been producing important domestic changes within the participating countries as well as the applicant countries. The process by which the EU integration produces an impact on domestic institutions, actors and policies is called 'Europeanization'. According to Radaelli, Europeanization can be understood as 'processes of (a) construction, (b) diffusion and (c) institutionalization of formal and informal rules, procedures, policy paradigms,

---

[1] For a detailed panorama of Belarus' internal political developments as well of the EU policy record and options, see Dov Lynch (ed.), *Changing Belarus*, *Chaillot Paper* 85, November (2005)

styles, 'ways of doing things' and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated into the logic of domestic discourse, identities, political structures and public policies'[2].

Olsen argues that Europeanization processes may have many faces ranging from changes in the external territorial boundaries of the EU, to the development of institutions of governance at EU level, to central penetration of national and sub-national systems of governance, to the export of forms of distinctively European political organization and governance beyond the territory of the EU, and to a political project aiming at a unified and politically stronger EU[3].

Thus, the term 'Europeanization' concerns the transfer of EU rules, procedures and paradigms not only to the EU member states but also to the third countries, those that either applied for the EU membership or lie in the EU periphery. Being built around the values of democracy, rule of law and human rights, the EU emphasises these values in its external relations. From this perspective, the concept of Europeaniza- tion can be applied for analyzing the impact the EU has or could have on democratization of countries like Belarus.

There are two basic mechanisms for channelling EU influence: Europeanization through conditionality and Europeanization through social learning[4]. The conditionality mechanism is based on cost-benefit calculations in which domestic change is a response to the material and social benefits offered by the EU. The EU has developed strong incentives for democratic changes by its conditionality mechanism in the case of the applicant countries. Requiring from them the compliance to its standards of democracy, market economy and rule of law as a condition for obtaining EU-provided benefits and ultimately

---

2   Claudio M. Radaelli, 'The Europeanization of Public Policy', in Kevin Featherstone and Claudio Radaelli (eds), *The Politics of Europeanization* (Oxford University Press, 2003), p. 30.

3   Johan P. Olsen, "The Many Faces of Europeanization", *ARENA Working Papers,* WP 01/2 (2002), http://www.arena.uio.no/publications/wp02_2.htm

4   Gergana Noutcheva, Nathalie Tocci, Bruno Coppieters, Tamara Kovziridze, Michael Emerson and Michel Huysseune, 'Europeanization and Secessionist Conflicts: Concepts and Theories', *Journal of Ethnopolitics and Minority Issues in Europe*, Issue 1/2004, Chapter 1. http://www.ecmi.de/jemie/download/1-2004Chapter1.pdf

full-fledged membership in the club, the EU is has been an important catalyst of democratization and economic modernization.

But the conditionality mechanism, effective in the case of the EU accession process, has an extremely limited impact when the target country government has chosen to isolate its society from the influence of EU-promoted values and benefits. In the case of Belarus, the EU limited offers of cooperation and partnership under conditions of respecting the democratic standards have been disregarded by the government so that 'the EU has not succeeded in supporting the development of democracy in Belarus'[5].

The mechanism of Europeanization through social learning is based on the EU-inspired socialization processes of domestic political élites and the social learning processes of societies as a whole. It has longer term effects and can impact on the way in which domestic players define their interests and identities. In the case of Belarus, there is an undeniable room for this kind of EU policy.

According to Radaelli, the domestic impact of Europeanization is differential across policies, polities, and politics (See Annex 1). While in today's Belarus policy choice and polity structures are not subjects of Europeanization due to the regime self-isolation from Europe[6], there are however open opportunities for the EU positive impact on the processes of interest formation, aggregation, and representation and public discourses within the Belarusian civil society as well as on collective identities shaping. Some impact can also be made on economic actors since the enlarged EU absorbs more than 40 % of the Belarusian exports[7].

The rationale for a pro-active EU policy towards Belarus is three-fold: (a) general support for democracy based on EU values; (b)

---

[5]   Dov Lynch (ed.), *Changing Belarus*, *Chaillot Paper* 85, November (2005), p. 9.

[6]   'The main obstacle to the progress lies within Belarus itself, in the country's lack of a developed civil society, its society profound sovietization and Russification, as well as its weak national consciousness – all are the vital for the process of democratization and remain nascent in Belarus'. Przemyslaw Zurawski vel Grajewski, 'Belarus: The unrecognized challenge', in Dov Lynch (ed.), *Changing Belarus*, *Chaillot Paper* 85, November (2005), p. 90.

