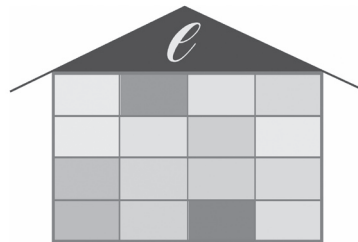




# CHALLENGES OF INTEGRATION AND GLOBALIZATION

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**EUROPE OUR HOUSE**

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## FOREWORD

There has been plenty of books and articles written about integration and globalisation, especially in English. However, these processes are characterised as being extremely dynamic. The researchers are eye-witnesses to a constantly changing reality and appearing new, often unexpected phenomena accompanying unification or even uniformisation of the modern world.

The analysis of the phenomena of integration and globalisation constitutes the field of research of many branches of science. Variety of aspects of these processes provokes an interdisciplinary approach aiming at the vision of the whole changing world system in its various spheres which influence one another. Therefore, both integration and globalisation are researched from different disciplinary perspectives – from the perspective of political science, sociology, cultural studies, law and economy.

European integration is especially inscribed in the modern world and it contains a great number of spheres: economy, culture and education. It is treated as a European answer to the challenges of globalisation and its uniform power.

The Europeans attached to their axiological system and cultural awareness realise the project of united Europe and strive to implement the slogan “unity in diversity”. It is not an easy task. The attempts made by European countries face international reality built by the powers from the outside of Europe as well as centrifugal forces, especially national and ethnical particularism.

Universal European identity is opposed to a uniformed global identity, which is expressed not only by a lack of roots in specific geographical and cultural space, but also by copying the patterns of popular culture produced by such global centres of entertainment as Hollywood. Different nations inhabiting the space known as Old Continent want to participate in building the united Europe. It is not an easy task especially for the societies living in seclusion of European political, economic and cultural life. Therefore, the Georgian's determination arouses admiration; for some year now the Georgians have been consistently realising the European strategy. Their current geopolitical orientation has an unequivocally European dimension. However, the perspectives of the integration within Euro-Atlantic structures are impossible to estimate. A lot depends on the will of European countries, especially on the leading actors of Europe. Nevertheless, the Georgians must demonstrate their will of implementing European standards and values in transforming political, legal, economic and social system. First of all, European integration is a task which requires a good preparation. The experience can be drawn from the countries which, similarly to Georgia, have recently liberated from the Soviet dependence and at present are celebrating their seventh anniversary of EU membership and twelfth anniversary in NATO. Substantial preparation of Georgian elite is an essential condition to a successful end of integration processes which Georgia wants to join. Phenomena and more general processes including unification of global economic, legal and political system should not be omitted. Understanding the integrated and globalised reality is a key to success in planning national political strategies. Obviously mere understanding is not sufficient. What is also necessary is the will of changing local reality, adjustment of the legal norms to European and international regulations, respect for the minorities, equality of the citizens, overcoming the social and political barriers etc.

In this book the authors have undertaken a task to describe and explain different aspects connected with the processes of globalisation and European integration.

The first part consists of theoretical, historical and cultural considerations in which the issues of integration and globalisation are analysed at the general level. The article of George Gamkrelidze can be treated as an introduction to the problems. He considers the influence of globalisation on integration, taking the positive and negative consequences of globalisation into account. These considerations are specified in the article of Grzegorz Piwnicki analysing the future of the European Union and the influence of the negative consequences of globalisation on the process of integration in Europe. Jakub Potulski focuses on determining the political and social borders of European space. The article of Wojciech Forsysinski is, however, an attempt to show the significance of international law in the present international relations. In the last article of this part Stanisław Sipowicz presents the consequences of globalisation in connection with the problem of cyber terrorism.

In the second part the authors exemplify the processes on integration and globalisation in specific countries and regions of the world. Andrzej Chodubski writes about the universal values in the process of Poland's integration into Europe. Dušan Leška and Lucia Mokrá analyse the process of Slovakia's adjustment to integration requirements. Arkadiusz Modrzejewski considers European identity of Georgia in the context of various conceptions concerning Eastern borders of Europe. Piotr Andrusieczko and Kateryna Shestakova write about the integration challenges which Georgia and Ukraine are facing in the Black Sea region. On the other hand, Olha Voznyuk notices that integration project does not always have to be consistently realised. Ukraine is set as an example; after the Orange Revolution Ukraine has clearly headed towards Europe. However, internal political conditionings cause that the Ukrainians are returning to previous identity paradigm called *homo sovieticus*. It can constitute a specific memento for the Georgians. In the last article Anna Szramkowska pays attention to China's participation in a modern global order. She also examines China's influence on the third world countries.

The book is especially directed to the Georgian readers. It fills the gap in the field of research on integration and globalisation. It is an international project. It arose thanks to Polish-Georgian scholars from State University in Tbilisi and University of Gdansk in Poland. Other scholars from countries such as Northern Cyprus, Slovakia, Great Britain and Ukraine were also invited and involved in the project. We hope for the recognition in the Georgian scholarly environment.

*George Gamkrelidze, Arkadiusz Modrzejewski*



# PART I

## GLOBALIZATION AND INTEGRATION PROCESSES IN THE CONTEMPORARY WORLD

**George Gamkrelidze**

Civil Movement “Europe Our House”, Georgia

### HOW GLOBALIZATION AFFECTS INTEGRATION

The purpose of this essay is to find out the effects of globalization on integration, as well as to explain the situation in which globalization plays either a negative or a positive role, as many consider globalization as a phenomena which poses both sides. Before analyzing the contribution of globalization, let's briefly explain the theoretical aspect of globalization including the most popular perceptions.

*What is globalization?*

By globalization we simply mean the process of increasing the interconnectedness between societies. A global world is where every dimension of each society is unified wherein these events can be conveniently divided into three parts: social, economic and political.<sup>1</sup>

*Which are the most popular perceptions of globalization?*

Globalization has often been taken to mean *internationalization*, an intensification of cross-border interactions and interdependence between countries. A second usage has treated globalization as liberalization, a process of removing government-imposed restrictions on the movement of people, capital, and goods between countries in order to create an ‘open’ and ‘integrated’ world economy. A third connection has viewed globalization in terms of *universalization*, or the spread of various objects and experiences to people in all corners of the Earth. Another view states that many people have defined globalization as *westernization*, especially in an Americanized form. Still others have identified globalization as *deterritorialization*, a shift in geography whereby territorial places, distances, and borders lose some of their previously overriding influence.<sup>2</sup>

As mentioned globalization is the interconnection of societies. It gathers people to rally around certain values and ideas. If people don't respect values, they will not become interconnected and any inconsiderable influence will cause protest and violence. From this point of view, globalization is either a positive or negative phenomena depending on their features.

*The Main Features of Globalization*

The two main features of contemporary civilization are the integrating and disintegrating forces that appear simultaneously with processes that unify and diversify social reality. The factors which integrate people are religion, language, culture, the global flow of information, transnational eco-

<sup>1</sup> J. Baylis, S. Smith, *The Four Theories of Globalization*, In: *The Globalization of the World Politics*, Oxford 2001.

<sup>2</sup> J. Baylis, S. Smith, *Globalization and Global Politics*, In: *The Globalization of...*, p. 14.



onomy, along with international law and institutions. These factors support the creation of a nation state through the formation of a homogenous nation and a mass society. But this process often collides with the aspiration of small ethnic communities, which pursues the goal of creating their own national state or forming an independent nation within that state. In other words, it gives birth to strong separatist trends, where internally sovereign political organisms cannot enjoy full international recognition; such is the case with Abkhazia, South Ossetia, Nagorno-Karabakh and Transnistria. According to the American political theorist and sociologist, Benjamin R. Barber, a nation state is between two powers: first is the “Jihad” which indicates the emancipated localism and even militant particularism. The second is “Mc World” which is a synonym of the economic globalization and mundialization values of American culture<sup>3</sup>.

Throughout the centuries, globalization has integrated and developed national cultures in different ways. Vertical national cultures emerged as vernacular languages. Horizontal national cultures were based on religion and were not linked to any state emerging as religious institutions. Later a new class of intellectuals generated new vertical national cultures and established printing to disseminate different kinds of printed texts, such as newspapers, books, etc. throughout the population. In time, the process of globalization advanced languages of the more dominant countries. Today, the English language possesses such a kind of status, as it is widely used by groups of people who could be mentioned as globalists – international peacekeepers, humanitarian agencies, journalists and etc<sup>4</sup>. They communicate and spread information by modern communication technologies in the world's hot spots.

Both capitalism and socialism are global phenomena. Both integrate and gather countries around their ideology, but both also have the different perceptions towards globalization. Commercial liberalism or the free flow of goods and services across states, is a product of globalization. The statement, ‘if goods don't cross borders, soldiers will’, succinctly summarizes the peace-through-trade hypothesis of commercial liberalism. Transnational companies with common marketing and standardization greatly increase interdependence between states, which is the key factor for peace and development. But Friedman's revised view, “No two countries that both had McDonald's had fought a war against each other”, was placed under a question mark during the Kosovo War, when NATO-led forces bombarded Belgrade, a capital “with no fewer than seven branches of McDonald's”<sup>5</sup>.

Globalization has given birth to the modern version of economy, which is the result of the so-called “third” industrial revolution, connected with progress in the field of computerization. Transnational companies cover the world market and financial institutions use IT technologies, which enable them to conduct the fastest financial operations. Simultaneously, the governments of states now have limited influence on these transnational companies and it has become problematic for them to pursue an efficient monetary policy, which, ideally, should lead them to avoid financial crisis<sup>6</sup>.

The skeptical viewpoint, in turn, has some of its intellectual roots in anti-capitalist religious writing, which especially includes the various traditions of Marxist thinking. Marx and Engels had advanced a perspective that is a contradiction of capitalism, which states that one of its key com-

<sup>3</sup> B. Barber, *Jihad vs. McWorld*, New York 1996.

<sup>4</sup> M. Kaldor, *The Politics of New Wars*, In: *In New and Old Wars: Organized violence in a Global Era*, Stanford 1999, pp. 70-71.

<sup>5</sup> G. Schneider, *War in the Era of Globalization*, <http://www.uni-konstanz.de/FuF/Verwiss/GSchneider/downloads/papers.htm>, 12.03.06, p. 2

<sup>6</sup> A. Modrzejewski, *The European Nation State in the Face of Challenges of the Postindustrial Civilization*, “Dialogue and Universalism”, 2009, no. 6-7, p. 149.

ponents, free trade, would result in warfare. The Leninist theory of imperialism developed this argument further by arguing that the search for new markets would result in global tension that will ultimately culminate in an armed struggle between the oppressors and the oppressed all around the world. Economic globalization would, thus result in global war.<sup>7</sup>

Another effect that globalization has is the great influence it has on the economic development, undermining fragile societies in the developing world. Economic scholars of institutionalism opposed the neo-liberals' policy, led by Washington-based organizations such as the World Bank and the International Monetary Fund. Early speeding up of reforms or the so-called 'Big Bang' consisted of macroeconomic stabilization, market liberalization, and privatization prior the settlement of institutions. With the absence of regulation this has caused increased levels of unemployment, corruption, shadow economies, black markets, the capture of power and other unhealthy trends, which often times, has violated human rights in transitioning countries.

Furthermore, globalization has profoundly affected social structures and emerged income disparities in the frame of geography, both within and across continents, countries, and regions<sup>8</sup>. The economic disparity has greatly encouraged migration and mobility, the ability to relocate constantly by the populous. From this point of view, it's possible to conclude that mobility is the product of globalization.

Except for the economy, globalization covers all political, governmental, and social movements. Most developed countries are working on regional policy to plan common strategies, in order to reduce the economic disparity and guarantee the security of the state. In spite of the Westphalia Treaty, the international community will not close eyes to the brutal violation of human rights within the boundary of any country. For this reason, democratic states established international organizations and signed international agreements in order to protect the peace and human values throughout the world. International organizations such as the UN, NATO, the EU and the OSCE has organized special summits, meetings, forums, and conferences on issues related to security and cooperation. Also treaties and conventions such as the Treaty on the Non-Proliferation of Nuclear Weapons (1968)<sup>9</sup>, the Biological Weapons Convention (1972)<sup>10</sup>, the Chemical Weapons Convention (1993)<sup>11</sup>, the Convention on Conventional Weapon (1983)<sup>12</sup> and others have become the by-products of globalization, which guarantees peace and security in the world.

Lastly, globalization has had an impact on civil society organizations, as well, as NGOs, in cooperation with national governments and international organizations, undertake campaigns regarding global issues such as poverty reduction, humanitarian assistance, human rights, gender equality, migration and development, environmental protection, sustainable development and many more to advance their role and suit functions which previously, were the prerogative of the national governments. Thus, the active participation of civil society organizations also has to be linked to globaliza-

<sup>7</sup> G. Schneider, *War in the Era...*, 12.03.06, p. 3.

<sup>8</sup> M. Kaldor, *The Politics of New...*, p. 75.

<sup>9</sup> UNODA, *Treaty on the Non-Proliferation of Nuclear Weapons*, <http://www.un.org/disarmament/WMD/Nuclear/NPT.shtml>, 25.10.2010

<sup>10</sup> UNOG, *The Biological Weapons Convention*, [http://www.unog.ch/80256EE600585943/\(httpPages\)/04FBBD6315C720C1257180004B1B2F?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/04FBBD6315C720C1257180004B1B2F?OpenDocument), 25.10.2010

<sup>11</sup> OPCW, *Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction*, <http://www.opcw.org/chemical-weapons-convention>, 25.10.2010

<sup>12</sup> UNOG, *The Convention on Certain Conventional Weapons*, [http://www.unog.ch/80256EE600585943/\(httpPages\)/4F0F093B4860B4C1257180004B1B30?OpenDocument](http://www.unog.ch/80256EE600585943/(httpPages)/4F0F093B4860B4C1257180004B1B30?OpenDocument), 25.10.2010





tion, because many of them get money from global foundations for international projects.

To conclude, globalization accelerates development, supports liberalization, and universalization. It streams to build an interconnected world and integrate different stakeholders, which in some cases, poses threats and causes contradiction. The Polish political scientist Arkadiusz Modrzejewski perceives that globalization is a real fear for relatively small European states. He sees the necessity of integration, but without the centralization of rules. He argues that the European Union will not become a federation and Europeans must think of a new formula for integration. But the real perspective is the creation of a European nationality as a new postmodern paradigm of collective identity<sup>13</sup>. The American futurologist, John Naisbitt explains globalization as a megatrend, which provide transitions from (1) Industrial Society to an Information Society; (2) Forced Technology to High Tech/High Touch; (3) a National Economy to a World Economy; (4) Short Term to Long Term; (5) Centralization to Decentralization; (6) Institutional Help to Self-Help; (7) a Representative Democracy to a Participatory Democracy; (8) Hierarchies to Networking; (9) North to South; (10) From Either/Or to Multiple Option<sup>14</sup>.

Finally, globalization is a natural process, which shortens the time and distance, which, in spite of some negative challenges and perceptions it supports development and provides new types of relations.

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<sup>13</sup> A. Modrzejewski, *The European Nation as a New Paradigm of Identity?*, In: *Europe and The World in The Face of Integration and Disintegration Processes*, T. Kuczur, A. Modrzejewski [eds.], Toruń 2010, pp. 36-46.

<sup>14</sup> J. Naisbitt, *Megatrend: Ten New Directions Transforming Our Lives*, New York 1984.



## THE FUTURE OF THE EUROPEAN UNION. THE MOST IMPORTANT ISSUES

### 1. About globalisation

While analysing the phenomena and social-economic processes of the present day it is noticeable that the economic and cultural-civilization globalization is advancing at a fast pace<sup>1</sup>. This reality is formed by the IT development, international capital flow, often speculative, the investment into the regions with cheap labour force, the creation of transnational corporations which have more money than the revenues of the average countries. At the same time the attitudes, behaviours, people's aspirations and above all, drive to consumption of the goods anywhere in the world are becoming similar<sup>2</sup>. It is a dangerous phenomenon endangering the world's economy and ecology. In a way such approach to life constrains the individual, and even the whole countries. In such conditions the natural environment is exploited, space is overloaded with information, people become the slaves of progress, they overwork and the aim in itself is to cumulate the profits. The reasons for these threats are the result of: 1) centralization of economic and social-political life 2) concentration of people and work 3) income maximization 4) mass and cheap production 5) creation of highly qualified specialists aware of their activity and those who work at the assembly line doing manual jobs<sup>3</sup>.

### 2. Crisis in Europe

In Europe the crisis allowed to notice the problems which had existed previously. The Europeans have not believed in European integration project for some time now. The majority of the society does not remember the war and the arguments that this has been the longest period of peace and prosperity for a thousand years do not seem to appeal to them. At the same time the source of prosperity appears to be unnoticed, currently most of Europeans feel great anxiety about the future. A good example of how Europeans think are the anti-crisis protests at the end of 2010. They are the opposite of what was happening in 1968. Then young people went out to change the world. At present they are protesting for status quo and say: "We do not want the world to change, we want to live in the world of our parents"<sup>4</sup>.

The main problem of Europe is a dying country of prosperity – a welfare country. Societies will not be able to live as they lived before globalization. This lifestyle is not only a democracy but also the culture of citizens prosperity. Such standards have seemed to be obvious for the Europeans. Societies do not want immigrants to come but from the economic point of view they need them. In order to ensure the economy's development the politicians must ignore the will of the societies. Economic

<sup>1</sup> G. Piwnicki, *Dylematy polityczno-kulturowe w Europie Środkowo-Wschodniej na przełomie XX i XXI wieku*, In: *Dylematy integracji europejskiej. Europa Środkowo-Wschodnia u progu rozszerzenia Unii Europejskiej*, R. Kmiecik and T. Wallas [eds.], Poznań 2004, pp. 217-225.

<sup>2</sup> W. Morawski, *Konfiguracja globalna, struktury, agencje, instytucje*, Warszawa 2010, p. 253 and next.

<sup>3</sup> A. Chodubski, *Wyzwania edukacyjne wobec kształtowania się współczesnego ładu globalnego*, „Gdańskie Studia Międzynarodowe” 2002, vol. 1, no. 2, pp. 7-24.

<sup>4</sup> J. Pawlicki, *Lepiej już było Unio?*, „Gazeta Wyborcza” 7 January 2011.

imperative is in opposition to democratic imperative. The problem lies in the fact that none of the European models has succeeded. The liberal Irish have problems as well as the Greeks who did not reform the social country<sup>5</sup>.

The position of Europe in the world is weakening, and the European model is not followed. Democratic India appears to be closer to non-democratic China than to the EU. The role of Europe has been diminishing since WW I. However, after the fall of communism in Central Europe and during the EU enlargement people started to believe that it is the future world.

It was considered to be the triumph of the West. But it was the beginning of the end. The conflict USA-USRR was a conflict of two cultures which have their source in Renaissance. Currently new cultures are approaching: Chinese, Indian, Brazilian cultures. During the last 20 years the world has changed. It is a result of globalization, during which there has been a sudden technological transfer and copying Europe. The new world is more Europeanised, however it is far less Eurocentric. It is a great difference.

To a smaller extent the Union has changed the countries which joined the EU after 2004. At the same time it turned out that Greece, while being in the EU, was not changing, reforming its economy similarly to Italy. As long as the most important EU countries were expanding their authority and model onto periphery, those countries were growing faster and were catching up with the centre. At the moment the southern peripheries are spreading their crisis onto the centre<sup>6</sup>.

The union behaves as if it did not believe that it might influence other countries effectively. Some examples are the reactions to the ruling of Kaczynski's brothers or Orban in Hungary. And the question is raised: why does not the Union react?

Europe will survive the crisis, it will continue to exist because it is not possible to come back to nation states of XIX century. Europe should be an answer to the Union's marginalization in global sphere.

Europe must answer to some key challenges and they will be:

## A. Globalization and economy

Globalization has brought about incredibly fast growth in efficiency all over the world. It has almost doubled from 1.2% yearly in 1980s of XX century to 2.3% yearly in 2000. Except for Western Europe and Japan where the result was slightly worse in the previous decade than in 1980s. Globalization has become the machine creating the prosperity – the poverty had never been reduced so greatly and so rapidly than in our times.

The analysts think that stronger tensions based on economy and social status at the international and local level may cause negative political movements to arise which in turn may prevent this process even before 2020. However, these doubts seem to be exaggerated. The absolute values of the indicators is crucial but it is balanced by the mass flow driven by world competition which ever year introduces million of people into economic modernity e.g. 15 million Hindu people enter the job market every year.

<sup>5</sup> W. Morawski, *Konfiguracja globalna, struktury...*, pp. 242-247.

<sup>6</sup> J. Krastew, *Europa: mocarstwo na emeryturze*, „Gazeta Wyborcza” 18-19 December 2010.

Economic and technological powers which influenced the shape of the world in 1990s will probably still influence within the next 20 years. The third stage will be dominated by the citizen whose possibilities will increase by the access to information available online. Due to the dynamic development of IT is not possible to forecast the directions of these changes but a general tendency proves rather clear: the speed of processing and storing data as well as broadband connections will develop in an incredibly fast pace.

In 2005 the experts expected that the amount of digital information would double every 1100 days in the world. In 2007 this period was shortened to 11 months. In the new IBM study it was predicted that by 2010 the amount of information would double every 11 hours.

According to the most probable forecast globalization will continue to develop in a steady or even faster pace. As a result, the world will become a field of activity for a greater number of economic powers than at present. China, India, Brazil, Russia, Japan, Korea, Malaysia and Indonesia will play a more important role in the world economy. It is thought that in 2015 China will become the biggest world exporter and the countries of Southern Asia will produce 38% of the world's wealth while at the moment their share is 24%. As a result of such a great growth new Asian economies would equal with OECD countries where at the same time 40% of world production would be created. The return of Asia to the status of a world economic power will mean a great challenge for Europe<sup>7</sup>.

The conditionings of this situation are well known. Europe is overwhelmed with rigid rules regulating the labour law and market which does not enable the mobility, which limits the competition, hampers innovations and encourages to take a risk in enterprises. In effect the efficiency in Europe is increasing by 1% slower than it was 10 years ago before the effects of last phase of globalization were felt. The economic growth remains below 2% yearly while in America it reaches the average level of above 3%. It is no wonder the fact that globalization is perceived as a negative phenomenon by majority of public opinion in Europe.

The Europeans will have to decide themselves whether the relative decline compared to the growth in Asia will remain for the next 20 years as a consequence of catching up effect or it will mean gradual taking control over Europe by younger and more dynamic countries<sup>8</sup>.

Only one strategy may protect Europe against tragic political results of such a course of action. The preparation for the next round of world competition, controlling it and using for ensuring further prosperity requires gaining the leading position from Europe in the IT era. It is connected with the necessity of introducing the economy based on knowledge because IT is penetrating into each sphere of politics, including other key fields for development such as nano- and bio-technology<sup>9</sup>.

This trend will not be easy which is proved by the following example. Among 300 corporations existing in the world which invest in research and development there are 130 in the USA while only 90 in Europe. It looks quite good. However, after 1960 s in the USA 53 of those corporations were established while only 2 in Europe. That means that European enterprises which invest in research and development belong to older branches of industry and not to a newer sector of IT. It is not bad in itself due to the fact that these branches need modernisation and innovation as well as the use of digital revolution achievements but it is not sufficient<sup>10</sup>.

<sup>7</sup> A. Lubowski, *Prognoza na 2011 rok: Zapiąć pasy – będzie huśtać*, „Gazeta Wyborcza” 20 December 2010.

<sup>8</sup> W. Wosińska, *Oblicza globalizacji*, Sopot 2008, pp. 395-417.

<sup>9</sup> *Globalizacja polityki światowej. Wprowadzenie do stosunków międzynarodowych*, J. Baylis, S. Smith [eds.], Kraków 2008, pp. 768-792.

<sup>10</sup> Z. W. Puślecki, *Unia Europejska wobec globalizacji na początku trzeciego tysiąclecia*, In: *Polska – Niemcy – Europa*. Pamięci profesora Piotra Dombrowskiego, J. Iwanek [eds.], Katowice 2008, pp. 107-130.

Reducing the above-mentioned tendencies and levelling the position require education, innovation and the spirit of enterprise. These are 3 basic options which Europe must opt for in order to remain in the group of the most important economic and political world powers in the coming decades. However, increasing the investment into projects in the field of research and development (e.g. through the public investment) may not be sufficient because besides a greater number of inventions better innovations are needed and that is completely different. In Europe the concentration is placed on “research and development”, however, too often it means the interest in the research itself. “Development” requires applying ideas in the real world where the research may turn into innovations, which then are connected with the surrounding where entrepreneurs and people taking risks are appreciated due to the fact that they can turn knowledge into money and not only use money to gain knowledge which as such is not enough to help the European economy. In digital economy the society based on knowledge is necessary but this knowledge must be used in an economically effective way. In order to do so Europe must dispose of rigid rules and mercantile recipes which hamper the development of dynamic and enterprising people.

Nowadays even education undergoes globalisation. American universities excel in this new field of activity. For Europeans this is the greatest threat as it means that many people who live on 5000 euro monthly will have to face the competition from other employees (e.g. from India) who have similar education and work experience but expecting the salary of 500 euro for the same work. In order to cope with this challenge Europe will need not only one big European Technology Institute financed by the government but also the whole network of smaller competitive institutes which will enable Europeans to adapt to new environment and way of thinking. Furthermore, universities should become more competitive when it comes to the services they offer.

## **B. Demography and immigration**

Nowadays Europeans live longer: in Europe in 1900 life expectancy was only 74 years, however, 100 years later it reached the level of 77 years. By 2050, if not earlier, it will be expanded and will reach 82 years for men and 86 years for women, and in Japan it will reach the level of 92 years. It is a worldwide tendency but it is subject to the time shift – life expectancy at the time of birth in India is 64 years, in China – 72 years, and the world average is 63 years. The world share of people above the age of 60 will increase up to 1/5 by 2050 from 1/12 in 1950. In 2050 more than 10% Europeans will reach the age of 80. Furthermore, the birth is also getting reduced. At present in 29 countries the birth rate is located below the level necessary to maintain the population. This problem is especially severe in the EU – in 12 member states the birth rate does not reach the level of a stable country. After the European baby boom which reached its peak in 1964 with the birth rate of 6 millions in EU-15, today a reverse situation is observed. In 2002 the birth rate in EU-15 fell below the level of 4 millions. The general birth rate has been lowered from the level which guaranteed generation continuity – which is defined as 2.1 children per one woman – in 1960s to the present level of approximately 1.5.

With such rates the number of people at the reproductive age in Europe will sharply decline both in absolute and proportional sense. Between the current year and 2050 the number of people between the age of 15 and 64 in Europe will fall by 48 million (about 20%) and at the same time the number of people below the age of 65 will increase by 58 million. For one elderly per-

son in Europe there will not be four – as it is now – but two people at reproductive age. OECD expects that by 2050 in industrialised countries there will be one working person for one retired person<sup>11</sup>.

The number of people of EU-27 will increase from 490 million in 2005 to 499 million in 2025 and then by 2050 it will fall again to the level of 470 million. The highest increase will take place in Luxemburg, Sweden, Ireland and the Great Britain, where by 2050 the number of people will increase by 41%, 18%, 14% and 12 % respectively. The greatest decline will be noted in Bulgaria, Romania, Slovenia, Croatia and the Czech Republic – in these countries the number of people may decrease by 20%. However, the number of people in the USA should increase from 296 million to 420 million (by about 42%) due to higher birth rate and immigration. At the same time the number of people in North Africa will increase from 194 million to 324 million (by 67%), by 2050 in Turkey from 73 million to 101 million (which will constitute the increase by 38% at the birth rate at the level of 2.4). By 2025 the number of people of this country will reach 90 million. In the framework of the debate on enlargement it should be noted that even at that rate of the increase the membership of Turkey will not solve the problems connected with the lack of labour force in the Union<sup>12</sup>.

In Japan as well as in Europe a tendency which will probably spread all over the world is observed. In the next 50 years about 90% of world growth in population will take place in developing countries. Their population will then increase for the next few decades. Moreover, although the decline in birth rate in Central Asia and Latin America the population of these regions will remain younger than the population of the developed countries. However, the decline in the birth rate in developing countries is also expected. By 2050 the birth rate will fall below the level which guarantees generation continuity and then it will still decrease the difficulties related to ageing and shrinking population will become global phenomenon by 2070. Due to this, despite the expected increase in the birth rate by ¼ by 2025 - from 6.4 to 8 milliard – it should reach its peak at the level of 9.3 milliard in 2050, and then fall again.

After 2000 the Union and its member states started to bring up some of the most urgent issues. Although most of them belong to the national and regional responsibilities of the authorities, the Union dimension became more clearly visible. The most obvious field of action is the job market – the EU and the member states do their best to increase the employment rate as well as raise the age limit for retirement. In many European countries the employment rate is proportionally low. During the European Council in Lisbon the aim to increase the employment rate among adults from 64 to 70% in the current decade was determined. Four European countries have already reached the appropriate level, and the next three are about to reach it, so an ambitious aim is possible to be achieved (at present in the USA this rate is 72%). According to Green Papers issued by the Union in 2005 entitled “Confronting demographic change” by 2030 the number of employees will diminish by 20.8 million. What is also important is reducing the unemployment among young people as well as encouraging them to work at earlier stages than at the moment. Older employees should remain professionally active longer. The average length of the retirement in 1900 was only more than a year. In 1980 it increased to 13, and in 1990 – to 19 years. In the future the time on retirement will amount to 20-30 years.

<sup>11</sup>E. Cziomer, L. Zyblikiewicz, *Zarys współczesnych stosunków międzynarodowych*, Warszawa – Kraków 2002, pp. 153-154.

<sup>12</sup>J. Muszyński, *Megatrendy a polityka*, Wrocław 2001, p. 96 and next.

The European Commission estimated that if the average age of retirement in Europe will increase by five years, the expenses of the state will remain at the steady level despite the demographic changes. A separate aim was determined in order to increase the employment rate among people between the age of 55 and 64 from 39% to 50%. In many countries the age limit for retirement for the employees of state sector is being raised<sup>13</sup>.

Another way to satisfy the shortage of employees would be the use of all the potential of the already present on the market migrating labour force by educating the immigrants families and levelling their educational chances. Immigrant parents very often unconsciously lower the chances of their children due to poor knowledge of the local system of education. It occurs not only affecting children's ambitions and aspirations but also the whole society which is the economic problem. Because of the lowering of the number of people at the productive age it is especially significant for each citizen to receive the best education and workplace.

The basic mega trend in Europe is a low birth rate<sup>14</sup>. All over the world it amounts to 21 births per 1000 inhabitants yearly; in the USA the rate is 14, in Europe 10, in Japan only 9. Increasing the average birth rate from 10 to 11 per 1000 inhabitants would allow to stabilize the number of people in Europe although the falling number of people at the productive age would not be balanced. In order to prevent this decline higher growth of birth rate would be necessary. According to the latest research in every next decade where the birth rate will remain at the present low level, the number of people in the EU will continue to fall by 30-40 million<sup>15</sup>.

Solving difficulties and taking advantages of the chances connected with demographic changes will require the following activities from the European politicians:

- Encouraging higher birth rate by financial incentives, activities enabling working mothers to raise their children, developing child's health care and improving the legal environment and social status of families;
- Increasing the participation of professionally active people, especially among women and young people, and encouraging work part-time;
- Increasing age limit for retirement and gaining retirement rights, discouraging from early retirement and fighting against discrimination due to the age at work;
- Increasing the dimension of employer's contribution and supporting more flexible savings systems and retirement;
- Supporting greater efficiency of those currently employed in order to balance the deflation effects of decreasing number of people;
- Supporting employees' flexibility so that they will get skills enabling them to change workplaces and professions during their career life;

Immigration issues should concentrate on the following problems:

1. The Union should reconsider its policy regarding legal immigration, which favours unqualified workers, and replace it – at least partially – with a policy facilitating the immigration of

<sup>13</sup> U. Świętochowska, *Zjawiska patologiczne globalizacji w wymiarze politycznym w XXI wieku*, In: *Kształtowanie się nowego ładu międzynarodowego*, A. Chodubski, M. Malinowski, E. Polak i P. Trawicki [eds.], Gdańsk 2007, pp. 145-155.

<sup>14</sup> G. Piwnicki, *Zagrożenia wynikające z procesów globalizacyjnych w kontekście mega trendów na przełomie XIX i XX wieku*, In: *Jednostka – społeczeństwo – państwo wobec mega trendów współczesnego świata*, G. Piwnicki, S. Mrozowska [eds.], Gdańsk 2009, pp. 98-112.

<sup>15</sup> R. Domański, *Geografia ekonomiczna. Ujęcie dynamiczne*, Warszawa 2004, p. 60 and next.

qualified workers. Potential benefits resulting from point system should be seriously considered (e.g. in form of “blue card”, following the Canadian example); the system could be adjusted to national and local conditions as well as current tendencies on the job market. In this way the economies of member states could benefit from gaining personnel. Other version of this system, bringing benefits to the countries from which the immigrants come from, would be a circular migration of specialists from the developing countries who would be trained and employed in industrialised countries for a fixed period of time, and then they would return to the country of origin and take an advantage of the skills and experience which they have gained<sup>16</sup>.

2. Actions improving the qualifications of long-term immigrants and using their particular potential resulting from multilingualism as well as experience within multicultural communication will be important. Implementing special programmes which will encourage learning a second language and programmes supporting immigrants at schools and during vocational training must be considered. Immigrant integration and education can bring great benefits to the societies receiving them on the condition that immigrants special skills will be supported and used. Considering their multilingualism and knowledge of social-cultural tradition of the country of origin they may play a crucial role in establishing intercultural contacts, which is an especially important thing in the world leading to globalisation.
3. Actions intending to increase Europe’s attractiveness in comparison with other regions of the world in order to attract and keep the qualified workers and reverse brain drain process should be taken. This policy may also include making it easier for the qualified workers to cross the European borders with a special visa for the scientists residing in Europe.
4. Political education integrating the learning of a language, culture and the history of a country receiving the immigrants should be introduced<sup>17</sup>.

### C. Terrorism and the European safety

Globalised, democratic world has become a target of the attacks from the shapeless, scattered enemy. In reality it is not about the civilization clash – this conflict started as an internal fight in the Muslim world – but about the clash of civilized element with barbarian jihadism. Jihadism attacks everybody who, regardless of religion, believes in law state, human rights, pluralism and democratic government. It rejects fundamental principles of democracy arguing that every system of government is based not on God’s will but on people’s decision which results from their agreement, means blasphemy. The scope of this problem should not be ignored – this battle seems impossible to be won compromising. While traditional terroristic groups were normally created in order to draw the attention to an issue and lay some claims to persuade the government to negotiate and force some compromises, jihadists – according to the words of Husain al-Musawa from Hezbollah from 2003 – fight “not in order to gain something from you. We fight to annihilate you”.

At first it was an internal conflict among Muslim society. The extremists then rejected modernisa-

<sup>16</sup> U. Świętochowska, *Problemy migracji w Unii Europejskiej*, In: *Procesy migracyjne. W kontekście przemian kulturowo-cywilizacyjnych*, E. Polak i J. Leska-Słęzak [eds.], Pelplin 2007, 125 – 129.

<sup>17</sup> R. Majewski, *Migracje ludności we współczesnej rzeczywistości globalnej*, In: *Ekonomiczne i polityczne wyzwania we współczesnym łańdźie globalnym*, M. Giedz, A. Kozłowski, R. Majewski [eds.], Gdańsk 2009, pp. 357-365.



tion of their communities and acceptance of social, economic and political principles identified with the West. At the beginning the debate between Islamists and Muslim majority had a clearly academic nature. However, Islamists started to assume hostile, and with time even aggressive attitude creating organizations, contact networks and recruiting new believers in order to shake the Islamic world. Muslims, who were seen as giving in to Western influences or those who supported democracy, were considered to be faith traitors<sup>18</sup>.

Islamic fundamentalism has recently opened its second front attacking directly the Western world in order to weaken its opponents and strengthen actions and start another stage of fighting for domination in the world. On the surface the jihad fighters fight for withdrawing American troops from Iraq and previously from Saudi Arabia, establishing Palestinian country and against Israeli actions. Nevertheless, these are only the matters which they can manipulate for justifying their actions and gaining supporters. They strive to undermine or totally destroy the credibility of the circles intending to establish stable Muslim countries such as Iraq or Afghanistan as their long-term aim is to unite all Muslims in one fundamentalist country being a version of caliphate which would become a groundbreaking step to dominate the world on the strength of their own interpretation of sharia and theocratic government. It is difficult to overestimate their ambitions regarding the fight against democratic world. Current war of ideologies "has become a prevailing element of XXI century"<sup>19</sup>.

New threat has a completely new nature. Similarly to the fight against Nazism and Communism, it is a worldwide threat, but considering the fact that it assumes the form of terrorism, the methods used have a local scope, they are unpredictable and fear-inspiring. Jihadism intends to weaken the democratic world using its freedom and prosperity as a fight tool and transforming its strengths into weaknesses. Democracy connected with free market economy in XXI century have created the prosperity and strengthen the individual. It has opened the sources of information and created new systems of communications, facilitating travelling, creating international networks as well as students mobility to a larger scale. Within the next 20 years these tendencies will develop rapidly. The aforementioned achievements have formed a new kind of enemy who abuses the free access to information, easiness of communication and travelling.

Global threat possibilities are spread by the Internet. Democracy is attacked by cyberspace mobilization – a kind of electronic recruitment – whose potential candidates for fighting against the enemy are recruited all over the world. Commanding such a campaign does not require substantial measures – a video camera and an access to the Internet can make any speech, any crime, and kidnapping, any murder a weapon in the hands of jihad fighters. It is a dark side of the revolution in the field of IT. David Kilcullen, an Australian specialist on fight against fighting squads, in his statement regarding Osama Bin Laden said: "If Osama Bin Laden did not have an access to world media, satellite communication and the Internet, he would only be an eccentric sitting in a cave".

Jihad fighters tactics consists in weakening and then destroying the moral superiority of democracy – they strive to force democratic countries to abandon the principles of law state in order to defend law, to use prisons without trials in order to protect freedom, to use tortures in order to pre-

<sup>18</sup> W. Phares, *The War of Ideas*, Palgrave Macmillan 2007.

<sup>19</sup> G. Piwnicki, *Kulturalne, religijne, cywilizacyjne i polityczne uwarunkowania fundamentalizmu w świecie arabskim jako źródła terroryzmu muzułmańskiego*, In: *Ewolucja terroryzmu na przełomie XX i XXI wieku*, M. Malinowski, R. Ożarowski, W. Grabowski [eds.], Gdańsk 2009, pp. 94-114.

vent violence, to kill the innocent in the name of protecting the individual, as well as imposing more and more rigorous safety measures at the expense of freedom. They create the atmosphere of mutual suspicion and fear among local communities at the same time increasing tensions which may be used to achieve their own aims. Instead of fighting openly, this shapeless enemy prefers to provoke democratic countries to show hypocrisy, to take actions by which they will discourage moderate circles in crucial regions and will lose support in the country. Jihad fighters believe that if they manage it all, they will gain more supporters among those who bear the grudge – justified or not – weakening the opposition of the society<sup>20</sup>.

All Europeans should realize the importance of the fight in the name of the values they believe in and protection against the threats from terrorists. Close cooperation of European governments based on common knowledge is incredibly significant<sup>21</sup>.

The key challenge for democratic societies in Europe will be a political and economic integration of these groups which at the moment feel excluded and discouraged. In order to strengthen the moderate position of Muslim majority and ensure extremist isolation the actions supporting cross-cultural communication need to be taken. At the same time the governments of Western countries must show that integration policy and cultural awareness are the signs of strength and not weakness. It is unacceptable to tolerate such practices which, according to some of the supporters, result from sharia in the districts of our cities, where traditional values are not respected. Further, wider research concerning the causes for the extremist tendencies in some social classes of Muslim population is needed.

Increasing the safety of the basic infrastructure is required. To some extent expanded Western economies are dependant on big infrastructural networks in order to meet the basic needs such as energy, water and food supply. This kind of network and channels of distribution must be supervised and modernised to ensure their reliability and sustainability in the event of concentrated attack.

Significantly decreasing support from the public opinion may be a problem in case of so-called war against terrorism. This war, declared as a reaction to a particular crime, was popular with the societies but its current aim are less clearer for the society. Does it aim at defeating Al-Qaida? If yes, what is the connection between this war and war in Iraq? In what way other fields of warfare such as in Afghanistan and Somalia are connected? If the governments of Western countries wish to maintain the public support for the fight which consumes immense amounts of money and takes a heavy toll of lives, more effort should be put into explaining the character of the dangers and the fact that this is indeed a fight for democracy. Repulsing the attacks of the supporters of compromise policy and those who have a short memory requires political leadership<sup>22</sup>.

#### **D. Governing Europe: values, identities and borders**

The European Union does not only need the possibility of action because if it is not able to act effectively, it will be of little importance that it has the right policy. Good governing of the Union has the basic significance. The problem of European values and identity as well as the issue of European

<sup>20</sup> P. Rakowski, *Zapobieganie terroryzmowi i jego zwalczanie w dorobku prawnym Unii Europejskiej*, „Przegląd Prawa Europejskiego” 2000, no. 1.

<sup>21</sup> R. Machnikowski, *Dzihadyzm jako globalny zbrojny ruch społeczny*, In: *Ewolucja terroryzmu na przełomie XX i XXI wieku*, M. Malinowski, R. Ożarowski, W. Grabowski [eds.], Gdańsk 2009, pp. 301-313.

<sup>22</sup> R. Ziemia, *Koncepcja bezpieczeństwa Unii Europejskiej*, In: *Bezpieczeństwo międzynarodowe po zimnej wojnie*, R. Ziemia [ed.], Warszawa 2008, pp. 122-147.

borders emerges. Here are the crucial elements:

- the issue of common European values and European identity
- institutional structure of the Union
- the need of efficient administration taking responsibility for its actions
- the limits of further enlargement of the Union

The foundation of European government is the need to have common values and vision of Europe as well as its place in the World<sup>24</sup>. Neither institutional structures nor administrative improvements can compensate for the lack of understating of basic principles. A very important feature of this cultural heritage is common understanding of such values as human dignity, freedom, pluralism, obeying human rights, state of law, justice, tolerance, protection of minorities, role of government. *“Judeo-Christian roots of Europe and its common cultural heritage together with its classic and humanistic history and Renaissance achievements compose the foundation of our political family”*<sup>25</sup>.

The debate about the issue of identity and European values is neither a statistic nor a closed phenomenon but a continual task, dynamic and open process, in which members of European society agree on common approaches concerning themselves and others. By cultural exchange and a better knowledge of the opinions of other people about the world we can eliminate prejudices, broaden horizons, build synergy for future cooperation and create European society<sup>26</sup>.

European system of values is based on four basic, primary assumptions:

- direct democracy was introduced for the first time in the political system of Ancient Greece. In the era of globalisation it is extremely important for the citizens to participate in the decision-making process concerning the Union. Equally important factor of political stabilization is also freedom of speech and pluralism;
- our legal system was mostly shaped by the heritage of Ancient Rome. Such principles as legal safety, equality before the law, property law are necessary conditions to establish an efficient economy;
- Christian heritage is now more essential than ever before. Understanding, tolerance, freedom of the individual, respect for human dignity and solidarity guarantee political stabilization;
- Renaissance achievements are the final foundation. Its legacy is a laic character of a country. Freedom of religion at the local and international level is a basic condition for a peaceful co-existence of different groups.

Although we have no right to make our values accepted all over the world, we should remember that we share them with other societies in the Western world. The role of the USA is particularly important not only because that they enabled the fall of communism and the union of Europe but also because of its help in building the union of culture and values.

European identity can be generally defined as an element which already existed in a cultural, historic, religious, political and geographical sense, however at the same time the EU (and its previous forms) was building more concrete Europe, with institutions, debates, regulations and provisions.

<sup>24</sup> Cf. A. Modrzejewski, *Państwo wobec wyzwań integracyjnych i dezintegracyjnych (casus europejski)*, In: *Wartości a współczesne państwo*, L. Kacprzak, J. Knopek, D. Mierzejewski [eds.], Piła 2009, pp. 74-78.

<sup>25</sup> *W kierunku Europy obywateli: priorytety dla lepszej przyszłości* („Manifest rzymski”) adopted by Congress PPE-DE in Rome, between 30-31 March 2006, [http://www.epp.eu/dbimages/pdf/encondoc310306final\\_copy\\_1\\_copy\\_1.pdf](http://www.epp.eu/dbimages/pdf/encondoc310306final_copy_1_copy_1.pdf); see also: A. Modrzejewski, *A Community of Values. O modelu integracji europejskiej w myśli programowej Europejskiej Partii Ludowej*, „Arhenaum. Political Science” 2007, no. 18, pp. 52-67.

<sup>26</sup> J. Jedlicki, *Stworzyć Europęjczyków*, „Gazeta Wyborcza”, 1 December 2009.

The central feature of European culture is its national country. For the citizens the existence of a nation is much more perceived, to a greater extent it determines their actions and in this way influences the creation of stronger identity. In the case of nation state efficient functioning of the Union requires much greater internal integrity of its members<sup>27</sup>.

Borders shape the sense of belonging and identity, mark the possession limits, and at the same time ensure protection. It is impossible to have a society or economy without borders as they establish the basic element of political process. In the case of Europe the borders have repeatedly changed over centuries and so far it has not been precisely defined where Europe begins and where it ends. While the northern and western borders are clearly marked, there is still no agreement concerning the eastern border of Europe. According to a German scientist Hartwig Hummel European borders are not always marked with permanent points, but with the product of history which can change them and evolve.

When it comes to the European Union and its definition of European borders, member states are connected by means of a common interest based on common European values resulting from common history and tradition. They are the source of the sense of belonging: common action is impossible if there is lack of understanding for common values. It is possible then that a uniting power of a vision can have some influence on placing the beginning and the end of Europe in a geographical sense. That is the case with the Union.

In connection with the realisation of these aims it seems that it is time to define the borders of the Union so that the citizens can feel what the European identity is. It would also allow to concentrate on the outstanding challenges without the constant distraction by the issue of enlargement and possibly weakening its abilities to play an important role of an international partner. Such a way of defining the borders of the EU is not equivalent to the end of enlargement process but to a greater extent obliges the Union to care for its business - its ability to integrate - instead of accepting any country which will desire to join<sup>28</sup>.

Considering above-mentioned problems the Union should change its views on governmental bodies of its member states.

1. At present political institutions bear the consequences of increasing lack of respect towards the authority. As a result of a common agreement concerning general political directions the election results seem less important and this can result in - with only few exceptions - much lower turnout during elections<sup>29</sup>.
2. In a globalised world based on digital economy the individual will become more important. In this situation bureaucratic ethos of the EU and its member states will have to be adapted in order to update European management. The society intends to use new technologies to execute the responsibility of the political leaders, discuss about ideological issues and appeal for changes in politics - more and more often blogs are used to express opinions and gain supporters, with a short notice protests are organized by means of e-mail and SMS, virtual lobbies replace traditional associations in the role of political action carrier.
3. Identification of majority of the society with nation states in Europe, to which the citizen will

<sup>27</sup> A. Drzewiecki, *Dyskurs o tożsamości w jednoczącej się Europie*, In: *Jednostka - społeczeństwo - państwo ...*, pp. 242-251.

<sup>28</sup> F. Gołębski, *Kulturowe aspekty integracji europejskiej*, Warszawa 2008, pp. 113-132.

<sup>29</sup> G. Piwnicki, *Wybory, a poziom kultury politycznej Polaków*, In: *Współczesna Europa*, S. Wojciechowski [eds.], Poznań 2004, pp. 299-312.

be still loyal, remains strong and is necessary to govern well. However, the viewpoint that, when necessary, political authority can be spread onto different administrative levels is more widely acceptable – in the case of other grades of regional/local bodies – or shifted beyond the reach of the authority and given to private commercial or charitable bodies or to the individuals. In effect all governmental institutions are in the face of the need to compete for power and influence<sup>30</sup>.

## E. Euro-Atlantic partnership

Europeans and Americans see great benefits connected with the process of globalisation, yet they fear some threats.

The leaders on both sides are perfectly aware of the necessity to manage the process of globalisation and its effects well. The USA and the EU are interested in accepting developing economic powers such as India and China so that they can be incorporated in the regulatory framework obligatory in world economy<sup>31</sup>.

The issue of global threats to safety is often brought up as an example of divergent opinion within transatlantic framework. Despite some differences regarding priorities and opinions on legitimacy and usefulness of armed hostilities both parties agree to some particular points of the safety plan: the need to prevent spreading of weapons of mass destruction, to lead more effective fight with international terroristic organizations and to ensure help to some weaker and collapsing countries all over the world.

Considering the scope of strengthened transatlantic cooperation some aspects of these relations are often forgotten. The USA and Europe have been experiencing unprecedented economic integration since the beginning of 1990s. This integration has led to creating transatlantic economy. Despite some media sensation regarding China and India presently the USA and the EU are the most important source and aim of direct foreign investments for each other. The economic relations the USA-the EU generate 3 billions USD annually while both economies are even more connected to each other by foreign investments and foreign branch activities.

Mutual flow of investments is significantly higher than the level of American or European investments in China, India or anywhere else. Similarly to turnover the income is generated by American and European enterprises from the activity conducted on the other side of the Atlantic Ocean. Moreover, transatlantic economy ensures 14 million workplaces on the both sides of the Atlantic.

Transatlantic corporations are the leaders of globalisation. With regard to a high level of transatlantic economic integration, the USA and Europe cannot afford any deep split as prosperity of their economies and safety are more and more connected to each other. In fact both the USA and the EU see the benefits of tightening the aforementioned integration as it serves not only strengthening the economic growth and prosperity in transatlantic region but also constitutes the protection against even greater balance upsetting with developing economic powers and lack of stability in the global economy.

<sup>30</sup> F. Gołębski, *Kulturowe aspekty integracji...*, p. 171 and next

<sup>31</sup> B. Góralczyk, *Rosnąca rola Chin na arenie międzynarodowej*. In: *Chiny supermocarstwem XXI wieku? Rozważania na temat polityki i gospodarki. Państwa Środka*, J. Marszałek-Kawa [ed.], Toruń 2010, pp. 9-40.

The position of both partners allows them to face the future challenges together. In the predictable future the USA will become the only global super-power having great political, economic and military influences on a global scale, while the EU constitutes the biggest integrated economy in the world at present. The EU and the USA jointly produce 40% of global GDP and they are still the leaders and make use of the significant influence in the international organizations such as ONZ, WTO, International Monetary Fund and World Bank. Settling the norms and regulations they often create new global "system of gold currency". Both regions are also the biggest donators of help for development and they play an important political role all over the world.

In this context space for strengthened transatlantic cooperation lying within the interest of both sides is great. The effectiveness of the reaction to the challenges described above will depend on tighter cooperation between the EU and the USA and also on EU-USA leadership. However, on both sides there are some fundamental obstacles which hamper the cooperation<sup>32</sup>.

Divergent interests and strategies of the USA and the EU which cannot be hidden require mutual communication and understanding. Some of them result from the differences in political culture and in geographical position. For example, the EU perceives its relations with China only within the economic context, whilst for the USA China is a political and safety challenge with regards to America's role in this region and their involvement in Japan and Taiwan. Other differences are mainly the effect of moralistic discussions concerning the issue of death penalty and genetically modified organisms.

Despite the importance of bilateral relations between the EU and other countries, not all bilateral relations are the same, therefore the Union must make sure that the partnership with the USA is fully reflected at all levels of its activities. Within the framework of a tight cooperation these regions may establish close relations with other key allies such as Japan or India in order to cope with future challenges more easily.

Promoting this strategy in international relations in XXI century requires undertaking concrete actions. For this purpose it is necessary to:

- Assume versatile character of the world as a norm because the significance of cooperation of transatlantic partners in promoting Western interests and values is greater than ever before, especially in searching common ground for solving global problems;
- Cause the connection NATO-UE-USA to be put in a suitable structure – in connection with allies all over the world – in order to cope with global challenges;
- Deepen the common activities of the EU and the USA whenever it is possible, especially at the global and regional level;
- Sign a treaty on partnership of the EU and the USA in order to ensure the basic for these activities;
- Intend to create transatlantic market by 2015 in order to deepen bilateral exchange and stimulate the global economic growth;
- Stimulate a tight cooperation of transatlantic partners with regards to energy and environment protection in order to support global actions;

<sup>32</sup> J. Słomczyńska, *Eurorealizm czy Atlantyzm? Doświadczenia i perspektywy współpracy Polski w ramach Europejskiej Polityki Bezpieczeństwa i Obrony*, In: *Polska w strukturach Unii Europejskiej. Doświadczenia, oczekiwania. Wyzwania*, M. Marczevska-Rytko [ed.], Lublin 2010, pp. 105-119.

- The priority of the EU cooperation with the USA should be the issue of collapsed countries – elaborating such an approach could lead to reform of the operations carried out within the framework of international help in order to create a more solid instrument showing the cooperation and involvement of the EU and the USA;
- Prepare the project on a common safety strategy on the basis of the existing texts (American strategy from 2006 and European from 2003) connecting it with the strategic review of NATO;
- Recognize the necessity to promote ONZ reform reflecting other balance of interests in the world during globalisation<sup>33</sup>.

The analysis of the challenges for the EU within the framework of global space for the next years of XXI century<sup>34</sup> inclines to the following generalisations and conclusions, and even regularity:

1. Globalisation challenges are repeatedly ahead of legal, constitutional matters and at the national level they require supranational solutions
2. During globalisation no country individually is able to solve many problems. Therefore, the problem of integration is so important for the EU
3. In the world of new industrial centres the Union must maintain contacts with all its partners. However, the most crucial are the transatlantic relations.
4. Terrorism is a global problem. The EU together with the USA and other regional powers should counteract it.
5. The Union, in order to cope with the challenges of other global economic centres, cannot compete within its own community.
6. The basis for the EU success in globalised space will be competitiveness on a global scale, IT revolution in European education, innovativeness in new technologies and enterprise.

<sup>33</sup> J. Słomczyńska, *Ponowoczesna kultura strategiczna Unii Europejskiej a strategia Stanów Zjednoczonych Ameryki. Dwie wizje kształtowania ładu międzynarodowego*, In: *Kształtowanie się nowego ładu ...*, pp. 112-122.

<sup>34</sup> A. Chodubski, *Nowe wyzwania w badaniach stosunków międzynarodowych*, In: *Kształtowanie się nowego ładu ...*, pp. 9-24.

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## THE EUROPEAN SOCIOPOLITICAL SPHERE

Integration processes have become particularly visible at the turn of 20<sup>th</sup> and 21<sup>st</sup> centuries. They have been a reaction to a growing international net of correlations that creates a necessity of developing cooperation and many different varieties of international integration. In the regional integration processes two or more international relations actors are subject to political, economic, social, etc., fusion. The purpose for this integration is to create strong economic and political organisms that would be able to compete with other subjects and defend their own interests. Such processes are particularly visible in the modern Europe. Europe's inhabitants are no longer merely citizens of Germany, Poland, France or the Czech Republic. They have become more than that: the citizens of the European Union. Intensification of the European integration processes has become one of the milestones in the modern history, an event that shifted the balance of power in the contemporary international environment. It has also had profound effect on the lives of communities that participate in the process that has been shaping the united Europe<sup>1</sup>.

The European Union is considered to be a great opportunity as well as a great challenge for all communities involved in the project, the latter especially for those which after disintegration of the USSR gained their independence. This event, together with the collapse of the so-called Eastern Block freed the countries in question from Russia's political, military and economic influence and made them seek new identities and new forms of social, political and economic existence. The bonds that had existed until that time, formed upon artificial bases were questioned: this community had been founded upon ideological and military presumptions and issued by the leaders of a certain ideological group. This emergence of a new social identity in the post-communist countries manifested itself during a period of economic crisis, political instability, and undermined the current system of values and ethical norms. All that was accompanied by inconsistencies between behavior of authorities and citizens. Therefore, realization of such principles as retiring from repressive state, granting autonomy from the authorities to societies, devolution and dispersal of power together with de-ideologization of political life and formation of participatory democracy was conducted in specific sociocultural conditions.

In search of new values that could become the basis for sociopolitical renewal and give impulse for development, the communities that had formed the Eastern Block turned towards Western Europe. It was its economic power as well as appeal of its culture, political values and politics itself that made it become the main source of civilization standards. Facing the issue of adjusting themselves to a newly emerging, worldwide civilization, the post-communist countries began rebuilding their statehood on the basis of Western democracies. The basic idea of the state was based upon the essence of liberal values: free market and democratic regime combined with the idea of freedom and subjectivity of an individual coming to fruition. What is more, integration with such political,

<sup>1</sup> Cf. A. Modrzejewski, *The European Nation State in the Face of challenges of the Postindustrial Civilization*, "Dialogue and Universalism", 6-7/2009, pp. 147-150.




economic and military organisms as NATO and the EU became the main goal of their foreign policies. All former Eastern Block communities that aspired towards becoming member-states, faced the challenges that were connected with the necessity of adaptation to integration demands, not only in the field of economy or legal systems but, most of all, in the sphere of cultural principles. The issue of adjustment and co-existence of communities of different traditions, history and cultures is generally concerned as one of the major problems of the European integration. This problem seems to be particularly visible among the states of Central and Eastern Europe that are considered to be fringes of the „proper” Europe, traditionally identified with the Western states. These countries tended to be on the sidelines of main civilizational processes, very often deprived of their sovereignty under the rule of foreign powers. The reason that they find European integration to be a great challenge is the necessity of adjusting to sociopolitical and economic system built upon Western values, as well as the need to submit to the authority of the European institutions. This necessity is sometimes perceived as loss of the newly gained sovereignty. Integration of economics and culture leading to an even more profound interdependence among communities, uniformization of lifestyles, systems, norms and values also cause centrifugal, separatist or isolationist tendencies.

Due to visible economic, cultural and social differences among the „old” and „new” EU member-states (or EU-aspiring states) the recurring issue in the discussion on integration processes is the role of Europe and the cultural values that should become the basis for creating a common sociopolitical space. Also, the question remains if new EU enlargements are not causing Europe to gradually lose its identity. Images presented by Charles de Gaulle are still vivid in the minds of many of the Western Europeans. The main concern is that if too many countries participate in the integration processes, they may become diluted, shallow and as a result – do not give the desired effect. The ongoing European integration provokes questions on Europe’s identity, its cultural values and borders. This, in consequence, leads to a question of when the EU enlargement process is going to end. These questions are particularly important in case of the Europe-aspiring states, such as Georgia, Moldova or Ukraine. These countries have reoriented their geopolitical strategy as a result of their „velvet revolutions”<sup>2</sup>.

In geographical terms, a popular way of thinking about Europe is envisioning it as a separate continent, a defined, limited territorial realm, encompassed within certain geographical borders. Despite a strong belief in the distinct character of Europe as a continent, it is not a separate landmass. Particular controversy arises concerning its Eastern borders. Eastern part of Europe is the one with no tangible border that would separate it from Asia. A different situation from that in the southern part of Europe, where the Mediterranean Sea is the border between Europe and Africa. The Atlantic Ocean sets its borders in the northern and western parts of the continent. However, the issue of European borders is also connected with the historical changeability in its geopolitical space.

European culture originates from the Mediterranean Sea Basin, where the Greek and Roman civilizations had developed. A significant role in Europe’s history was played by Rome, which according to the legend had been founded in the year 753 B.C. and grew to become the main city of Lazio, a small Italian land. The adjective derived from its name – Latin - made a historic career by giving name to the civilization that developed in Western Europe on the ashes of the Ancient world. Until


<sup>2</sup> A. Modrzejewski, *Zastosowanie teorii Alvina Tofflera w wyjaśnianiu konfliktów społecznych (na przykładzie „pomarańczowej rewolucji” na Ukrainie)*, In: *O rewolucji. Obraz radykalnej zmiany społecznej*, K. Brzechczyn and M. Nowak [eds.], Poznań 2007, pp. 265-267.



the 16<sup>th</sup> century, the Latin language inherited from the Ancient Romans had served as an international means of communication to communities of which the Latin civilization consisted of. Rome reigned the world that surrounded the Mediterranean Sea and was guarded on the outside by the limes. Ruling the coasts of the Mediterranean Sea, the Romans considered it to be an internal reservoir. For several centuries, until 7<sup>th</sup>-8<sup>th</sup> centuries the whole of the Mediterranean Sea Basin was considered to be one geopolitical organism. The terms Europe, Asia and Africa in Ancient times referred basically the north-western, eastern and southern coasts of the Sea. The Roman rule over this area and the road net connecting provinces of the Empire helped Western Europe, as well as the Mediterranean and Black Seas areas to become a unified political, economic and cultural organism.

Therefore, the Mediterranean Sea Basin has been considered to be the Roman-centred Europe's geopolitical horizon, first in its history. This situation started to change together with the Empire's ongoing internal decay that had begun in the 3<sup>rd</sup> century A.D. This was followed by an onrush of barbaric tribes, which began crossing the current limes of the Empire and settled within its boundaries, thus facilitating the barbarization process and increasing tensions within the state. Simultaneously, in the eastern part of the Basin, Christianity was born. It spread among all of the provinces of the Empire to dominate the state rule that had been suppressing it and, as a result of conversion of Constantine the Great, become the only privileged state religion. It was during the reign of Constantine that further division of the Empire into Western (Latin) and Eastern (Greek) provinces occurred, fueled by the earlier reforms of Diocletian. Constantine widened the gap between the two parts of the Empire and reinforced its duality. This had been represented by language and economic differences that were later accompanied by those of political and military origin. By moving the capital city to Constantinople Constantine diminished the political role of Rome, the old Latin and pagan capital. He did this in favor of Constantinople, the new Christian and Greek capital. Apart from the North-South (civilization-barbarians) divide a new rift was created at the very core of the Roman civilization – the one dividing it into East and West. The beginning of the 5<sup>th</sup> century witnessed the final breaching of the limes by the barbaric tribes. The Latin-speaking, western part of the Empire was systematically flooded by Germanic tribes that settled in different areas and founded new kingdoms there. On the other hand, the Greek-speaking East faced Slavic raids at its northern boundaries together with expansion of Islam to the south. With the collapse of the Western Roman Empire, Europe lost central authority, diversification of languages and cultures began and the minutely developed road net decayed. This was followed by a collapse of major cities and a general decline of civilization. Regardless of the fact, this period is known for the progress of Christianization among barbaric kingdoms and development of a new society, a European civilization, founded upon the ashes of the Roman Empire. A civilization in forming of which the Church and Christian religion played a crucial role.


Due to division of the Roman Empire, the medieval Europe developed a bipolar system of ecclesiastic, political and cultural relationships: Roman and Byzantine. Both systems struggled for influence at the same time being the heritage of Greek-Roman civilization and their range determined the geopolitical horizon of the medieval Europe, which during the Middle Ages had been determined by the Mediterranean Sea Basin. The new European space, however, opened not towards the Mediterranean Sea but rather towards the northern and eastern parts of the continent that had before been outside the boundaries of the Empire. The geographical center of this Europe, stretched between the Pyrenees and the Elbe estuary, was located west of Rhine, in Aachen, in Charlemagne's capital city.



Until the end of the 11<sup>th</sup> century, for a brief moment in history the idea of crusades gave hope for those that had believed the Mediterranean Sea to be the part of the European world. Turkish conquests that followed the failure of the crusades caused the Byzantine Empire to collapse and Islam-worshipping Turks to overpower Asia Minor and Balkans, which resulted in “pushing” Europe away from the Mediterranean Sea. Despite the fact, no attempts to change the unfavorable situation at its eastern frontier were made. After two years of crusades the fall of Acre (*Akka*) in 1291 marked their final defeat in the eastern part of the Mediterranean Sea. In 1453 the fall of Constantinople caused Europe the loss of Asia Minor, Balkans followed soon. However, at the same time the Europeans took almost whole Iberian Peninsula away from the Muslims, which moved the European center of gravity to the Atlantic Ocean. Time of oceanic expansion began for the European civilization and the Atlantic journey of Christopher Columbus in 1492 that led to the discovery of America became its symbol. Geographical discoveries of the 15<sup>th</sup> century directed Europe outwards and the Mediterranean world began to be treated as periphery. Faced by the Turks in the east, the 15<sup>th</sup> century Europe sets off to conquer the oceans. Replacing the traditional Levantine trade route by the Atlantic one marked the changing European geopolitical horizon. The Atlantic countries, Portugal, Spain, England, the Netherlands and much later France, began to play the key role in the “new” Europe. These countries took over the current European political centers: Germany, Italy or the Byzantine Empire. The European world became an “Atlantic” world, and such identity proved to have dominated the traditional, ancient Mediterranean one. The center of economic and civilizational changes was now located in Western Europe. The central and eastern parts of the continent began to be considered as Europe’s rim and were very often as being not European at all.

The age of great geographical discoveries had strong influence on the history of Western Europe. New mental horizons emerged and socioeconomic transformations occurred; Europe became the cultural center of the world; the flow of its citizens expanded geographic horizons; new territories were discovered and subordinated; this phenomenon reached even the oldest of the civilizations. The age of European expansion that lasted over 400 years had been the cause of subordination of other continents and civilizations that inhabited them to the European civilization. “Europeization” of the world began. Masses of Europeans setting off in search of wealth and new territories fueled the foundation of great European imperial colonies. They also participated in murdering or subordination of peoples of other continents, such as North America or Australia, that were later colonized by European population.

Europe entered the 20<sup>th</sup> century being a world power. Regardless of the increasing role of the USA and the Russian Empire, it was the European powers that played a dominant role in the geopolitical sphere of the world, and European rule encompassed all continents. After including into its civilization, via occidentalization, the Orthodox: Russia, Greece, Romania, Serbia and Bulgaria, Europe’s attention turned towards Turkey. For a long period of time in history, Turkey threatened Europe’s eastern boundaries, therefore European powers’ pressure on that country increased, driving it off from Europe and causing it to lose its European provinces. In their place new, independent states emerged: Serbia, Bulgaria and Greece. In the first half of the 20<sup>th</sup> century Europe was devastated by two World Wars that caused the European world domination to collapse. The end of World War I brought fundamental changes to the European geopolitical landscape. The most important were the collapse of Austria-Hungary and the Ottoman Empire and the fall of the Russian Empire, followed



by the birth of the USSR. Power in the USSR was seized by the National Bolshevik Party that applied communist ideology to its actions and created a totalitarian sociopolitical system. This caused Russia to politically distance itself from the rest of the European continent. The Bolsheviks, assigning themselves the role of liberators of “the oppressed class” at a worldwide scale, set Russia beyond the European space that for them constituted a foredoomed stronghold of capitalism. World War II proved to have been a particular trauma for the modern European society. As its result, the balance of power shifted throughout the world, causing changes in the state borders. The most distinct result of the war, however, was the emerging of two superpowers and major players in the international relations: the United States of America and the Soviet Union, whose rivalry on the grounds of both ideology and national interests soon began to grow stronger and more apparent. All that was accompanied by loss of Europe’s significance as center of international politics.

The struggle for dominance in Europe between the USSR and the USA resulted in the Cold War and Central Europe became its focal point. The division of Germany into two competing states, the FRG and GDR, is considered to be a characteristic of the period. As a result of the Cold War, Europe’s position in international politics deteriorated, which further reinforced the division between “two Europes” – Western, which adapted the American economic and sociopolitical models and Eastern, socialist, dominated by Soviet ideas, especially in the field of economic and constitutional solutions. Due to the fact that the Soviet sphere of influence encompassed Eastern Europe, thus rendering it internationally subjectless and under the influence of the USSR, the notion of Europe had once more become identified with the continent’s Western, Atlantic part. Having been torn apart in such a manner, Europe was not able to decide upon its own fate. The loss of international significance, however, acted as an incentive for European countries to cease its internal disputes in favor of reconstructing the European space as an important element in the worldwide balance of power. Economic, military and political integration was considered the preferred means of achieving this goal. Such conditions triggered an intense debate over new ideas of regional integration, both economic and political. Two states that had to that point been mutually hostile became the initiators of and a focal point for greater integration: France and Western Germany. After increasing its potential in the 1960s and 1970s, Western Europe became fully capable of securing its interests, thus gradually becoming one of the most developed regions of the world in terms of economy, technological progress or security. Further enlargement enabled the international public opinion to proclaim the rebirth of Europe, shaping of a new European identity and a possibility for Europe to play a leading role in the international politics. Such new, unified Europe had sufficient potential to once more become one of the leading powers and, on the verge of the 21<sup>st</sup> century, serve as catalyst for shaping a new world order. This could be done only by systematically expanding its influence on countries that were driven towards the EU because of its political, economic and cultural appeal.

Due to changeability of the European geopolitical sphere in time and space any attempt at defining European borders by means of physical/geographical parameters would result in failure. Therefore, as an alternative, Europe should be perceived as socio-cultural reality that, as such, forms a characteristic cultural sphere. Broadly, culture is defined as a historically developed system of life norms that all individuals in a certain community are inclined to share. According to this approach, culture may be defined as a code of behaviours that members of a particular community reproduce and which distinguishes it from other communities. All in all, culture may be considered a way of living, unique to a particular community.

When attempting to define European cultural identity it is the ancient heritage of Roman and Greek cultures together with Christian values that is considered to be its foundations<sup>3</sup>. Christianity in particular played a unique role in the process. For more than ten centuries it shaped the identity of the continent into what now we would refer to as the cradle of European identity. The Christian Church served as a promoter of intellectual life, supported and maintained the school system, grouped the educated, brought spiritual unity by shaping the “local”, transnational and by that – universal, European culture. In addition, the Enlightenment ideas of humanism, bonding to the motherland, family and friends occupied a crucial role in forming the European cultural heritage. Since the 17<sup>th</sup> century, the European Enlightenment thinkers encouraged the belief that diversity of human cultures, man’s right to freedom and social balance is to be respected at all times. Significant changes in European spiritual life had also been fueled by the French Revolution which by strengthening the new economic system- capitalism, promoted the ideals of liberalism. Among the most important were: defining the civil rights and obligations, acknowledging the rules of the free market as one of the basic principles of the sociopolitical and economic life, limiting the role of the state to a protector of the rights and interests of individuals, rejecting the tradition in social life, especially in context of certain privileged social classes. The American scholar Samuel Huntington in his work *The Clash of Civilizations and the Remaking of World Order* described the specificity of the Western (European) civilization. He recognized that the main institutions, customs and beliefs that can be traced back in their origin to the Western civilization were: heritage of the classical antiquity, Catholicism and Protestantism, European languages (both of Roman and Germanic origin), the separation of Church and State, the rule of law, social pluralism, representative institutions and individualism<sup>4</sup>.

In a 2008 publication: *The European Culture Area. A systematic geography*, Alexander Murphy, Terry Jordan-Bychkov and Bella Bychkova Jordan point to the distinct features of the modern European society:

1. high level of education – more than 90% of the population is able to at least read and write; the basic education is compulsory in the European countries; for comparison, in parts of Africa that adjoin Europe this rate is merely above 60%;
2. well-developed medical care – average lifespan in many European countries stretches above 70 years and the number of infants that do not live through the first year decreased to below 10 per 1000 births, whereas in the neighboring Turkey this number is 27;
3. low population growth – modern European societies do have a low birthrate;
4. urbanization – European communities are of metropolitan kind; the number of people living in urban centres of over 10,000 inhabitants exceeds 80%;
5. high standard of living – European communities are characterized by a high standard of living and are among world’s wealthiest countries;
6. industrial and post-industrial economy – while agriculture dominates in many regions of the world, Europe is industrialized and there is a visible trend towards transition to the “third wave” economy of post-industrial kind, based on knowledge and services;
7. free election – democracy as a dominant form of socio-political life<sup>5</sup>.

<sup>3</sup> Cf. A. Chodubski, *Świat wartości europejskich*, In: T. Linkner, A. Modrzejewski [eds.], *Nauka społeczna Kościoła, tradycja i kultura a Unia Europejska*, Pelplin 2004, p.13.

<sup>4</sup> S. Huntington, *Zderzenie cywilizacji*, Warszawa 2003, pp. 100-104.

<sup>5</sup> A.B. Murphy, T.G. Jordan-Bychkov, B. Bychkova-Jordan, *The European Culture Area*, Plymouth 2008, s. 9-10.



When attempting to indicate the existence of common European values, the key problem is that the term “Europe” is not precise, in geographical as well as political, social cultural and economic senses. The existing structures and organisms that constitute the European order are internally complex: constitutional differences, historical, geographical, ethnic or customary divisions manifest themselves in particular countries. Zygmunt Bauman speaks when we hear the term “Europe” it is immediately clear to us if it refers to a specific limited territorial reality, closed within borders that are minutely delineated by still-existing political treaties and legal agreements, or rather to a freely moving being that is not aware of borders, and which mocks all the spatial constraints and barriers. Such irritating etherealness and persistent exterritoriality of this “being” undermines and washes away the firm territoriality of the European reality. The geographical Europe never had its boundaries fixed and it is doubtful that it could wait until they are formed if its “essence” will be – as it has been – “free” and only loosely, if at all, associated with any particular place in space<sup>6</sup>. Polish historian and European history scholar Krzysztof Pomian also pointed that Europe cannot be placed within any particular framework, because these frames went through constant changes. And only history, oblivious of its own assumptions, may grant Europe the only and constant substance: religious, legal, economic, ethical or cultural. Because Europe’s contents had always been diverse, even if inconsistent. Their meanings and effects changed in time and differed depending on the place<sup>7</sup>.

The European ambiguity and multidimensionality impedes the processes of internal integration but at the same time is Europe’s strength, which drives different communities towards it. These communities perceive unified Europe as a chance for them for development and co-operation. The main strength of Europe is its “openness”. As Hans-Georg Gadamer points, a particular asset of Europe is its ability to co-exist with others, the need to learn how to live with other people, even if this need is not mutual. Life in Europe exists with constant presence and participation of others, and the European lifestyle is one of constant negotiations, which endures despite the differences among those that participate in it, whether actively or passively<sup>8</sup>. It is the “openness” towards “others” present within the countries of the “old” EU that enabled the former Eastern Block states to believe that they, too, were part of this great community and could become full members of the European cultural, economic, social and political sphere. When on 1 May, 2004 Poland together with other Central and Eastern European states became members of the EU, the Irish Prime minister Bertie Ahern welcomed the new member-states with these words: “Over the past years, you have been knocking on the door of Europe’s biggest family. Today, we open it (...)”.

The borders of the European sphere are not constant. The treaty that had established the European Coal and Steel Community, which was the foundation for the European Union was signed by six countries: France, the Federal Republic of Germany, Belgium, the Netherlands, Luxembourg and Italy. Today, the European Union consists of 27 states and its politicians claim that it is open to any democratic, European state with a developed market economy. The official candidates are: Croatia, Iceland, Turkey and Macedonia and the accession applications were submitted by Montenegro, Albania and Serbia. Bosnia and Herzegovina is a potential candidate as well. Because of the ambiguity of the term „Europe” it is difficult to assess which countries may or may not aspire towards becoming

<sup>6</sup> Z. Bauman, *Europa niedokończona przygoda*, Kraków 2005, pp. 12-13.

<sup>7</sup> K. Pomian, *Europa i jej narody*, Warszawa 1992, p. 5.

<sup>8</sup> Por. Z. Bauman, *Europa niedokończona...*, p. 14.



member-states. Presently, it is thought that the *Europeanness* of the EU is mostly influenced by historical and cultural factors, as well as a common identity and identification with democratic values.

Even today the European space, which has never been unequivocally defined, is constantly undergoing formation. In other words, the European borders are constantly changing and the direction of the process is impossible to predict. It has been pointed that the western borders of Europe are indisputable, because they are fixed by the coast the Atlantic Ocean, similarly to the southern part of Europe where the borders are drawn by the Mediterranean Sea. The idea of Euro-Africa was dismissed and in its place emerged the idea of Euro-Mediterranean partnership. This was based upon the assumption that cultures and realities that exist on both sides are substantially different from one another. European, North African and Mideastern states are capable of co-operation. However, they are not going to become part of a single entity. There is, however, an open question of the eastern and south-eastern boundaries of Europe. The eastern border has always been disputed – geographers usually situated it in the Ural Mountains and along the line that connects them with the Azov Sea. However, the whole Caucasian region, with Christian Georgia and Armenia, may be considered European which in consequence situates the Muslim Turkey in the European space as well. This is facilitated by its association with the EU, its efforts to join its structures and the growing significance of the Caspian Sea Basin. Russia together and its whole territory, on the other hand, because of the historical and cultural connections with the West may be considered a European, not a Eurasian country, thus stretching the European boundaries to the Pacific Ocean. Currently, the most difficult of the geopolitical challenges that Europe is facing are connected with the eastern (Russia and the post-Soviet space) and south-eastern (Turkey) frontiers. Another major issue is that of political instability in the Balkans. While the European borders are fixed in the west and south, the issue of its eastern frontier and the attitude towards Russia and Turkey remain a subject of heated discussion among the EU member-states. The greatest problem facing Europe nowadays is the problem of its structure and the issue of stance that it should assume towards countries that emerged from the post-Soviet environment (Belarus, Moldova, Ukraine, Armenia, Azerbaijan and Georgia), as well as towards Turkey. All these countries could one day become members of a „great” Europe. An interesting answer to the question of future European participation was given by a political scientist, Arkadiusz Modrzejewski in his deliberations on the European nation. He believes that the term „Europeans” is not going to denote the citizens of the EU, including the Turks, unless the European community invites this Muslim country to join it. On the other hand, a European in a broad sense will be applied to all citizens of the Old Continent, including those from non-EU countries, similarly to the concept of an „American”. This applies not only to the U.S. citizens, but to the inhabitants of both American continents as well<sup>9</sup>.

<sup>9</sup> A. Modrzejewski, *Przyszłość idei narodu europejskiego w warunkach intensyfikacji procesów integracyjnych i kształtowania się ładu ponowoczesnego*, In: T. Kuczur, A. Błachnio [eds.], *Globalizacja – naród – jednostka. Zagadnienia tożsamości kulturowej*, Toruń 2009, pp. 191-193.

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## INTEGRATION AND DISINTEGRATION OF INTERNATIONAL LAW IN THE 21<sup>ST</sup> CENTURY: BETWEEN UNIVERSALITY AND DIFFERENTIATION

### Introduction

The processes of integration and disintegration of international law in an era of globalization have attracted much attention of the international legal scholarship in recent years. A large body of work already exists on this, both classic and contemporary dimension of international law studies focusing on ‘universalism and fragmentation’, ‘unity and pluralism’, ‘fragmentation and consolidation’ or ‘unity, diversity and fragmentation’ of international law. Fragmentation and differentiation of international law, in particular, have recently become fashionable concepts, used by researchers from different areas of international law dealing with the extent to which they have challenged, or not, the unity, integrity and cohesiveness of international law.<sup>1</sup>

The overall purpose of this study is to provide a broad conceptual framework within which the two inextricably linked phenomena: universality and differentiation of international law can be properly recognized, understood and their implications for the development of international law identified. In the ‘Age of Globalization’ their complex interplay affects the ways international law is made, enforced and interpreted.

For these reasons, the paper has been divided into three parts. Part one discusses the concept of universality of international law focusing on different examples of international rights and obligations for all States and recognized by the international community of States as a whole. Part two examines the concept of differentiated international law with a special emphasis on growing fragmentation of international law and juridical diversity of States. This part is particularly concerned with the ways in which different aggregated circumstances, interests and values come to be recognized and protected by international law. The following section looks into the complex relationship between universality and differentiation in contemporary international law arguing, *inter alia*, that moving away from universality towards differentiation of international law is not always uncontroversial and not without risks. Differentiation raises the possibility of undermining the fundamental principles on which international law is based and increases the prospect of normative conflict between cross-cutting international regimes. The final part includes a series of concluding remarks.

This contribution is seeking to highlight the importance of the universal – differentiated international law dichotomy and submit that both universality and differentiation of international law

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<sup>1</sup> I. Buffard et al. [eds.], *International Law between Universalism and Fragmentation. Festschrift in Honour of Gerhards Hafner*, (The Hague: Brill, 2008); O. Casanovas, *Unity and Pluralism in Public International Law* (The Hague: Martinus Nijhoff Publishers, 2001); Mario Prost and Paul Kingsley Clark, *Unity, Diversity and the Fragmentation of International Law: How Much Does the Multiplication of International Organizations Really Matter*, “Chinese Journal of International Law”, Vol. 5, No. 2 (2006), pp. 341-370.



receive more legal significance in a globalized, heterogeneous world. Moreover, even though there is no way back from differentiation of international law, it may, if carefully managed and based on mutually reinforcing regimes, integrate rather than disintegrate contemporary international legal system. The paper suggests that some sort of reconciliation between the universal/general and differentiated/particular international law is possible and desirable. The key point of this paper is to see international law as being both integrated and disintegrated, universal and differentiated and the concepts of universality and differentiation of international law as complementary rather than mutually exclusive.

## Universality of International Law

The classical writers embraced the idea of universality and placed it into the very foundations of international law<sup>2</sup>. The Grotian tradition, for instance, is widely associated with a commitment to the universalism of international law. Grotius may thus be understood as embracing the minimum content of universally applicable rules of the *jus gentium*<sup>3</sup>.

Universality of the contemporary international legal system requires that international law, like any other regime, must have at least some general rules or principles of considerable formality binding upon all members of the international community<sup>4</sup>. Jennings holds that “there must always be some basic universal element - some general fabric of law - that binds all mankind”<sup>5</sup>. Higgins points out that “no set of legal rules exists in a systemic vacuum”<sup>6</sup>.

A classic example of the recognition of universality of international is the judgment of the Permanent Court of International Justice given in 1927 in the “Lotus” case. The Court considered that the words “principles of international law”, as ordinarily used, could only mean “international law as it is applied between all nations belonging to the community of states” and that they are the principles “which are in force between all independent nations”<sup>7</sup>.

Many writers have insisted that universalist features of international law must be enhanced. Charney, for instance, observes, there is “an expanding need to develop universal norms to address global concerns” and that “to resolve such problems, it may be necessary to establish new rules that are binding on all subjects of international law regardless of the attitude of any particular state”. He also adds that “all states, as members of the international legal system are bound by the secondary rules of international law, rules governing the process by which rules of international law are established”<sup>8</sup>. Villapando too, discusses the phenomenon of the emergence of community interests in international law attributing it to a shift from “an egotistic rationale to a sense of togetherness and the pursuit of

<sup>2</sup> On universality of international law as understood by its founding fathers see e.g. L.C. Green, *Is There a Universal International Law Today?*, “Canadian Yearbook of International Law”, no. 23, (1985), pp. 3-5. See also G. Schwarzenberger, *Complexities of the Distinction between Old and New International Law. Empirical Question Mark*, In: R.S. Pathak and R.P. Dhokalia [eds.], *International Law in Transition. Essays in memory of Judge Nagendra Singh* (Dordrecht: Martinus Nijhoff Publishers, 1992), pp. 21-31. Schwarzenberger also claims that “the global character of contemporary international law is the by and end product of a persistent expansionism across five centuries by major European powers of the time”, p. 23.

<sup>3</sup> B. Kingsbury and A. Roberts, Introduction: *Grotian Thought in International Relation*, In: Hedley Bull, Benedict Kingsbury, Adam Roberts [eds.], *Hugo Grotius and International Relations* (Oxford: Clarendon Press, 1995), pp. 47-50.

<sup>4</sup> See N. Onuf, *The Constitution of International Society*, “The European Journal of International Law”, Vol. 5, No. 1 (1994), pp. 12-13.

<sup>5</sup> R.Y. Jennings, *Universal International Law in a Multicultural World*, In: M. Bos and I. Brownlie [eds.], *Liber Amicorum for the Rt. Hon. Lord Wilberforce* (Oxford: Oxford University Press, 1987), p. 41.

<sup>6</sup> R. Higgins, *The ICJ, the ECJ and the Integrity of International Law*, “International and Comparative Law Quarterly”, Vol. 52, No. 1 (January 2003), p. 6.

<sup>7</sup> P.C.I.J. Reports, Series A, No. 10 (1927), pp. 16-17.