[7]   Policy Paper. Dependence of Belarusian economy on trading with Western European countries and USA, Pontis Foundation, September (2005). Available at http://www.oef.org.ee/_repository/Document/Policy%20Paper_ Belarus%20Economic%20Dependency.pdf

opportunity to achieve a convincing success of Common Foreign and Security Policy; and (c) ground for strengthening transatlantic relations[8]. The ideas for a deeper EU engagement follow the logic of the socialization mechanism of Europeanization. For example, Lynch emphasises that longer term strategic goals of deep EU engagement are as follows:

> **Build Profile.** – The EU would seek to develop credibility through an active presence on the ground.
> **Reach New Interlocutors.** – The EU would develop contacts across Belarusian society, in the regions and mayoralties, in small and large businesses, in school and universities and civil society.
> **Delink the Question from Russia.** – The EU would ensure that in addressing the Belarus question it is not dependent on passing through Moscow. Belarus should be raised in the Russia-EU dialogue, but the EU must be able to raise issues credibly and effectively with Minsk itself[9].

The pro-active EU policy towards Belarus can also be viewed as a positive response to the Belarusian civil society dynamics and expectations. Since the end of 1980s, the Belarusian democratic national revival movement, like those in Central European countries, has called for 'Returning to Europe' and tried to develop the Belarusian national identity discourse embedded in European cultural tradition. Despite anti-western, anti-European official propaganda that tries, with a limited success, to impose from above a specific Belarusian state nationalism based on Soviet-style values, an important number of Belarusians support the idea closer co-operation with the EU and are aware of the opportunities that Belarus, being part of Europe, can have from European integration. Public opinion polls show that over 40% of Belarusians say that they share the European identity (See Annex 2). For many of those sharing the European identity, the EU is perceived not only as a provider of peace and economic well-being but also as

---

[8] Przemyslaw Zurawski vel Grajewski, 'Belarus: The unrecognized challenge', in Dov Lynch (ed.), *Changing Belarus*, *Chaillot Paper* 85, November (2005), p. 95.

[9] Dov Lynch, Time for New Thinking on Belarus, EU ISS Analysis 127, 26 October (2005). http://www.iss-eu.org/new/analysis/analy127.pdf

the best solution for guaranteeing Belarusian independence and national interest[10].

An opinion poll conducted in 2005 among public opinion leaders and experts shows that they are much more open to European model, overwhelming majority of them wanting their country to join the EU (See Annex 2). Today, most of the democratic political parties support the idea of European integration as a better option for Belarus. The first party to set this objective was the centre-right Party of the Belarusian Popular Front whose Programme of 2002 included not only the EU but also the NATO membership goal for Belarus[11]. It was followed by the social democrats. In 2003, one of the Social-democratic parties initiated the creation of the European Coalition 'Free Belarus' that also included a number of NGOs[12]. Next year, the liberal United Civic Party adopted a document 'The Republic of Belarus and the EU: a strategy of integration'[13].

There is also a growing number of pro-European initiatives that have been recently launched by Belarusian democratic groups. The main objective of these initiatives is to bring Belarus closer to the united Europe by providing the Belarusians with information about the EU, thus preparing an imaginary enlargement. For example, the Belarusian Robert Schuman Society set its main purpose as follows: 'to form positive attitude towards the idea of European unity in Belarusian society and especially among intellectual elites in Belarus, thus laying the intellectual foundations for Belarus' movement to the EU membership'[14]. There are two other salient examples of the Belarusian civil society efforts to inform about and prepare Belarusians for successful dealing with Europe: a book of the series 'European Choice for Belarus' by Belarusian experts on how to reform Belarus while moving

---

[10] Аляксандр Лагвінец, Эўрапейскі вэктар разьвіцьця – падмурак нацыянальнага інтарэсу Беларусі [European vector of development as a basis of Belarus' national interest], article in online weekly review of Belarusian politics http://www.nmnby.org/articles/011203/europe.html put on December 1, 2003.

[11] http://www.pbnf.org/index.php?index=3

[12] http://www.charter97.org/bel/news/2003/11/01/eu

[13] http://www.ucpb.org/rus/documents/eustrategy.shtml

[14] http://eurabelarus.org/

towards the EU[15] and a monthly supplement 'European Choice' to one of the most authoritative national weeklies, the *Belarusian Market*.