<sup>8</sup> J. Charney, *Universal International Law*, “The American Journal of International Law”, Vol. 87, No. 4 (Oct., 1993), pp. 529-530.

goals that benefit the group as a whole”. Those common goods or values, such as peace, humanity or the environment correspond to the category of ‘public goods’ as defined in economics<sup>9</sup>.

The preference for universalism in contemporary international law can be illustrated, *inter alia*, by reference to general customary rules having equal force for all members of the international community, rules of *jus cogens*, obligations *erga omnes*, universality principle, international crimes and universal international organizations.

The concept of general rules of international law binding community of States at large is often associated with the formation of customary international law<sup>10</sup>. In the Gulf of Maine Case the International Court of Justice stated that customary international law consists, *inter alia*, of “a limited set of norms for ensuring the co-existence and vital co-operation of the members of the international community”<sup>11</sup>.

The most commonly accepted example of universality of international law is the concept of peremptory norms of international law - *jus cogens*. Article 53 of the Vienna Convention on the Law of Treaties defines a peremptory norm of general international law as “a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character”. International treaties which at the time of their conclusion are in conflict with peremptory norms of international law are void. The basis for peremptory norms of international law is that they exist in the interest of the international community as a whole, that they “do not exist to satisfy the needs of individual states but the higher interest of the whole international community”<sup>12</sup>. Even though the concept of *jus cogens* appears to be well established, its content remains controversial and, as Galicki points out, “an exhaustive catalogue of generally recognized norm of *jus cogens* in international law seems rather unproductive and unhelpful”<sup>13</sup>.

Yet another illustration that rules of international law might concern the whole international community are obligations *erga omnes*. These are obligations meant to protect the common interests of all States and are owed to the international community rather than particular States<sup>14</sup>. In the Barcelona Traction Case the International Court of Justice has clearly acknowledged the existence of obligations *erga omnes* in the following observation: “... an essential distinction should be drawn between the obligations of a State towards the international community as a whole, and those arising vis-à-vis another State”<sup>15</sup>.

Commenting on the emergence of obligations *erga omnes* and growing recognition of *jus cogens*, Simma suggests that “individualistic view of public international law relating only to the legal po-

<sup>9</sup> S. Villapando, *The Legal Dimension of the International Community: How Community Interests Are Protected in International Law*, “The European Journal of International Law”, Vol. 21, No. 1, 2010, p. 392.

<sup>10</sup> See K. Wolfke, *Custom in Present International Law*, 2<sup>nd</sup> edition (Dordrecht: Kluwer Academic Publishers, 1993), pp. 86-88; J. Charney, “Remarks”, In: *Contemporary International Law Issues: Conflict and Convergence. Proceedings of the Third Joint Conference held in the Hague, The Netherlands, July 13-15, 1995* (The Hague:1996), pp. 20-24.

<sup>11</sup> Gulf of Maine Case, ICJ Reports (1984) p. 240 and 299.

<sup>12</sup> See A. Verdross, *Jus Dispositivum and Jus Cogens in International Law*, “The American Journal of International Law” Vol. 60, No. 1 (Jan., 1966), p. 58. See also A. de Hoogh, *Obligations Erga Omnes and International Crimes* (The Hague: Brill, 1996), pp. 44-49; K. Wolfke, op. cit., pp. 91-92; G.M. Danilenko, *Law-Making in the International Community* (Dordrecht: Martinus Nijhoff, 1993), pp. 211-252.

<sup>13</sup> Z. Galicki, *Hierarchy in International Law within the Context of Its Fragmentation*, In: J. Buffard at al. [eds.], *International Law Between Universalism and Fragmentation, Festschrift in Honour of Gerhard Hafner* (The Hague: Brill, 2008), pp. 47-48.

<sup>14</sup> See A. de Hoogh, op. cit.; C. Annacker, *The Legal Regime of Erga Omnes Obligations in International Law*, “Austrian Journal of Public and International Law”, Vol. 46 (1994), pp. 131-166; Christian J. Tams, *Enforcing Obligations Erga Omnes in International Law* (Cambridge: Cambridge University Press, 2010).

<sup>15</sup> Barcelona Traction Power & Light Co. Case (Belgium v. Spain), ICJ Reports (1970), p. 33.

sition of individual states is giving way to a new perception of international law, which pays more attention to the communitarian aspect of the world order<sup>16</sup>.

Another example of the universal dimension of the contemporary international law are two inter-related institutions of international criminal law: universality principle and international crimes. The universality principle concerns States' jurisdiction over certain crimes, in particular, crimes which threaten the international community as a whole and which are recognized as crimes in all States, as "international crimes"<sup>17</sup>. The concept of 'international crimes' appeared in the 1976 Draft Articles on State responsibility of the International Law Commission. Draft Article 19(2) provided that: "An internationally wrongful act which results from the breach by a State on an international obligation so essential for the protection of fundamental interests of the international community that its breach is recognized as a crime by that community as a whole, constitutes an international crime". Paragraph 3 gave examples of serious breaches of international obligations where international crime may result<sup>18</sup>. However, Draft Article 19 has not been included in the final draft adopted by the International Law Commission in 2000.

It was replaced by the concept of 'serious breaches of obligations under peremptory norms of general international law'<sup>19</sup>. The concept of international crimes found its manifestation in the process of the establishment of the International Criminal Court and acceptance of the principle that individuals committing international crimes should be held personally responsible to the entire international community. Article 5 of the Statute of the International Criminal Court, dealing with crimes within the jurisdiction of the Court, stipulates that "The jurisdiction of the Court shall be limited to the most serious crimes of concern to the international community as a whole". The Statute provides for the jurisdiction of the Court with respect to the crime of genocide, crimes against humanity, war crimes and the crime of aggression, once aggression is defined and relevant amendment to the Statute properly introduced<sup>20</sup>.

Finally, universality of the contemporary international law could be illustrated by the establishment and proliferation of universal international organizations. Universality of the United Nations stems not only from the fact its membership increased to the point of almost complete universality but also from its purpose to take appropriate measures to "strengthen universal peace". The Charter of the United Nations includes, among other basic principles listed in Article 2, the principle of universality which means that "The Organization shall ensure that states which are not Members of the United Nations act in accordance with these Principles so far as may be necessary for the maintenance of international peace and security" and an integrating Article 103 which provides that "In the event of a conflict between the obligations of the members of the United nations under the present Charter and their obligations from under any other international agreement, their obligations under the present Charter shall prevail".

<sup>16</sup> B. Simma [ed.], *The Charter of the United Nations. A Commentary* (Oxford: Clarendon Press, 1995), pp. 137-138.

<sup>17</sup> P. Malanczuk, *Akehurst's Modern Introduction to International Law*, 7<sup>th</sup> edition (London: Routledge, 1997), p. 112.

<sup>18</sup> International Law Commission. Draft Articles on State Responsibility, In: D. J. Harris, *Cases and Materials on International Law*, 4<sup>th</sup> edition (London: Sweet and Maxwell, 1991), pp. 462-463.

<sup>19</sup> J. Crawford, *The International Law Commission's Articles on State Responsibility. Introduction, Text and Commentaries* (Cambridge: Cambridge University Press, 2005), pp. 242-248 and 344.

<sup>20</sup> On controversies related to this topic see R. Higgins, *Problems and Process. International Law and How We Use It* (Oxford: Clarendon Press, 1994), pp. 56-65.

The International Court of Justice too, is commonly recognised as “The World Court” on account of its “universality of membership and orientation”<sup>21</sup>. Green contends that it is the only institution that may have a role to play in the elaboration of universal international law<sup>22</sup>. Universality of the United Nations is believed to be its greatest strength and source of legitimacy<sup>23</sup>.

All international legal institutions which have been mentioned so far, clearly illustrate the universalist dimension of contemporary international law, a degree of its integration and common legal interest in dealing with problems of global concern. The universalist inclination of contemporary international law can hardly be denied even though one can easily find sceptical views as well. The historic assumption of international law having a universal character can no longer be taken for granted. Green, for instance, points out that uniformity needs to be reformulated and that:

“even if we are prepared to accept that there was in the past a universal international law, there is little hope that we will ever see its existence again. There will be almost certainly an increasing fission into regional and political groupings. Perhaps the wisest approach is to accept this fact and abandon the pretence that consensus in the United Nations or adoption of conventions that stand little chance of general, let alone universal, ratification is the route towards establishment of an international rule of law”<sup>24</sup>.

The real meaning of universality of international law is rightly described by Jennings when he suggests that “it is vital above all to keep constantly in mind that the first and essential general principle of public international law is its quality of universality; that is to say that it be recognized as a valid and applicable law in all countries, whatever their cultural, economic, socio-political, or religious histories and traditions”. He has also observed that “universality does not mean uniformity but rather richness of variety and diversity”<sup>25</sup>.

Does general, universal international law really matter? Crucially, the examples cited above clearly illustrate that the growth of international law has always been, at least partly, based on the concept of universality and that preference for universality of international law is not contested among states. On the contrary, all states agree that all states are bound by norms and principles of general international law. However, the paradigm of ‘uniform international law’ that requires all states to participate, the idea that all members of the international community develop their international legal rights and obligations at the same time and speed are simply unattainable in the 21<sup>st</sup> century.

## Differentiated International Law

The concept of differentiation plays an important role in the development of international law. This part attempts to deal with some of the complicated questions that arise from the fact that contemporary international law is increasingly differentiated. Differentiation, understood as a process by which norms of international law undergo a change from a general towards a more specialized form or function has penetrated into the very foundations of contemporary international law. States appear to accept differentiation as an addition rather than an alternative, supplementing though not

<sup>21</sup> T.O. Elias, *Perspectives of the New Trends in Contemporary International Law*, In: R.S. Pathak and R.P. Dhokalia [eds.], *International Law in Transition. Essays in Memory of Judge Nagendra Singh* (Dordrecht: Martinus Nijhoff Publishers, 1992), p. 161.

<sup>22</sup> L.C. Green, *supra* note 2, p. 25.

<sup>23</sup> See C. Schreuer, *Regionalism v. Universalism*, “The European Journal of International Law”, Vol. 6, No. 3 (1995), p. 478.

<sup>24</sup> L.C. Green, *supra* note 2, p. 32.

<sup>25</sup> R.Y. Jennings, *supra* note 5, pp. 40-41.

replacing, universality of international law. At the beginning of the 21<sup>st</sup> century differentiation seems to be much more an integral part of international law than it has ever been before. Differentiation may take many different forms. It may be spatial or functional, permanent or temporary, *de facto* or *de jure*. There is nothing that would legally forbid differentiating legal rights and obligations and developing particular international law.

Differentiated international law is increasingly specialized and fragmented. Without going into greater detail, fragmentation of international law may be defined as a process by which different subject areas are regulated by legal rules of different character, often originating from different legal sources. Fragmentation of international law leads to the emergence of specialized and even relatively autonomous rules or sets of rules and legal institutions. Although such fragmentation of international law seems to be an inherent, a “natural” component of its development and indeed, international law has always been relatively “fragmented” due to the diversity of actors who participated in it, its intensity today has reached a point that attracts the attention of both international law scholars and practitioners alike. Fragmentation has become a fashionable concept used frequently by international lawyers, including the UN International Law Commission (ILC).

The phenomenon of fragmentation of international law attracted attention from members of the UN International Law Commission, who in 2002 decided to include the topic in its programme of work. The decision was based on a comprehensive feasibility study conducted for the Commission by Gerhard Hafner. His report on “Risks Ensuing from Fragmentation of International Law”, an integral part of the Commission’s 2000 annual report, set a framework for its works<sup>26</sup>.

The works on fragmentation of international law were carried out by a study group established by the Commission. The Group was chaired by Brunno Simma and after he was elected a judge of the International Court of Justice, he was succeeded by Martti Koskenniemi both of whom have also extensively published on different aspects of fragmentation of international law<sup>27</sup>.

The outcome of the Commission’s four-year work is a comprehensive, consolidated report of the Study Group finalized by Professor Martti Koskenniemi in 2006. The Report – “Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law” was compiled on the basis of outlines and reports produced over the course of four years of work by Professor Koskenniemi himself (*on lex specialis* and the question of ‘self-contained regimes’), by Professor Riad Daoudi (on the modification of multilateral treaties between certain parties only), by Professor Zdzislaw Galicki (on hierarchy in International Law: *jus cogens* and obligations *erga omnes*), Professor William Mansfield (on the interpretation of treaties) and by Professor Teodor Melescanu (on the application of successive treaties relating to the same subject-matter)<sup>28</sup>.

The question of fragmentation has been vindicated by its inclusion on the ILC’s agenda and the work of the Study Group. The adoption of the Report have inspired many analysts to look more

<sup>26</sup> G. Hafner, *Risks Ensuing from Fragmentation of International Law. Report of the International Law Commission*, Fifty-second Session (1 May – 9 June and 10 July – 18 August 2000), General Assembly, Official Records, Fifty-fifth Session, 27 September 2000, Supplement No. 10 (A/55/10), pp. 321-339.

<sup>27</sup> See for instance: M. Koskenniemi and P. Leino, *Fragmentation of International Law? Postmodern Anxieties*, „*Leiden Journal of International Law*“, Vol. 15 (2002), pp. 553-579; M. Koskenniemi, *International Law in Europe: Between Tradition and Renewal*, „*The European Journal of International Law*“, Vol. 16, No. 1 (2005), pp. 113-124; B. Simma, *Self-Contained Regimes*, „*Netherlands Yearbook of International Law*“, Vol. 15 (1985), pp. 112-136; B. Simma and D. Pulkowski, *Of Planets and the Universe: Self-contained Regimes in International Law*, „*The European Journal of International Law*“, Vol. 17, No. 3 (2006), pp. 483-529.

<sup>28</sup> *Fragmentation of International Law: Difficulties Arising from the Diversification and Expansion of International Law*. Report of the Study Group of the International Law Commission Finalized by Martti Koskenniemi, A/CN.4/L.682, 13 April 2006.

closely into the problem of fragmentation of international law and has generated a rich body of empirical studies on the effects of fragmentation in more specific subject-areas<sup>29</sup>. The meaning, nature and impact of fragmentation of international law are the focus of academic attention as never before. The debate seems to be many-faceted. However, even a cursory survey of current literature reveals that for many analysts the heart of the matter has shifted from whether fragmentation exists to the limits of its application, the advantages and disadvantages of fragmentation in different subject-areas, fragmentation mechanisms, the relationship between different legal regimes and the management of fragmentation. While the reality and importance of fragmentation are not doubted, assessments of the phenomenon have greatly varied. Many analysts suggest that international law is indeed at crossroads and in the midst of substantial transformation raising some fundamental questions concerning the ways of operation of international law and its relevance. Fragmentation of international law has become an important field of study and is generally studied as a phenomenon affecting the coherence/homogeneity of international law and leading to its greater differentiation.

Another important feature of differentiated international law is its recognition of juridical diversity of states. Today's international community encompasses States belonging to different geographical, cultural, religious political, economic and ideological areas. Cassese contends that it is necessary "to look upon them (States) not as isolated monads... but against the background of their real condition and within the context of the groups to which they *de facto* belong"<sup>30</sup>. Allot concludes that "such groups are mediating structures in the relationship between the Many and the One"<sup>31</sup>. Cullet points out that "differential treatment has become a common feature of international law, but it is still disputed whether granting differential treatment has become compulsory and, if so, in which situations"<sup>32</sup>.

States' factual diversity is clearly reflected in their legal classification and differentiation. Groups distinguished because of the geographical factors or geographical proximity include regional groups such as: African states, Asian states, European states, Mediterranean states, Scandinavian states, Baltic states, or states distinguished because of their peculiar geographical location namely: coastal states, land-locked states, archipelagic states, island states, small island states, geographically disadvantaged states, Equator states, states bordering enclosed or semi-enclosed seas, states bordering straits, states with special geographical characteristics.

Groups distinguished because of cultural or religious factors include: civilized states, non-civilized states, Christian states, Islamic states. The most complex and sensitive is the differentiation of states based on political factors. This group includes the Great Powers, non-allied states, nuclear states, non-nuclear states, and also states distinguished because of their particular constitutional ar-

29 See G. Hafner, *Pros and Cons Ensnuing from Fragmentation of International Law*, <http://students.law.umich.edu/mjil/article-pdfs/v25n4-hafner.pdf>, retrieved 22/11/2008; J. Pauwelyn, *The Role of Public International Law in the WTO: How Far Can We Go?*, "The American Journal of International Law", Vol. 95, No. 3 (July 2001), pp. 535-578; J. Pauwelyn, *Conflict of Norms in Public International Law - How WTO Law Relates to Other Rules of International Law*, (Cambridge: Cambridge University Press, 2003); C. P. Carlarne Good Climate Governance: *Only a Fragmented System of International Law Anyway?*, "Law & Policy", Vol. 30, No. 4 (published online 16 September 2008), pp. 450-480; H. van Asselt, F. Sindico, M. A Mehling, *Global Climate Change and the Fragmentation of International Law*, "Law & Policy", Vol. 30, Issue 4 (September 2008), pp. 423-449; A. van Aaken, *Fragmentation of International Law: The Case of International Investment Protection*, "University of St. Gallen Law School, Working Paper" No. 2008-1, <http://ssrn.com/abstract=1097529>, retrieved 1/06/2009; M. Prost, and C. P. Kingsley, *Unity, Diversity and the Fragmentation of International Law: How Much Does the Multiplication of International Organizations Really Matter?*, "Chinese Journal of International Law", Vol. 5, No. 2 (2006), pp.341-370, <http://chinesejil.oxfordjournals.org/cgi/content/full/5/2/34>, retrieved 1/06/2009; R. Higgins, *supra* note 6, pp. 1-20.

<sup>30</sup> A. Cassese, *International Law in a Divided World*, (Oxford: Clarendon Press, 1994), p. 105.

<sup>31</sup> P. Allott, *Power Sharing in the Law of the Sea*, "The American Journal of International Law", Vol. 77, No. 1, (Jan., 1983), p. 6.

<sup>32</sup> Ph. Cullet, *Differential Treatment in International Law: Towards a New Paradigm of Inter-state Relations*, "The European Journal of International Law", Vol.10, No. 3 (1999), p. 576.

rangements, or arrangements based on international law such as: federal states, confederation, real union, unitary states, associated states, vassal states, protected states, protecting states, neutral states, and permanently neutral states. It also covers division of the world into Western states, socialist, in the past, states and developing or Third World states.

Equally complex is differentiation of states based on economic factors e.g. level of development, state of the economy and income. Within this group, we find developed states, developing states, centrally planned economies, least developed states, low income states, middle income states, high income states, newly industrialized developing states.

It must be also noted that groups and categories of States, and legal regimes reflecting their particular rights and obligations often overlap, are fluid, more or less permanent, and more or less coherent. States can also be re-classified, can move from one group to another, can lose or acquire international legal rights and obligations associated with a particular regime. This re-allocation is more likely with groups distinguished because of political or economic factors, it may, however, happen even with groups based on geographical considerations (Ethiopia, for instance, has become a land-locked state).

The tendency towards differentiation, towards functional specialization of regulatory regimes seems to be particularly strong in the field of the law of the sea. Nothing can equal the 1982 Convention on the Law of the Sea in scope, sophistication and universality but also formulation of many provisions in terms of classes of states based on their actual characteristics. Out of more than one hundred different categories of states and corresponding regimes identified, almost 60 originate from the United Nations Convention on the Law of the Sea alone. Allott has identified 57 categories of legal persons and 58 legal sea areas recognized by the Convention, many generating corresponding regimes<sup>33</sup>.

Another aspect of legal differentiation of States is functions differentiation performs. One of them has been already mentioned - to mirror the factual diversity of States and provide the way in which different group interests come to be recognized as valid and protected by international law. Another function can be identified as to overcome particular disabilities of States; disabilities associated with states' geographical location or development. International law is often seen as a means to compensate states' extralegal differences, to reconstruct the reality in order to do justice<sup>34</sup>. Still another function of legal differentiation of states is that it provides a certain organizational and institutional structure for their specific rights and obligations.

It can be concluded that the real international legal status of a State, as opposed to the formal status derived from general international law, is derived from the position a State occupies in different internationally recognized and protected groups and categories. To describe international legal personality of a State it is, therefore, not enough to say it is a state with all its rights and obligations associated with statehood. It is necessary to identify its specific international legal rights and ob-

<sup>33</sup> P. Allott, *supra* note 31, p. 28.

<sup>34</sup> T. Koh, the President of the Third United Nations Conference on the Law of the Sea considered this as one of the fundamental objectives the Conference has achieved. In his words: "Though far from ideal, we can nevertheless find elements of international equity in the Convention, such as revenue sharing on the continental shelf beyond 200 miles, giving land-locked and geographically disadvantaged States access to the living resources of the exclusive economic zones of their neighboring States, the relationship between coastal fisherman and distant-water fisherman, and the sharing of the benefits derived from the exploitation of the resources of the deep sea-bed". A Constitution for the Oceans", Remarks by Tommy K. B. Koh of Singapore, President of the Third United Nations Conference on the Law of the Sea, The Law of the Sea. United Nations Convention on the Law of the Sea, United Nations, New York 1983, pp, XXXIV.

ligations derived from the international legal status of groups and categories that state belongs to. It is also necessary to add that legal differentiation of States must be justified and based on objective differences among States. This is the mechanism by which factual diversity of States is being recognized and translated into their legal diversity. Different aggregated interests come to be recognized by international law and groups of States come to be recognized as new categories of legal subjects endowed with special rights and duties or particular legal regimes under international law.

The point to be made to conclude this part is that differentiation through fragmentation and recognition of juridical diversity of states has become an integral part of contemporary international law, making its application a difficult task compounded by the fact that international law has become a complex web of the law, a legal mosaic. The legal map of the world too is increasingly complex and fragmented and represents a patchwork of legal regimes.

### Universality vs. Differentiation in International Law

Does differentiation constitute a threat to the unity of international law? Universality of the international legal system remains, unquestionably, one of the fundamental principles of contemporary international law. Although the growth of international law was in part based on the concept of universal law, norms acceptable for all states, on all matters are simply no longer attainable. Charney, seems to be absolutely right when he contends that “the traditions of the international legal system appear to work against the ability to legislate universal norms”<sup>35</sup>. The 2006 Report of the Study of the International Law Commission clearly represents this view claiming that: “What once appeared to be governed by “general international law” has become the field of operation for such specialist systems as “trade law”, “human rights law”, “environmental law”, “law of the sea”, “European law” and even such highly specialized forms of knowledge as “investment law” or “international refugee law”, etc. - each possessing their own principles and institutions<sup>36</sup>.

It is hardly surprising then, that international law exhibits both universal and particular features and, since universal rules binding all States are often seen as being weak, incoherent and ineffective, legal classification and differentiation in international law are increasingly called for. In recent years, international law is increasingly becoming a system where universality and particularity are inextricably mixed up and the general cannot be divorced from the particular. International law today, to a much greater extent than before takes into consideration the whole variety of systems and values, acknowledges the existing differences. Consequently, much of today’s international law is special rather than general.

On the other hand, a growing appreciation of the diversity of the members of the international community raises uncertainty about the role of particular international law and the many forms it assumes, as well as international law’s ability to absorb differences. The border line between the general and the particular too, becomes increasingly blurred. Casanovas, who defines general international law as applying “universally to all States” and particular international law as exclusively applying to some of them admits that the distinction between general and particular international law is ‘somewhat simplistic, “rather poor and rudimentary”<sup>37</sup>. Furthermore, as Higgins observed

<sup>35</sup> J. Charney, *supra* note 8.

<sup>36</sup> ILC Study Group Report, *supra* note 28.

<sup>37</sup> O. Casanovas, *supra* note 1, pp. 414-415.





many years before the International Law Commission included fragmentation of international law on its agenda “the development of a cohesive, universal international law is made that much harder when legal judgments are in the hands of a wide range of unrelated, specialised and frequently ad hoc courts and tribunals”<sup>38</sup>.

On the question how international law should resolve potential conflicts in the implementation of norms protecting both community and individual interests, Villapendo claims that “the answer cannot be based on a straightforward presumption that community interests shall prevail over individual interests “. On the contrary, he claims, we witness a situation of equilibrium between the protection of community and that of individual interests<sup>39</sup>. Ratner contends that “This differentiation reaches its limits when it runs up against jus cogens”<sup>40</sup>.

A law that would fail to articulate and recognize the differences between fact-situations or between the interests or values that appear relevant, in particular, problem-areas would seem altogether unacceptable. Under these circumstances, differentiation of international law seems, perhaps, inevitable and becomes more important as the international community becomes increasingly heterogeneous. On the other hand, differentiation of international law increasingly leads to the possibility of normative conflict between different particular norms and regimes. Even though normative conflict in international law is not a new phenomenon and international law seems to be well equipped to secure its consistency and homogeneity, a meaningful dialogue between general and particular international law as well as new harmonization techniques may be called upon in order to maximise its ability to absorb diversity.

## Conclusions

The first point to be made here is that since the end of the Second World War, the scope and content of international law has changed beyond recognition. In a relatively short period of time, the dramatic increase in membership led to a greater heterogeneity of the international community composed of states whose historical, geographical, economic and political conditions are widely divergent and conflicting. It also encompasses States with different attitudes towards international law. These challenges raise profound questions for international lawyers, practitioners and scholars alike.

International law is increasingly being called upon to deal with a greater variety of problems than ever before, including growing disparities in wealth and power, and to reflect the diverse interests and perspectives of different groups of states and non-state subjects of international law. There is a general tendency of contemporary international law to be reflective, and often corrective, of the growing diversity of States.


In recent years, there has been a noticeable move away from universality towards differentiation of international law through its fragmentation and rapidly growing juridical diversity of states. Contemporary international law is much more complex and differentiated than in the past. Much of what was traditionally regarded as a domain of general international law is increasingly differentiated in

<sup>38</sup> R. Higgins, *Conflict of interests: International Law in a Divided World* (Chester Springs: Dufour Editions, 1965), p. 94

<sup>39</sup> S. Villapendo, *supra* note 1, p.

<sup>40</sup> S. R. Ratner, *Regulatory Takings in Institutional Context: Beyond the Fear of Fragmented International Law*, „The American Journal of International Law“, Vol. 102, No. 3 (July 2008), p. 524.





time and space and substance. International law will continue to be confronted with the reality of differentiation since, in many areas, objectives sought by states are better achieved by differentiated rather than universal norms. Differentiation may create problems of coherence in international law and constitute a threat to the unity of the international legal system. It becomes uncertain how to bring differentiation into conformity with general international law and, more importantly, whether general international law can withstand the proliferation of differentiation. However, growing protection of community interests in international law seems to suggest that, even if international law becomes more differentiated, general international law will persist. Carefully managed differentiation and some sort of peaceful coexistence between the general and differentiated international law would not lead to disintegration of the international legal system, but it would rather increase in importance.

The principle of differential treatment has become a common feature of contemporary international law-making. Although the model of differentiated international law incorporates a wide range of interlocking normative spheres and represents a departure from the traditional, universalist model of international law, it does not, however, lead to disintegration of international law into particular/special international laws. Still, it opens the way for new conceptualisations of international law as a differentiated, multi-level normative system/framework that embraces both universality and differentiation and provides a valuable vintage point from which the evolution of contemporary international law can be investigated.

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## GLOBALIZATION AND CYBER THREATS

The declaration of the „Global War on Terror” by George W. Bush after the 9/11 incident has once again fuelled the debate on the impact of terrorism on modern international policy. One of the „shadows” of the public concern about terrorism that has only been discussed in academic deliberations was the question of integration/disintegration impact that terrorism has had on countries subject to actions of various terrorist factions and organizations. This essay examines the impact of globalization and integration as such on an issue that is not often referred to in literature: state terrorism and particularly state cyber-terrorism.

In order to even begin an introductory analysis of the problem, an explicit definition of terrorism is necessary. Literature on the subject offers plethora of definitions, most of which are very much alike, differing only in minute details – depending on the represented scientific paradigm. The Dictionary of Homeland Security gives three definitions of terrorism:

„the calculated use of unlawful violence or threat of unlawful violence to inculcate fear; intended to coerce or intimidate governments or societies in the pursuit of goals that are generally political, religious, or ideological.

The unlawful use of force or violence against people or property to intimidate or coerce a government, civilian population, or any segment thereof, in furtherance of political or social objectives.

Any activity that is dangerous to human life or potentially destructive of critical infrastructure or key resources; is a violation of the criminal laws of the United States or of any state or other subdivision of the United States, and appears to be intended to intimidate or coerce a civilian population, the policy of a government, or the conduct of a government by mass destruction, assassination, or kidnapping”<sup>1</sup>.

It is noticeable that, as in many pieces of American literature on the subject, terrorism is referred to as any action that is taken against the state by non-state actors. Such approach discredits the possibility of including actions performed by governments as acts of terrorism. Grant Wardlaw offers a definition that alleviates this problem: (Political) terrorism is the use, or threat of use, of violence by an individual or a group, whether acting for or in opposition to established authority, when such action is designed to create extreme anxiety and/or fear-inducing effects in a target group larger than the immediate victims with the purpose of coercing the group into acceding to the political demands of the perpetrators”<sup>2</sup>. Such definition does not confine terrorism in merely sub-state or non-state groups, but allows to expand its scope to covert activities undertaken by governments that are aimed at achieving a particular goal. However, such definition also lacks certain elements and combining several definitions could create informational chaos.

Moreover, since any attempt at defining terrorism will almost inevitably invite intense criticism on any part that finds the definition inadequate, a more complex approach should be assumed in

<sup>1</sup> M. R. O’Leary, *The dictionary of homeland security*, Lincoln 2006, pp. 451-452.

<sup>2</sup> G. Wardlaw, *Political terrorism. Theory, tactics and counter-measures*, Cambridge 1982, p. 16.

order to „satisfy” the needs of the majority. This can be achieved by not merely defining terrorism in terms of behavioral or ideological concepts but, rather, by giving a framework, a „blueprint” so to speak, of certain patterns that may define particular acts of aggression as terrorist acts. One of the suggestions that appear in literature proposes two distinguishing properties of terrorism as means of recognizing a terrorist act<sup>3</sup> :

- 1 firstly, a claim that the majority of actions that might be considered terrorist in nature are performed by non-state actors, which means groups that do not represent interests of any particular government; in essence, such organizations strive to threaten the status quo by any means that they find necessary. It does not mean, however, that they are prepared to target civilians in order to achieve their goals;
- 2 moreover, defining terrorists as motivated mainly by their ideology.

Obviously, such division does not provide a complete image of the nature of terrorism. Once again, it lacks properties that would allow to encompass state terrorism within frames thereof. Many instances of state terror may be provided that do not fit in the given outline, because of their „state-nature” , but meet every other criterion for being considered a terrorist act, among them the Soviet purges of the 1930s or the communist massacres in China in the 1950s. Both instances were highly ideologized but, contrary to the common definitions, served as means of maintaining the status quo, surprising and intimidating the population. Therefore, a characteristic of terrorist activities should include both state and non-state actors. What is more, in case of state, or state-sponsored actors, an assumption must be taken that a particular group represents interests of a certain government. However, from the academic point of view, it is not simple to determine if actions undertaken by the state may be considered terrorist in their nature, or not. Having assumed the latter, for the purpose of this paper, we may proceed to the main idea of this work.

Cyberspace is becoming one of the most interesting fields of contemporary terrorist activity. It is still being underestimated as a potential security threat, especially in European and Middle Eastern countries, therefore their computer systems are particularly vulnerable to attacks. Obviously, a well-stage cyber attack may cripple the defenses of any given country, however countries such as the United States or China (especially the latter, with their „great cyber wall of China) seem to be better prepared in case of such an attack. During the past few years the world has witnessed several major cyber attacks that were unofficially connected to state activities.

The first example of such an attack is an attempt to penetrate secured Estonian public institutions, in hope of crippling the vital functions of the country. Russia was accused of this three-week attack. This cyber war is thought to be „the first known incidence of such an assault on a state, (...) causing alarm across the western alliance, with NATO urgently examining the offensive and its implications<sup>4</sup>”.

The following, simplified, diagram presents the co-relations between the national cyber-structure and the national infrastructure, as well as presents the potential channel through which an attack may occur. This should be complimented by an indication of possible physical attacks on the infrastructure that may result from a cyber-attack, however for the sake of this paper it has been omitted<sup>5</sup> .

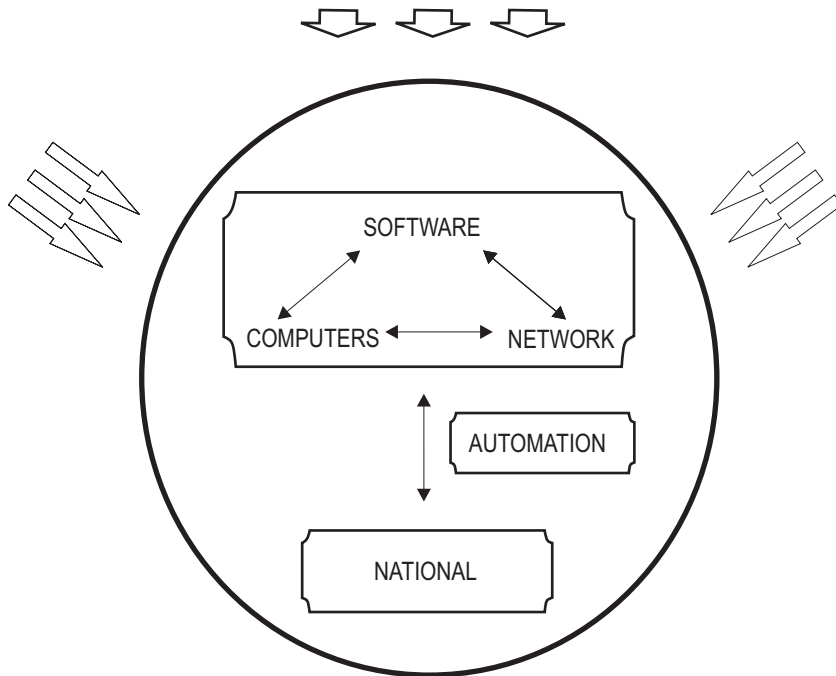
<sup>3</sup> K. Żukrowska, *Pojęcie bezpieczeństwa i jego ewolucja*, In: *Bezpieczeństwo międzynarodowe. Teoria i praktyka*, Warszawa 2006, pp. 27-28

<sup>4</sup> <http://www.guardian.co.uk/world/2007/may/17/topstories3.russia>.

<sup>5</sup> E. G. Amoroso, *Cyber Attacks: Protecting National Infrastructure*, Elsevier Inc. 2011.



## INDIRECT CYBER ATTACKS (viruses, malware, worms)



Based on: E. G. Amoroso, *Cyber Attacks: Protecting National Infrastructure*, Elsevier Inc. 2011, p.2.

Among other types of cyber attacks, there are hacker attacks<sup>6</sup>, botnet attacks<sup>7</sup>, and plethora of others. The so-called botnet threat is a particularly dangerous attack, since it very often unconsciously involves hundreds, thousands and even hundreds of thousands end-user machines all over the world, which are called *bots*. This threat is of particular importance in the era of globalization because it seemingly flourishes on this concept. This type of attack might be particularly appealing to terrorists: its basic principle is to use the end-user machines, very often clumsily maintained, to launch attacks that can be very harmful, because of the nature of the *bots*. An example of such an attack is the 2006 attack launched against several hundred institutions around the world by, according to the USA authorities, hackers connected with Al-Quaeda. Although the real perpetrators remained undiscovered, this attack affected some Polish systems as well. The most „renown victim” of the attack was the popular Polish news portal, „Gazeta.pl” that was attacked by over 80 thousand

<sup>6</sup> Referring to as attacks of individuals, or informal collectives of individuals, against different institutions or individual machines. „Hackers” are often referred to as „crackers”, suggesting the illegality of the latter, cf. <http://hack.pl/baza-wiedzy/encyklopedia-hackingu.html>

<sup>7</sup> E. G. Amoroso, *Cyber Attacks: Protecting....*, pp. 6-9.



single end-user machines<sup>8</sup>. However, such an attack might have also been a ruse on the part of the United States to distract, or attract, attention towards a certain issue: in this time, it was the dimming „war against terror” which until that time had not brought any visible effects, except for destabilization in the Middle East. If such assumption was correct, this might be considered an act of terrorism conducted by a state. The only effective way of protection against such attacks is educating people to secure their machines more properly and, a counter-attack launched from the „victim country”. However, in order to achieve that constant surveillance of the national Internet must be conducted and special teams of state hackers must be ready at all times.

Since a cyber attack is non-territorial in essence that is, traces of it can be removed by experienced hackers, it is extremely difficult to locate its source. This is why globalization might be considered a threat to cyber security. The net of international co-relations that has been forming for the last few years makes it even more difficult to trace such insurgents in any part of the world. Re-routing addresses, stealing IP numbers and using portable Internet access points (hot-spots) sometimes calls for drastic measures, even disconnecting entire regions (a different case, but still not invalid, to the case of Egyptian people who were disconnected by president’s Mubarak regime in answer to their activity in popular social networks). Fortunately, such an action is extremely difficult to perform. Interestingly, when performed it might also be considered as terror (in its original meaning) from the point of view of the people.

Albert Einstein once predicted that even though he did not know the weaponry of the 3<sup>rd</sup> World War, he stated firmly that World War IV would be fought with sticks and stones. It is my opinion that WW III is right now in its early stages. The threat of cyber attacks, globalization and extensive development of new technologies that follows the so-called „third wave economy” (which, in fact, is gradually turning into a „fourth wave”, the e-economy) require taking different measures. And these measures, among others, are to perfect our „virtual bunkers”, „virtual trenches” and „virtual weaponry” to fully prepare ourselves for the upcoming, 21<sup>st</sup> century virtual conflicts. Because even though we might feel secure knowing that the oblivion awaits us only in the virtual reality, the fact remains that, as the above diagram presents, one precise and well-timed attack may trigger a chain of events that would lead the entire world to collapse. Compromising of vital security systems of, for example, nuclear installations of any given country could have severe repercussions on the rest of the world. One such attempt, although only to compromise the nuclear aspirations, has already been made, supposedly, with co-operation from the USA and Israeli intelligence. They infected the Iranian computer system that was responsible for the complex operations in the Iranian nuclear facilities<sup>9</sup>. If they had controlled nuclear warheads aimed, for instance, at Israel, the following chain of events would mean a catastrophe to the community of the entire planet.

This is, of course, only a probable scenario. No intelligence office would ever confirm even an attempt to such an action. It is a fact, however, that the computer systems of the Iranian complex were infected with a virus and it would be a logical conclusion to assume 3<sup>rd</sup> party participation. Even though it is difficult to establish the people responsible, it is a clear demonstration of the immensely complex relation between globalization and cyber attacks. For a few weeks, the whole world

<sup>8</sup> <http://wyborcza.pl/1,75248,3768287.html>

<sup>9</sup> <http://www.telegraph.co.uk/technology/8274009/Stuxnet-Cyber-attack-on-Iran-was-carried-out-by-Western-powers-and-Israel.html>



was perplexed by the events that occurred in Iran and wondered what would be the repercussions of such actions. The United Nations did not react to the threat, probably because it lacks agenda for dealing with such cases. It is my belief that until a real accident occurs, the eyes of the public opinion will not turn towards the negative effects that go along with globalization and internalization of the world, and it will then be too late. Unfortunately, such „ignorance of the world” has often proven to be disastrous for the previous generations.



## PART II

# NATIONAL EXPERIENCES WITH GLOBALIZATION AND INTEGRATION PROCESSES

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### THE IMPORTANCE OF UNIVERSAL VALUES IN THE PROCESS OF POLISH INTEGRATION WITH EUROPE

The general idea of a unified Europe is to guarantee peace and stabilization within its territory. However, the issue of European territory is under constant discussion, since they have never been definite. This particularly concerns its eastern border, which has always been fluid<sup>1</sup>.

An attempt at defining European borders usually brings up three concepts. Firstly, from the fall of the Roman Empire to the empire of Charles the Great, the ruler who established monarchy, facing a threat of an Arab invasion. Later, the notion of a European was defined by knights that fought against the Arabs on the Pyrenean Peninsula. Charles the Great's heirs, divided their own territory into four large regions: Italy, Germany, Gaul and Slavonia. The river Elbe then became its eastern border: throughout the years, Hungary, the Czech Republic and Poland were added to this territory. Second concept was built on the so-called eastern schisms from July 16, 1054. Christian world had been divided into the Orthodox and Western Roman Catholic. The division ran from Adriatic to Danube, along the territory of the 20<sup>th</sup> century country of Yugoslavia; Serbians as well as Bulgarians tied with Orthodox Church, Slovenians and Croats with Catholicism. Alongside with Christianization, the civilizational border shifted from the Danube to the Arctic borders of the continent. In the Catholic circle there were Hungarians, western Slavs /Czechs, Slovaks, Poles/, Balts, Estonians and Finns; meanwhile the Orthodox sphere consisted of Romanians and eastern Slavs /Ukrainians, Byelorussian<sup>2</sup>. Russian diplomatist Wasilij Tatishchev in the beginning of the 18<sup>th</sup> century advanced the third concept, which recognized mountains and river Ural as the eastern border of Europe; with this, he wanted to include Russia within the European sphere.

Nowadays, Henry Kissinger, has intentionally stated that eastern border of Europe is along the river Bug; it turns attention, that Russia has a separate civilizational identity, its own set of principles, as well as it defines clear criteria of participation in the modern world. It is not an infrequent opinion that Russia should not belong to the European Union, because of its economic and demographic status and political intentions, which stretch beyond Europe<sup>3</sup>.

Geographically perceived, Poland's position is usually being situated as of a country between East and West<sup>4</sup>. Characteristic geological elements of natural environment /form of terrain, climate, waters, soil/ connects it with the characteristic features of the European continent.

<sup>1</sup> A. Chodubski, *Idea jedności Europy*, In: *Wektory współczesnych przemian europejskich*, B. Garbacik, R. Majewski [eds.], Gdańsk 2010, pp. 3-21.

<sup>2</sup> A. Chodubski, *O tożsamości cywilizacji europejskiej*, In: *W kręgu cywilizacji europejskiej*, Toruń 1996, pp. 21-32.

<sup>3</sup> *Integracja europejska*, K.A. Wojtaszczyk [ed.], Warszawa 2006.

<sup>4</sup> *Współczesna Europa*, S. Wojciechowski [ed.], Poznań 2004.





Adoption of Christianity in 966 strengthened Polish-European relationship; along with Christianization, new types of political institutions, patterns of organization economic life as well as system of cultures and education came into being<sup>5</sup>. In this, the expansion of Byzantines was particularly noticeable, a result of marital relationship between Otto the Great's son – Otto II with the daughter of Romanos II and sister of Basil II Bulgaroktonos – Tiffany. Otton I had already prepared his manor according to Byzantine patterns; further consolidation of the Byzantines followed in time.

The Byzantine model of power assumed the omnipotent position of the ruler and the state. In Emperor was an absolute ruler, source of the laws, highest judge, highest enforcer of the laws. He was chief commander and a deputy of God who was to attend to His earthly matters; he was head of the Church community which was identified with national organization, at what he was not considered a despot or tyrant; much attention was devoted to creating the image of the ruler as a divine person. This can be seen in the symbolic of many pieces of then art. Paintings of ruler were be exposed in temples and offices, on coins, the paintings portrayed him as sitting next to God he on the divine throne.

The Eastern patterns that penetrated the Polish grounds came to a great extent from the Byzantine Empire. This was a result of direct medieval Russian neighborhood, which was first to accept the cultural patterns from Byzantium, among others from territorial expansion. In most important 13<sup>th</sup> century it was the Mongol influence, so called timor tatarorum, from the 15<sup>th</sup> to 17<sup>th</sup> centuries - Turkish, as well as later Russian, which strongly included Byzantine identity.

For five centuries, in the Middle Age period, Poland accepted typical Western European patterns from, especially German ones; at the same time, it kept its own characteristic elements, towards which Alexander Hercen turned attention to by writing, for example: „Slavic people do not like not even idea of state, not even idea of centralization. They like to live in scattered after country they would defend communities, which preferably in front of every government interference. They hate soldier's state, they hate police”<sup>6</sup>.

It was characteristic of Poles not to attach particular importance to a strong functioning of the state, as well as its apparatus, not to mention a durable military organization; the organization of public life revolved around central councils, but also included some tendency towards anarchy. Freedom was a special value in the lives of individuals, both on micro and macro levels.

Social and political attitude, combined with Polish set of behaviours made the Polish territory a favourite settlement for representatives of different nationalities. This was encouraged by the policy of the rulers; they often encouraged foreigners to settle, viewing this as an economic advantage; the settlers represented both Western and Eastern Europe, as well as representatives of the Orient /especially Armenians and Jews/. Foreigners greatly influenced the forming of political and social institutions.

The modern times, the economic conditions, together with the discovery of America created a new division in Europe; it underlined the dualism in European development; states between the Atlantic and the Elbe forged new economic relations, meanwhile states east from the Elbe were treated, broadly speaking, by the Western countries as source of raw materials. The Jagiellonian Poland

<sup>5</sup> F. Golemski, *Kulturowe aspekty integracji europejskiej*, Warszawa 2008.

<sup>6</sup> A. Hercen, *Eseje filozoficzne*, Warszawa 1966, pp. 272-273.



played a crucial role, as the major power in Central and Eastern Europe. This all was due to its dynastic policy, as well as international activity.

Poland, as a state, in the Jagiellon's era, in the aspects of constitutional life, realized the ideas of Europe: self - government, civil freedoms and unity; a characteristic achievement, mentioned in „Spirit of Histories of Poland” by Antoni Chałoniewski: „Poland realized, maximum of freedoms and political liberties, which gave to reach themselves in borders of the time historical possibility, and she outdistance in development one's under very many regards about whole generations, many a time about whole centuries, present itself European continent”. Already in front of nations of the West – French writer Andre Liehtenberg affirms - Poland under its flag presented tolerance, individual freedom and it gave example of a rich and true civilization”. What was accomplished by other nations only in the 19<sup>th</sup> and even 20<sup>th</sup> centuries, had been part of the Polish history many years before<sup>7</sup>.

After the loss of independence, elimination of native Polish constitutional achievements followed; and so, self-government became replaced by bureaucracy, predominant in all three of the dividing states; civil freedoms became radically limited; With the passing of time, the attitudes of amicabilities, loyalties came out in the face of invaders; national uprisings, sudden efforts of fight for independence, ending with failure as well as repressions from the second half of the 19<sup>th</sup> century were started to be perceived as signs of civilization progress; moreover, they met with condemnation of rulers of Europe, including papacy. With the need of lifting the level of civilization followers of positivist ideology showed. Characteristic of that period are the words of Bolesław Prus: „... In that epoch get of top this odd generation of Poles, which saying poetical language, on „one's flag” it wrote out sentence: „Knowledge is power !”. Generation this called itself „positivists”, of principle meanwhile it was not feature of „positivists”, as they represented themselves some „betraying of country” and „hating of God”, but belief into this, that: one should to read more scientific books, and even if only popular - scientific, than poetry and romances.

One should deal more with agriculture, industry, trade, education, discoveries and inventions, rather than barren policy. „Future of the world does not lie in beautiful dreams, neither in patriotic declarations, but in persistent work; not in wars, but in civilization”<sup>8</sup>.

Building of Polish national character thinkers and politicians in the beginning the 20<sup>th</sup> century stated, among others : “We are superficial and inflammable, from here lack of resistance in relation to strange idea of takings as well as easiness, with which we surrender platitude. This bottomless foolishness, this fetishism we will not find onto West from Poland”<sup>9</sup>.

Scientific and technological progress, economic endeavours as well as ambitions towards creating a political state that the individuals of the beginning of the 20<sup>th</sup> century expressed showed that creation of organizational structures was a historical necessity. They served as co-ordination factors in social, political and economic processes throughout Europe; they were supposed to be a counteraction for crises, conflicts as well as any dangers resulting from the development of civilization; they showed politicians that along with national and regional powers, a European power should exist, administering democratic and independent institutions to control fields, in which co-operation will turn out more effective than working alone. This included: common market, currency, foreign and security policies, as well as economic and social policies.

<sup>7</sup> A. Chałoniewski, *Duch dziejów Polski*, Warszawa 1919, pp. 109.

<sup>8</sup> B. Prus, *Jakże więc jest naprawdę?*, „Słowo” 1903, no. 33-34.

<sup>9</sup> M. Zdziechowski, *Europa, Rosja, Azja*, Wilno 1923, p. 202.

France was the cradle of European structures. French politicians propagated that the survival of peaceful relations relies solely on contribution: what can be added by other states to the development of civilization organized around the European concept. They claimed that Europe would not emerge immediately, not even with a single plan. Instead, it would have been built through authentic solidarity in particular actions, and co-operation of the European nations requires elimination of secular abrasive tensions between many nations of Europe, including France and Germans. This also fuelled a debate on sharing of goods, such as coal and steel. In the year 1950, the French foreign affairs minister suggested creating a completely fresh structure for European economic co-operation. Several treaties had been signed, the most important of which was the 1992 Maastricht Treaty, which brought to life the European Union itself.

Treaty from Maastricht allowed to spread this undertaking onto the whole Europe. The EU member-states and candidate-states faced a question: how to expand the Union and at the same time preserve the character of the institution, without weakening the decision-making mechanisms and political identities? How to stimulate the desire for common life of nations with different roots and cultures, together with leaving the, so-desired among the member-states, sovereignty of each country?

Initiatives to create European Union determined that the Union will be an indirect structure of organization for international co-operation and a federation, respecting both the rule of a single state and the common rule. Unification of all democratic countries of the continent is the final calling for the Union. But this process will be gradual and dependent on the level of political and economic development of every member-state.

The contemporary conditions for membership in the European Union might be divided into:

1. Institutional stabilization (that could guarantee democratic legal system,
2. Protection of human rights and rights of national minorities,
3. Functioning of the market economy,
4. Ability to place the main pressure of competition and market strengths on the European Union,
5. Readiness to undertake the duties resulting from accession to the Commonwealth of the European Union,
6. Full understanding of aims of the Political Union as well as the Economic and Monetary Unions <sup>10</sup>.

One of the European Union's fundamental issues are the eastern matters, and its opening towards the Central and Eastern Europe, which includes Poland. The aim of this policy is to checking the development of relations between the EU and the Central and Eastern European countries before the opening of negotiations. It deals with organizational side of the adaptation process of the EU candidate-countries' institutions. Most importantly, it monitors the European Treaty implementation in terms of political and economic relations. The Treaty itself poses regular meetings to be held between the EU and the candidate-countries, allowing for discussion of crucial problems such, as the progress of political and economic reforms.

<sup>10</sup> S. Rappengluck, *New Shape of Europe. European Union Between Internal Reforms and Expansion*, Warsaw 1998, p. 148.

The Central and Eastern Europe, including Poland, wanted to benefit from the accession to the EU. Their interests included:

a/ hope of stabilization and economic growth, also connected with increase of prosperity, and the wish to export to the European Union and EFTA, b/ the desire of assurance of support and creation of economic structures; c/ the assurance of safety of national borders and stabilization in the region, d/ the need for co-operation in sectors of internal matters and applying right /especially in relationship with international crime/.

Member states of European Union opt to include the countries of the Central and Eastern Europe into the existing European structures. They argue for the need extending stable democracy in the countries of the Central and Eastern Europe, opening new markets, as well as restraint of illegal immigration to the Western European states, combating international crime, and especially guaranteeing security /creating suitable safety structures /.

Despite many favourable foundations of the Polish integration within the frames of the European Union, there are many obstacles to be faced along the way. Very essential in this level of civilization development is the attitude of a given state. On the one hand, there is Polish frankness of its transformations, on the second, there are strong conservatist leanings. Expressing civilizational frankness is only one among the wide circles of the Polish society's consciousness of membership in the universal world community. This community binds the borders of states in aim of dissolving of global problems in the spheres of policy, as well as social relations and economic life. This includes issues such, as terrorism, unemployment, protection of natural environment. Development of global civil community depends in essence on the mass communication; it defines the problems and provides with solutions to them, as the community and the feeling of universality shape.

Technical progress causes the environment of man to undergo permanent changes. Man has to make continuous new choices both in the physical and spiritual spheres. This gives birth to many tensions. Considerable number of people are not able to adapt to the constant increase of pace and immerse themselves in pathologies; some of them seek protection within small groups and local communities.

The acclaim of the result of the scientific progress is considered to be dichotomist in Poland. On the one hand, it is accepted and there is a strive for implementing it in everyday practice. On the other, within the sphere of economy exists an "informal ban" on purchasing the highest quality products, which results in the Polish technological impairment in many fields. Therefore, a certain accord exists for utilizing lower-quality products, which is for example reflected in the amount of second-hand shops.

The forming global community recognizes the superiority of the human rights and, what is more important, the national legislation. This dictates universalization of economic relations: global transportation and communication fuelled by international corporations results in the need of co-operation. This results in a deeper interest that the politicians show in terms of local issues.

The European integration process demands that every participating state adopts the legal norms of the European Convention of Human Rights, and allow the European Court of Human Rights to supervise these adaptations, thus becoming subject to its rulings. Citizen of every state has right of inquiry into one's legal processes that result from the infringement of power by the state /parliament, executive highest powers, national administration, councils, judiciary/.

The central points of determining the most important conditions for a country to become part of the European (in this case: Central/Eastern European) sphere are present in these spheres:

### **I. The sphere of economy:**

1. demassification of production, represents the more and more diversified needs of the customers: enterprises, factories and institutions, which had been forced to abandon mass production in favor of the so-called „flexible technologies”<sup>11</sup>.
2. Increased importance of the sphere of services – with its most significant slogan: „Knowledge versus capital”, it is here that the human work becomes replaced by computer systems. In the traditional spheres of production, such as agriculture, factory production, and transportation, high-tech is replacing human workforce; this causes unemployment in traditional forms of production to increase<sup>12</sup>. Processes of civilization typical for the USA it were been possible to achieve in the European reality, and as such are accepted in the Polish reality.
3. Increasing prosperity as the basic aim of management: marketing approach accompanies production of all goods and works of value. Achieving maximum profit is the aim of every activity. Individual stands up to the category of *homo oeconomicus* broadly .

### **II. The sphere of politics:**

1. Devolution. This assignment means autonomy from the central structures, encouraging the local communities, creating an extension to the councils’ institution; political challenge of liberating local community from hierarchic subordination; local powers should appear in direct elections and to come under control of one’s electors. Decentralization of power creates many decision centers on different levels, it is the condition of social needs and identification with definite political order through assurance of possibility to decide about local communities to a minimal extent; the state loses position of local monopolist in range of control of information, as ; as well as constitute of law, in more and more larger as degree it is connected international contracts and decisions. In European transformations it turns attention onto dissolving of many matters in dimension of euro regions<sup>13</sup> .
2. Formation of participatory democracy: traditional democratic institutions, such parliament, representations in macro and micro, social and political, structures of organization are do not meet the expectations: they do not fill their obligations and with this the society loses its confidence in democratic mechanisms, which causes the societies to be politically passive, indifferent or sceptical to the political life. Decreasing interest may be observed in terms of parliament campaigns; this is accompanied by lower participation. It is noticeable that the so-called political representatives waste time on useless activities, so-called politicking — intrigues, counter-intrigues of lies, and indulging themselves in their own vanity<sup>14</sup>. Activity of parliaments are commonly criticized. It can be noticed how long and complicated their decision-making procedures are; they result from debates, discussions and negotiation. Their power is degrading systematically; it attracts attention, among others, that „all authorization, which parliament administers in the face of government they can turn against him. Straight

<sup>11</sup> A.H. Toffler, *Budowa nowej cywilizacji*, Poznań 1996, p. 41.

<sup>12</sup> J. Naishbitt , *Megatrendy*, Poznań 1997, p. 33.

<sup>13</sup> *Regionalizm a globalizacja*, A. Chodubski, H. Dubrzyńska, M. Malinowski, A. Modrzejewski [eds.], Gdańsk 2007.

<sup>14</sup> E. Polak, *Przemiany cywilizacji współczesnej w sferze kultury materialnej*, Gdańsk 1996; L. Zacher, *Gry o przyszłe światy*, Warszawa 2006.

and is natural consequence of responsibility of government in front of parliament here ability of government to controlling of decision of parliament thanks influential, what does he have onto parties of government most Parliament has right to overthrow of government, but myself risks then onto danger of solution<sup>15</sup>. In changing oneself of civilization reality, and especially opened oneself more and more larger complexity, representatives stand up less and less competent in range of taking of many decision. It turns attention that „Necessity of dissolving present problems attracts a risk that public opinion and the chosen representatives of the community will not have enough qualification for understanding the situation and that it will take experts to estimate which decisions of the decision-makers were correct”. This calls for an old political truth, that in reality average people are preferred, which leads to mediocrity of governments. This does not favour forming of great leaders both in spiritual and social life. Critical sight of political reality in aspect of holding of power, creates participating individuals, this is - directly dissolving social, economic and political problems. Individual as a subject of political life participates directly in formation of social relations, it takes decisions, it dissolves critical situations etc, therefore it has to be subject of diligences and courage in working, /welfare, representation, and social matters/. Participatory democracy is of essential importance to social and political structures. They can be perceived through many different criteria; such structures should to function basing upon the rules of decentralization, autonomy from the state, be organized spontaneously and realize definite assignments and aims.

3. Replacing the philosophy of rule by the idea of harmonious co-existence: endeavours of politicians, social activists, economists and, most of all, intellectuals and different circles of society to separate themselves from hierarchic connections in favour of developing horizontal contacts. Perpendicular organization causes, that every higher level of organization usurps the privilege to exert pressure; horizontal connections delegate power to particular structures of social, political and economic life as well as individual; they cause the individual to stand up to the decision-makers and articulate their needs, as well as and dissolve problems. Functioning in horizontal structures can liberate sub-subjects, and make them co-operate. It also shapes the attitude of tolerance, understanding, frankness and such. In realization of the most important of these assignments matters that are simultaneously global and local; strengthening the local bonds / determination of space, economic, businesses, cultural/ allows accepting global challenges, especially those that come from observance of legal order that influences the civilizational development.

Confrontation of civilization challenges with present social political and economic reality permits to affirm that Poles are open towards global transformations of the world on the one hand, and on the other to the economic possibilities, social development and economic as well as cultural values that do not permit full realization of these challenges. This is one of the main characteristics of the great dichotomy in this regard. The most important factor in realization of civilizational ideas, including the process of Polish-European integration is political culture<sup>16</sup>. Among its most impor-

<sup>15</sup> G. Smith, *Political Life in Western Europe*, London 1992, p. 223.

<sup>16</sup> A. Chodubski, *Wektory przemian cywilizacyjnych a kształtowanie społeczeństwa obywatelskiego*, „Gdańskie Studia Międzynarodowe” 2010, vol. 8, no. 1-2.



tant stereotypical components are: Catholicism, romanticism, democracy, anarchism apologetics of progress as favourable factors counteracting the process of European integration; therefore, the most important factors of progress, franknesses are within the signs of the upcoming future, with a high degree of conservatism and civilizational backwardnesses.

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In essence, it seems legitimate to claim that civilizationally related accession of Poland to European Union has been conditioned by what Feliks Koneczny stated: „It is not possible to be civilized in two ways: some from civilization has to be reigning because differently fall unfailing”<sup>17</sup>. Poland from the dawn of its political history has been a diverse country: it contains elements of many cultures, including the examples of western European civilization; It is Slavic, Byzantine and Oriental in identity. It worked out most of the important constitutional elements, among which are the idea of political freedoms, self-government and unity. Elements this are essential to the contribution to the European identity.

To sum up, conditions of the Polish accession to the EU prove that maintaining a positive attitude and an appropriate pace of political changes are responsible for the unification of the world. However, at the same time they might become destructive (disintegration) factors. The most important task that stands before the uniting nations of Europe is creating a common consciousness that would allow for understanding the most important aspects of contemporary integration: globalism, European and national cultural identities, together with their mutual relations.

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<sup>17</sup> F. Koneczny, *Polska między Wschodem i Zachodem*, Lublin 1996; *Nauka społeczna Kościoła, tradycja i kultura a Unia Europejska*, T. Linkner, A. Modrzejewski [eds.], Pelplin 2004, pp. 9-33.



## STRUGGLE OF THE SLOVAK REPUBLIC TO JOIN THE EUROPEAN UNION

### Development of Czechoslovakia after the overthrow of the totalitarian regime

The Slovak Republic begins her path to democracy as part of the federal government of the Czech and Slovak Federal Republic<sup>1</sup> (CSFR), which was consisted of two close nations organized within two republics, the Czech Republic and the Slovak Republic. The first steps of democratization of the social life after the overthrow of the totalitarian regime, economic transitions happened in the common state of the Czechs and Slovaks and the common political representation. The democratization process required removal of all non-democratic structures of the old totalitarian regime and laying the foundation of democracy in the political system, legal norms, culture and the transition from centrally controlled economy to a market economy.

An important part of the democratic changes became the motto “back to Europe”, which symbolically reflected the efforts of our nations to adopt the basic principles, values and norms on which democracy was built in the countries of Western Europe, as well the power to access the community of democratic nation-states united in the European Union (EU). The representatives of the Czechoslovak foreign policy orientation is reflected in the efforts to join Europe’s most important but also the Euro-Atlantic associations – the European Union, Council of Europe, OSCE, as well as to NATO and other relevant international organizations such as the OECD. In this way the foreign policy orientation became an important part of the internal democratic changes and the further development and it formed a sort of external frame, which significantly influenced the internal processes of democratization as well.

The Czechoslovak government from that time signed an agreement on the 16.12.1991 in London establishing an association of Czechoslovakia to the European Union. The agreement contained the essential requirements which had to be met during the accession process and it created a possibility of cooperation with the member states of the union. This orientation has been accepted and supported by the Czech and Slovak politicians. However, the contract did not enter into force since Czechoslovakia fell apart.

Part of the democratization process of the political system was also the effort to build functional federation, which would guarantee equality between the Czech and Slovak nations in a common state. It required a consensus in the delegation of competences between the Czech and Slovak Republic to the joint federal authorities. Despite the numerous talks led on federal level between the executive and legislative authorities of the Republics, the current political representation<sup>2</sup> failed to find mutual friendly compromise. Therefore, dissolution of the federation brought to the establishment of two separate successor states, the Czech Republic and the Slovak Republic on the 1.1.1993.

### The emergence and development of the Slovak Republic

The development of Slovakia as an independent state begins from the 1.1.1993, the then political representation took upon the whole responsibility for further development. This led to the need for reconsideration of the economic transformation, building of democratic institutions and shaping the foreign policy orientation. Towards the roles of democratization of the society were added the task of building the

<sup>1</sup> The name of the common federal state changed several times after 1989, that is why we use the final official name of the federation.

<sup>2</sup> Czech Prime Minister at the time was Vaclav Klaus, Slovak Prime Minister was Vladimir Mečiar.



statehood, the creation of necessary state bodies and institutions. The new republic has applied to join international organization, recognition of other countries of the world community, establishment of diplomatic relations, construction of representative bodies. All this took place in times when the country lacked skilled and responsible political elite, not all elements of the plural political system were built and therefore all important issues were subject to sharp political struggle.

Both countries have declared that they are successor states of the former Czechoslovakia and therefore they relatively quickly achieved recognition from the international community, although it was necessary to re-apply for admission to the international organizations.

The political representation of Slovakia led by the then Prime Minister V. Mečiar promised to be committed to continuing the foreign policy orientation of the former Czechoslovakia, and declaring the intention of entry into the Euro-Atlantic structures. The government actually showed the initiative in this direction and the Slovak Republic on the 4<sup>th</sup> of October 1993 signed the Association Agreement on Accession to the European Union. The agreement was ratified on the 27<sup>th</sup> of October 1996 by the European Parliament and the National Council of the Slovak Republic on the 15<sup>th</sup> of December 1993. The ratification process in the parliaments of the Member States of the EU ended on the 19<sup>th</sup> December 1994 and the association agreement entered into force on 1<sup>st</sup> February 1995. By signing the agreement Slovakia assumed the commitment to fulfil all the requirements arising from the agreement and that gradually it will commit to the Community law. At the same time, in limited scope it got the opportunity to develop cooperation with the countries of the European Union on mutually advantageous basis, as well as the possibility to start drawing from some of the pre-accession EU funds.

The developments in Slovakia were marked by great political turmoil also after the emergence of the independent state. In 1992 the Movement for Democratic Slovakia (HZDS) won the elections winning 74 seats in the 150 –member National Parliament of the Slovak Republic and decided to govern alone with the tacit support of the Slovak National Party (SNS) whose president shall obtain Minister Seat in the government. Already in this period authoritarian methods began to manifest applied by the Prime Minister V. Mečiar in corporate governance, which has been a disappointment in the movement itself, and among the party members of HZDS. As a protest two groups of party members left the party<sup>3</sup> itself gradually resulted in loss of the necessary majority in the parliament for the government of V. Mečiar at the end of 1993 which forced them to resign. Interim government was formed by a broad coalition headed by J. Moravčík, who ruled with the support of the Democratic Left Party (SDL), the Hungarian minority political party and break-away group from HZDS and simultaneously with that early elections were launched in 1994.

### **Period of political turmoil in the years 1994-1998**

In the elections HZDS won again forming a coalition with the nationalistic Slovak National Party (SNS) and the left-wing extremist party Association of Slovak Workers (ZRS), which parted from the Democratic Left Party. This period in the Slovak development is evaluated as the interruption of the democratic transition, shift towards authoritarian methods, violations of law, and disregard for the political and ethnic minorities<sup>4</sup>.

<sup>3</sup> The first group led by Milan Kňažko created the fraction Alliance of Democrats, the second group led by Jozef Moravčík created the fraction Alternative of the political realism.

<sup>4</sup> S. Szomolanyi, *Kľukatá cesta Slovenska k demokracii*, Bratislava 1999. pp. 53- 54.

While in 1993 the main subject of the dialogue between the Slovak Republic and the EU was the minority issue, the protection of minority rights after the parliamentary elections of 1994 it became the very question of democracy in Slovakia, which functioning was the immediate requirement for entry into the EU. Since there were continuous violations of the democratic principles, human and minority rights, European Union's authorities sent diplomatic warnings to Slovakia that not everything in its political life is in accordance with the European ideas about democracy. The developments in Slovakia was marked with the term "democratic deficit" and meant critics of the following circumstances: long conflict relation between the representatives of the supreme constitutional institutions, attempts to resolve the conflict in unconstitutional manners by the government coalition and violations of the rule of law by the representatives themselves and even by the legislative assembly, which not only violated the Law on Rules of Procedure, but also some other laws<sup>5</sup>.

The Prime Minister V. Mečiar ignored respectively downplayed the complaints and warnings and stressed the interest of the Slovak government to fulfil the criteria for entry into the European Union. Therefore during the European Council summit in Cannes on the 27<sup>th</sup> June 1995 the application of the Slovak Republic to join the European Union was handed. The application was accompanied by a Memorandum of the Government, which states as a strategic goal to gain full EU membership in 2000.

The European Council adopted in June 1995 a document entitled White Paper – Preparation of the associated countries of Central and Eastern Europe for integration into the internal market of the EU. It was meant for six central and eastern European countries, which at that time had signed European agreements with the EU. The White Paper is a summary of proposals and recommendations for legislative practice of law approximation. It is focused on the internal market, gives calculation of other relevant laws and regulations in the four basic freedoms, free movement of goods, persons, services and capital. The review of the regulations is not exhaustive, but bares the minimum necessary for the functioning of the internal market.

In November 1995 the Joint Parliamentary Committee of the National Council of the Slovak Republic and the European Parliament was created, which met regularly and assessed the development situation in Slovakia, and it gave the necessary advises and recommendations. By February 1999 seven meetings of the Joint Parliamentary Committee took place. In early February 1996 a meeting between the Association Committee of the Slovak Republic and the European Union took place.

In July 1996 the Government of SR prepared the answers to the questionnaire of the European Commission, which formed part of the evidence base for the development of opinion on Slovakia's application for membership in the European Union. In October 1996 the President of the Slovak Republic, M. Kováč visited the European Parliament at the invitation of the President himself K. Hänsch, where he spoke in front of the Foreign and Security Committee of the European Parliament and also had bilateral talks with the President of the European Parliament as well as with the President of the European Commission J. Santer.

On the 26<sup>th</sup> November 1996 the government approved the material for the Strategy of the Slovak Republic on the implementation of EU laws in priority areas (Identification of national priorities).

<sup>5</sup> L. Kubín, *Rola politických elit pri zmene režimu na Slovensku*, Bratislava 2002. p. 100.

Subsequently in February 1997 the material of the National Programme for the approximation of laws of the SR to the EC/EU laws in the area of the internal market, in which all legislation of the EC/EU was supplemented as stated in the White Paper<sup>6</sup>.

An important condition for obtaining EU membership was the fulfilment of the Copenhagen criteria, which included requirements in political, economic and legal fields. Between the political criteria was also that the candidate country must have institutional stability as a guarantee of the democratic governance and the rule of law, as well as the respect for human rights and minority protection. In the economic field it was the creation of a market economy able to withstand the competitive pressures in the enlarged European Union. The last condition was the adoption of the Community law of the EU and demonstration of the capabilities of its implementation in practice. Evaluating the performance of these criteria was the coverage of regular reports on the progress in preparing for the accession to the EU, prepared by the European Commission every year.

Exactly the violations of the democratic principles became a stumbling block not only in the internal policy but also to the external policy of the government. The European Commission several times pointed and warned against the situation. The Union expressed concerns couple of times over the political life and expressed the expectations that Slovakia will consistently continue to move towards democratic reforms. On the 25<sup>th</sup> October 1995 the representatives of the EU sent a diplomatic note expressing concerns about the development of democracy in Slovakia. The Union with concerns perceived the tension in the country, the steps against the President, which were against the Constitution and the practice in the Union. On the 26<sup>th</sup> October 1995 the government of the USA held a demarche, which expressed the concerns over the growing intolerance of the ruling coalition to the opposition views, the political intimidation and the governmental party decisions in the process of privatization<sup>7</sup>.

The European Commission in the report on the progress of Slovakia in meeting the Copenhagen criteria expressed serious reservations with regard to Slovakia, associated with the instability of the institutions and the shortcomings in the functioning of democracy. Based on this assessment, the European Council in Luxemburg in December 1997 did not recommend opening of the accession negotiations with Slovakia. In this way Slovakia was excluded of the six candidate countries with which the accession negotiations began, which on the other hand meant that it fell from the first wave of EU enlargement. The relations between the EU and Slovakia were adapted to the individual Accession Partnership, which specifically focused on those areas of meeting the Copenhagen criteria in which Slovakia was lagging<sup>8</sup>.

Another blow for Slovakia from the perspective of the foreign policy was the NATO summit in Madrid held on the 8<sup>th</sup> July 1997, at which it was decided that Slovakia will not be invited to start accession talks with NATO. This was confirmed in late 1997, when NATO signed the accession protocols for the new Member States, excluding Slovakia because it did not fulfil the criteria for accession, mainly in the field of democracy.

<sup>6</sup> V. Kunova, *Od pridruzenia ku vstupu Slovenskej republiky do Európskej únie*, Bratislava 2001.

<sup>7</sup> M. Bútorá, F. Šekej, *Slovensko v šedej zóne? Rozširovanie NATO, zlyhanie a perspektívy Slovenska*, Bratislava 1998. pp. 34-39.

<sup>8</sup> J. Figel, M. Adamiš, *Slovensko na ceste do Európskej únie – Kapitoly a súvislosti*, Bratislava 2004, pp. 10-11.

## A new stage of development after the 1998 elections

The foreign policy failures that led to international isolation of Slovakia, together with the growth of internal political tensions, further managed to mobilize democratic forces, the opposition political parties, which were preparing for the forthcoming parliamentary elections in 1998. Survey preferences of political party suggested that the HZDS will once more be the most successful political party. Therefore, several political parties and movements decided to create broad coalition, to which they wanted to include the smaller parties so that they won't lose any of the democratic oriented votes. In an effort to thwart the intention to create broad coalition, the government adopted an amendment to the electoral law, which was taken that all coalition parties must obtain at least 5 % of the votes, thereby causing the coalition formation to become irrelevant. The opposition powers reacted to the situation, in registering a political party from a pre-electoral coalition. This is how the Slovak Democratic Coalition (originally the coalition of five parties) was formed and on its basis later the Slovak Democratic and Christian Union (SDKU). Similarly, the Hungarian Coalition Party (SMK) was formed, which was originally a coalition of three Hungarian parties.

Although HZDS managed to challenge the procedure, still they managed to carry it out and enter the elections as independent parties. Thanks to that, as well as to the fact, that a new political party entered the Parliament, the Party of Civic Understanding (SOP) it was possible to form a broad governing coalition without the participation of HZDS. Coalition was created with the participation of SDK, SDL, SOP, and Prime Minister being the President of SDK M. Dzurinda<sup>9</sup>. The government received soon after its establishment broad support from abroad, proceeded to eliminate the democratic deficit, distortions in the political and legal matters, and began restructuring the economy and the consolidation of the banking sector. Part of the democratic change was the effort to overcome the international-political isolation of Slovakia, to demonstrate in practical politics the interest to join the Euro-Atlantic structures. At this point they began the active negotiations with representatives of the European Union.

Upon the appointment of the new government of the Slovak Republic, the Prime Minister together with the Minister of Foreign Affairs E. Kukan and the Deputy Prime Minister for European Integration P. Hamžík on the 5<sup>th</sup> and 6<sup>th</sup> November 1998 made their first visit to the EU headquarters in Brussels. They discussed on the highest level with the President of the European Parliament Gil-Robles and the President of the European Commission J. Santer. The high representatives highly appreciated the democratic experience from the parliamentary elections and the positive political signals from Slovakia. The same appreciation followed from NATO in Brussels, but also from Vienna, because Austria at the time held the presidency of the EU.

The period after the parliamentary elections in 1998 characterized the beginning of a new quality of relations and rather intensive political dialogue between SR and the EU. The atmosphere of mutual contacts also changed. In 1999 the Slovak Government and Parliament to secure the decision of the European Council in Helsinki and in December 1999 already to start the accession negotiations on the basis of the recommendations in the Regular reports from the European Commission, which reflected the state of execution of the short and mid term priorities under the Accession Partnership.

<sup>9</sup> J. Lidák, V. Koganová, D. Leška, *Politické strany a hnutia na Slovensku po roku 1989*, Bratislava 1999, pp. 132-136.

Regarding the political criteria for membership in the Union, the Slovak Republic first aligned the electoral law with the decisions of the Constitutional Court. In May 1999, for the first time direct presidential elections were held, which put an end to the 15 month empty presidential seat. It was a stabilizing factor in the functioning of the political system. In July the National Council of the Slovak Republic adopted a law on the use of minority language in official communications, which was part of the harmonization of the legislation with the Constitution, the international standards and recommendations of the OSCE, the Council of Europe and the European Commission.

In this way a new stage of the negotiations with the European Union began. In November 1998 the first meeting of the Working group on high level between the Slovak Republic and the European Commission took place, whose creation was proposed at the meeting of the Prime Minister M. Dzurinda and the European Commissioner Hans Van Den Broek. The Slovak delegation was led by the State Secretary of the Ministry of Foreign Affairs Ján Figel', who later became the chief negotiator for the Slovak Republic.

On the 3<sup>rd</sup> of December 1998 the European Parliament adopted a resolution to Slovakia's candidacy for EU accession, in which it recommends a flexible approach towards the Slovak Republic. The European Parliament recommended that Vienna summit should reassess the situation after the September parliamentary elections and that the European Commission should put together a new report on Slovakia. On the 12<sup>th</sup> December 1998, a Slovak delegation led by the Prime Minister M. Dzurinda took part at the EU summit in Vienna. Another official visit to the EC headquarters took place from 3<sup>rd</sup> - 5<sup>th</sup> February 1999 led by the Deputy Prime Minister for European Integration P. Hamžík. Together with the Commissioner Hans Van Den Broek and the Vice- President of the EC Leon Brittan they evaluated the conclusions of the Joint Parliamentary Affairs Committee of the National Council of the SR and the EU as from the Association Council of the SR and EU as successful. The communiqué from the meeting gave sound support to the idea that the conditions are being made for beginning of the discussion on accession to the EU after the summit in Helsinki.

Draft for the general negotiating position was discussed by the Ministerial Council for European Integration on the 1<sup>st</sup> of February 2000 under the leadership of the Deputy Prime Minister of the Slovak Republic P. Hamžík and as participants, the representatives of the Ministry of Foreign Affairs SR, the Ministry of Finance of SR, the Ministry of Agriculture of SR, and the Ministry of Environment of SR. The Ministerial Council endorsed the general position of the Slovak Republic without any comments. It was generally agreed, that the Slovak republic will not request any exemption from the *acquis communautaire* in the various EU policies but that it will require only a limited number of transitional periods, which mainly was the result from the need to improve the performance of our economy, respectively to cut the already high financial costs to the economy.

In the process of implementation of the economic criteria we should highlight the important decisions such as restructuring and privatization of the banking sector, strengthening the financial discipline of the business sector. In the internal market a law was adopted on the State Aid Act. Act on the technical requirements and conformity of products, as well as the Public Procurement Act.

### **The opening of accession negotiations**

Following the decision of the European Council in Helsinki in December 1999, the Slovak Republic together with five other candidate countries (Lithuania, Latvia, Malta, Bulgaria, Romania), opened the negotiations for accession at the inaugural meeting on the Conference for accession on 15<sup>th</sup>

February 2000. The Slovak Republic presented here the General negotiations position for accession, in which it presented a realistic, but an ambitious plan. Slovakia has undertaken the challenge of harmonizing its legislation with the EU law and establishing an appropriate administrative capacity by the end of 2002. The Slovak Republic set the 1st January 2004 as the reference date for the adoption and implementation of the “acquis communautaire”, which was also regarded as the reference date of accession to the EU<sup>10</sup>.

To fulfil this strategy, Slovakia and the other candidate countries, the so-called Helsinki group, the principle of differentiation between countries helped in opening the negotiation chapters and as guidance in the negotiations. Our aim was to open at the beginning a larger volume of the chapters, half by the end of 2000 and all together by the end of 2001. The Slovak Republic at the beginning of the negotiations stated that it fully accepts the objectives of the Amsterdam Treaty defined in Article 2 of the Treaty on European Union and that at the time of entry in the Union it will be able to accept the acquis in the applied range. The Slovak Republic also expressed interest in the integration into the EU single market and the policies of the Community, including joining, after meeting the convergence criteria, to the Economic and the Monetary Union and adopting the single currency Euro.

Slovakia also supported the objectives of the Common Foreign and Security Policy and expressed the wish to participate in defining and shaping the European Security and Defence Policy. In the area of Justice and internal affairs Slovakia expressed interest in deepening the cooperation on border control, the area asylum and migration, as well as in the fight against organized crime, terrorism and drug smuggling already in the time of preparation for membership<sup>11</sup>.

Slovakia did not plan to ask for derogations (exceptions) from the implementation of the *acquis communautaire*. It required, however, transitional periods in those areas, where the justification came from the need to improve the performance of the Slovak economy, or to provide extensive capital investments. Such requests were not only justified, but also accompanied by a realistic plan of action steps necessary to achieve harmonization with the acquis. Key areas for the scope and content of the discussions were, in particular, matters of the internal market, transport, environment, energy, agriculture, regional policy and the coordination of structural instruments. In 2000, the Slovak Republic opened total of 16 chapters, with which it met its internal goal, to open during the first year at least half of the negotiation chapters. It managed to close 10 chapters and the next 6 chapters required further clarification from the Slovak side. In the so-called Helsinki group the Slovak Republic closed the second highest number of chapters in 2000.

At the summit in Nice in December 2000 an important document from the European Commission was adopted, so-called the roadmap, which defined a timetable of EU's priorities in the negotiations with the candidate countries over the next three presidencies – the Swedish, the Belgian and the Spanish. Slovakia intended to join the EU together with the other countries from the Visegrad group and therefore preferably attached importance to the priority chapters of the Swedish presidency, that is the chapter on the internal market (free movement of goods, free movement of people, freedom to provide services, free movement of capital) as well as on the chapters on Company law, Environment and Social policy and employment. After 17 months of negotiations Slovakia managed

<sup>10</sup> J. Figel, M. Adamiš, *Slovensko na ceste...*, p. 16.

<sup>11</sup> *Ibidem*, p. 17.

to provisionally close 19 chapters on the level of countries which are negotiating for the third year. To fulfil the negotiating objectives SR significantly was assisted by the high commitment of the Swedish Presidency and the positive atmosphere in favour of the enlargement agenda.

During the Belgian Presidency concluded further three chapters related to the EU legislation (on Energy, Environment, Financial Control), bringing the total number of provisionally closed chapter to 22. The aim of Slovakia was to close the further chapters in the Belgian calendar, specifically the chapters on Transport and Taxes. Slovakia confirmed its negotiating potential, as well as the realistic assumptions to join the EU in the first wave of enlargement in 2004. This fact was also confirmed in the summit of the European Union in Laeken, which ranked Slovakia among the ten candidate countries (Cyprus, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia) which if the expected pace of progress in negotiations continued in the same pace, were expected to be granted entry into the EU in 2004. Overall it is possible to state that the principle of regatta was successfully implemented, which in practice meant overcoming the divisions of the candidates to the so-called Luxemburg and Helsinki Group and the establishment of a new so-called Laeken Group of candidates<sup>13</sup>.

From the perspective of the Slovak Republic it was a strategic goal to implement the conclusions from the summit in Laeken and Seville, i.e. to conclude the negotiations with the EU until the end of 2002. Right in the beginning of the Danish Presidency, at the end of July, the chapter on the Regional Policy was closed. The chapter on Economic competition was closed on the October Accession conference, with which the common intention of the SR and the EU was fulfilled in completing the negotiations before the October meeting of the European Council.

Important area were also the negotiations in the last chapter Different, which incorporated questions, which are part of the EU legislation, but were not included in the previous chapters (contributions to the EU funds, the conditions for entry into the European Central Bank and the European Investment Bank, the protective measures for implementation of the obligations arising from membership).

In October 2002, the Regular Report from the European Commission was published assessing the progress of the candidate countries in their preparations for membership. The Commission recommended concluding the accession negotiations with Slovakia by the end of 2002. European Commission's opinion was subsequently confirmed by the EU Member States at the irregular meeting of the European Council on the 24<sup>th</sup>- 25<sup>th</sup> October 2002 in Brussels. The October EU summit in Brussels was a significant breakthrough in the negotiations with the EU because it created conditions for the definition of the substantive position of the EU in questions of financial character. For a designated outcome from the meeting of the European Council it is possible to mark the entitlements of the new members to receive direct payments, define the amount and modalities of their implementation, as well as the so-called financial package. In the framework of this financial package the total amount available for the structural actions was decreased for 2.5 billion Euro to a total amount of 23 billion Euro for all ten candidate countries<sup>14</sup>.

<sup>13</sup> Ibidem, p. 21.

<sup>14</sup> Ibidem, p. 26.

“Among the important moments of the negotiations could be included the decision taken by the Member States at the General Affairs Council from 18<sup>th</sup> November 2002, concerning the date of entry of the new members, which was set for 1<sup>st</sup> May 2004. With regards to Slovakia it is crucial that the payments of the Slovak Republic to the EU budget will be implemented from May 2004 and our revenue from the EU will not be abridged, i.e. in 2004 we will get, (apart from market-based instruments in agriculture) financial appropriations for the full year 2004”<sup>15</sup>.

In addition to the harmonization of the Slovak law with the European law it was necessary to change the very Constitution of the Slovak Republic (Act no. 460/1992 Collection of laws as amended or supplemented). Constitutional Act no. 90/2001, which amended and supplemented the Constitution no. 460/1992 Coll. was adopted with effect from 1<sup>st</sup> July 2001 and extended the original article no. 7 from the Constitution. Important change in relation to the entry into the European Union and therefore to the law of the European Communities and the EU was the new paragraph 2 of this Article, which states:

“The Slovak Republic, can, on the basis of an international treaty, which was ratified and promulgated in the manner prescribed by law, or under such treaty, transfer the exercise of their rights to the European Communities and the European Union. Legally binding acts of the European Communities and the European Union take precedence over the laws of the Slovak Republic. Deriving from the legally binding instruments that require implementation is carried out by law or government regulation under Art. 120 paragraph 2” (Constitution of the Slovak Republic) This article introduced into the Slovak legal order an institute so-called delegated legislation. On the basis of these provisions Act no. 19/2002 was issued, which specifies the conditions for issuing regulations on the approximation of the Slovak Republic.