All above examples prove that despite a very limited EU engagement in Belarus, the democratic civil society is following the Central European pattern by developing various advocacy coalitions for a European Belarus. Against this background, the EU and especially its new members states can play an important role in helping the democratization process in Belarus by launching a pro-active Europeanization policy *vis-à-vis* the Belarusian civil society. This proactive EU policy of Europeanization through socialization mechanism aiming especially at the non-state actors, local communities, and young people can significantly increase the EU leverage on Belarus and catalyse a positive domestic change. For that end, the various Belarusian domestic pro-European interest groups and political structures are to be engaged in a dense network of contacts and common programs with their European partners while also receiving a clear-cut recognition of the EU membership prospective for the democratic Belarus. It is important to underline that advocacy coalitions for Belarus' integration to Europe exist both inside Belarus and inside the EU, especially within new member-states. The British scholar Timothy Garton Ash argues that 'besides direct support for independent media, civil society and the democratic opposition, and pressuring the country's leaders, the most important thing we can do is to offer that long-term European perspective'[16].

Thus, the positive change in Belarus is most likely to occur when various groups within the Belarusian society are generally committed to the EU integration project, see the EU as a credible alternative for Russia and attach value to the EU benefits as the best solution for national interest. To that end, a substantial awareness-raising campaign is needed since there is a significant lack of alternative non-biased information inside the country. Since the political system of Belarus is not currently conceived to allow a democratic public dia-

---

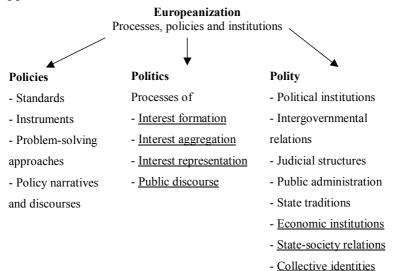[15] Ales Antsipienka, Valer Bulhakau (eds.), *Belarus: Reform Scenarios* (Warsaw, 2003).

[16] See Timothy Garton Ash, What's real in Belarus: the faking of democracy or the hope of revolution? The EU needs to develop a new policy if it is effectively to support freedom along its frontline with Russia, The Guardian, March 23 (2006). http://www.guardian.co.uk/Columnists/Column/0,,1737369,00.html

logue within the Belarusian society and it is also set to prevent from developing a democratic national identity, the EU can also help to explain and initiate the grassroots democratic processes of interest formation and representation as well increasing emphasis in democratic public discourse on the idea of both Europe and Belarusian European national identity. As the French scholar Alexandra Goujon argues, the EU should be working on supporting further Europeanization of the national identity discourse in Belarus because it can not ignore the existence of pro-European political forces in the country. In sum, 'the EU must somewhat invest itself into the Belarusian public space in order not only to put an end to the country's isolation but also to support those citizens that are favourable to Belarusian nationalism embedded into European democracy[17].

[17] See Alexandra Goujon, 'Nationalisme et identité en Biélorussie', in Dov Lynch (ed.), *Changing Belarus*, *Chaillot Paper* 85, November (2005), pp. 12–24.

Annex 1.

The domestic effect of Europeanization[18] and Europeanization opportunities for Belarus.

Europeanization
Processes, policies and institutions

Policies

- Standards

- Instruments

- Problem-solving

approaches

- Policy narratives

and discourses

Politics

Processes of

- Interest formation

- Interest aggregation

- Interest representation

- Public discourse

Polity

- Political institutions

- Intergovernmental

relations

- Judicial structures

- Public administration

- State traditions

- Economic institutions

- State-society relations

- Collective identities

Annex 2

Public opinion poll in Belarus, April 2006[19].

Do you consider yourself as having a Soviet or European identity?

Soviet	46.1%
European	41.3%
N/A	12.6%

Annex 3

Public opinion leaders and experts poll, January 2005[20].

In your opinion, should Belarus become an EU member-state?.

		Public sector	Private sector
Yes	94%	90%	97%
No	3%	3%	3%

[18] Adapted from Radaelli, 'The Europeanization of Public Policy', p. 60.

[19] http://www.iiseps.org/press3.html 25.04.2006.

[20] http://www.belarusinfo.net/?987116649