The relationship between the Slovak Republic and the European Union are set out in the Accession Treaty. The treaty contains the legal conditions for the entry of Slovakia and nine other acceding countries into the European Union, captures all the exceptions, agreements and transnational period in which the acceding countries have agreed to negotiation talks with EU Member States.

### **The accession process**

The Accession Treaty was signed on 16<sup>th</sup> April 2003 in Athens during the Greek Presidency. For the Slovak side the contract signed the President of the Slovak Republic, R. Schuster, the Prime Minister, M. Dzurinda, the Minister of Foreign Affairs, E. Kukan and Chief Negotiator for accession to the EU, J. Figel. Favourable opinion was also adopted by the European Parliament and the European Commission and on that basis the process of ratification of the accession treaty of the Slovak Republic to the EU began, which was supposed to be completed by 1<sup>st</sup> May 2004.

The President of the Slovak Republic announced after signing the agreement a referendum on Slovakia's entry into the EU scheduled for the 16<sup>th</sup> and 17<sup>th</sup> May 2003. The referendum question was: Do you agree that Slovakia becomes a member of the European Union? 2.176 990 people casted their votes, which represented 52.15% of all registered voters. 92.46% voted for the entry into the EU, and 6.2% were against. (The results from the referendum on joining the EU) It should be noted that this was the first successful referendum during the existence of independent Slovakia. All previous refe-

<sup>15</sup> Ibidem, p. 26.



rendums were invalid because the condition of constitutional validity was not fulfilled, which required that the majority of the registered voters would participate. In this situation, all political parties, coalition and opposition united and jointly called for the citizens to participate in the referendum. Despite the political efforts and campaigns which the state realized, the participation exceeded only slightly the necessary absolute majority. And also despite that, that among the citizens there was pro-integration mood and the majority clearly supported the entry into the European Union.

The National Parliament of the Slovak Republic stated the approval of the Treaty on Accession to the European Union on 1<sup>st</sup> July 2003. Out of the 140 present members, 129 voted in favour of assent, 10 MPs voted against and 1 did not vote. The President of the Republic solemnly signed the instrument of ratification of the Treaty on Accession into the EU on 26<sup>th</sup> August 2003, with which essentially ended the ratification process in Slovakia. The instruments of ratification were submitted to the Italian government on the 9<sup>th</sup> October 2003 – to the depository of the Rome Treaties.

Slovakia, along with nine other candidate countries joined the European Union on the 1<sup>st</sup> May 2004. The political and administrative structures of the Slovak Republic have started as of that moment to participate in the exercise and development of the common policies of the Union. Slovakia has delegated its representatives to the various bodies of the Union. First Commissioner of the European Commission proposed by Slovakia was the former chief negotiator J. Figel. Permanent representation of Slovakia in the EU was created; the principles of delegation were developed for the Economic and Social Committee and the Regional Committee. Experts were delegated to the various professional or working commissions and committees, respectively to the general secretaries. Thus the representatives of Slovakia became an integral part of the decision-making, control, executive, judicial and advisory institutions of the Union. The European Union played and still does an important role in the development and changes in the nature of the political institutions in Slovakia. The Union had forming influence on the character of the political regime in the Slovak Republic. By joining the European Union, the Slovak Republic acquired many new opportunities for pursuing public interest in domestic politics as well as in all areas of the foreign policy.

An important task was to develop efficient and flexible mechanism for the involvement of Slovakia to the EU policy and legislation creation process. For this purpose, whole new row of provisions and government regulations were adopted, new coordinating institutions were created both on Governmental and National level. Under the Law 253/2005 of May 2005 the National Council established the Committee for European Affairs, which was authorized to execute the responsibilities deriving from the consideration and granting the mandates of the government representatives in the EU negotiations. The office of the National Council established Department for European Affairs and an Office of the Special Permanent Representative of the National Council in the European Parliament and other EU institutions. In this manner, institutional pre-conditions were created for both regular and operational involvement of the National Council of the Slovak Republic in the EU policy creation in the country.

The government of the Slovak Republic established in December 2005 a Ministerial Council of SR for the EU. The Ministerial council is to be led by the deputy prime minister for EU affairs, coordination, advisory and expert body of the Government of SR for participation in the EU and ensuring coordination of ministries and other central government bodies in difficult EU issues. The Ministry of Foreign Affairs for the purpose of coordination it created a Section for European affairs, which

is responsible for defining and implementing the current foreign policy objectives in relation to the EU and other Member States. It cooperates actively with the Council of the government of SR for European affairs, the National Council and other central government bodies. At the same time the Section directs the activities of the Permanent representation of Slovakia to the European Union and through subordinate territorial departments it directs the activities of the embassies and consulates in the states falling within the territorial scope.

An important element of the mechanism of cooperation in the development of the Slovak views concerning the proposal of legally binding acts and other acts of the EC and EU is the information system. The government office of SR is responsible of the Information system of laws and legislative approximation and the Office of the National Council of SR is responsible for the Tracking system of the legislative process of the National Council of SR and tracking system of European affairs.

### **Elections to the European Parliament in 2004**

Soon after joining the EU in June 2004 the first elections for the European Parliament were held, which enabled the Slovak political parties for the first time to win mandates in this representative body. The European Parliament joins members' not on national principals but political fractions are created depending on the affiliation to a particular party family. This increases the weight of the Political Parties in their approach to addressing problems at EU level, thus the importance of cooperation among the European political parties' increases. It came to that that these elections were the one in which the citizens of Slovakia can express themselves as European citizens.

The elections were held under the proportional representation model, with closing clause of 5%. Total of 17 political parties ran which proposed their candidates and participated in the election campaign. Generally it was concluded that the election campaign was dull, not remarkable and it couldn't reach out to the voters and thus manage to mobilize them. The political parties with the exception of HZDS had prepared special election programmes, which had different quality and range. Redesigned programmes were submitted by SDKU, KDH and Smer. The programmes were related to European issues in very general terms, among which the most often question was the Constitutional Treaty and the transfer of powers from the national authorities to the EU institutions, the question on drawing from the European funds. None of these issues did become the subject of sharper political discussions, which would raise the interest among the citizens and would clearly define the position of the political party.

The campaign failed to significantly mobilize the voters, which was marked with the low participation in the elections, which reached only 17% and was the lowest of all the countries. Even in this case a great deal of ambivalence was noted when people on one hand exhibited high degree of confidence in the European Parliament, but on the other hand, did not show interest in participating in the elections, where they could decide on their representatives in that body. The low participation is attributed to some extent to the electoral fatigue of the citizens (in the same year they had to vote on the referendum and other elections), out of technical reasons (the elections were held only in one day) and so on.

Slovakia had the right to elect 14 members of the European Parliament, which total number after the enlargement of ten countries was increased to 756 MPs. Both coalition and opposition parties were successfully used. SDKU and KDH each won 3 seats, SMK two. KDH won in these

elections 16% of the votes, which she never managed to do in national elections. Overall, the government parties won 46.6 % of the valid votes amounting to 8 MP seats. From the opposition parties, Smer and HZDS were successful, which also won three MP seats each and the opposition won total 33.9 % of the valid votes<sup>16</sup>. All three successful coalition parties were members of the European People's Party – European Democracy (EPP-ED) and have become members of the political fractions. The members of Smer joined the Party of European Socialists (PES). Since HZDS did not manage to enter to any of the European political parties, her 3 MPs remained excluded. In this way the Right wing gained much greater representation in the fractions of the European Parliament and its bargaining position was substantially better.

### **Developments after the 2006 elections**

After the elections in 2006 it came to complete replacement of the ruling coalition. The winner of the elections became the party SMER-SD, which formed a government coalition with the Slovak National Party and the People's Party-Movement for a Democratic Slovakia, with the Prime Minister seat belonging to R. Fico. Smer-SD during its years in opposition, often criticized the ruling parties for not negotiating appropriate conditions for joining the EU, frequently stressed that EU membership had to be carefully prepared, so that it does not come as detrimental to the living standards of the citizens. (To the Union yes, but not at any price.) Therefore it was questionable what would be its position as a government party, in a government coalition in which it represented absolute majority.

The developments after the elections pointed that the government coalition led by Smer-SD party followed the issue of EU membership responsibly and Smer-SD turned out to be a Euro-optimistic party. In addition to actively use all forms of cooperation within the EU, and consistently to promote fulfilment of the tasks, which were not implemented by the former government and those were mainly entry into the Schengen area and the fulfilment of the conditions for adopting the single currency Euro.

Slovakia at that moment was one of the weakest members ready for entry into the Schengen area, for which it was criticized by the EU and its closest members. When the European Commission set a challenging date of entry into the Schengen area, the Slovak governments together with the other countries from V4, adopted in October 2006 in Budapest opinion in which countries insist on full inclusion of the new member countries into the Schengen area in the originally scheduled date. The Slovak Government approved a resolution no. 264 from 14<sup>th</sup> March 2007. "Action plan to ensure Slovakia's entry into the Schengen area" proposed by Representative Government of the Slovak Republic, offered 189 measures to meet the recommendations of the Schengen evaluation commission, specifying the terms of their performance and institutions responsible for its fulfilment. With this it was guaranteed gradual overcoming of the backwardness. Key to it was to complete the system protections of the borders with Ukraine, which noted a significant delay in the construction work, installation of the necessary monitoring, control and information systems and purchasing the mobile devices and the equipment. It was also important to protect the air borders, build a complex of protection measures at the international airports. Slovakia also progressed in the field of visa policy and

<sup>16</sup> O. Gyarfášová, M. Velišic, *Volebné správanie slovenských voličov v prvých eurovoľbách a širšie súvislosti vnímania členstva v EÚ. (Správa zo sociologického výskumu)*, Bratislava 2004, p. 10.

visa offices and personal. It also managed to complete the Schengen Information System, which provides for police cooperation, exchange of information between all countries in the Schengen area.

Slovakia managed to overcome the backlog in a shortened timeframe to fulfil all tasks and that made possible, that together with the new member states it will join the Schengen area on the 21.12.2007. Consequently it managed to eliminate the internal borders between the EU Member States, which increased to comfort of citizens especially when travelling, since the bureaucratic passport control were removed.

The government of R. Fico proceeded responsibly to the issue of accession to the Euro zone, which was launched under the previous government and according to the schedule it should be completed with the adoption of the Euro on 1.1.2009. Slovakia became a member in terms of trading mechanism of ERM II from November 2005. The aim of the mentioned mechanism is to maintain exchange rate stability of the currency as one of the Maastricht criteria<sup>17</sup>. The government put its efforts to comply with the requirements of the Maastricht criteria in the economic policy, actively negotiating with the relevant EU bodies at all levels needed.

It managed to comply with the internal budget discipline, and thanks to a stable and rapid growth rate of the GDP the crown continuously strengthened its course. Thanks to this it came to change in the value of the central parity in March 2007 and given the further strengthening of the central parity, the exchange rate changed one more time in May 2008. On May 7<sup>th</sup>, 2008 the European Commission published its Convergence Report in which it agreed to take Slovakia to the Euro zone on the 1.1.2009. Subsequently, in June 2008 the entry was approved by the European Parliament and on the 8<sup>th</sup> July 2008 the final conversion rate was approved by the EU Council of Finance Ministers (Ecofin), altering the crown to the Euro in a ration of 1:30,126. With this all necessary conditions were met and Slovakia joined the Euro zone from 1.1.2009.

The government appointed its representative, who coordinated all national events, including the securing of the required number of new banknotes and coins and adopted a series of measure to facilitate citizens' adaptation to the new currency, to become familiar with it and learn to handle it. At the same time it took strict measures against the traders, so that they won't use the conversion for unjustified price increases. Thanks to that, the adoption of the Euro went without any problems. For the citizens the adoption of the Euro meant simplified travelling, reimbursement of payments in the monetary union, for the business the Euro meant a stable currency, elimination of conversion charges for international payments and thus cheaper and easier trading.

### **Adoption of the Lisbon Treaty**

The new reform Treaty, which was adopted at the summit in Lisbon, and thus became known as the Lisbon Treaty had to go through the ratification process in all Member States. Since the original EU Constitutional Treaty was approved in the parliament, it was expected that the Lisbon Treaty would go through a smooth approval. But eventually the whole process turned out to be very complicated. The opposition conditioned its assent with the Lisbon Treaty if the government coalition

<sup>17</sup> The Maastricht criteria are a set of 4 convergence criteria that must be met by every country before it is admitted in the Euro zone. They are set upon requirements related to public finance, inflation criteria, stability of the long-term interest rates and exchange rate stability (before evaluation the country needs to be two years involved in the ERM II).

changed the newly drafted press law. The government however insisted on the original version of the Press Act and rejected similar conditioning of the laws, which together are totally unrelated to extortion. The opposition parties SDKU-DS, KDH and SMK agreed to adopt a unified approach and without their votes the government coalition could not secure the necessary three-fifth majority in the National Council of the SR, because the Treaty was voted as a constitutional law.

Obstructions around the voting process on the Lisbon Treaty have literally become a game of nerves. The first time the issue was raised for discussion was in January 2008 and subsequently 3 more times, but a sufficient number for its approval was never amounted for. The European People's Party involved herself in the process, whose representatives appealed to SDKU-DS to reconsider their position and to give advantage to the European interest, which in this case was more important. The President of the SDKU-DS and the entire party leadership however persisted in its position. After more than two months of blocking the approval the Speaker of the Parliament during one of the negotiations in the National Council announced that the Lisbon Treaty is going to be adopted on the 10<sup>th</sup> April 2008, although the opposition's position has remained static. In the event that the treaty wouldn't have been approved that would be an uncomfortable precedent for the ruling coalition, whole Slovakia and of course a shadow would fall on the SDKU-DS.

The approval of the Treaty came from the sudden twist in the position of the Hungarian Coalition Party. Before the voting itself, the MPs of SDKU-DS and KDH left the Parliament. To their big surprise the MPs of the SMK not only stayed in the hall, but even with their votes they supported the treaty. In this manner the Lisbon Treaty was adopted with 103 votes out of 109 present deputies (for a constitutional law to be adopted 80 votes are necessary). The President of SMK justified the changes in their attitude as a sense of responsibility for the fate of the European Union. SDKU-DS saw this as a betrayal and for a long period it suspended the contacts with the SMK. SDKU-DS stressed that it has no objections to the Lisbon Treaty, and that it was all along for its adaptation but it used only as an instrument of pressure on the ruling coalition.

## **Elections to the European Parliament 2009**

The European Parliament elections in 2009 were held in a different atmosphere than the previous elections. The political parties have had ample time to prepare and draw up election programmes in close cooperation with the European political parties. The citizens already had some experience from the five-year membership in the Union, had the chance to consider all its advantages, respectively disadvantages from the membership in the Union. Therefore, a higher participation in the elections was expected.

Despite the efforts of the political parties as well as the coordination of the election campaign at EU level, the mobilization of the state, the overall participation in the elections in Slovakia reached only 19.6% and it was once more the lowest rate across the EU, despite the fact that the percentage grew for 2.6% compared to the previous elections. The total participation in all Member States accounted for 43.6% which is more than twice the participation in Slovakia.

After the entry into force of the Nice Treaty, under which the number of the members of the European Parliament changed to 736, the number of representatives for Slovakia has been reduced from the original 14 to 13 members. From the viewpoint of the single political parties, SMER-SD won the largest number of votes, amounting to 30% of the total votes providing it

with 5 seats. SDKU-DS with 16.98% won 2 seats, KDH with 10.87% and SMK 11.33% each won 2 parliamentary seats<sup>18</sup>.

Thus, together the right-wing parties in the EPP won six seats; all three political parties are members of the European People's Party and its political groups in the EP. Smer is a member of the socialistic fraction, which adopted new name, the Progressive Alliance of Socialists and Democrats (S&D). As a success it could be taken the fact that its MP became the Vice-President of the Socialist party fraction in the EP.

In addition, one seat which was won by LS-HZDS, which compared to the previous elections when they had 3 seats was a large decline for them, and for the first time SNS managed to win one seat. At the same time, from 2008, LS-HZDS became an observer of the liberal Party of the European Democrats (PED), which is part of the fraction of the Alliance of Liberals and Democrats for Europe (ALDE), the third strongest fraction in the European Parliament.

### **Citizen satisfaction with the membership in the European Union**

Slovak citizens express satisfaction with the membership in the Union, with the adaptation of the common currency and in the opinion polls they consistently show the highest level of trust in the organs and institutions of the European Union. This was confirmed by the two last public opinion polls in the Member States of the EU that is Eurobarometer 72 and Eurobarometer 73, which took place in all Member States in autumn 2009 and spring 2010.

In autumn 2009, 71% of the Slovak citizens trusted the EU, which was the highest number throughout the EU, and at the last survey, the degree of confidence fell to 65%. 78% of the Slovaks believe that our country profits from the membership in the European Union and 59% of the Slovak respondents think that membership in the EU is a good thing. Slovaks also show high degree of confidence in the EU institutions. 71% of the citizens of the Slovak Republic trusted the newly elected Parliament, and 64% of the citizens trust the European Commission which is the highest percentage in the whole European Union. 66% of the citizens of Slovakia relate the EU with the Euro (the average in EU27 is 40%). The possibility to travel freely, study and work anywhere in the Union is appreciated by 57% of the Slovak citizens. (Eurobarometer 72) Less than a year after the introduction of the Euro (autumn 2009) the Slovak citizens were a lot more positive regarding the common European currency, more than the average in Europe. Up to 68% Slovaks agreed with the view that the Euro weakened the overall negative impact of the current financial and economic crisis. In the EU this is the opinion of only 41% citizens, while 45% disagrees with this opinion.

The last public opinion poll in the spring 2010 showed that the citizens believe in the Union's capacity to better cope with the consequences of the financial and economic crisis. 89% of the citizens of Slovakia think that coordination and greater cooperation at European level can help all Europeans to easier manage the results from the economic crisis, 93% of the Slovak citizens believe that EU countries should collaborate more to adopt measures which would help to overcome the financial and economic crisis. (Eurobarometer 73) They also expressed strong support for measures for enhanced economic cooperation of the EU countries. In the autumn 2009 almost up to 53% of the Slovaks thought that they understand how the EU functions, which is first time since Slovakia's accession to the EU that this view is shared by the majority of the Slovak citizens.

<sup>18</sup> O. Gyarfašová, M. Kollár, *Slovensko volí. Európske a prezidentské voľby 2000*. Bratislava 2000, pp. 41-55.

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## **APPROXIMATION OF SLOVAK CONSTITUTIONAL ORDER TO EU LAW – CASE STUDY OF SUCCESSFUL ACCESSION<sup>1</sup>**

### **Introduction**

Slovakia implemented many changes, both legal and political, in order to complete successfully its way to the EU and become a real partner in the EU. This paper outlines the main ones from the constitutional and legal point of view. The emphasis is put on the legal solutions as these enabled the integration of country with a different history and state system into the family of modern European countries. The information containing in the paper can be helpful as an example of good practice to countries which are on their way to the EU.

### **Application – Association – Accession**

The Slovak Republic came into existence in 1993 (after Czechoslovakia peacefully split into two sovereign states). Already in 1989 the Agreement on trade with industrial products between Czechoslovakia and the European Community was signed and in 1991 the Association Agreement was signed. In 1995 the Association Agreement between Slovakia and the EC entered into force (signed in 1993). The EC signed this kind of agreement with the Central and Eastern European countries in order to support their transformation process and to indicate possible future membership. In 1995 the Slovak government submitted an official application for the EC membership. However, the negotiations started with a group of the Central and Eastern European countries without Slovakia because of the unsatisfactory political development in the country. Finally, on European summit on 10 December 1999 in Helsinki the Slovak Republic receives an invitation to start negotiations on accession to the EU. The commencement of accession negotiations (the so-called Accession Conference) with the Slovak Republic starts on official meeting on 15 February 2000 in Brussels. Slovakia was very successful, the negotiations were closed within two years.

Association agreement (hereinafter as “AA”) was the start of bilateral relationship between Slovakia and the EC. The association process proceeded to accession process and finished with signing the Accession Treaty and with the accession of Slovakia to the EU. Association agreement established the special links between Slovakia and the EC, particularly with a view to future accession. It formed the framework for setting up a political dialogue, establishing business relations within a free trade area, developing economic, cultural, social and financial cooperation and aligning national legislation with EC legislation. The AA created also common bodies – Association Council, Association Committee, Association subcommittees, Parliamentary Association Committee – composed of representatives of the EC and Slovakia responsible for proper implementation of the agreement.

The approximation of Slovak law to the EU/EC law was one of the commitments expressed in the AA (“all acts that are different from the EC acts and constitute a barrier for the country integration

<sup>1</sup> This paper was prepared with the support of the project „Influence of the European Union courts case-law on the Member States’ national laws”, supported by the Slovak Research and Development Agency (contract No. APVV-0754-07).

into the internal market” should be subject of approximation). What is more the AA contained the list of areas to be subject of approximation: customs law, company law, banking law, company accounts and taxes, intellectual property, protection of workers at the workplace, financial services, rules on competition, protection of health and life of humans, animals and plants, consumer protection, indirect taxation, technical rules and standards, nuclear law and regulation, transport and the environment. The EC committed itself to support Slovakia in this process with the technical assistance via PHARE in the form of the exchange of experts, the provision of early information especially on relevant legislation, organization of seminars, training activities, aid for the translation of Community legislation in the relevant sectors.

However formally the Association agreement became efficient, real negotiations started in 2000 after period of demarche from the EU to Slovakia, due to internal political development in the country.

The process of approximation of law is a unique obligation of membership in the European Union. It means that countries aspiring to join the European Union must align their national laws, rules and procedures in order to give effect to the entire body of EU law contained in the *acquis communautaire*. As the obligation to approximate continues after accession, the pre-accession approximation process becomes an opportunity for countries to organise their institutions and procedures and to train their staff for the daily processes and responsibilities of European Union law making, implementation and enforcement<sup>2</sup>.

There are three key elements:

First, to adopt or change national laws, rules, and procedures so that the requirements of the relevant EU law are fully incorporated into the national legal order. This process is known as Transition. Although countries have considerable discretion in choosing the most appropriate national mechanism to reflect Union environmental obligations, this discretion is limited in some respects by general principles of Union law. In most cases it will be necessary to adopt national legislation passed by Parliament. Second, to provide the institutions and budgets necessary to carry out the laws and regulations (known as the *Implementation* or *Practical Application* of the directive). Third, to provide the necessary controls and penalties to ensure that the law is being complied with fully and properly (*Enforcement*).

The *acquis communautaire* was divided into 31 chapters and each of them was separately opened, discussed and closed. The most complicated chapters were competition (particularly State Aid), agriculture and regional policy.

The legal changes in Slovakia were crucial. Vision of EU membership was highly motivating and the changes of Slovak legal order were made with this goal, therefore the *acquis communautaire* was the main source of legislation in Slovakia.

Each ministry and office of the central state administration established the European Integration department which was responsible for approximation process in the field of its competence. The chief negotiator, Mr. Ján Figel', who later became the first Slovak commissioner, commented the process: "Negotiations of the Slovak Republic with the EU were based on a constructive and realistic attitude.

<sup>2</sup> Agenda 2000, Volume I, Communication: For a Stronger and Wider Union, DOC/97/6, 15.07.1997, p. 65.



We bore in mind that participation in the integration process was our priority. EU integration was, into a certain degree, an answer to necessary economic and social reforms, to necessary safety enhancement, but also regional development and environmental improvement. We realised that the EU accession meant adoption of the existing contractual and legal status of the Community with possible individual modifications and specific provisions for certain areas. Negotiation strategy of the Slovak Republic was aimed at securing favourable, respectable conditions for EU membership including adequate participation in the administration and decision-making on common European affairs...Our concern was a joint accession together with neighbouring countries in the region – the Czech Republic, Hungary and Poland – by different reasons. Beside political interests, from the view of the position of Slovakia in decisive questions on the continent, it was also an intention to maintain the advantage of the Czech-Slovak Customs Union until the accession, to adjust the Slovak customs regime to Schengen conditions jointly with neighbouring countries, to enforce cross border regional cooperation. Our tactic was not to demand as much as possible and in as many chapters as possible, but to rationally concentrate on priority interests and sensitive issues and to enforce them with help of clear reasons, objective arguments and mutual confidence. In terms of results and implementation of the defined strategy, Slovakia had successfully accomplished its negotiation journey from Helsinki to Copenhagen after 34 months. Results reflect defined priorities and requirements for transitional period are generally and in detail objectively comparable with results of the countries that started negotiations 2 years sooner. The results are decisive, not just gestures and speech. Confidence typical for complicated negotiations is very important though negligible. Slovakia gained confidence of the EU countries and it had gradually enhanced it.”<sup>3</sup>

Follow at the Brussels summit on 25 October 2002, the heads of states and governments of the EU Member States recommended the accession of the Slovak Republic in 2004. The European Parliament on 20 November 2002 in Strasbourg approved the Resolution on EU Enlargement, in which it requested the Member States to set 1 May 2004 as the latest date of enlargement at the upcoming Copenhagen Summit.

The President of the Slovak Republic, Rudolf Schuster, on 17 February 2003 officially declared the referendum on EU membership to take place on 16 and 17 May (the referendum question to be read as follows: “Do you agree that the Slovak Republic will become an EU Member State”). Regarding to the constitutional provision, it was necessary publicly provided support for the entrance to the EU.

The next steps in accession follows: on 19 March 2003 in Brussels the Foreign Affairs Committee of the European Parliament approved the accession of the Slovak Republic to the EU. The European Parliament endorsed the accession of the Slovak Republic, along with nine other countries, to the EU, on 9 April 2003 in Strasbourg. The Council of the European Union, composed of Foreign Ministers, officially endorsed the accession of the Slovak Republic and nine other countries to the EU. Their decision of 14 April 2003 from Luxembourg definitively opened the way to the signing of the Accession Treaty.

The Accession Treaty of the Slovak Republic and other states to the EU was signed on 16 April 2004 in Athens and became efficient on 1 May 2004.<sup>4</sup> Slovakia underwent crucial both political and legal changes during last 16 years. Each stage of integration process can be characterized by different legal instruments applied in the EC/EU – Slovakia relationship.

<sup>3</sup> <http://www.network-europe.net/index.php?; 21.02.2011>

<sup>4</sup> M. Siman, M. Slašťan, *Primárne právo EÚ*, Bratislava, 2010, p. 34. Oznámenie MZV č. 185/2004 Z.z., OJEU L 236, 23.9.2003, pp. 17-32.

## “EU” Constitutional amendment

In terms of European law, the way how the EU associated countries transpose the EC/EU legal acts was, basically, left on them. However, no domestic barriers of constitutional legal character were accepted as an “excuse” in case of failure to fulfil these obligations.

Amendment of Slovak constitution from 23 February 2001 was greatest amendment so far, specially related to the Slovakia’s attempt to enter the European Union. The other relevant changes in the constitution, regarding to the EU accession were e.g. recognition of international treaties, changes of the electoral law; the amendment introduces ombudsman to the Slovak law system, transfers right to name judges for unlimited time from parliament to the President and other major or minor changes in functions of nearly all institutions.

The amendment of Slovak constitution in 2001 contained also the provision enabling the EU accession and at the same time the EC/EU law supremacy over Slovak laws, which is one of its main principles, was formulated. “The principle of supremacy was reasoned as necessary part of the communitarian legal order working. This principle is fully recognised by all member states of the EC.”<sup>5</sup>

Article 7 para 2 of the Constitution contains “The Slovak Republic may, by an international treaty, which was ratified and promulgated in the way laid down by a law, or on the basis of such treaty, transfer the exercise of a part of its powers to the European Communities and the European Union. Legally binding acts of the European Communities and of the European Union shall have precedence over laws of the Slovak Republic. The transposition of legally binding acts which require implementation shall be realized through a law or a regulation of the government according to Art. 120 para 2“

According to the Slovak legal order obligations can be only imposed by law and the legislative process is too inflexible and time-consuming. Under conditions of the integration effort of the SR it was essential to find a satisfactory solution. The approximation regulation implied the compromise. It is the type of a legal instrument arisen on the ground of needs of the accession process and it had not existed in the Slovak legal order before. The purpose of accepting approximation regulations was to accelerate the legislative process and adoption of the essential legal acts in the approximation process.

As mentioned above, in 2001 the Constitution of the SR was amended in a way that it enabled the Government of the SR to issue regulations of the government also for implementing the Association Agreement – approximation regulations. Following the Constitution, it is the right of the government to issue approximation regulations, not its obligation. It is possible to impose obligations via approximation regulation. Whilst the Constitution of the SR enacted the constitutional basis for adopting approximation regulations, particular conditions of their adoption were included in the Act No. 19/2002 Coll. of the 18 December 2001 laying down conditions for issue of approximation regulations of the Government of the Slovak Republic.

In terms of legal force, an approximation regulation has the character of the regulation of the Government of the SR, even though in line with the Constitution of the SR it is possible to impose obligation by it. Such a regulation cannot be contrary to the law. Since a regulation is of lower legal force than the law, it is impossible to alter or cancel the law by approximation regulation. By approximation

<sup>4</sup> B. Fridrich, *Základné práva a slobody v Európskej únii a ich účinok na národný právny poriadok*. In: *Ústavný poriadok Európskej únie a jeho vplyv na ústavu a zákony členských štátov*, Bratislava 2007, p. 14.

regulation it is possible to empower the relevant body for issuing the implementing legal act.

In overwhelming majority the regulations related to directives (legal acts of the EC binding as for the objective to be achieved and leaving the choice of forms and means to achieve this aim on the Member States) transposition. In the stage before the Slovak Republic joined the European Union, however, there also were regulations to be transposed (otherwise directly applicable in Member States) in addition to directives. Approximation regulation can be issued in all the fields set in the Association Agreement, especially in these fields of law:

- a) customs law,
- b) bank law,
- c) administration of accounts and taxes of companies,
- d) intellectual property,
- e) safety of workers,
- f) finance services,
- g) protection of customers,
- h) technical standards and norms,
- i) use of nuclear energy,
- j) transport,
- k) agriculture,
- l) environment.

On the other hand, approximation regulation must not be issued in:

- basic human rights and freedoms
- state budget
- creation of new state authority
- establish new competences of a state authority
- another objects which have to be regulated only by constitution or law.

The safeguard mechanisms against the abuse of the approximation regulations were the special requirements for their adoption - it has to be clear, that it is an approximation regulation issued according to the act 19/2002 Coll., the regulation must contain an annex with a precise identification of transposed legal act of EC/EU (name of the transposed directive, date and place of its publication in OJ), draft of an approximation regulation has to consist of a compatibility clause and concordance table, the government is obliged once a half year to inform the Slovak parliament about the approximation regulations issued under the act 19/2002 coll. in the previous period and about the intention which approximation regulations will be adopted in the future.

To summarize the advantages of approximation regulations these must be mentioned: shorter legislative process, faster transposition of directives and involvement of competent experts only.

The approximation of law was accompanied with the need of new offices establishment – public procurement office, state aid office, personal data protection office, market surveillance bodies and inspections, civil service office. However some of them were abolished in the meantime.

The legal conditions for accession were established in the form of constitution amendments.

The constitutional amendment of 2001 was the greatest one; another connected with EU issues was adopted directly in 2004, in the year of accession. Amendment of 14 May 2004 introduced changes regarding to the preparation to the European Parliament elections, and added sentence about



inconsistency of being an MP in the Parliament and in the European Parliament. It also extended rights of the Constitutional Court of Slovakia for ruling whether the election to the EP is in conformity with the constitution or not.

### **Conclusion**

Slovakia underwent the EU integration way in almost ten years. During this way there were some periods of stagnation or shortcoming nevertheless at the end Slovakia joined the EU together with other nine European states in 2004. One of the main challenges was the legal approximation process. Slovakia adopted new legislation, many acts were amended and some were abolished. Some new central administration offices were established. The constitution was amended in order to prepare the best legal conditions for the accession. A completely new legal instrument was introduced in the Slovak legal order with the purpose to speed up the approximation process and after accession with the aim to ensure the proper and on time transposition of the EC directives.

Today the Slovak Republic is the full-right EU member, the legal order of the European Union became its own legal order, it has all the obligations and rights like the other member states, it is fully responsible for failure to fulfil these obligations.



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## THE CONCEPTS OF EASTERN BORDERS OF EUROPE AND EUROPEAN IDENTITY OF GEORGIA

The aim of this article is to assess, whether Georgia lies within Europe's boundaries. The answer to that question is not simple, both from a geographical or geopolitical and historiosophical points of view. Apparently, when an attempt to resolve this issue in such context would be made three, not one, problems would have appeared.

Firstly, the propriety of determining Europe's geographical boundaries: is Europe actually a continent, as many see it? Or is it merely one of Asian, or Eurasian, subcontinents as it is seen by others? Secondly, if it is to be assumed that geography does matter, what kind of criteria are to be considered when attempting to map the eastern border, especially along its southern part? Finally, if geography does not suffice in defining Europe which criteria choose when deciding on European affiliation? Any decisions may just as well be of contractual character. Reality, therefore, is not going to be the decisive factor in determining our viewpoint, as cognitive realists would like it to. Europe is not Australia, Africa nor America with their coastlines that serve as natural limitations of these continents. And although the northern, western and southern marine boundaries are apparent, the eastern is contractual. This geographical paradigm sets the European space to the West of considerably low Ural mountain range, although its southern course is not apparent. When considering cultural and civilizational paradigms of European identity, the problem at hand becomes far more complex. The European subcontinent has developed a highly specific culture that differs entirely from the neighboring African and Asian cultures. This is via the culture, the proponents of the cultural concept claim, that Europe and being European is defined. This claim is the source of a widespread opinion that Europe is a space that transgresses geographical determinants and that to entirely understand the concept of Europe one must move into the sphere of culture. Because „Europe”, it seems, is primarily a cultural concept<sup>1</sup>.

„Europe” as a notion was already known to the ancient peoples. It is likely derived from a Phoenician word *ereb*, meaning sunset. Asia, on the other hand, that has always been considered Europe's opposite is derived from the word *acu*, meaning *sunrise*. Therefore, Europe means the West and its civilization and Asia, in contrast, is the equivalent of the East. Accordingly, the East is the contradiction of Europe and its (Western) values. Europe as a cultural space has been shaped for about forty centuries. The European prehistory can be traced to the Greek myth in which the Greek god Zeus abducts Europa, king Agenor's of Tyre daughter. After the abduction, Agenor's sons set off to find the kidnapped sister, but instead of finding her they settled on the grounds that were later to become Europe. In reality, the myth depicts one, particular truth about the European reality: the mythical „search” for Europe means, in essence, its constant creation. Thus, from its beginnings Europe did

<sup>1</sup> R. Buttiglione, J. Merecki SDS, *Europa jako pojęcie filozoficzne*, Lublin 1996, pp. 29-38.

not have clearly drawn borders. It is rather, as Zygmunt Bauman claims, „an unfinished adventure”<sup>2</sup>. Europe is the outcome of many centuries of influx of different peoples and nations that gradually inhabited the Old Continent. Therefore the Europeans, mainly direct descendants of the Indo-European branch of nations, are allochtoons – a Dutch word for „originating from another country”. They have for centuries shaped the sense of cultural community in that now defines them.

Greeks are recognized as the first European people. They are responsible for introducing into the lexicon the term „Europe” as the civilized freedom sphere that was in opposition to the despotic Asia. The Greek Europe was a minor area on the coasts of the four seas: Aegean, Ionian and, to a limited extent, Mediterranean and Black. It was the Hellenistic period and the conquests of Alexander the Great that fueled the Greek expansion and extended its reign to an enormous territory that included the modern India. Romans, who inherited Europe from the Greeks forged a Mediterranean empire that engulfed not only the southern and western parts of Europe, but also North Africa and the Middle East. These parts of the world gave birth to great works of European culture and it was there that the European intellectual life flourished. One of its representatives was Augustine of Hippo, St. Augustine, a great European philosopher. The retreat of European peoples both from North Africa and Asia Minor was due to conquests by the Muslim people: the Arabs in the West and the Turks in the East of Europe. The Arab invasion in the South-Western Europe did not end until the year 723 A.D., when the army of Charles Martel (ca. 688-741) forced back the Arabian forces in the victorious battle of Poitiers. However, it had not been until the 15<sup>th</sup> century when, as a result of the Spanish Reconquista, the Iberian Peninsula was purged of Muslim political organisms. These events were responsible for shaping the south-western boundaries of Europe. The northern and north-eastern borders, however, had not been shaped yet at that time. What is more, the eastern boundaries are constantly the subject of academic and journalistic debates. Hence, it may be stated that the European boundaries are fluid in their character, regardless of the assumed approach: cultural or geographical. In this instance, even geography does not provide an objective definition. Or, rather, an absolute explanation, since an objective border may be drawn in reference to a geographical landmark (coastline, river, mountain range). It does not mean, however, that such a border is of absolute, that is unchangeable, character.

In the discussion on the character of the European borders several mutually exclusive ideas emerge. The dispute mainly concerns the eastern boundary<sup>3</sup>. What is more, these theories are not strictly scientific in their essence but are rather non-scientific, philosophical divagations of geographical nature. Adopting a particular geographical approach bears practical consequences, particularly if it demands geostrategic decisions, such as including or excluding a country from Euroatlantic integration processes. There are several distinct contemporary opinions on the matter:

1. the European space is constrained within the territories of the former Roman Empire founded by Charlemagne, together with the territories that later accepted the imperial and/or papal supremacy;
2. the eastern European border can be set along the Elbe river, which during the Cold War was considered to be the so-called „Iron Curtain” that separated the capitalistic West from

<sup>2</sup> Cf. Z. Bauman, *Europe. An Unfinished Adventure*, Cambridge 2005.

<sup>3</sup> Cf. A. Chodubski, *Świat wartości europejskich*, In: T. Linkner, A. Modrzejewski [eds.], *Nauka społeczna Kościoła, tradycja i kultura a Unia Europejska*, Pelplin 2004, p. 10.

the East: the Soviet Union and the satellite states. Such division still remains strong in the European minds. References to such a simplified model of the European space may still be encountered in many journalistic and even scientific reports;

3. the Oder river determines the eastern European boundary: it is a line that divides the Roman-German from the Greek and Slavic worlds. Such defined border is „mobile“. Presently, specifically from the end of World War II, it is determined by the Oder river. Before that, it had been also determined by the Elbe river and, after the German conquest of the western Slavic territories, by minor rivers of the Western Poland. After the conquest of Prussia, the rivers of Lithuania and Samogitia as well;
4. the European borders overlap with the borders of the European Union. This is connected with the emerging awareness of the existence of a European political community. This idea acquires considerable significance, since the Old Continent witnesses the forming of a clear divide: stability and wealth, i. e. the European Union and the European Economic Area states versus the countries with no predictable schedule for institutional integration within the European structures. The advocates of a moderate approach include the states participating the Euroatlantic structures as part of the discussed space – that is, the EU and EEA countries and the NATO member-states. The more optimistic approach extends Europe’s area to the Council of Europe member-states as well;
5. the Ural mountain range is a natural boundary between Europe and Asia. This approach was suggested by a Russian diplomat from the turn of the 17<sup>th</sup> and 18<sup>th</sup> centuries, Vasily Tatishchev. By introducing this particular approach, Tatishchev intended to incorporate Russia into the circle of the European countries, as a consequence of modernization of the arising empire and adaptation of a European geopolitical strategy by Peter the Great;
6. the contemporary Europe is identified with the European Christianity in both forms – Western (Latin) and Eastern (Byzantine).

It is not difficult to predict that only in case of the last argument may Georgia be considered a genuinely European country. The fifth option provides such an opportunity, provided that the European South-Western boundary is aligned in Georgia’s favor. A European perspective for Georgia may be also present in option number 4. This is, however, an issue of distant future rather than the present day unless the optimistic approach is assumed. Other instances determine Georgia as a non-European country, although in case of the first instance it might be granted the Huntingtonian status of a „torn country“. The following paragraphs are an elaboration of each particular idea.

The first concept is associated with the division into the West, represented by Latin (Roman) Christianity and the East, which manifestation is the Byzantine (Orthodox) world. The concept of a European civilization refers solely to the Western world. Although the belief of a common cradle of the civilization is shared, the political, cultural, economic and social differences that emerged from within the division of Christianity into two different traditions allows to consider both parts of the Christian community as two separate civilizations. This division is a result of the East-West Schism (July 16, 1054) that caused the union of the Eastern rite, or the Orthodox, Churches (Greek and Byzantine-Slavic) and the papal state of Rome to dissolve and the aforementioned Churches to abandon the Pope as a leader of Christianity and the Catholic Church. This is frequently interpreted not only as the collapse of an ecclesial, but also a political and social community. Two distinct civili-

zations emerged as a result of the Schism: Latin, also being referred to as Western or European and Byzantine that is frequently being referred to as the Orthodox or Eastern.

The assumption that the European civilizational diversity is derived from the division of Christianity is frequently a cause of reducing Europe merely to the Western world. In this approach, Europe is considered not a geographical, but a peculiar cultural space. Its essential element is the Western (Latin) Christianity. In his essay entitled *Katedra – symbol Europy* the distinguished Polish humanist, Janusz Stanisław Pasierb, argues that the boundaries of the European space are drawn by Gothic cathedrals. These are, obviously, Roman-Catholic temples that are scattered throughout the Latin part of the Old Continent. In Pasierb's opinion it is the cathedrals' range of occurrence that draws the European boundaries. Therefore, the Orthodox Church does not enlist as being part of the Western culture, hence it may not be referred to as European<sup>4</sup>.

The problem arises when trying to determine the affiliation of areas where the dominating Church is the Greek Catholic Church, or „the Uniates”. The Greek Catholic Church represents both the Byzantine ecclesiastical, liturgical and theological tradition and the Western Catholic Church, by recognition of the sovereignty of the Roman Pontiff. Therefore, in terms of civilizational paradigms the Uniates may be considered as a community of dual affiliation: the Eastern rite bring them nearer to the Orthodox civilization. On the other hand, the affirmation of Papal rule allows to consider this community as part of the Western civilization.

Samuel Huntington, an influential American political scientist of our times, refers to this simplified model and claims that a boundary is drawn throughout the Old Continent that overlaps with national borders. Catholic and Protestant states belong to the Western civilization, whereas states dominated by the Orthodox population are classified as belonging to the Byzantine world. Moreover, Muslim enclaves exist in Bosnia, Albania, Kosovo and in the European part of Turkey. Huntington introduces a transitive category of „torn countries” that are characterized by either a diverse religious structure (i.e. Ukraine) or, despite a predominant, non-Western denomination, by high aspirations towards the Western world. In their international strategies, such countries aspire towards membership in Euro-Atlantic structures. These countries include the Orthodox member-states of the EU (Greece, Cyprus, Bulgaria and Romania) but also Macedonia, Turkey, Israel, etc<sup>5</sup>. Russia is considered to be a peculiar example: on the one hand it is said to be the center, core state of the Orthodox civilization (or, in different opinions, an independent, Russian civilization), while on the other it aspires to become a European state<sup>6</sup>. This ambivalence is perhaps best reflected in the words of the Orthodox Romanian patriarch Teoctist (born Toader Arapasu), who claimed in an interview for one of the leading Polish newspapers that the foundations of the Eastern Christianity are found within the Latin culture and, although the faith is Orthodox, this culture is more similar to the West rather than the East<sup>7</sup>. Many representatives of different Orthodox nations, especially the modernist reformers from the post-Soviet countries share that particular opinion. These people wish to embrace European values in their struggle to modernize their countries, as did Peter the Great when 300 years ago he modernized, to some extent, Russia in the European image, thus bringing it closer, both in

<sup>4</sup> Cf. J.S. Pasierb, *Katedra – symbol Europy: Die Kathedrale als Symbol Europas*, Pelplin 2004.

<sup>5</sup> S.P. Huntington, *The Clash of Civilizations and the Remaking of World Order*, New York 1996.

<sup>6</sup> Cf. J. Potulski, *Współczesne kierunki rosyjskiej myśli geopolitycznej. Między nauką, ideologicznym dyskursem a praktyką*, Gdańsk 2010.

<sup>7</sup> *Któż nie klaskał władzy. Rozmowa Bogumiła Lufta z Teoktystem, patriarchą Rumuńskiego Kościoła Prawosławnego*, „Rzeczpospolita” 2000-11-07.



terms of culture and politics, to Europe. In the 20<sup>th</sup> century, Kemal Ataturk's attempts to bring Turkey closer to Europe resulted in the contemporary European aspirations of this nation.

Nevertheless, the way of non-Latin countries towards becoming fully-fledged members of the European community is not effortless, and within the European structures such countries are under constant criticism. Until the May 2004 enlargement, Greece had been since 1981 the only non-Latin member-state of the European Union. In 2004, Greece was joined by the westernized, Orthodox Cyprus and three years later Bulgaria and Romania, which particularly expresses its affiliation to the Roman culture and Latin world, accessed the European Union. In the face of an economic crisis opinions about these countries emerge that stand in opposition to political correctness. Adherents of these opinions claim that Greece, as well as Bulgaria and Romania, which apparently face structural corruption, do not fit in the European model. What is more, the hasty accession of these countries in the EU, together with inclusion of Greece into the Monetary Union are considered to have been grave mistakes. On the other hand, the more closely related, post-communist countries such as Poland, the Czech Republic, Slovakia, the Baltic States or Slovenia are perceived more positively. Despite economic and political problems that afflict these states, they are better prepared for participation in the European structures. This is due to their approach to the European political culture, European legal standards and to the fact that they exhibit an attitude of responsibility in the field of economics. It very often remains unnoticed, however, that the problems of the Orthodox EU states are in many instances identical to the problems of the Catholic countries of Southern Europe. Certain characteristics of economic and political cultures are rather specific to the „Southern character” and manifest themselves in Portugal, Spain and particularly Southern Italy, where the scale of corruption and mafia connections is greater than in other Orthodox EU member-states<sup>8</sup>.

What is the geopolitical situation of Georgia in this particular concept of the eastern European boundaries? The answer is not explicit. Georgia, as an Orthodox state, does not belong to the Western civilization. However, in the moderate versions of this approach, the denomination is not the ultimate determinant of civilizational affiliation. An equally important role is that of the geopolitical orientation. If, therefore, a country is not recognized as a member of the Western civilization in religious terms, it may become such on the basis of its aspirations and strategic goals. The condition for entering the European space is adaptation of the European social, political and economic models. One of the elements of utter importance in case of Georgia may be the issue of ethnic and national minorities. The 21<sup>st</sup> century Europe's official motto is „United in diversity”, therefore rights of the minority are considered to be a permanent element of the European identity and are included in the European legal system. The European standards regarding this issue have significant influence on how a country is being perceived. In a way, a condition for becoming European is a „European” way of regarding the national and ethnic minorities.

The idea to identify Europe with the Latin civilization is not completely devoid of reason. Europe, as a geographically dynamic formation has formed in the West since the times of the collapse of the *Imperium Romanum*. Some scholars, such as a renowned French historian Jacques LeGoff, argue that Europe came into existence only in the Medieval times, when a universal political community of the

<sup>8</sup> See: J.L. Newell, M.J. Bull, *Political corruption in Italy*, In: M. J. Bull, J.L. Newell [eds.], *Corruption in Contemporary politics*, New York 2003, pp. 37-49.

Latin world emerged in which the power, nominally, was in the hands of the Pope – the bishop of Rome (spiritual power) and the emperor (temporal power)<sup>9</sup>. It was founded at the turn of the 8<sup>th</sup> and 9<sup>th</sup> centuries by Charlemagne together with the restoration of the Western Roman Empire. In the imperial titulary such distinctions appeared, as *rex, pater Europae* (the king, father of Europe) and *Europae venerandus apex* (Europe's venerable crown)<sup>10</sup>. This community included the entire Western (Latin) Christianity. The „official date of birth” of the Western-Christian community is the date of Charlemagne's imperial coronation, December 25, 800. However, its beginnings can be traced to earlier times, when the Muslim-fighting western European chivalry entered an early stage of European awareness. The early medieval Carolingian chronicle first mentions the Europeans (*europenses*) as Christian knights who in 723, under Charles Martel (c.a. 688-741), repelled an Arab invasion in a victorious battle of Poitiers<sup>11</sup>. Along with the expansion of the Latin Christianity to the East and North, the sphere of influence of the medieval European community expanded. A symbolic act of joining the community was the baptism of a ruler in the Latin rite. By the end of the first millennium, this community had been significantly expanded to include the Western Slavonic kings and princes, including Mieszko I of Poland, Magyars and Scandinavians. The process that shaped the medieval Western-European community culminated in the end of the 15<sup>th</sup> century when the Grand Dukes of Lithuania accepted the Latin version of Christianity.

A strong religious and political bond united rulers and serfs of the European countries on different levels. On the military and political levels, European kings and chivalry united in the name of fighting with the Saracens during the Crusades, which alleviated internal conflicts. In religious terms, a significant role was played by the Catholic Church. Unification of the cult, a common liturgical language, Latin, and general canons of sacred architecture blurred the ethnic and cultural differences. A truly important role was played by the medieval university that united the European intellectual sphere. First universities had been established in the 12<sup>th</sup> century and by the end of the era were present throughout almost all of Europe: from Lisbon and Dublin to Cracow and Buda, from Catania and Seville to Uppsala and Glasgow. Universities amassed in their premises representatives of various cultures and nationalities. The then Western-Christian world became its sphere of activity. The medieval university was, as J. Le Goff notices, an international organization, in terms of its staff and students, coming from different countries, as well as fields of study, since science knows no limits, and its scope. *Licentia ubique docendi*, the right to teach everywhere, was the principle that granted the graduates of the largest universities the right to become teachers in any place they would have dwelled<sup>12</sup>.

Latin prevailed as the universal European language in the next centuries, when the Renaissance, Reformation, and later the Enlightenment movements began to take shape. They were the intellectual and institutional bases for the transformation that resulted in the collapse of a universal community and freed space for a diversified national order. However, the Latin language played a significant role, especially in science, until the 19<sup>th</sup> century. The idea of European unity of the Latin world prevailed and throughout the following centuries struggled for supremacy with pluralistic projects and

<sup>9</sup> Cf. J. Le Goff, *The Birth of Europe*, Malden 2005.

<sup>10</sup> J. Strzelczyk, *Odkrywanie Europy*, Poznań 2000, p. 10.

<sup>11</sup> K. Pomian, *Europa i jej narody*, Warszawa 1992, p.20.

<sup>12</sup> J. Le Goff, *Inteligencja w wiekach średnich*, Warszawa 1997, p.79.

nationalisms. However, despite the experience of wars among the countries of the West and the era of nationalism, an axiological community prevailed that is contemporarily referred to by the architects of European integration, who sometimes unduly restrict „Europe” to the Latin world.

It is certain that such concept of the European borders does not provide Georgia with a sense of European affiliation. Europeans, particularly from the western part of the sub-continent do not entirely identify Georgia with Europe. Actually, Georgia is not present in the European historiography. The syntheses of European history rarely encompass the eastern coast of the Black Sea. It is much easier for the European scholars to perceive Russia and other Orthodox states as part of Europe, rather than it is to do so in case of Georgia or Armenia. The former British colonies are more willingly perceived as part of the Latin cultural community. This is true of countries such as the USA, Canada, Australia and New Zeland, but also some Latin American states, especially those where Spanish and Portugal descendants dominate the population. Even the Muslim Turkey, in terms of the European historiography, is more visible because of conflicts with the western world that lasted for centuries and their territorial acquisitions in the south-eastern part of the continent. European historians seem not to perceive Georgia as part of Europe, which exactly determines its common perception: as a distant, in this case Western-Asian, country with entirely different culture.

Such perception does not concern Georgia only. Countries of the Eastern Europe and often Central Europe, are not present in the minds of Western Europeans. The notion of the Elbe river as the „Iron Curtain”, as it had been for almost 50 years, still remains strong in the geopolitical stereotypes. From the end of World War II until the Velvet Revolutions of the turn of the 1980s and 1990s, this river divided Europe into „the free world” in the West and „the communist block” in the East. However, this division is more of a cultural character and has a significantly longer tradition. This was the medieval border between the German-Roman and Slavonic worlds. East of the Elbe river, the area of the former Eastern Germany, were occupied by western-Slavonic tribes of the Veleti, Obodrites and Polabian Slavs. A peculiar ethnic relic of those times are the Sorbs that presently inhabit the Polish-German border. After the German expansion to the western Slavic territories, the border moved further to the East: firstly to the Oder, to later reach the native Polish lands. However, the division into the European German-Roman and non-European Slavonic worlds cannot be justified by arguments of culture. The Western Slavs, i.e. the Poles, Kashubians, Czechs, Moravians and Slovaks adopted many standards, both Roman as well as Germanic. By having received baptism in the Latin rite, they became part of the Latin Europe. But the Elbe marked a different border as well. It was there that the *actual limes* between the center of the Western and Eastern Europe was drawn: in this concept, Europe is geographically limited exclusively to the Latin world). The Western Europe served as the focal point of the European culture and civilization and a model of principles and cultural values, and Eastern Europe was considered merely as European peripheries, where only imitation of the Western values took place. Therefore, the „true” Europe lies in the West. The East – as I have already mentioned it does not include Eastern Christianity – is only the imitator. And if it is to be considered Europe, it is certainly the „worse” Europe. During the industrial revolution, the West developed a capitalist system while to the east of the Elbe manorial serfdom flourished. Such underdevelopment resulted in disavowal of the Latin East, not to mention the Orthodox world. This cultural division of the Old Continent along the Elbe overlapped with the „Yalta” world order that after World War II strengthened the stereotypical approach towards viewing Europe and Europeanness.

In both approaches – Europe limited only to the German-Roman world or the West – neither Poland, all the more Georgia does not fit into the European boundaries. And although they decline in importance, some of the western Europeans use them in drawing the borders of the European world that in essence is identified with the Western prosperity and stabilization.

The integration processes, however, entirely reshape the understanding of Europe. The turning point was not the year 2004, as many people consider, when 8 former Communist countries entered the European Union. Neither was it the year 1999, when first Central European countries joined NATO. The main events occurred along with the collapse of the Eastern Block. The event that is symbolic to those events was the collapse of the Berlin Wall. However, the breakdown of the inefficient communist system had begun much earlier, with the birth of the „Solidarity” movement and first free, although not fully democratic, elections in Poland (June 4, 1989). The energy of the inhabitants of the Central and Eastern Europe was focused not only on overthrowing the communist regimes, but also integration with the West. The slogan „return to Europe” began circulating at that time, and metaphorically it implied implementing European values and principles into the post-communist political, social and economic systems, together with the will to integrate with the Euro-Atlantic structures.

Under the concept of Europe as the institutional European order several instances may be described that draw the European space in different ways. The „minimal programme” identifies Europe with the European Union, much as America is identified with the United States. A European therefore is a citizen of the European Union. The notion of European citizenship itself means bringing Europeanness to the level of the EU. However, it is not the EU citizenship that is being broadly discussed but the European citizenship instead. Of course, the inhabitants of the non-EU countries remain European, as in the case of Americans, who are not only the citizens of the USA, but also Canadians, Mexicans, Brazilians. Therefore, a European would be also a Norwegian, Swiss or a citizen of San Marino. However, including different national groups into the „European collective” depends largely on assuming a different approach in modeling European borders. As in the objective sense, by definition, the citizens of the European Union become Europeans, so in other cases it is the cultural and/or geographical paradigms that determine it<sup>13</sup>.

The „maximum program” of this option stretches the notion of Europeanness onto all states that participate in shaping of the European institutional order, which cannot be reduced to merely the EU institutions. The adjective „European” has been incorporated by many international organizations and institutions that operate on the Old Continent. Among the most important are Council of Europe and OSCE. Not without significance are such sport institutions as FIFA. The European member-states of NATO are obviously also considered part of Europe – they are a significant part of the European defense system but are also responsible for the geopolitical strategy of military integration within the Euro-Atlantic community.

This geopolitical perspective provides Georgia with an opportunity to become part of Europe and the community of the European nations. In case of the „maximum programme” Georgia may be even at present considered a European country. It is a member of multiple European organizations, among

<sup>13</sup> Cf. A. Modrzejewski, *Przyszłość idei narodu europejskiego w warunkach intensyfikacji procesów integracyjnych i kształtowania się ładu ponowoczesnego*, In: *Globalizacja – naród – jednostka. Zagadnienia tożsamości kulturowej*, T. Kuczur, A. Błachnio [eds.], Toruń 2009, pp. 192-193.

that the Council of Europe, which presents its attitude towards the European standards regarding human and civil rights. The determination of Georgian authorities to integrate within the Euro-Atlantic structures is also a positive signal. Membership in NATO and the EU, Georgia's strategic goals, allows to notice Georgian European aspirations. The fact that Georgians, and particularly their political and cultural elites, feel a connection with European nations, political and cultural community may in future result in inclusion of Georgia into the European awareness. If the Europeans find Georgians as members of the same cultural and political community, Georgia will *de facto* become part of this Europe and, as such, will be considered a European country. A few years ago, in an article on civilizational reorientation of Ukraine as a result of the Orange Revolution I attempted to prove that an important factor that determines country's and nation's regional affiliation (in this case – European) is the state's geopolitical strategy. It determines civilizational affiliation more definitively than historical or even religious issues. If a certain country will be considered European is greatly affected by their citizens' and authorities' attitude towards Europeanness. In the discussed concept of European borders, they are not definite and absolute in character. States that do not define themselves in European categories, do not participate in the construction of institutional foundations of the European political systems, that reject European democratic standards shall not be considered European. However, by stating the will to embrace European values and principles, aiming for integration with the European political structures they become part of the European family of countries and nations, thus becoming part of Europe – not because of cultural and historical factors, but because of geopolitical strategy. However, cultural and historical factors are not to be underestimated. It is obvious that the Ukrainians, Belarussians and Georgians are more closely related to Europe than the Kazakhs or Azerbaijani people. The choice of geopolitical strategy seems to co-relate with the cultural code. Nevertheless, it is not the code that ultimately determines, whether a country is European or not, but the geopolitical choice that it to some extent determines<sup>14</sup>.

The fifth approach is purely geographical in nature and is connected with determining tangible boundaries. The eastern boundary of the European continent or, rather, sub-continent is the main concern of this approach as well. When the southern, western and northern borders are determined by the coastline, the eastern border has been imposed, somewhat arbitrarily, along the Ural mountain range. Even if such delimitation is considered legitimate, problem arises when attempting to determine the southern section of Europe's eastern border.

Generally, 11 variants exists that are used for detailed delimitation of the Euro-Asian border that have been presented in the map below:

<sup>14</sup> Cf. A. Modrzejewski, *Cywilizacyjno-kulturowy kontekst „pomarańczowej rewolucji” na Ukrainie*, „Środkowoeuropejskie Studia Polityczne, Central European Political Studies” 2/2005, pp. 32-35.



Source: [http://pl.wikipedia.org/w/index.php?title=Plik:TransAsia\\_m2.png&filetimestamp=20101001202922](http://pl.wikipedia.org/w/index.php?title=Plik:TransAsia_m2.png&filetimestamp=20101001202922)

- A:** Ural Mountains-Emba River and Kuma Manych Depression (at Rivers Kuma, Manych and lower Don)
- B:** Ural Mountains-Ural River
- C:** Yuroskiy Shar Cape-Pay Khoy Mountains-Ural Mountains-Ural River
- D:** Ural Mountains-Kazakhstan Border
- E:** northern foothills of Caucasus
- F:** Lines on the Great Caucasus watershed
- G:** southern foothills of Caucasus
- H:** Meso-Caucasus at Rivers Rioni and Kura
- I:** Lines on the Lesser Caucasus and Rivers Araks and Kura
- J:** former southern border of the Soviet Union





In the concepts of the southern section of the eastern border of geographical Europe, Georgia is usually situated outside the European continent. The International Geographical Union and most of the European geographers draw the Euro-Asian boundary along the Ural Mountains-Emba River path, to the Kuma Manych Depression at Rivers Kuma, Manych and lower Don, which corresponds with option A. Georgia may be considered a completely European country only in case of options I and J, and incorporating the boundary of the former Soviet Union to serve as the south-eastern border of Europe seems to be an artificial endeavor. Options G and H Georgian territory serves as border lands between Europe and Asia. Here, northern Georgia would be European and southern Georgia – Asian. Option F would leave only small parts of the country, which are now controlled by the separatist governments of Abkhazia and South Ossetia, as part of continental Europe.

However, determining this particular European border by terms of geography seems to be a rather unfortunate idea. While the moving boundaries of the European world that are commonly identified with culture and civilization do reflect the true nature of Europe, its geographical restraint does not correspond with the European spirit. Modern shape of the European sphere is the effect of Peter the Great's modernization of Russia. What were the reasons for geographically defining the eastern borders along the Ural? Russia, and before that the Grand Duchy of Moscow was not considered a European country. It was much closer related to the Tatar-Mongol traditions, especially in terms of political culture, than to European models. A way of expanding the European horizon was found in geographical separation of the „civilized” Europe and „barbaric” Asia not before but beyond the eastern border of the Russian *ethnos*. Thus, because of Tatishchev's endeavor, the European character of Russia, and particularly its western territory with Moscow and St. Petersburg, became undisputable. In the opinions of Tatishchev and his followers Russia became objectively, although not universally, part of the European world<sup>15</sup>.

Geographical perception of Europe was not exclusively Russian domain. Ancient Greeks and Romans in their cartography presented Europe as a separate part of the then known world. Europe was one of the three continents, along with Asia and Africa, then known by the name of Libya. The border river was usually the Don (Greek: *Tanais*), which resulted in Scythians inhabiting Europe and Armenians inhabiting Asia. Such thinking was adopted by the ancient Christians, although in this case Don remained the eastern European boundary, but the center of the „world” civilization had moved to Jerusalem, Christian sacred city<sup>16</sup>.

Another method of defining Europe that absolutely includes Georgians into the family of European nations is identifying Europe with the European Christianity. This encompasses two traditions: Western (Latin), which includes Catholics and Protestants, and Eastern (Byzantine). Outside Europe live the followers of the Ancient Churches of the East like the Copts, Armenians or Indian Saint Thomas Christians. The Latin Christianity is derived from the Greek-Roman tradition. For a millennium it constituted a Community of Faith brought to life by Greek philosophy and Roman political organization. An influential, contemporary social thinker that in his writings made numerous references to this concept, that can be traced back to the 19<sup>th</sup> century Russian religious thought, was the Polish philosopher and theologian, who later became Pope John Paul II, Karol Wojtyła. His „non-pontifical” name is

<sup>15</sup> J. Potulski, *Współczesne kierunki...*, p. 51-62.

<sup>16</sup> Cf. A.B. Murphy, T. G. Jordan-Bychov, B. Bychova Jordan, *The European Culture Area. A Systematic Geography*, Lanham 2009, pp. 2-4.



being addressed here on purpose, because he had stated his opinions clearly even as a Cracow and Lublin scholar<sup>17</sup>. And although at first it may seem that he was an advocate of Tatishchev's ideas, he in fact perceived Europe in cultural terms and in full West-East dimension. What he saw in the Ural mountains was a contractual rather than natural eastern European boundary.

He noticed that the geographical boundary of Europe is clearly defined: it runs along the Ural mountains. To the east of Ural begins the massive Asian continent, while to the West, the significantly smaller European continent which, in terms size, could be considered a massive peninsula of the Euro-Asian continent<sup>18</sup>. In the same article, Wojtyła opposed the motion of restraining Europe within the special (geographical) category. The concept of „Europeanness” , Wojtyła argued, that corresponds with European borders in geographical sense cannot be reduced to merely the borders themselves<sup>19</sup>. He claimed that more important from the physical boundaries are the boundaries that „are within the people themselves”. These boundaries are determined by the awareness of existence of a cultural and civilizational community, sharing the same religious beliefs, celebrating the same holidays and sharing a similar system of values. If Europe is to be viewed from such a perspective, determining its geographical boundaries becomes irrelevant. More important, therefore, becomes determining the „mental” boundaries that usually do not correspond with natural or contractual geographical borders that separate the Old Continent from the rest of the world. Such approach determines the perception of European sphere: as a cultural space shaped by the Christian tradition in its universal, Latin-Byzantine dimension.

In this way, Wojtyła refused to accept the Western concepts that limited the European space either to the Latin-Christian nations or, what was especially popular during the Cold War, to the countries west of the Iron Curtain. He accused the West of talking and thinking about Europe in „Western” terms only<sup>20</sup>. He interpreted this as manifestation of certain megalomania, which caused the citizens of the West, and particularly Western intellectuals, to pass harsh judgments about different parts of the world, including the European East, with a characteristic superiority which depreciated the cultural and civilizational achievements of non-Western societies. In the opinion of the future Pope, neither the variety of traditions, in this case the Latin character of the West and Byzantine and Slavic characters of the East, nor systemic differences that had divided Europe into two competing blocks: liberal democracy and authoritarian and totalitarian communist regimes, can be considered a plausible justification of such an approach.

Wojtyła's concept of the European sphere assumed existence of two major European traditions: Western, or Latin, and Eastern, or Byzantine. They are the two founding elements of Europeanness. Europeanness that is not brought down to neither geographical space nor a political block but is, rather, a cultural community in which Christian nations participate, both of Roman and Byzantine rites. Therefore, Europeanness refers to both West and East of the Old Continent. The foundation of Europe, and at the same time its constitutive element, is the European Christianity as such, regardless its tradition and rite. And it is because of this foundation, the Christian cultural heritage, that

<sup>17</sup> An excellent interpretation of the Papal teachings on the Orthodox Christianity may be found in a book by a Slavist and historian of ideas, Grzegorz Przebinda. Unfortunately, it has been published only in Polish. Cf. G. Przebinda, *Większa Europa. Papież wobec Rosji i Ukrainy*, Kraków 2001.

<sup>18</sup> K. Wojtyła, *Gdzie znajduje się granica Europy?*, „Ethos” 28/1994, p. 28.

<sup>19</sup> *Ibidem*, p. 29.

<sup>20</sup> *Ibidem*, p. 27.



Georgia is sometimes perceived as a European outpost in Caucasus<sup>21</sup>. This paradigm is the one that Georgian politicians and intellectual elites seem to refer to when acknowledging that the source of Georgia's Europeanness lies in Byzantine Christianity.

To sum up it is important to note that the geopolitical situation of Georgia is ambivalent. Some concepts include Georgia and its inhabitants into the realm of the European world, whereas some express an ambivalent stance. Others treat Georgia and the Georgian nation as part of the alien Asian culture. Political geography, especially European, is comprised of two elements: objective, which is a physical map and subjective, which places demarcation points on this map. This subjective factor is the one that geopolitics fits in<sup>22</sup>. The European character of Georgia will solely depend on the „recognized” Europeans, particularly factors that shape the geopolitical awareness of the European societies (politicians, historians, scientists, philosophers and journalists), as well as the Georgians themselves. Not without meaning is the introduction of European standards in the political, social and economic systems. If system meets the European criteria, Georgia will be considered a European country.

Despite all of the above, the Georgians for many years have defined themselves as Europeans. They share European values and appreciate European culture and civilization, considering themselves an important part of the European heritage. Their contacts with Ancient Greece and baptism received from their hands a few centuries after renders Georgians a strictly European nations. And although because of geopolitical conditions they had for many years been excluded from the European political space they remained committed to the principles of European culture and civilization. The „European awakening” occurred somewhat in two stages. First, rather faint, after the collapse of the Soviet Union. Second, enthusiastic, along with the Rose Revolution that knocked Georgia out of the orbit of *quasi-dependence* from the Russian Federation. Georgian reformers managed to remodel not only the political and economic systems but also redefined the foreign policy, charting an unequivocally pro-European course. The goal became to integrate with NATO and the European Union<sup>23</sup>.

The grounds for Georgia's accession into Euro-Atlantic structures is, in their opinion, its European cultural identity. President Saakashvili justified such course of action: „Georgia is returning to its historical European family. We are not simply Europeans, we are the oldest Europeans. Europe is coming back to Georgia just the way Georgia is returning to Europe. However, Europe first came to Georgia through its myths, in search of the Golden Fleece. Europe came here to free Prometheus. Europe came here when Georgia became one of the first Christian states and it was from here that Europe went to many European countries. This is very important because Europe is our most important political vector. Europe above all - this is the main slogan of our foreign policy and it is the main landmark. For this reason, we are cooperating with Europe in every structure, in every area. We are participating in the EU Neighborhood Policy and we want to have full coordination in every field: in economic, political and security affairs”<sup>24</sup>.

In my opinion, the problem lies within Georgians' determination to join Europe. It is important that they do not lack it in their efforts. Beneath the declaration: „we are Europeans!” lies the question:

<sup>21</sup> See: Cf. A. B. Murphy, T. G. Jordan – Bychov, B. Bychova Jordan, *The European Culture Area...*, p. 203.

<sup>22</sup> Cf. J. Potulski, *Wstęp do geopolityki*, Gdańsk 2010.

<sup>23</sup> Cf. T. Gamkrelidze, *The Contractedness of Georgian's European Identity*, In: *Europe and The World in The Face of Integration and Disintegration Processes*, T. Kuczur, A. Modrzejewski [eds.], Toruń 2010, p. 218-227.

<sup>24</sup> Quoted after: T. Gamkrelidze, *The Contractedness of Georgian's...*, p. 222.

„when will you recognize us as Europeans?”. In this respect, the European countries express deep ambivalence. On the one hand, they are declaring full support for the democratic reforms and „Europeanization” of political and economic systems. On the other, they do not provide any substantial information about the possibility of membership in both NATO and the EU<sup>25</sup>. Moreover, the USA view Georgia not as a partner, but a tool for achieving their own geostrategic goals. This makes Georgia’s geopolitical position unenviable. The European aspirations collide with the interests of major international players, especially Russia that is not interested in extending Euro-American sphere of influence<sup>26</sup>.

Does a reasonable chance for integration of Georgia with the Euro-Atlantic structures exist? It seems that for the time being the answer is no. The European Union cannot afford to “digest” the last enlargement to Bulgaria and Romania. Croatia and Iceland are to follow shortly and after that, the door to the European structure are going to be sealed for many years. The present economic crisis and bad financial situation of the Euro-zone countries is not likely to accelerate the process. In case of NATO, Georgia does not meet the basic requirement: its territory is not completely controlled by the central government, and this is the risk that the Alliance cannot take. It is not likely that the Georgian forces retake Abkhazia and South Ossetia from the hands of the separatists. The events of August 2008 demonstrated how such plans may end. Even less likely is the acknowledgement of the separatist republics by the Georgian authorities. The geopolitical situation of Georgia would certainly improve, as did Serbia’s after the ultimate loss of Kosovo – although from the Serbian point of view not *de iure*. Therefore, the *status quo* variant remains. However, it does not compromise the European identity of the Georgian people and their European aspirations. Yet the main question still remains unanswered: will the Georgians have enough patience in their efforts to access the EU? The Turks have been waiting for almost 40 years now and they have been modernizing their country in accordance with European standards. But it is not the standards that counts, but the fear that the culturally different Muslims will flood the Western job markets and will destroy the stable social order. Georgians are neither Muslim, nor do they have the ability to flood the European job market. As a relatively small nation they do not pose such a threat. However, even despite this fact, obtaining the EU membership will be neither a simple nor quick process. If the EU will expand, it shall not be earlier than in a few decades. NATO membership is a much closer perspective, which can be seen in its expansion to the Eastern European countries that do not have a chance for a quick accession into the EU. This particularly refers to Albania. But in order for this to be possible for Georgia, one condition has to be met: a complete internal order must be restored, accordingly with European standards. This and only this would provide the Georgian people with a relatively quick integration with NATO. Of course, international politics is unpredictable and anything is possible. Unexpected twists of events are bound to occur. Therefore, these somewhat pessimistic calculations may be verified in time and integration within Euro-Atlantic structures may occur during the lifetimes of today’s 50-year-olds.

A particularly interesting concept of European integration is one that identifies Europe with a neo-medieval empire. Its characteristic feature are the concentric circles, overlapping competences

<sup>25</sup> Cf. G. Piwnicki, *Integracja europejska na osi Wschód – Zachód, przez pryzmat geopolityki i globalizacji*, „Cywilizacja i Polityka” 6/2008, pp. 68-79.

<sup>26</sup> Cf. I. Wallerstein, *Geopolityczne szachy: Tło miniwojny na Kaukazie*, „Geopolityka” 2/2009, pp. 151-154; J. Potulski, *Geopolityka Morza Czarnego*, „Gdańskie Studia Międzynarodowe” 7/2009, no. 1-2, pp. 104-114.

and powers. Not all countries participate in all concentric circles. A particular kind of a concentric circle is the Euro zone, where only chosen EU members participate, or the Schengen countries that is comprised of most of the EU member-states (except Great Britain, Ireland, Cyprus, Bulgaria and Romania) and countries economically closest to the EU structures, such as Norway, Iceland and Switzerland. Among the features of a neo-medieval empire are:

1. mentioned fluid and half open borders, which means, among other things, that the states that do not participate directly in political integration are sides of some of the economic or administrative agreements – for example countries from outside the EU (Norway and Iceland) are involved in the Schengen Agreement;
2. maintaining socio-economic differences;
3. co-existing of different cultural identities;
4. inconsistencies in commanding and functional competences and constituency borders;
5. merging of various types of political structures and relationships;
6. redistribution, based on common goals in different international obligations;
7. different types of citizenship, together with different range of rights and responsibilities that come with them;
8. broad range of sovereignty, both in territory and functional areas<sup>27</sup>.

When inventing the idea of a European empire, German scholars Ulrich Beck and Edgar Grande noticed that it is determined by ambivalence of limitation and boundlessness. On the one hand, any empire aims at expanding its dominion. On the other, the European Empire is said not to be of universal character, it bounds itself. However, these boundaries may change in time. Thus, a definite answer to the question of where the Europe ends and what belongs to it cannot be provided<sup>28</sup>. Such approach gives Georgians a realistic chance to join, in time, into the integration process in the Old Continent. The conditions might not resemble the present full membership from day one, although we might speak of some kind of integration by association, free trade zone, common tariff policy or economic area to eventually fully-fledged membership in the political community of the European Union.

The road to full membership in the European structures is difficult. However, the experience of Central European countries may prove to be beneficial to Georgian people. Treated, until recently, as members of a „different” , which had meant „worse” part of Europe, are now becoming full-fledged members of integration processes and their European identity is not being questioned<sup>29</sup>.

<sup>27</sup> L. Zielonka, *Europe as Empire. The Nature of the Enlarged European Union*, Oxford 2006, p. 16.

<sup>28</sup> U. Beck, E. Grande, *Europa kosmopolityczna. Społeczeństwo i polityka w drugiej nowoczesności*, Warszawa 2009, pp. 129-130.

<sup>29</sup> Cf. G. Piwnicki, *Polska jako pomost łączący Europę Środkową z Zachodnią*, In: *Polska w systemie międzynarodowym w dobie integracji europejskiej*, M. Marczevska-Rytko [ed.], Lublin 2001, pp. 11-27; A. Piskozub, *Polska w cywilizacji zachodniej*, Toruń 2005; D. Leška, *National Identity, European Citizenship and European Identity after Entering the European Union – the Case of Slovakia*, „Politics in Central Europe” 1/2008, vol. 4, pp. 79-81.

## CHALLENGES FOR GEORGIA AND UKRAINE IN THE BLACK SEA REGION

Policy analysis is very difficult when the principles of domestic and foreign policy of a specific country are unstable and unpredictable. Examples of such policy and difficulties in its analyzing can be found in almost all post-Soviet states. (Except for the Baltic countries, perhaps.) Not taking into account the specifics of the internal development mechanisms of post-socialist societies, we want to focus on the analysis of external factors – the Black Sea region initiatives of Ukraine and Georgia, in particular. A quote from Anna Shelest's publication which reflects the opinion of many Ukrainian analysts on Ukrainian-Georgian partnership issue will be appropriate. "Since 2004 till 2007 the Ukraine - Georgia security tandem had been one of the most effective. Close cooperation between the two partners in all the areas, initiation of joint projects within GUAM and Community of democratic choice, the project development of oil and gas transmission through the territory of Georgia and Ukraine to the European Union (GUEU), Odessa – Brody, a course towards European and Atlantic integration – all these had been making real partners out of the two countries"<sup>1</sup>. However, the same think tanks noted that after 2007 this cooperation has somewhat stalled. Given the fundamentals of analysis of the British scholars Brian W. Hogwood and Lewis A. A.Gunn<sup>2</sup>, it is important to remember that conventional analysis of the sequence of actions and specific programs will not be sufficient. According to the researchers "It may be impossible to evaluate a program properly, if the requirement to assess it was not incorporated into its draft"<sup>3</sup>. Thus, in this article we would like to focus on the following issues. Firstly, what Ukraine and Georgia have been guided by while deciding which actions to take opposing Russia in the Black Sea region. *Secondly*, what role each of all the GUAM players have, and why we view Ukraine and Georgia as the most successful example of security partnership in the CIS. *Thirdly*, why the GUAM initiative and Ukraine's role in it have weakened, and consequently what forecasts and thoughts on the most likely perspectives are. And finally, whether the role of Ukraine in the GUAM should be considered as an example of a stable and balanced foreign policy in the Black Sea region in contrast to Russian domination.

### The Black Sea region - definition, structure, problems of development

There is no unanimous view among analysts on the notion the "Black Sea Region". Quite often in scientific literature, the terms Black and Caspian Sea Region and Black Sea region are used interchangeably. (For example, in the magazine "Black Sea Security" of the Ukrainian non-governmental group "Nomos", which conducts research on international relations, national security and Euro-Atlantic integration.) However, in recent discussions on the pages of Independent Cultural Magazine "I", there appeared an idea of Mikhail Dyelyahin, the Director of the Globalization Institute in Moscow. The researcher believes that "the Mediterranean, Black Sea and the Caspian Sea is a chain of intercon-

<sup>1</sup> Ш. Ганна, *Посилення ролі України у формуванні системи безпеки в Чорноморсько-Каспійському регіоні*, „Чорноморська безпека”, 2/2008, р. 30.

<sup>2</sup> Б. Гогвуд, Л. Ган, *Аналіз політики для реального світу*, Київ, 2004, р. 15.

<sup>3</sup> Ibidem.

nected regions, but not a single whole region”<sup>4</sup>. The Black Sea region can be viewed in many respects – in purely geographical, ecological, cultural, social or political<sup>5</sup>. Indeed, as opposed to large national and state associations, regions have become more relevant in recent decades. This is primarily due to political reforms that occurred in European countries because of growing needs of sub-national organizations and political parties as a result of policy of the European Union. Thus, the region has become a more significant factor in European politics<sup>6</sup>. As Ukrainian researchers emphasize, regions defer according to such key parameters: the differences in historical development, linguistic and religious differences and level of economic development. As a result of emerging differences in political orientations and social behavior<sup>7</sup>. Thus, the region is not only an economic space, but is also a space of a particular social structure, government organization and cultural traditions. In the regional environment, there are certain framework conditions for the lifestyle of residents of the region.

On the basis of such differences, regionalism is being formed which is an approach to addressing and resolving economic, social, political and other issues from the perspective of a region, its interests and needs. In this case, a region is viewed as a dual concept, namely: the region as an area, district, part of a country that is different from other areas by a number of certain features. The second interpretation is the following – it is a group of closely located states, which represents a separate economic and geographical region or close in terms of national structure and culture area<sup>8</sup>. As the European experts underline, the fact that the Black Sea region is in immediate proximity to the EU, a special approach to solving regional problems is required. Moreover, the Black Sea region is considered as an important component of European security<sup>9</sup>.

Those countries that have direct access to the Black Sea – Romania, Bulgaria, Turkey, Georgia, Russia, and Ukraine – are reckoned to make the Black Sea region. However, the criterion of political affiliation is used more often. For example, a collection published by the Institute for Johns Hopkins (Center for Transatlantic Relations, The Johns Hopkins University), says: “The Black Sea region - defined as the land-and seascape from the Balkans to the Caucasus and from the Ukrainian and Russian steppe to Anatolia – is once again squarely within the field of view of European policymakers”<sup>10</sup>. The notion – The Wider Black Sea Region, which reflects the over-territorial binding to the studied area best of all – is widespread in the English political science tradition.

Recent geopolitical history of the Black Sea region starts from the collapse of the Soviet Union, dissolution of the Warsaw Pact and Council for Mutual Economic Assistance. Today, the importance of the region is caused by the following aspects. Firstly, in the context of EU and NATO enlargement. Secondly, in the context of Caucasus strategic importance growing. Thirdly, due to the role of NATO in Afghanistan and growing dependence on Russian energy and also with the growth of the Caspian region as an alternative to the Black Sea one<sup>11</sup>.

<sup>4</sup> For a more detailed discussion, See: На розломі цивілізацій: Середземномор'я, Чорномор'я, Каспій, Незалежний культурологічний часопис “Г”, 6/2010, pp. 20-23.

<sup>5</sup> More details on the history of the Black Sea Region are available here: Ch. King, *The Wider Black Sea Region in the Twenty-First Century*, In: D. Hamilton, G. Mangott [eds.], *The Wider Black Sea Region in the 21st Century: Strategic, Economic and Energy Perspective*, Washington 2008.

<sup>6</sup> E. Томпсон, *Регіони, регіоналізація та регіоналізм у сучасній Європі*, In: І.Ф.Кононов [ed.], *Глобалізація. Регіоналізація. Регіональна політика: Хрестоматія з сучасної зарубіжної соціології регіонів*, Луганськ 2002, p. 110.

<sup>7</sup> О.Г. Стегній, М.М. Чурилов, *Регіоналізм в Україні як об'єкт соціологічного дослідження*, Київ 1998, pp. 5-6.

<sup>8</sup> Г.В.Осипов [ed.], *Социологический энциклопедический словарь*, Москва 1998, p. 295.

<sup>9</sup> S.E. Cornell et al., *The Wider Black Sea Region: An Emerging Hub in European Security*, “SILK ROAD PAPER”, December 2006, p. 8.

<sup>10</sup> Ch. King, *The Wider Black Sea Region...*, p. 1.

<sup>11</sup> S.E. Cornell et al. *The Wider Black Sea Region: An Emerging...*, p. 8.

## Political Background of the situation in Georgia and Ukraine

The collapse of the USSR and the emergence of new states on the post-soviet territory stimulated the activity of many international actors. Their goal was to implement their own integration projects in the region. Even today we can identify several major international players on the territory of the former USSR. First of all, the Russian Federation, which sees the region as a historical sphere of influence. And these are also Turkey, Iran, the European Union (primarily Poland, Germany) and the USA.

Russia is the leader in integration projects on the post-Soviet territory, although the effectiveness of its policy is in question. At the time, Russia initiated the foundation of the Eurasian Economic Community, the Union State of Russia and Belarus, the Collective Security Treaty Organization, the Eurasian Economic Community and the Shanghai Cooperation Organization. However, the first organization that emerged on the ruins of the Soviet Union is the Commonwealth of Independent States. CIS had been created by the leaders of three Soviet republics (Belarus, Russia and Ukraine) with the purpose of having a “civilized divorce”. But eventually the organization turned into a Russian tool of integration on the territory of the former USSR. The original content and idea of the CIS is well conveyed in the words of the President of Ukraine Leonid Kravchuk. At a meeting in Białowieża Forest, he said: “If we come to people saying that there is no Soviet Union anymore and do not offer anything instead, an explosion is inevitable”<sup>12</sup>. However, without a doubt, “transitivity” which became the basis of the organization turned out to be relatively long-lasting.

Differences in understanding the goals and objectives of the CIS arose pretty soon. For example, in the process of the CIS Agreement ratification in Ukrainian Parliament deputies adopted several amendments. The general sense of those amendments lies in the ability to resist the CIS, if it turns into a new super-state structure<sup>13</sup>. Which means that after having gained independence, Ukraine sought to conduct policy independent from the “center”. Thus, on January 22, 1993 Ukraine did not sign the CIS Charter. Kyiv had been ignoring many of the CIS organs by not participating in their activities. The main principle of Ukrainian position was grounded in an idea that cooperation within the CIS was possible only under the condition of having awareness of the national interests of the Union members. Thus, Ukraine was primarily interested in economic cooperation within the CIS<sup>14</sup>. It is important to understand that Ukraine’s distancing from the Commonwealth of Independent States fit pretty well into the so-called multi-vector policy of Leonid Kuchma. Then, priorities of Ukrainian foreign policy had been articulated. They were grounded on the idea of integration with the EU and NATO. (However, we must admit that those priorities were mostly declarative.) However, such an approach allowed to maneuver between Russia and the West. Ukraine had every right to approach Ukrainian initiatives with caution as it was difficult to solve numerous problems in mutual relations.

From Ukrainian point of view, CIS had been turning into a less and less successful organization, for example, in terms of normalization of relations between its members, especially between the “center” and “periphery” of the former USSR. In addition, Ukraine itself has shown considerable

<sup>12</sup> See: О. С. Кучик [ed], *Міжнародні організації*, Київ 2007, p. 338.

<sup>13</sup> Б. Горинь, *Україна і СНД*, “Спостерігач” 26/1996.

<sup>14</sup> For a more information on Ukraine-CIS relations see: С. Курбатов, *Україна та СНД у сутінках цивілізаційного симулякру*, *Незалежний культурологічний часопис*, “Г”, 50/2007.

ambitions in the region. Therefore, it was not surprising that Kyiv had been seeking an alternative to Russian initiatives. Ukrainian Government's position was supported in Washington. The U.S. administration was interested in the weakening of Russian influence in the Black and Caspian Seas region<sup>15</sup>.

Georgia faced much greater problems in connection to the collapse of the Soviet Union and gaining independence. At the end of 1980 the ethnic tensions between Georgians and Abkhazians increased. Fear of "Georgianization" led to open clashes. In addition, Georgia refused to join the CIS, where Russia played a dominant role. Open Georgian-Abkhaz conflict in fact had not solved the problem of interethnic conflict. According to the Georgian experts, Russia had been interfering in the conflict quite openly. Firstly, the Abkhaz separatists were using Russian weapons<sup>16</sup>. Secondly, "entry of Georgian troops on the territory of the Kodori Valley [...] would have given Russia the right to accuse Georgia of violating the Moscow agreement, signed in 1994, according to which Georgia and Abkhazia had no right to deploy armed forces in the 24-kilometer security zone"<sup>17</sup>. However, if they managed to take under control the separatist spirit in Abkhazia, the situation in South Ossetia was constantly unstable.

So, in the first decade of XXI century Georgia and Ukraine have experienced similar periods of development (the color revolutions of 2003 and 2004 and government change)<sup>18</sup>. All that gave hope for reformation and reassessment of values in foreign policy. Both countries have chosen the path of rapprochement with the West through integration with the EU and NATO. A symbol of such a decision was EU flags (hang in front of the Foreign Ministry in Kiev and in front of the Parliament in Tbilisi). Georgia managed to hold a series of important reforms – to limit corruption, stimulate business development, establishing functioning state institutions. (That did not help Mikheil Saakashvili to avoid authoritarian style of governing). Within the strategy of economic reforms, Georgia has begun to reduce tariffs on transport charges, initiated fight against corruption at customs, have built new airports in Tbilisi and Batumi<sup>19</sup>.

Ukrainian "Europeanization" plans turned out to be mostly declarative. Soon after the victory of Viktor Yushchenko, a conflict in the "orange camp" arose. Unanimity, which is absolutely necessary for reforms, was not enough. The opposition, represented by Viktor Yanukovich and the Party of Regions, as well as smaller political entities, clearly protested against the course of foreign policy. But the most important split happened in Ukrainian society, first of all, in terms of the integration with the West and especially with NATO. That, in turn, was the result of lack of unity in Ukrainian elite and consistent Russian influence.

The Russian factor played a significant role, "hampering" Ukrainian and Georgian plans of integration to the Western structures. In July 2006, the report on "The US National Security Concept – 2006"<sup>20</sup> was presented in the Kremlin. The material represented the most likely, according to the authors, scenarios of U.S. actions toward Russia for the period of election cycle of 2001 – 2008. Among

<sup>15</sup> For a more information on the US position concerning the Black Sea and Caspian Sea region see: О. Волович, *Активність США і НАТО в Чорноморсько-Каспійському регіоні після російсько-грузинського конфлікту*, <http://nomos.com.ua/content/view/309/69/>

<sup>16</sup> N. Chitadze, *Perspectives of the Conflict Resolution in Abkhazia*, "The Black Sea Security" 2/2007, p. 77.

<sup>17</sup> Ibidem.

<sup>18</sup> For more information on the Orange Revolution see: A. Modrzejewski, *Cywilizacyjno-kulturowy kontekst „pomarańczowej rewolucji” na Ukrainie*, „Środkowoeuropejskie Studia Polityczne”, 2/2005, pp. 21-38.

<sup>19</sup> J. Kulick, T. Yakobashvili, *Georgia and the Wider Black Sea*, in Hamilton, Daniel and Mangott, In: *The Wider Black Sea Region in the 21st Century: Strategic, Economic and Energy Perspectives*, Washington 2008, p. 27.

<sup>20</sup> See: *Закритий доповідь Госдуми об отношениях с США*, <http://www.rususa.com/news/news.asp-nid-20848>

the most dangerous elements of the new US course was “stirring up the process of acceptance of Georgia and Ukraine to NATO at the Summit in Riga on November 28 – 29, 2006”<sup>21</sup>. And although, during the summit, they were not invited to join the Alliance, the meeting has become a source of negative attitude of the Russian political elite to Euro-Atlantic goals of Ukraine and Georgia.

However, “hampering” is felt also in Western countries. Obviously, no one is interested in escalating tensions in relations with Russia. And the dependence on Russian energy sources is a powerful tool in the hands of Russia.

At the next NATO summit in Bucharest in April 2008, Georgia and Ukraine got a refusal to join Membership Action Plan. Seeking to sugar coat, the Alliance said that the door for full membership is open to both countries. Everyone knows Vladimir Putin’s words, said behind closed doors: “Ukraine is not even a state! What is Ukraine? Part of its territory is Eastern Europe, and another part, the bigger one, is a present from us!”<sup>22</sup>. Thus, Moscow had officially recognized that its purpose was to prevent Georgia and Ukraine from getting NATO membership. In July 2008, the President of Russian Federation approved the Russian Federation Foreign Policy Concept. The document stressed that Russia was against NATO expansion, especially against Georgia and Ukraine membership<sup>23</sup>. In August of the same year, Russia started war with Georgia. Its result was the second deny of Membership Action Plan not only for Georgia but also for Ukraine. It is notable that Georgia’s evaluation of the results of Bucharest Summit was not too pessimistic. “On balance, it is a victory for Georgia and its stalwart supporters”<sup>24</sup>.

Meanwhile, Russia was actively lobbying its positions<sup>25</sup>. According to Paris – which was the main opponents to Georgia and Ukraine’s integration with NATO – the former USSR states which had not joined the EU or NATO should respect Russia’s interests. As the Secretary of Ukraine’s Council of National Security and Defense Volodymyr Horbulin pointed out in 2008 – “This is a chronic disease, with its mentality, Russia simply is not aware of Ukrainian independent. [...] While the Baltic States is in NATO, Norway is in NATO, Bulgaria is into NATO but Ukraine ...”<sup>26</sup>.

## The European Union and Black Sea Strategy

As analysts of Central Asia-Caucasus Institute and Silk Road Studies Program underline, the interests of the European Union can be divided into categories. “These are: promoting long-term stability and conflict management; promotion of democratic institutions and the rule of law; securing a stable energy supply for Europe; and combating organized crime and terrorism, including concerns over migration and border controls”<sup>27</sup>.

Back in 2006, in the report of SILK ROAD project, regional strategy framework of the EU in the Black Sea region was proposed.

<sup>21</sup> С. Кулик, Україна – НАТО: досягнення, виклики та перспективи, “Чорноморська безпека”, 2/2007, p. 45.

<sup>22</sup> Путін - Бушу: Україна - це не держава, <http://pravda.com.ua/news/2008/4/7/74230.htm>

<sup>23</sup> Foreign Policy Convention of the Russian Federation, [www.kremlin.ru/text/docs/2008/07/204108.sthtml](http://www.kremlin.ru/text/docs/2008/07/204108.sthtml)

<sup>24</sup> J. Kulick, T. Yakobashvili, *Georgia and the Wide ...*, p. 28.

<sup>25</sup> According to Dmitri Trenin: “Russia’s goal remains the same - to keep Ukraine as a kind of buffer between Russia and NATO. [...] *Moscow should conduct a cautious ‘carrot and stick’ policy*” [D. Trenin, *Russia’s Perspective on the Wider Black Sea Region*, In: *The Wider Black Sea Region in the 21st Century: Strategic, Economic and Energy Perspectives*, Washington 2008, p. 109.]

<sup>26</sup> В. Горбулін, *Держава, яка не бачить на 3-4 роки вперед, це сліпа держава*, “Український журнал”, 8-9/2008, [www.ukrzurnal.eu](http://www.ukrzurnal.eu)

<sup>27</sup> S.E. Cornell et al. *The Wider Black Sea Region: An Emerging...*, p. 6.



1. *Democracy and the Rule of Law.* In particular, the reforms in Bulgaria and Romania, strengthening of Euro-integration reforms in Turkey, support for informal structures of the region.
2. *Long-Term Regional Stability.* Specifically, strengthen EU active role in the negotiation process in the Caucasus and Transnistria, consider the historical role of Russia in the conflict, be able to foresee separatist tendencies, support NATO's role in the enlarged Black Sea region.
3. *Energy Security* – solve the energy dependence on Russia issue, develop gas transmission from the Caspian region, develop TRACECA (Transport Corridor Europe – Caucasus – Asia<sup>28</sup>) program, advance cooperation with Central Asian countries.
4. *Fight against* organized crime.
5. *Regional cooperation* – support of regional initiatives such Community of democratic choice<sup>29</sup>, Organization of Black Sea Economic Cooperation<sup>30</sup>, GUAM<sup>31</sup>.

### **The Black Sea fleet as a factor of destabilization of the Black Sea basin**

Russian-Georgian war in 2008 demonstrated an important issue. It turned out that to maintain influence in the Black Sea basin, Russia would not refuse to apply force. The war showed the Russian military weakness and political cowardice, but Russia managed to delay the NATO membership of Georgia and Ukraine.

Thus, today Russia's role in destabilizing the region is primarily apparent through its military presence. The war with Georgia has clearly confirmed the danger of the Black Sea Fleet deployment in Crimea. To understand why, one should remember that in the first half of 1990s, separatist tendencies strengthened on the peninsula. The situation was made even more complicated by Russian fleet location on the territory of the peninsula and the return of Crimean Tatars. In 1997 Ukraine and Russia signed an Agreement on the Division of the Black Sea Fleet. Under the agreement, the Russian side has got the right to lease facilities on the territory of Crimea for 20 years. (The document has become a legislation exception as according to the Constitution of Ukraine it is forbidden to deploy foreign troops on the territory of the country.) The official version for NATO states that Russian military presence on the territory of Ukraine can not be an obstacle to Ukraine's membership. But, in fact, there was no precedent when the troops of third countries were located on the territory of the Alliance.

The next task for Russia was to continue deploying the Fleet in Crimea. It became the live issue in 2008. That was when the President Viktor Yushchenko demanded concrete actions from Russia concerning the withdrawal of the Black Sea Fleet from the peninsula. It was Russian-Georgian war

<sup>28</sup> The main objective of the TRASESA program is the development of economic relations, trade and transport connection along the corridor [<http://www.traceca-programme.eu/en/home/>]

<sup>29</sup> *Declaration of the Countries of the Community of Democratic Choice*, <http://www.nsc.gov.ge/download/pdf/declEN.pdf>

<sup>30</sup> For example, Organization of Black Sea Economic Cooperation includes 12 countries – Albania, Bulgaria, Armenia, Georgia, Greece, Moldova, Russia, Romania, Serbia, Turkey, Ukraine. Official Site: <http://www.bsec-organization.org/Pages/homepage.aspx>

<sup>31</sup> S.E. Cornell et al. *The Wider Black Sea Region: An Emerging...*, pp. 10-15.

<sup>32</sup> 25 Russian bases and military points are located on the territory of other countries (See: H. Гусейнов, *Российские военные базы за рубежом: Азербейджан, Армения, Украина, Беларусь*, [http://www.aze.az/news\\_rossiyskie\\_voennye\\_bazy\\_46182.html](http://www.aze.az/news_rossiyskie_voennye_bazy_46182.html))

<sup>33</sup> For more information on the Agreement on the Division of the Black Sea Fleet see: J. Kozakiewicz, *Rosja w polityce niepodległej Ukrainy*, Warszawa 1999; P. Andrusieczko, J. Prokopiuk, *Flota Czarnomorska i Krym w kontekście bezpieczeństwa Ukrainy*, "Edukacja dla bezpieczeństwa. Przegląd naukowo-dydaktyczny", 3/2010, pp. 65-74).

<sup>34</sup> This is referred to in Article 17 of Chapter I of the Constitution of Ukraine.

that became an impetus for such discussion, as the Fleet units were involved in the attack on Georgia, an ally of Ukraine at that time. Black scripts of Ukrainian analysts that pointed to the potential danger of involving Ukraine into the conflict with third countries<sup>35</sup>. Viktor Yushchenko wrote in his article published in “The Washington Post” then: “Ukraine has become a hostage to the war waged by Russia. That made Ukrainian authorities and all the people of our country, including residents of Crimea, to think about the danger of basing Russian Black Sea Fleet on our territory”<sup>36</sup>.

The Russian presence in Crimea has not only a military dimension, but also (or even primarily) political. Russia still stresses its uniqueness in the post-Soviet space and tries to play the “central” role, as in Soviet times.

Nor should we forget that Crimea is the only region in Ukraine, where the majority are ethnic Russians<sup>37</sup>. Since the Soviet Union collapse, Russian politicians have been constantly feeding separatist spirit in the peninsula. Ukrainian analysts believe that in recent years Kyiv has significantly weakened its position in Crimea<sup>38</sup>. Crimean Tatars environment can fall under radicalization. Their community is heavily politicized and well-organized. Currently Tatars are loyal to Kyiv. However, taking into account that this community faces leader generation shift, Kyiv should not ignore its interests<sup>39</sup>.

In this difficult situation, the Black Sea Fleet can play only a negative role. As it is no secret that the pro-Russian forces on the peninsula are enjoying huge support from Russia due to the Navy structures. According to Merle Maigre, Tallinn expert from the Centre for Defense Studies, “Most of its propaganda campaigns in Crimea, Moscow ran from the Black Sea Fleet press-center. After the Orange Revolution, press-center has limited the open propaganda and started to act through Russian Community of Crimea, mainly. The tactics has been changed and now it is hard to reproach the Black Sea Fleet for the anti-Ukrainian activities”<sup>40</sup>. According to Maigre, Russian military intelligence operates through the Black Sea Fleet Information Bureau. At the same time, pro-Russian non-governmental organizations, including the Russian Community of Crimea, are supported. Through the RCC other non-governmental organizations in Crimea get support<sup>41</sup>.

Officially, Russian politicians such as vice-speaker of The State Duma Alexander Babakov say that it is impossible to change the status of Crimea. “The status of Crimea is a speculation. And believe me, Russia will never allow itself to interfere in the internal affairs of Ukraine on a similar level”<sup>42</sup>. However, after the war in Georgia, other opinions could be heard. On the Internet page of “Nezavisimaya Gazeta”, there appeared an article of the Deputy Chief Editor, Vladimir Solovyov, headlined

<sup>35</sup> Authors' interview with Mykhailo Samus (Center For Army, Conversion And Disarmament Studies), Kiev, June 2008.

<sup>36</sup> V. Yushchenko, *Georgia and The Stakes For Ukraine*, <http://www.washingtonpost.com/wp-dyn/content/article/2008/08/24/AR2008082401856.html>

<sup>37</sup> According to the census of 2001, 58.3% of the population of Crimea are Russians. In Sevastopol, Russians make 76,1% of inhabitants. (See: P. Andrusieczko, *Zmiany struktury narodowościowej i językowej na Ukrainie w kontekście wyników spisu powszechnego z 2001 roku*, „Sprawy Narodowościowe”, 24-35/2004).

<sup>38</sup> According to research of Ukrainian institutions, conducted in August 2007, among the younger generation of Crimean Tatars 59% of respondents expressed concerns about the possibility of an explosion of ethnic and religious conflicts in Crimea. At the same time, 40% of respondents said that a conflict between Tatars and Russians is possible, and 30% believed that it can happen between Tatars and Slavic. (Results of the research are available at *Оцінка сьогодення і майбутнього Криму та України очима кримськотатарської молоді*, <http://www.ucipr.kiev.ua/print.php?sid=6032335>).

<sup>39</sup> For more information on the situation in Crimea and the Tatar community see: Ю.Тищенко, Р.Хахілов, М.Капустін, *Суспільно-політичні процеси в АР Крим: основні тенденції*, Київ 2008.

<sup>40</sup> М. Майтре, *Крым как ахиллесова пята Украины*, “Чорноморська безпека”, 4/2008, p 30.

<sup>41</sup> Ibidem.

<sup>42</sup> *Український полузаїтник. Інтерв'ю з Александром Бабаковим*, “Корреспондент” 26 April 2008. (<http://korrespondent.net>)

“A Battle for Crimea is Ahead”. “Don’t even want to think about it, but if it comes to this, the new “five-day war” will be difficult to avoid. Moreover, when among the Russian military (and not only among them) there is a belief that the Black Sea Fleet will never leave Sevastopol. And all means are good for that, including the historic return of Crimea to Russia”, – said Solovyov<sup>43</sup>. Assessing the possibility of repeating the South Ossetia scenario in Crimea, Alexander Hramchihin noted: “It can not be totally excluded. The same factor as in South Ossetia can be the reason which is protection of citizens’ rights that have previously received Russian passports”<sup>44</sup>. According to the expert, the possibility of such scenario will be increasing, the closer it is to 2017 (the end date of Black Sea Fleet basing in Crimea under the Agreement signed in 1997)<sup>45</sup>.

The problem of issuing Russian passports in Crimea was especially urgent in 2008. No one can specify how many people living on the peninsula have such passports. Ukrainian mass media were covering the process. However, they did not present any concrete evidence. Nevertheless, it should be noted that 23 000 people living in Crimea participated in the recent Russian elections. In the Russian Consulate in Sevastopol, 29 000 citizens of Russia that reside on the territory of the peninsular are registered. But according to unofficial data, about 60 thousand citizens have Russian passports<sup>46</sup>.

Last year, the basing of the Russian Black Sea Fleet in Crimea was prolonged for the next 25 years (starting from 2017). This is an indubitable success of Russia. Moreover, in several respects, the most important one is political. The Russian government showed its citizens, former Soviet republics and the West, that it has no intention to abandon its sphere of influence. Secondly, Moscow has blocked Ukraine’s membership in NATO until 2042. Even if the Ukrainian government changes and the foreign policy doctrine are adjusted, it will be difficult to deny the Agreement, and not least for economic reasons. As then Ukraine is obliged to cover the 100 USD-difference for each thousand of cubic meters of gas, which means several billion of dollars. After all, Russia was unable to involve Ukraine into its military project, but there is enough of Yanukovych’s rhetoric on the non-aligned status of Ukraine. However, it is important to remember that continuing presence of the Black Sea Fleet until 2042 gives a whole different perspective, namely, the modernization of the Fleet. It is known that in late 2009, Moscow and Paris agreed to purchase man-portable air-defense system «Mistral». Moreover, under the French license Russia wants to build four complexes of a similar type. That will definitely change possibilities of the Russian fleet. According to Russian officers, now instead of 26 hours for a completion of a mission, only 40 minutes are needed<sup>47</sup>. So, Russia will further strengthen its presence in the Black Sea basin. And it is a

<sup>43</sup> В. Соловьев, *Вперед – схватка за Крым*, [www.ng.ru/week/2008-09-01/12\\_army.html](http://www.ng.ru/week/2008-09-01/12_army.html).

<sup>44</sup> Alexander Hramchihin is the Head of Analytical Department of the Institute of Political and Military Analysis. (*Российские эксперты говорят о нападении на Крым* (повтор) <http://mycityua.com/news//country/2008/11/06/063800.html>)

<sup>45</sup> See also: D. Штыбликов, *Российско-грузинский конфликт. следующая – Украина? Возможен ли осетинский сценарий в Крыму?*, “Черноморська безпека”, 4/2008, p. 25.

<sup>46</sup> Ibidem.

<sup>47</sup> С. Конончук, *Харківські» угоди. 30% чи 30% срібняків*, <http://www.ucipr.kiev.ua/print.php?sid=603277312>.

<sup>48</sup> Even now, when the Russian-Ukrainian relations have improved, the problem of demarcation can not be solved.

challenge not only for Ukraine but also for Georgia and other countries in the region<sup>48</sup>.

### **GUAM – wasted potential?**

At the Council of Europe Summit in Strasbourg on October 10, 1997, the Presidents of Georgia, Ukraine, Azerbaijan and Moldova signed a joint document on foundation of political and consultative forum – GUAM<sup>49</sup>. The joint declaration stated the need to deepen cooperation. Its goal is strengthening stability and security in Europe. It was noted that further cooperation should be based on the respect of the territorial integrity, inviolability of borders, democracy, and rule of law and respect of human rights<sup>50</sup>.

In 1998, 1999, two meetings of country leaders – founders of the GUAM took place in Washington. The meeting on April 24, 1999 at the NATO summit became remarkable. Despite the general atmosphere of the meeting<sup>51</sup> caused by a protest from Russia, GUAM has become a coordinating body. Economic issues were discussed at the meetings. Especially those associated with launching the transport corridor for Caspian oil through the territory of GUAM countries and creation of the Euro-Asia transport corridor<sup>52</sup>. In a year, at a meeting in New York (on the occasion of the 55th session of United Nations General Assembly) the GUAM memorandum was adopted. The document stressed the need to intensify the cooperation of participants. Also, it was agreed to hold regular meetings of the Heads in the form of Summits. For this purpose, a coordination body was established – the Committee of National Coordinators.

The first GUAM Summit took place in Yalta on June 7, 2001. But from the beginning, a new structure was criticized for its actions to be somewhat virtual. Apart of the meetings of leaders, there were few concrete results. Ordinary residents of the countries – founders have not heard anything about the existence of the organization<sup>53</sup>. Nevertheless, the Yalta Summit gave new opportunities for development. Experts noted the chance of emphasis in Yalta Summit Map Document signed by participants. Thus, the number of spheres of mutual support was changed. The emphasis was made on the economic dimension of cooperation<sup>54</sup>. From the very beginning, the organization faced strong resistance from Russia. According to Moscow, GUAM initiative was directed exclusively against Russia, against its integration projects on the post-Soviet territory. The reaction of Moscow is understandable, as it was the only attempt to create a platform for cooperation, independent from Russia.

The next Summit was held in Yalta in 2002, this time with wide international participation. 10 countries sent their observers, as well as international organizations – OSCE, UN, OBSEC. It was the Summit where the discussion about the need to specify cooperation in security (terrorism and orga-

<sup>49</sup> The name GUAM is the abbreviation of the country-founders' names. In 2006, the UNIAN news agency published material which opened the scene for the foundation of the organization. According to the Agency, at one of the CIS Summits, Leonid Kuchma felt that Georgia, Azerbaijan, Moldova and Uzbekistan are interested in a new different center of influence – Kiev. (Although they continued to look at Russia). The Ukrainian President decided that it was necessary to support such interest. Ministry of Foreign Affairs of Ukraine received appropriate guidelines for implementation of the plan. The emphasis should have been made on the idea of a „stronger friendship”, but with no specific ideas. They say that later on, at the meeting in Brussels, Kuchma articulated more specific forms of cooperation. And a present American General picked up the idea and suggested the name – an abbreviation. Today, no one knows how much truth there is in this story, but there is no doubt that Washington initially was a “godfather” of the GUAM project. (М. Міщенко, *Абревіатуру ГУАМ запропонував американський генерал*, <http://www.unian.net/ukr/news/news-155613.html>).

<sup>50</sup> О. С. Кучик [ed.], *Міжнародні організації*, pp. 302 – 303.

<sup>51</sup> It was not only about the NATO Summit, but also about the Alliance attack on Serbia.

<sup>52</sup> The Statement of the Presidents of Azerbaijan, Georgia, Republic of Moldova, Ukraine and the Republic of Uzbekistan [<http://guam-organization.org/node/305>]

<sup>53</sup> See: М. Пашков, В. Чалий, *ГУУАМ після Ялтинського саміту: реалії і перспективи*, “Дзеркало Тижня”, 7-13. July 2001.

<sup>54</sup> *Ibidem*.

nized crime) was started. First of all, it was caused by the events of the 11th of September, 2001. Other conclusions were related to the transport corridor for energy supplies and free trade between the GUAM members. To ensure coordination of activities, Ukraine proposed to hold annual meetings of GUAM country leaders at OSCE, UN and OBSEC Summits<sup>55</sup>.

The incentives for participation in GUAM for individual countries were influenced by both internal and international factors. Participants were interested in the integration with European structures and, particularly, in reducing dependence on Russian political and economic influence. Also, the prospect of joint energy corridor development united participants. The agreement on territorial integrity was also important, although, the interests of participants were not always in tune<sup>56</sup>.

Despite criticism, forecasts concerning the collapse of the structure were hasty. However, a kind of exhaustion of cooperation formula should be noted. The further intensification of cooperation was possible due to changes that occurred in Georgia and Ukraine as a result of the color revolutions. Both Mikhail Saakashvili and Viktor Yushchenko named integration with the EU and NATO among priorities. This offer automatically created a conflict zone with Russia. In this context, GUAM gave an opportunity to resist pressure from Russia and to deepen cooperation with Western institutions. First of all, the GUAM members came back to political aspect, which was a platform for the emergence of cooperation.

The countries – founders of GUAM went their own ways. Georgia and Ukraine have chosen the democratic model of transformation. In Moldova, the Communist Party was ruling. It was accused of populism and violation of democratic principles. The power of Aliyev's clan was identified with the authoritarian regime in Azerbaijan and establishment of a kind petrocracy (based on oil resources). However, there was a common external interest, not formulated to the full degree, but which pointed at the need for joint action. The above mentioned factor of Russian expansion and attempts to create alternative ways of international cooperation were the main drivers. (Although, officially it has never been articulated.) As a result, despite some breaks in the activity of GUAM, the interest to the organization was not lost.

On April 22, 2005 in Chisinau, a regular summit of GUAM was hold. The refusal of EU representatives to participate in the Summit had been explained in different ways (for example, by the fact that the EU fears to create an “anti-Russian bloc” at the meeting)<sup>57</sup>. Of cause, they started talking more and more about GUAM as about a “club of the unsatisfied with Russian”. At the meeting in Chisinau, the idea to strengthen the GUAM institutional structure and to change the name of the organization came up once again<sup>58</sup>.

Russia was not invited to the Summit, but the “Russian question” arose in the report of the Romanian President Traian Băseșcu. Among other things, the Romanian leader said: “It is necessary to find consensus with Russia”<sup>59</sup>. Indeed, Romania's attitude to GUAM is very much like the balanced position of Turkey in the Black Sea security issue.

<sup>55</sup> I. Сагайдачний, *Реанімація ГУУАМ*, “Дзеркало Тижня”, 27 July 2002.

<sup>56</sup> Predictions about the “death” of GUAM appeared in the press on a regular basis. Considerable impact on this matter was caused by the position of Uzbekistan. Initially, it was seen as a potential leader of the organization. Uzbekistan, however, quickly took a passive stance and limited its activities to economic cooperation. Moldova also expressed different attitudes to GUAM, often even skeptical. This gave grounds to assume that Chisinau would follow Tashkent.

<sup>57</sup> Ukrainian experts believed that the lack of active support from the EU was rooted in the relations between Russia and the EU and also in Europe's dependence on Russian energy. In addition, the prevailing opinion in the EU was that the GUAM project was initiated by the USA. So the organization is strongly influenced by Washington (Ю. Кисельова, *ГУАМ: нова політична партія на пострадянській шахівниці*, <http://www.ucipr.kiev.ua/index.php>

<sup>58</sup> Offered about 10 options, the Organization for Democracy and Economic Development was the most appreciated. However, the official name was approved later. (О. С. Кучик [ed.], *Міжнародні організації*, p. 308).

<sup>59</sup> *ГУУАМ закінчився Кишинівською декларацією. Румунія хоче бачити Росію*, <http://www.pravda.com.ua/news/2005/04/22/3009122/>

The undutiful achievement of the Summit was the decision on establishing of free trade between member states. However, it had a general declarative character and did not go beyond the analysis of options and formulation of goals and priorities. In particular, energy cooperation was traditionally in focus, though the fate of the Odessa-Brody pipeline that would transport oil to Europe, is still undecided.

Russian media were actively commenting on the Summit. The newspaper “Novye Izvestiya”, for example, wrote that the purpose of GUAM is to weaken Russia’s energy position in the region. That GUAM is more like an “on paper” organization, although everything might change, if only the EU would strengthen cooperation with it<sup>60</sup>. “Kommersant” clearly stated that GUAM finally outlined its geopolitical position, and described it as an “anti-CIS”<sup>61</sup>. And “Vremya Novostei” wrote: “Yesterday’s GUAM leaders Summit in Kiev with all its might was demonstrating Russia the ability of Georgia, Azerbaijan and Moldova to solve their problems without Moscow”<sup>62</sup>. “Nezavisimaya Gazeta” added “soothing” comments of Ukrainian and Georgian political scientists which noted that the newly formed structure was weak in economic terms and that nobody was interested in confrontation with Russia. The publication stated that the decision to create the Free Trade Zone meant the final denial of Ukraine to participate in the Russian project – common economic space Customs Union of Belarus, Kazakhstan and Russia<sup>63</sup>.

Ukrainian delegation primarily emphasized that the GUAM countries were not just any “debris” of the former USSR. Those were absolutely sovereign country that had the right to choose their own development path to a united Europe. Participants agreed on the issues of stirring up energy cooperation. Once more, they confirmed the importance of such components as economics, transport and information which are important for the security of all the GUAM member-countries<sup>64</sup>. Much attention was dedicated to security in the region with the emphasis on the settlement of local conflicts<sup>65</sup>.

Crucial for the further development of relations was the GUAM Summit in Kyiv, held on May 22 – 23, 2006. The centerpiece of the meeting was signing of the Agreement on foundation of a new “Organization for Democracy and Democratic Development – GUAM”. According to the signed Charter, main goals of the new GUAM are: spread of democratic values, rule of law, human rights, sustainable development, strengthening international and local security and stability, expand of economic and humanitarian cooperation, development of social and economic, transport, energy, research and development potential, increase of political activity and technical cooperation. The structure consists of the Council and the Secretariat<sup>66</sup>. A free trade area between Azerbaijan, Georgia, Moldova and Ukraine was established. Summit participants stressed that GUAM activities was not directed against neither Russia, nor the CIS.

Ordinary meetings on the highest level were held in Baku (18-19 June 2007) and Batumi (June 30-July 2, 2008). At both meetings, the top issue was the settlement of “frozen conflicts”. Viktor Yushchenko, for example, believed that the issue should have been a landmark of GUAM.

<sup>60</sup> В. Ширяев, *Трудный выбор*, “Новые Известия”, 24 Май 2008.

<sup>61</sup> С. Сидоренко, В. Соловев, *ГУАМ покончил с постсоветским прошлым*, “Коммерсант”, 24 Май, 2008.

<sup>62</sup> С. Степаненко, М. Вигнанский, *Друзья из четырех букв*, “Время Новостей”, 24 Май 2008.

<sup>63</sup> Т. Ивженко, *Ющенко ставит на транзит*, “Независимая Газета”, 24 Май 2008.

<sup>64</sup> Given the situation in Azerbaijan this point is not convincing.

<sup>65</sup> *There are four hot points in our region, and Ukraine aims to drive from the dead-lock at least one of the problems – Transnistria*, – emphasized Victor Yushchenko, <http://www.pravda.com.ua/news/2005/04/22/3009122/>

<sup>66</sup> See: *Устав Организации за демократию и экономическое развитие – ГУАМ*, <http://guam-organization.org/node/449>.

Lack of a consolidated position among the GUAM members has become particularly noticeable in relation to the Russian-Georgian war. In fact, only Kyiv represented by the President Viktor Yushchenko openly criticized Russia. Ukrainian political analyst Vitaly Kulyk noted then that Yushchenko had not agreed his position with the other GUAM members. Thus, the organization did not express the joint position<sup>67</sup>.

When Viktor Yushchenko came to power, it was expected that the interest to GUAM in Kyiv would decrease. Some even predicted a full withdrawal from the organization<sup>68</sup>. However, in late April of 2010, the President said that Ukraine would continue its membership in GUAM. But under a condition that it would gain practical benefits from such co-operation<sup>69</sup>. In the same period, Yanukovich signed the Agreement on the Black Sea Fleet which was a clear indicator of a new stage in Russian-Ukrainian relations. However, already in summer, some representatives of the Party of Regions stated that Ukraine would continue its active participation in the regional organization<sup>70</sup>. There were several reasons for such shifts. In our opinion, one of them was the desire of Georgia and Moldova to continue their activity in any case. The experts noted that the role of a leader would most likely be passed to Tbilisi. Rumors about a possible accession of Belarus to the organization appeared, which, at that time, was in the state of media war with Russia<sup>71</sup>. Secondly, the new Ukrainian government realized that rapprochement with Russia should be compensated by both relations with the West and developing its own regional policy. Thus, Kyiv once again came back to multidirectional policy that was actually predicted by the experts after the government had changed.

On the contrary to various judgments, pragmatism had become pretty important. The economic potential of GUAM countries was not too significant. However, mutual merchandise exchange had grown (it has increased three times over the past three years despite the war and crisis). Total figure had reached 4,5 billion USD<sup>72</sup>. The importance of GUAM transit corridor had been growing.

Currently, GUAM has four major partners: Czech Republic, Japan, Poland and the USA. GUAM seeks to implement various projects with each of them. Last meetings in the framework of the organization (including the OSCE Summit on December 1-2, 2010 in Astana) show that despite pessimistic forecasts the GUAM project has not exhausted its possibilities<sup>73</sup>. However, economic development is needed for more full-fledged operation. On the first place, in the form of development of transport corridors for energy carriers, plus, attracting investment from outside<sup>74</sup>. For Georgia, as well as for Ukraine, it is a chance to strengthen their positions in the region.

In 2004 – 2010, Georgia and Ukraine had been declaring especially close partnership. After the

<sup>67</sup> *Russian - Georgian War: which side the world community takes*, news agency UNIAN, 12. 08. 2008, <http://www.unian.net/ukr/news/news-266661.html>

<sup>68</sup> "In my view, the relevance of this union is mostly lost. Its practical development as a political entity has also declined. As for five years, I have heard only talks, but have not seen any concrete actions", – said Viktor Yanukovich: <http://www.georgiatimes.info/news/30307.html>

<sup>69</sup> According to Azerbaijani political scientist Asif Aliyev, Yanukovich's position could be associated with his attitude to the Russian-Georgian war of 2008. Then he supported the independence of South Ossetia. Therefore, it will be difficult for Yanukovich to establish relations with the Georgian president (А. Алиев, *Украинские перспективы ГУАМ после выборов*, <http://www.1news.az/analytics/20100208031126991.html>

<sup>70</sup> *Украина должна возглавить интеграционные процессы в ГУАМ*, <http://www.obozrevatel.com/news/2010/8/19/385270.htm>

<sup>71</sup> *ГУАМ стане ГБАМ: Білорусь може замінити Україну?* <http://otherside.com.ua/news/detail.php?id=87991>

<sup>72</sup> В. Чечлашвілі, *Слабим звеном Україну ніхто не вважає*, [http://for-ua.com/news\\_print.php?news=29150](http://for-ua.com/news_print.php?news=29150)

<sup>73</sup> Only in November - December 2010, ten meetings of GUAM representatives at different levels were held, excluding meetings of the Secretary General of the organization. [<http://guam-organization.org>]

<sup>74</sup> В. Чалий, *Перезавантаження відносин Заходу з Росією не повинно відбуватися за рахунок України*, "Український Журнал", 9-10/2010.

government had changed, Kiev became colder in this regard because of its rapprochement with Moscow. But in the longer run, Georgia and Ukraine will continue to cooperate closely. Moreover, the President Yanukovich continues to declare the EU integration as a priority for Ukraine. Negotiations on the European Union Association Agreement go on. The Eastern Partnership Program may also be a joint platform, which the EU adopted under the influence of the war in 2008. Relations with the EU are significant for Georgia and Ukraine, but the United States remain an important player in the region. The States is an important ally for Tbilisi. For Kyiv, USA would also become a significant partner that balances the relationship with Russia. Do not forget about such countries like Bulgaria and Romania that are the NATO members already<sup>75</sup>. Turkey shows its ambitions pretty clearly. Though, its position on GUAM is quite ambiguous. On the one hand, Turkey is an observer in GUAM. On the other hand, as Zeyno Baran underlines, it is unlikely that Turkey will join the organization. Moreover, despite the spread of the Black Sea regional organizations in the past fifteen years, Turkey still prefers to deal with countries bilaterally than multilaterally.<sup>76</sup>

## Conclusions

Prospects of Ukraine and Georgia in the Black Sea region depend on external and internal factors. The year of 2011 began with a wave of revolutionary activity in the Middle East. As of February 2011 it is difficult to predict whether systemic changes will take place in Egypt, Tunisia, Libya and other countries of the region. However, sudden changes in the Middle East have caused interest to the “revolutionary spirit” in other parts of the world.

Events in Arab countries are widely commented in the Ukrainian press. Some political scientists finds similarities in the Arab and Ukrainian realities. For example, restrictions of civil liberties, the pressure on small and medium business. This may cause civil protest.<sup>77</sup> Others point out that the Middle East countries are passing the stage, which Georgia passes in 2003 and Ukraine – a year later. Against such background, it is interesting to look at the ranking of countries with high possibility of revolution outbreak, published on the pages of “The Wall Street Journal”. Among 85 states, Georgia ranks 18th and Ukraine is on the 22nd place.<sup>78</sup> But the most troubling is the fact that Azerbaijan is on position N10. As this is a key state for both Georgia and Ukraine in the Wider Black Sea Region. It is important due to the deposits of oil and gas. In addition, the only independent from Russia (the territory of the former Soviet Union) pipeline (Baku – Tbilisi – Ceyhan) for Caspian oil transmission starts in Azerbaijan. For Georgia it means stability and energy security. For Ukraine it means 25% of

<sup>75</sup> According to Vitaly Kulik, Romania is the main competitor of Ukraine in the Black Sea region. “Romania systematically pushes Kyiv out of the traffic streams on the Danube, forming its humanitarian space on our territory. A general state of intergovernmental relations, interpenetration of investments and the lack of significant objects that would be owned by Ukrainians in Romania or Romanians in Ukraine, show the low interest in regional cooperation.” The expert believes that acceptance of Romania into the EU, on the contrary to expectations of many experts, have not bend, but rather „untied hands” for expansionist policy of official Bucharest on the territory of Moldova. In fact, Brussels found itself unable to resist the pace of issuing Romanian citizenship to the Moldavians and to deter loud statements of the Romanian President Traian Basescu, which contained explicit allusions on the possibility Transnistria separation from Moldova. (*Експерт закликає не довіряти Румунії*, <http://www.unian.net/ukr/news/news-317147.html> [23.05.2009 00:37]).

<sup>76</sup> Z. Baran, *Turkey and the Wider Black Sea Region*, In: *The Wider Black Sea Region in the 21st Century: Strategic, Economic and Energy Perspectives*, Washington 2008., p. 92.

<sup>77</sup> Authors’ interview with with an expert Sergei Danilov, the Deputy Director of Association of Middle East Studies (Kyiv, 16. 02. 2011) and Volodymyr Fesenko Director of Center of Applied Political Studies “Penta” (Kyiv 18. 02. 2011).

<sup>78</sup> The rating of the countries where revolutionary protests are possible is based on three main criteria - social injustice, the propensity to revolution, and the percentage of family budget expenditures for food. The criterion of social injustice was based on data from Transparency International and the Human Development Index UN (Alen Mattich, *Introducing the Revolting Index* [<http://blogs.wsj.com/source/2011/02/25/introducing-the-revolting-index/?KEYWORDS=Ukraine>])

<sup>79</sup> В. Чечлашвілі, *Слабим звеном України нікто не вважає*, [http://for-ua.com/news\\_print.php?news=29150](http://for-ua.com/news_print.php?news=29150)



annual demand for oil which is transported by tankers from the Georgian port of Poti to Odessa.<sup>79</sup>

However, the authoritarian style of Azerbaijanian government, as well as an open conflict with Armenia on the Nagorno-Karabakh, can strengthen the revolutionary mood in the country. However, one should be aware of the fact that Azerbaijan uses the situation in Karabakh for causing pressure in the foreign policy field. Firstly, as a form of pressure on Armenia, secondly, as a form of pressure on the West (to make it take pro-Azerbaijan side)<sup>80</sup>. Moreover, Russia is an ally of Armenia, on the territory of which about 5000 soldiers are dislocated.<sup>81</sup> After the Russian-Georgian War, no one doubts that Moscow would apply force in those regions that it considers as a “near abroad”.

Thus we have come to the main point. Russia will not stop putting pressure on the situation in the Black Sea basin. Therefore, competent and balanced relations with Russia is one of the main challenges that Ukraine and Georgia are facing. That is why virtually all political initiatives in the Black Sea region coming from the former Soviet republics fit into the two vectors. The first one – opposition to the initiatives of Russia and the CIS, the second one – cooperation. The necessity to resist the aggression of Russia is caused by its attempts to “impose the concept of world, divided into spheres of interest and influence”<sup>82</sup>. Having pretensions of leadership in post-Soviet space, Russia is unlikely to “let go” Ukraine and Georgia in the near future. The evidence of that are the Russian-Georgian war, lobbying interests in Crimea and prolongation of the Black Sea Fleet deployment on the peninsula. As well as recognition of Abkhazia and South Ossetia independence by Moscow. That is why among most Black Sea regional initiatives, GUAM is beneficial for Ukraine and Georgia.

After 1991, relations between Kyiv and Tbilisi have experienced different stages. Only one thing is definite because of the victory of Viktor Yanukovich and improved relations with Russia, Ukraine is moving away from Georgia. Although, both countries recognize integration with the European Union as their strategic objective. Both countries participate in the Eastern Partnership program. However, if for Tbilisi integration with the West means participation in NATO, in 2010 Ukraine officially denied integration with the Alliance. In the adopted Law on “The basis of domestic and foreign policy of Ukraine” a neutral status is declared. Continue deployment of the Black Sea Fleet in Crimea may change the distribution of military forces in the Black Sea basin. In this regard, it is appropriate to quote Valeriy Chaly (Razumkov Centre, Deputy Director General, Kyiv). “Russian conceptual foreign policy documents clearly state the aim to maintain its influence in the former Soviet Union. Key countries are Ukraine and the countries of the Caucasus. For various reasons, it is unlikely that in the future Russia will be able to play the role it has pretensions of now without Ukraine. [...] For Russia, the Caucasus is a threat of disintegration, and here we talk not about Georgia or unrecognized republics. We talk about the territory of Russia itself Ingushetia, Dagestan, Chechnya. [...] If, suddenly after the war, Georgia would demonstrate success as a post-Soviet country, it will be a collapse of Russian ideological model. And of course, the presence in the Black Sea region, including through the fleet, and other means, - is the impact on the domestic political situation”<sup>83</sup>.

However, we should remember, that Russia is not the only big player in the Black Sea region.

<sup>80</sup> К. Оганесян, *О перспективе новой армяно-азербайджанской войны*, “Военно-промышленный курьер”, 16 February 2011.

<sup>81</sup> See: Н. Гусейнов, *Российские военные базы за рубежом: Азербейджан, Армения, Украина, Беларусь*, [http://www.aze.az/news\\_rossiyskie\\_voennye\\_bazy\\_46182.html](http://www.aze.az/news_rossiyskie_voennye_bazy_46182.html)

<sup>82</sup> Т. Возняк, *Виклики для президента Барака Хусейна Обами*, „Незалежний культурологічний часопис «Ї»”, 61/2010, p. 81.

<sup>83</sup> В. Чалий, *Все, що покрашує стосунки Росії з Заходом, насправді на користь Україні*, „Український журнал”, September 2010, ([www.ukrzurnal.eu](http://www.ukrzurnal.eu)).



Turkey has been showing more and more ambitions. Although, Ankara's ambitious efforts primarily aim at ensuring and maintaining its influence in the Middle East. However, it is also interested in the Black Sea-Caspian region. Ankara is actively cooperating with Russia and, at the same time, developing projects without its participation. According to Ukrainian researchers, Turkey had been indirectly supporting Georgia during the Russian-Georgian conflict. That is why, after the war it has been pro-actively developing alternative "triangles" such as Turkey – Azerbaijan – Georgia and others.<sup>84</sup>

Thus, the prospects of Ukraine and Georgia depend on the further development of relations in connection to the region around the Black Sea (or even, in broader perspective, around the Black and Caspian seas). They also should not forget the role the U.S. and the EU. For these subjects of international politics the region plays a very important role in promotion of their ideas and influences. On the one hand, as the competition of ideas and influences. On the other hand, as a factor of stability, whose importance goes beyond strict of the Black Sea and Caspian basins. For Georgia and Ukraine, this creates wonderful possibilities to consolidate their positions – ranging from economic issues to political and military ones.

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<sup>84</sup> А. Полтораков, Т. Вагабов, 'ТУРЕЦКИЙ ГАМБИТ': *потери на Западе – выигрыши на Востоке?*, <http://flot2017.com/show/analitics/33162>



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## UKRAINE: BACK TO HOMO SOVIETICUS?

The president of the Ukraine Victor Yanukovich has been on the presidential post for one year, he made a lot of radical reforms, but life in the country hasn't changed for better as he promised in his pre-presidential marathon.

The first step, which changed the vector of international politics of the Ukraine, was the East pro-Russian political course of the Ukraine, demonstrated by the president and his command. They signed the "Kharkov Aggrement" with the Russian president, which prolongs the presence of Russian Black Sea Fleet in the Crimean Peninsula until 2042. This is the first step into the process of the transforming the Ukraine as an independent country into a colony of Russia or a return of the Ukraine to a variant of *homo sovieticus*. The government which is managing the Ukraine now is not interested in the development of the Ukraine as an independent country with pro-European and national goals, even the president talks about it everywhere at international meetings. Step by step the pro-government majority wants to turn the country into a country of homo sovieticus people.

Ukrainian identity, which is very complicated, is the main area of transformation. To paraphrase the Polish political scientist Arkadiusz Modrzejewski: there are regional differences in the Ukraine with regards to cultural orientation: the western part of the Ukraine is predominantly nationalist and pro-European; Kyiv is the postindustrial center of the country and identifies with western ideas of civilization, democracy and standard of living in spite of using Russian as their daily language; while the southern and eastern areas are the post-Soviet and Russian language areas that are most likely to take a pro-Russian orientation<sup>1</sup>. Indeed, it is hard to disagree with the Polish academic: building a Ukrainian identity is very hard in this country, which had no country of its own for a long time and was divided among different nations. It is very hard to build this identity without the support of the government. The new government's steps do not support the idea of developing a national identity in the Ukraine. December 9, 2010 the president of the Ukraine V. Yanukovych closed the Institute of the National Memory of Ukraine, which is a very important signal for the whole country and for the development of the national identity of Ukraine.

The continuation of the active movement in the eastern pro-Russian direction is the russification or sovietisation of Ukrainian education. The Minister of Education and Science, Youth and Sport of Ukraine Mr. Dmytro Tabachnyk publicly talked about the domination of the Russian language and culture over the Ukrainian language and culture, which is impossible for the political figure as he is. He has demonstrated his ukrainophobic position towards the Ukrainian language and culture, but he is still in a ministerial position, despite on the protests by students and Ukrainian intelligentsia. Additionally, Minister Tabachnyk said in the media that Galicians (inhabitants of the western part of Ukraine) and Ukrainians are different nations, which creates the precedent to the conflict into the country. The declarations of such type are illegal in Ukraine and are offensive to the Ukrainians.

<sup>1</sup> A. Modrzejewski, *Cywilizacyjno-kulturowy kontekst „pomarańczowej rewolucji” na Ukrainie*, „Środkowoeuropejskie Studia Polityczne” 2/2005, p. 32.

Minister Tabachnyk has an other project – the creation of a mutual history textbook for pupils in the Ukraine and Russia<sup>2</sup>. The main idea of this mutual textbook is to rewrite the history without any contradictory questions for the Russian side. The number of hours spent on Russian literature is maximized in the school program, the number hours of Ukrainian literature is reduced. So the minister, who should support the development of Ukrainian culture and identity is the primary ukrainophob in the country. He continues to work on the governmental level towards a policy of the destruction of Ukrainian identity beginning from the school desk. The reaction of the president and the government is silence, and such silence means agreement. The protests of the students in front of the ministry building in 2010 are without result, but now there is a fence two meters high around the ministry building.

These are some initiatives and decisions of the Ministry of Education, Science, Youth and Sport of the Ukraine, that demonstrate the anti-Ukrainian orientation of this institution:

- «Russian language as a language of international communication (the adoption from the Law « About the languages in the UkrSSR»)
- free choice of the language of study bypass of Ukrainian
- no language is declared as basis language of study in Ukraine
- the state examination for Ukrainian language for a bachelor's degree is canceled
- the Russian literature has the status of the special literature
- the publications about Holodomor are excluded from the school program and the rubric “Ukrainian Russian Language Poetry” is added to the school program
- rewriting history “according to Russia” (the attempt to create a mutual textbook for history, objection of the Holodomor as a genocide of the Ukrainian nation)
- omission of the Orange revolution in history textbooks
- return to the soviet historical terminology (The Great Patriotic War instead World War II) etc<sup>3</sup>.

Wolodymyr Polochalo, the deputy of Block of Yulia Tymoshenko and the Head of the Committee of the Parliament of the Ukraine in the question of science and education said in his article 14.02.2011: “During the past year a strong escalation of ‘sovietization’ has been occurring in the Ukraine; centralization of university education, control under the rectors, and ‘destruction’ of the heads of the institutions which are not in agreement with the main policy of the Ministry of Education [...] (and a) transition to the total control of the ministry on the educational program (has occurred)”<sup>4</sup>. So, it seems to be a return to USSR times, where everything is under control and any “dissention” was punished by being sent to prison in Solovky or other methods to destroy individuality. And now everything repeats in XXI century in the geographically European country.

A war has been proclaimed against university autonomy, because the Ministry of Education and Science, Youth and Sport of Ukraine wants to take everything under its own control. In the Ukrainian State budget for 2011 0.37% of GDP was appointed for academic-technical activity, the lowest indicator in Europe. The Ministry dismantled the position of Vice-Minister of Sciences and the Department of Science and cancelled all academic projects as well<sup>5</sup>. A creation of a mutual Ukrainian-Polish University was cancelled by the initiative of Minister Tabachnyk, too. This project was done from the bought country very much... This is the “progress” which this

<sup>2</sup> В. Самійло, *Аристократ у матриці. Українофобія як діагноз: невроз одного окремо взятого політика, бізнесмена й колекціонера*, „Український Тиждень”, - № 5 (170) 4-10 лютого 2011, р. 10.

<sup>3</sup> *Ліквідувати українство*, „Український Тиждень”, № 5 (170) 4-10 лютого 2011, рр. 12-13.

<sup>4</sup> П. Володимир, *Освіта за Табачником: шляхи до Європи чи до руйнації?*, <http://www.pravda.com.ua/columns/2011/02/14/5915794/>

<sup>5</sup> Ibidem.

institution proposes. All of this was accomplished after only 1 year of his active work as Minister of Education, what will come in the future?!

This attack on the Ukrainian language is felt on the social level, too. Lately the press wrote about a girl who was refused a job as a waitress in Kyiv because she speaks Ukrainian<sup>6</sup>. Unfortunately these are not rare situations, the disrespect towards the Ukrainian language in government organizations and in a social level can be heard very often. But remember the proverb: the fish rots from the head.

The movement to make the Russian language the second government language began a long time ago in different political parties: communists, Party of Regions, etc, but only now this idea has many chances to be achieved because of the pro-Russian government majority. If a nation is without its language, this is no longer the nation, it will be *homo soveticus*. I hope something like this will not happen, because for these 20 year of the independence of the Ukraine a new generation of Ukrainians were born, they did not know USSR and they do not know what it is. The only hope is this new generation!

The other step to the transformation of Ukrainians into the *homo soveticus* is the project of the liquidation of the quota to the Ukrainian product on the FM stations. Lately the Parliament of the Ukraine approved a project for a bill from the deputy of the Party of Regions, with a 50% annual quota for translation on FM station Ukrainian language production. The author of the bill supports her idea by arguing that there are no a lot of good Ukrainian language products. As experts say, FM stations are translations of Russian language products, usually not of a very high quality, pop version, but the main source of income is the advertising, so it is not important for owners in which language they play the music. So, in this way the radio sphere is under the sovietisation too. The same could be said about the TV sphere, because the majority of the programs are in Russian, beginning from the serials and ending with the entertainment programs. That the Ukrainian language is not the main format in its own country is a great tragedy. Is it an absurdity or is it a systematic abolition of this nation which has only recently received its independence? This is an open question for discussion

The other mechanism for making the *homo soveticus* from Ukrainians is the church. It sounds a little bit paradoxical, but it is the new instrument in "a war for Ukraine." This refers only to the Moskavian (Russian) patriarch, not Kyiv or Autokefalian patriarch. Most attention is paid to the Ukrainian Orthodox Church because the Ukrainian Greek-Catholic church is not big and it is under the control of Rome. As Patriarch of Kyiv and All Rus-Ukraine Filaret said in interview that the Kyivan Patriarch Church is occupied by the Orthodox of Moskavian Patriarch. In the Ukraine there are 12,000 Russian Orthodox parishes, 100 bishops and 67 dioceses. There are 15,000 Ukrainian Orthodox (Kyivan and Authokefalian) parishes, 100 bishops, and 85 dioceses<sup>7</sup>. Still, the church in Ukraine is separated from the state and the state cannot interfere in the church's business. So, a serious war for the peoples souls has begun.

So, now in the XXI century a process of destructing Ukrainian national identity on the state and government level has begun. The project to transform Ukrainians into the *homo soveticus*, who do not speak Ukrainian and do not remember national history, but speak only Russian, begins actively from school and will continue at the university as Mr. Tabachnyk wants. FM radio, TV programs, Ukrainian language is set at quotas in its own country. The society is being rusified and is very close to *homo sovietucus*. Only from Ukrainians can determine if Moscow will achieve this project in the Ukraine or not. How strong are they, how strong is their national identity and how they can resist this pressure from the Russia

<sup>6</sup> „Український тижень”, № 6 (171)11-17.02.2011, р.8.

<sup>7</sup> Ч. Олена, *Коли зло повертається на добро*, „Український тижень” № 6 (171)11-17.02.2011, р. 13.

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## CHINESE PRESENCE IN GLOBAL GOVERNANCE. NEW WAYS OR OLD PROBLEMS FOR DEVELOPING COUNTRIES. CASE STUDY OF SUDAN AND ANGOLA

### Introduction

The rapid growth of China has been attracting attention among academic, financial and political elites around the world for past years, and this increased after China showed what a minimal effect the recent global financial crisis had on it. After sixty years of building according to a specific development paradigm, and twenty-two after the collapse of Soviet Union which resulted in a situation of unilateral world power domination by the United States of America, this developing country is fast growing wings which it is spreading in the scene of global governance. Such an event has no precedence in history<sup>1</sup>. Many observers predict that this power shift will be 'one of the most important transformations in international politics in modern history', if not the most important. It is certain that this phenomenon cannot be ignored by development specialists.

In light of such positive performance patterns from China, states from around the globe are looking towards China. Their motivations may differ from fear and confusion to seeking lessons and new opportunities, but everyone is sure that China, with its economic prowess, has just started strengthening its place in global institutions. However, the country itself is very careful about its position and is trying to remind the world that it still belongs to the developing countries basket.

Neoliberal Washington Consensus strategy pillars adopted by current global governance were not as effective in developing countries as they were in Europe. Nonetheless, they are still, together with Western understanding of values such as human rights, the only ideological choice for developing nations. Against this backdrop, Chinese relationships with developing countries, may be seen by Western countries not only through the economic lens, but also as a source for advice about Chinese unique 'soft power' models. Is China able to provide a lesson at this point? Does China, as a significant global governance actor still remember Mao Zedong's theory of the Three Worlds, which regarded the country as the Third World leader?<sup>2</sup> Or does it rather ally itself with the US and form a *de facto* G2 on Western rules and values? How much can it maneuver in the existing structures of global governance of which it is a participant? What does China show to the West and to the developing world in its first steps of 'all eyes being on it'? Most importantly, what does the rise of China mean for the developing countries?

In order to answer these questions, the paper will examine different definitions of global governance, to show the chances that an actor with growing significance has in shaping it. Fur-

<sup>1</sup> J. Gu, J. Humphrey and D. Messner, *Global Governance and Developing Countries: The implication of the Rise of China*, "World Development" 36.2/2008, pp. 274-292.

<sup>2</sup> H. Wang, J. Rosenau, *China and Global Governance*, "Asian Perspective", 33.3/2009, pp. 5-39.

thermore, it will attempt to illustrate and back up the Chinese identity dilemma with numbers, projecting the country as a very fast developing economy, and a few lines later also as a still developing state. It will then also shed some light on China's own vision for global governance, and how its principles were put into practice in two case studies – Sudan and Angola. Analyzed cases will illustrate two different approaches that China, as global governance actor, applied in Africa.

### Defining Global Governance

There is no irrevocable definition of global governance. Wang and Rosenau state that its role is to emphasize on the global scale of problems – in the field of economics, health, finance and environment, and then solve them through a process of cooperation between ‘non-state actors’.<sup>3</sup> Following the same train of thought, Messner describes it as a ‘system of institutions and rules as well as new mechanisms of international cooperation that make it possible to deal on a continuous basis with the problems posed by global challenges and transboundary phenomena’.<sup>4</sup> Francheschet gives a description almost identical to Messner’s but expands it further by enumerating the actors and processes: ‘within [global governance] purview are organizations such as United Nations and the WTO; the globalization of production, trade and finance; the activism of transnational movements; multilateral efforts to halt global warming; and challenges to state sovereignty in the face of humanitarian crisis’.<sup>5</sup> Drawing on these definitions, governance clearly has developmental objectives. In the current era of global interconnections, it is hardly possible to define developing countries’ problems as local.

Many observers emphasize the fact that current global governance is embedded in neoliberal Western concepts of social, economic, political, environmental and human rights standards. Since<sup>6</sup> 1949 the Washington Consensus policies are realized and prescribed for developing countries. And since the end of Cold War, the United States is the unilateral world power. Global governance is ‘fluid’ and in a process of reshaping and reconstructing itself<sup>7</sup>, however, the basic, Western concepts were never put into serious doubt. The rise of China can challenge these assumptions. There are two reasons for that.

Firstly, China has its unique model of development, and yet it managed to become the second largest world economy. This may raise a question about different ways of development, and should be considered by the current powers.

Secondly, China is the first developing country which gained a high level of importance in global processes. It can use this power to reform global governance approach in developing states’ interests, or else not. In both cases, China will have to choose whether it will play by Western rules, or else try to realize its own model for development cooperation.

3 Ibidem.

4 D. Messner cited In: J. Humphrey and D. Messner, *China and India as Emerging Global Governance Actors: Challenges for Developing and Developed Countries*, “IDS Bulletin” 37.1/2006, p.107.

5 A. Francheschet, *Ethic of Global Governance*, London, 2009, p.1.

6 For example: J. Humphrey and D. Messner, *China and India as Emerging Global Governance Actors: Challenges for Developing and Developed Countries*, “IDS Bulletin” 37.1/2006, pp. 107-114 or H. Wang, J. Rosenau, *China and Global Governance...*, pp. 5-39.

7 H. Wang, J. Rosenau, *China and Global Governance...*, pp. 5-39.

Should China embrace the concept of higher participation by developing countries, it will be a revolutionary change, because neoliberal policies embedded in the Washington Consensus are very prescriptive, the developing world was said to blindly follow the model, rather than being able to discuss and reshape it according to their needs. Up until the Doha Round, there was no space for developing countries in the global governance scene<sup>8</sup>, and such behaviour is still hardly observed.

To understand China's possible choices, the paper will now illustrate, by means of appropriate data, the country's growing importance in the global scene, as well as how it is still close to the developing part of the world.

### A New Rising Power

China has grown substantially in its economic prowess, and Humphrey and Messner state that by 2025 or 2030 at the latest, it will be one of the main four global governance actors, alongside the United States, India and, possibly, the European Union<sup>9</sup>. The country also has the numbers to back up such a status, both in terms of population and economy. It is home to 1,330,141,295 (July 2010 est.) second to no country<sup>10</sup> and home to about 20.1 % of the world's population<sup>11</sup>. According to the newest World Trade Organization International Trade Statistics Report, in 2009, it became a leader in export of merchandise (with the value of 1202 billion dollars), leaving Germany to trail in its path. (1126 billion dollars value).<sup>12</sup> Currently it is also the world's second largest importer. Its share in merchandise import increased by 1 per cent between 2008 and 2009 (from 6.9 to 7.9). The United States of America remains in first place, but during the same period of time its share decreased by 0.4 per cent, from 13.1 to 12.7<sup>13</sup>. As to their total value of imports and exports, the United States, China and Germany are 'well ahead of other countries'.<sup>14</sup> Looking at how well China is dealing with the financial meltdown, it can be expected that its fast growing economy has a chance to overtake the United States.

This progress allowed it to turn economic prowess into political power, and thus give it bargaining capacity. As Gu observes, China is now a *de facto* global governance actor because of its financial markets, strategy towards global strategic resources as well as greenhouse gases emissions, which contribute to climate change<sup>15</sup>. However the role China is currently developing on the global scene was given to it before by the recognition of its regional position in Asia as well as its seat on the the UN Security Council.

In addition to that, China is already a member of 298 international organizations and Chinese organizations contributed in 2,659 transnational organizations<sup>16</sup> which can be influenced by such a powerful actor.

<sup>8</sup> As reported by Rodrik and Maggi and Messner quoted in J. Humphrey and D. Messner, *China and India as Emerging ...*, pp. 107-114.

<sup>9</sup> Ibidem

<sup>10</sup> CIA, 9.12.2010, *The World Factbook*, Available online: <https://www.cia.gov/library/publications/the-world-factbook/geos/ch.html>, accessed online on: 12.12.2010

<sup>11</sup> S. Dingli, 7.9.2010, *Moving Beyond Shenzhen*, Available online: [http://www.china.org.cn/opinion/2010-09/07/content\\_20880844.htm](http://www.china.org.cn/opinion/2010-09/07/content_20880844.htm), accessed on 7.1.2011

<sup>12</sup> World Trade Organization, 2010, *World Trade Organization International Trade Statistics 2010*, Available online: [http://www.wto.org/english/res\\_e/statistics\\_e/its2010\\_e/its2010\\_e.pdf](http://www.wto.org/english/res_e/statistics_e/its2010_e/its2010_e.pdf), accessed on 16.12.2010

<sup>13</sup> Ibidem.

<sup>14</sup> Ibidem.

<sup>15</sup> J. Gu, J. Humphrey and D. Messner., *Global Governance and Developing ...*, pp. 274-292.

<sup>16</sup> Data from 2003, provided by Shenming and Yizhou cited in: H. Wang and J. Rosenau J., *China and Global Governance...*, p. 22.



Given the evidence above, it is perplexing when China still considers itself as a developing country. To understand this, one would do well to look at the global definitions of developing states.

### Defining developing countries and China as developing country

The notion of developing country is not clearly defined. Different global governance actors embrace their own ways of qualifying states according to different criteria they put forward. In the United Nations System 'there is no established convention for the designation of „developed” and „developing” countries or areas'<sup>17</sup>, there is, however, a 'common practice' according to which some regions are considered developed, while other regions are considered developing, and yet others are considered as undefined<sup>18</sup>.

The Human Development Index combines life expectancy at birth, mean years of schooling and expected years of schooling and GNI per capita, to put countries in the ranking.<sup>19</sup> Members of the World Trade Organization define themselves as 'developed' or 'developing' within the organization. Their decision may be challenged by another member<sup>20</sup>.

The IMF, in the World Economic Outlook, takes into consideration 'per capita income level, export diversification and degree of integration into the global financial system'<sup>21</sup>, and the World Bank places countries into income groups according to GNI per capita<sup>22</sup>.

This lack of a single definition may be seen as an advantage. Countries like China, India, Brazil and South Africa can be defined as developing countries through some measurements, and as developed by other yardsticks. This may be important in the WTO, or in combating Global Climate Change, where status is connected with certain privileges. In the case of China, this is also connected with its identity issue.

Fu Yuancong states that his country still falls under the developing category. He backs his argument with

1. country's 2009 GDP per capita
2. resource dispositions per capita,
3. population structure,
4. structural imbalances of industries, regions and urban and rural areas and
5. trade structure.<sup>23</sup>

It cannot be forgotten that China is placed in the 97<sup>th</sup> position in the world GDP per capita ranking (at only 8% of the United States figure), The Chinese citizen is able to use only 1/3 of the world average of fresh water, 'the gross local production in China's eastern provinces is 3 times

<sup>17</sup> United Nations Statistics Division, 16.12.2010, *Composition of macro geographical (continental) regions, geographical sub-regions, and selected economic and other grouping*, Available online: <http://unstats.un.org/unsd/methods/m49/m49regin.htm#ftnc>, accessed on 7.1.2011

<sup>18</sup> Ibidem.

<sup>19</sup> HDRSTATS, 2010, *Explaining HDI value and rank changes in Human Development Report 2010*, Available online: <http://hdrstats.undp.org/images/explanations/GRD.pdf>, accessed on 27.12.2010

<sup>20</sup> World Trade Organization, no date, *Who are the Developing Countries in the WTO*, Available online: [http://www.wto.org/english/tratop\\_e/develop\\_e/d1who\\_e.htm](http://www.wto.org/english/tratop_e/develop_e/d1who_e.htm), accessed on 12.12.2010

<sup>21</sup> IMF, 27.12.2010, *International Monetary Fund World Economic Outlook*, Available online: <http://www.imf.org/external/pubs/ft/weo/faq.htm#q4b>, accessed on 3.1.2011

<sup>22</sup> World Bank, 2010, *How we classify countries*, Available online: <http://data.worldbank.org/about/country-classifications>, accessed on: 25.12.2010

<sup>23</sup> H.E. Fu Yuancong, 6.10.2010, *Why Does China Remain A Developing Country*, Available from Ministry of Foreign Affairs of the People's Republic of China website: <http://www.fmprc.gov.cn/eng/wjw/zwjg/zwbdt/758927.htm>, accessed on 3.1.2011

of that of the western regions, while on per capita basis, the gap is 2.3 times high<sup>24</sup>, 700 million people live in rural areas and 150 million below the poverty line.<sup>25</sup> These figures are equal to the population of a few European or African countries.

Going by the sheer size of the country, and the scale presented by this data, it can be understood why President Hu Jintao described China as ‘the largest developing country’.<sup>26</sup> The government recognizes the challenges and limits of its country, however as Ambassador Fu Yuancong highlighted, it nevertheless is ‘ready to bear international responsibilities and obligations provide foreign assistance to the best of its ability, so as to give full scope to the role of a responsible power in action’<sup>27</sup>. He moreover states that ‘the Chinese people would make concerted efforts with the people of all countries.’<sup>28</sup>

### The Chinese Identity in global governance

As shown before, China has the numbers to back up both the status of a developed country, as well as that of a developing one. It is worth noticing that responses by other states to the way China has risen in stature are the proof of how the world deals with its ambiguous status.

The United States proposed to formulate a G2 with China. China is participating in G7 meetings and the OECD created the China-DAC Study Group, for participating countries to learn from each other and cooperate.<sup>29</sup> Moreover, as an answer to these phenomena, other fast growing developing economies namely Brazil, South Africa and India did not invite China to their G3 grouping. Drawing on these three powerful examples, it is clear that the world rather sees China as a new superpower, than a leader of the club of developing states.

As it was shown in the previous section, Chinese officials claim the country wishes to use its role to support other developing states. It is not specified, however, whether this will be mainly done through the Western dominated platforms, or through new institutions that will be created.

Observers are more sceptical about the Chinese leadership role in general. Some point out the cultural differences and the fact that China would rather keep a low profile and learn than take a strong lead<sup>30</sup>. As Pang notes, ‘China is a “participant” in the international system, but it neither wishes to be a leader of a developing country block, nor to side with the developed countries’<sup>31</sup>. This connects with keeping low profile and not trying to become a leader in order to avoid contributions - two of the criteria from the “28-character guidepost” presented by Deng in 1989 and adopted as the “New Security Concept” for peaceful growth<sup>32</sup>.

For China, however, the argument can be one of more than being modest about its strength. The country may not want to be active in global governance because this is shaped by Western values

<sup>24</sup> Data provided by: H.E. Fu Yuancong, 6.10.2010, *Why Does China Remain A Developing Country*, Available from Ministry of Foreign Affairs of the People's Republic of China website: <http://www.fmprc.gov.cn/eng/wjb/zwjg/zwbd/t758927.htm>, accessed on 3.1.2011

<sup>25</sup> *Ibidem*.

<sup>26</sup> H. Jintao, 13.4. 2008, Available online from Chinese Government 's Official Web Portal: [http://www.gov.cn/english/2008-04/13/content\\_943373.htm](http://www.gov.cn/english/2008-04/13/content_943373.htm), accessed on: 24.12.2010

<sup>27</sup> H.E. Fu Yuancong, 6.10.2010, *Why Does China Remain A Developing Country*, Available from Ministry of Foreign Affairs of the People's Republic of China website: <http://www.fmprc.gov.cn/eng/wjb/zwjg/zwbd/t758927.htm>, accessed on 3.1.2011

<sup>28</sup> *Ibidem*.

<sup>29</sup> OECD, 2009, *China-DAC Study Group*, Available online: [http://www.oecd.org/document/36/0,3343,en\\_2649\\_34621\\_44173540\\_1\\_1\\_1\\_1\\_00.html](http://www.oecd.org/document/36/0,3343,en_2649_34621_44173540_1_1_1_1_00.html), accessed on 1.1.2011

<sup>30</sup> For example: J. Gu, J. Humphrey and D. Messner, *Global Governance and Developing Countries: The implication of the Rise of China*, “World Development” 36.2/2008, analyzing Chinese presence in WTO, p. 281.

<sup>31</sup> Cited in: *Ibidem*, p.280.

<sup>32</sup> P. Carmody and I. Taylor, *Flexigemony and Force in China's Resource Diplomacy in Africa: Sudan and Zambia Compared*, *Geopolitics*, 15.3/ 2010, pp. 496-515.

and, as Wang and Rosenau illustrate ‘traditionally, the Chinese government used to portray China as a victim of Western imperialism, a bastion of revolution, a third world nation.’<sup>33</sup> This was also the reason why China rejected the official American proposal of formation of a G2, it saw the initiative as clashing with the Chinese principle of anti-hegemony.<sup>34</sup>

The next section provides a closer look and detailed vision of Chinese internal problems with balancing China’s role in global governance with policies. However, it has to be noticed that the country is not yet strong enough to reshape the global governance arena according to its values.

### **China’s Vision of Global Governance**

After about sixty years of development and global governance based on Western neoliberal concepts, it is clear that many issues should be reformed in order to allow more countries and people to benefit from globalization. China can currently be seen to possess tools to be able to lobby for a change. However, Gu notices that, due to its identity dilemma, China did not possess a comprehensive strategy for its action within global governance. Balancing national priorities with responsibilities towards global problems is an issue still not resolved.<sup>35</sup> Nevertheless, China presented a vision for addressing the problems it considers the most important to reshape global governance - the country has established the Harmonious World programme.<sup>36</sup>

Wang and Rosenau argue that by putting this programme forward, China would like to achieve four goals: equal participation of countries in global governance (‘democratization of international relations’), strengthening of South-South cooperation as well as more openness and technology transfers from the West to developing countries (‘justice and common prosperity’), a culturally richer world with countries being able to choose their own development model apart from the Western one (‘diversity and tolerance’), and strengthening of the role of the UN Security Council which will help in finding a way to common security and mutual trust among nations (‘peaceful resolution’ of international disputes).<sup>37</sup>

The Harmonious World can be seen as the embodiment of Chinese promises towards developing countries. However, putting this programme into practice will definitely be a long and time-consuming process.

A case study of Chinese cooperation in Sudan which is going to be presented in the following section will reveal that Gu’s predictions about the balance of interests play an important role.

### **China on the Global Governance Scene**

This section will investigate Chinese proposals for the Harmonious World programme being put into action, and clashing with both the current rules of global governance and Chinese foreign policy pillars. This being said, China, due to the size of its economy and the attention it attracts from both sides of the world, can influence global governance actions, so it is necessary to present a brief introduction to its foreign policy. Its model relies on ‘Mutual respect for each other’s territorial integrity; non-aggression; non-interference in each other’s internal affairs; equality and mutual

33 H. Wang and J. Rosenau, 2009, *China and Global Governance...*, p. 33.

34 *Ibidem*, pp. 5-39.

35 J. Gu, J. Humphrey and D. Messner., *Global Governance and Developing Countries...*, pp. 274-292.

36 H. Wang and J. Rosenau, 2009, *China and Global Governance...*, pp. 5-39.

37 *Ibidem*, pp. 17-21.

benefit; and peaceful coexistence.<sup>38</sup> Its relations with developing countries are characterized by a package of trade, investment and aid, because the other country in the deal is not perceived as a recipient of help but as an equal partner.<sup>39</sup> Politically, China expects the countries to support its political aspiration, namely the One China policy.<sup>40</sup>

China applies a non-prescriptive model towards its partners, and explains that human rights fall under the responsibility of the sovereign state, and that, therefore, no third country should intervene in this matter.<sup>41</sup> However, as illustrated in the previous sections, China is a member of a Western-shaped global governance structure which views the issue in a different way. This clash could have been observed especially in the case of Sudan.

Sudan and Angola, which will serve as case studies, are both categorized as Least Developed Countries<sup>42</sup>, while at the same time being resource-rich important trading partners for China.

In 2006, Angola was ranked first among African partners, accounting for 21% of the whole Sino-African trade volume.<sup>43</sup> Moreover, when one views only the aspect of oil, this country provides 31% of Chinese import.<sup>44</sup> Angola accounted for US\$25.3 billion in bilateral trade in 2008.<sup>45</sup> Sudan is also among the top ten Chinese trading partners in Africa<sup>46</sup>, and China imports the largest share of its total oil output<sup>47</sup> from it.

In order to keep its growth rate<sup>48</sup> as well as to keep its authoritarian regime legitimate<sup>49</sup>, China depends on the delivery of resources.

#### *Sovereignty and Non-Intervention case in Sudan*

When the conflict in Darfur arose, China found itself in the role of Sudan's non-prescriptive trade partner, and a member of the UN Security Council at the same time. It has to be noted that Chinese observers consider the United Nations as the 'center of global governance'<sup>50</sup>, so it can be concluded that the Chinese approach towards its policies should be an indicator of its positions towards current global governance as a whole. Yet, despite worsening of the Darfur conflict developing into genocidal proportions, China did not react. Moreover, it was vetoing the Security Council initiatives on this matter, and at the same time selling weapons to Sudan's government and building factories to produce military supplies.<sup>51</sup> From the Chinese foreign policy view, there was no obstacle to continue, even though trade of the weapons was against UN sanctions. International pressure was, in the meantime, growing.

<sup>38</sup> Taylor cited in: P. Carmody and I. Taylor, *Flexigemony and Force in China's Resource Diplomacy in Africa: Sudan and Zambia Compared*, *Geopolitics*, 15.3/2010, pp. 496-515.

<sup>39</sup> J. Gu, *Managing Globalisation Course. China in Africa lecture*, "IDS" 2010.

<sup>40</sup> P. Carmody and I. Taylor, *Flexigemony and Force in China's Resource Diplomacy in Africa: Sudan and Zambia Compared*, "Geopolitics", 15.3/2010, pp. 496-515.

<sup>41</sup> *Ibidem*.

<sup>42</sup> UN-OHRLS, *List of Least Developed Countries*, Available online: <http://www.unohrrls.org/en/ldc/related/62/>, accessed on 1.1.2011

<sup>43</sup> C. Alden, *China in Africa*, London 2007, p. 114.

<sup>44</sup> P. Carmody and I. Taylor, *Flexigemony and Force in China's ...* pp. 496-515.

<sup>45</sup> "China Economic Review", 2009, *Angola Secures New China Loan*, Available online: [http://www.chinaeconomicreview.com/dailybriefing/2009\\_03\\_13/Angola\\_secures\\_new\\_China\\_loan.html](http://www.chinaeconomicreview.com/dailybriefing/2009_03_13/Angola_secures_new_China_loan.html), accessed on 30.12.2010

<sup>46</sup> C. Alden, *China in ...*, p. 79.

<sup>47</sup> 60% according to: P. Carmody and I. Taylor, *Flexigemony and Force in China's ...*, pp. 496-515.

<sup>48</sup> D. Zweig, B. Jianhai, *China's Global Hunt for Energy*, "Foreign Affairs", 09/10/2005, available online: <http://www.foreignaffairs.com/articles/61017/david-zweig-and-bi-jianhai/chinas-global-hunt-for-energy>, accessed on 1.12.2010

<sup>49</sup> P. Carmody and I. Taylor, *Flexigemony and Force in China's ...*, pp. 496-515.

<sup>50</sup> For example Youzhi and Junhong cited in: Wang H., Rosenau J., *China and Global ...*, p. 14.

<sup>51</sup> P. Carmody and I. Taylor, *Flexigemony and Force in China's ...*, pp. 496-515

In 2005 the Security Council voted on referring the situation in Darfur to the Prosecutor of International Criminal Court. China, disappointingly for its Sudanese partners<sup>52</sup>, did not use its **considerable power of veto** and, having abstained on the matter, as a consequence the resolution was passed.<sup>53</sup> Nevertheless, Sino-Sudanese trade relations were not ceased.

For China, this was an extremely important moment, as it had to work against its policy and ally with western concepts. However, for Darfur this did not bring much change. China had the power to improve the situation; it could influence the government to engage more into negotiations with the rebels, as well as with international community. That was because by conducting 'win-win' policies, and not having a label of a former colonizer, its relations with the Sudanese officials were better than those of any other actor in global governance.

Up until 2007 China did not want to use this privilege, as it was an intervention into a sovereign state's affairs, but eventually it decided to take the duty of convincing (publicly and 'behind the scenes') the government to cooperate with the AU/UN mission.<sup>54</sup> The veritable volte-face from national interest to the obeying of global governance rules was partly caused by the intervention of NGOs.

NGOs, according to Humphrey and Messner, are strong actors in the global arena since the 1990s.<sup>55</sup> Nowadays, their role in global governance is also recognized by Chinese scholars.<sup>56</sup> Darfur's case had been presented to the world by many international NGOs, which recognized the Chinese role in obstructing and halting the genocide. They decided to use the Beijing Olympics (planned for 2008) to ashame China and push it to act. China is often criticised for not consulting with NGOs regarding its domestic as well as foreign policy, and the threat of highlighting a 'Genocide Olympics' did not cause serious response from the government.<sup>57</sup> However, in the West, NGOs have a large influential power, and their protest reached the Washington Capitol. A month after Hu Jintao received a letter from the Chairman of the Senate Foreign Relations Committee Joseph Biden and 96 other Senators calling on China to engage more into the process, China took an active stance and served as a bridge between the United Nations/African Union and the Sudanese government in Darfur's case.<sup>58</sup>

This fact is significant. It opens up a chance for the African people. The new power stated its priorities clearly in state to state cooperation. Chinese aid is also given into the hands of governments, and leaves them responsible for the distribution of it. Because of the non-intervention rule, millions of people in Darfur died or were displaced, and for years China was not reacting. Judging against this backdrop, one should say that the Sudan case illustrates that China in global governance will not bring a difference for the citizens, and that its model can be very dangerous. However, the recognition of the NGOs' influential capacity as powerful actors shows that, if civil society in Africa will be able to organize itself and put pressure on their governments, China may be forced to listen to their proposals.

<sup>52</sup> Ibidem.

<sup>53</sup> United Nations Security Council Resolution 1593, 2005, Security Council Refers Situation in Darfur, Sudan, To Prosecutor of International Criminal Court, Available online: <http://www.un.org/News/Press/docs/2005/sc8351.doc.htm>, accessed on 2.1.2011, accessed on 3.1.2011

<sup>54</sup> P. Carmody and I. Taylor, *Flexigemony and Force in ...*, pp. 496-515.

<sup>55</sup> J. Humphrey and D. Messner, *China and India as Emerging Global Governance ...*, pp. 107-114.

<sup>56</sup> H. Wang and J. Rosenau, *China and Global Governance...*, pp. 5-39.

<sup>57</sup> P. Carmody and I. Taylor, *Flexigemony and Force in China's ...*, pp. 496-515.

<sup>58</sup> Ibidem.

Ironically, Western neoliberal policies were also criticized for placing people at the means and not the ends of development.<sup>59</sup> As an answer to this, the World Bank and other significant actors embraced and are developing participatory methods. This concept is still at the theoretical stage, but should African social movements try to influence Chinese or Western steps in the global governance arena, it will be possible to compare and have a better view on which of the approaches benefits the grassroots more.

#### *New Development Options – Angola*

Angola's case is widely cited in the literature as an example of a Chinese threat to the West. This section will attempt to show how Chinese actions, framed within their foreign policy, are having de facto consequences on the pillars of Western-ruled structures. However, it will also show that the situation was not as threatening as it looked at the beginning, with an end benefit for Angola.

China's way of growing on the global governance stage is by offering new development options for developing countries. This might be seen as flying in the face of China's Harmonious World policy, as on the one hand China is advocating a new order of cooperation among actors in the global governance scene, while on the other hand going its own way when it is to its own benefit.

Right after the war, Angola applied for loans from the IMF, but negotiations collapsed a few time.<sup>60</sup> The Chinese role in the IMF was at that time marginal. As Wang and Rosenau report until 2006, [it] had 2.98 percent of the IMF vote while Belgium had 2.16 percent, even though China's economy was six times larger in terms of nominal GDP, and more than twenty times larger in terms of purchasing power parity.<sup>61</sup>

In 2002 China offered itself as the direct lender of a loan for 2 billion US\$, this way removing the necessity for Angola to go through the IMF mechanisms, and at the same time ensuring sustainable access to the Angolan oil industry.<sup>62</sup> This way, China was presenting itself as a counterweight to the liberalization agendas being pursued by developed countries.

This move could be seen as a reminder of Cold War policies, when a country could chose to ally with one of the political blocks and receive support. However, the situation looked very different.

Angola was not able to fulfill IMF requirements then, but it never ceased relations with it and with the World Bank. China did not mean to force them to sever such relations. Nowadays, Angola is developing. In fact, by providing its significant partner with a back up opportunity, China helped it reach the level needed to be able to start negotiations with the IMF again. By bypassing the traditional methods in governance, China actually empowered Angola to eventually be able to better comply with these Western-made rules. Currently, Angola is a loan taker from both sources.<sup>63</sup> In this case, China not only fulfilled the Harmonious World programme,

<sup>59</sup> R. Jolly, *Human Development and Neo-Liberalism: Paradigms Compared In: Readings in Human Development*, New York, 2005, pp. 106-116.

<sup>60</sup> I. Campos, A. Vines, 2008, *Angola and China a Pragmatic Partnership*, Available online: [http://csis.org/files/media/csis/pubs/080306\\_angola-china.pdf](http://csis.org/files/media/csis/pubs/080306_angola-china.pdf), accessed on 15.12.2010

<sup>61</sup> H. Wang and J. Rosenau, *China and Global Governance...*, p. 25.

<sup>62</sup> C. Alden, 2005, *Leveraging the Dragon: Toward „An Africa That Can Say No“*, available online at Yale Center for the Study of Globalisation: <http://yaleglobal.yale.edu/content/leveraging-dragon-toward-africa-can-say-no>, accessed on 28.12.2010

<sup>63</sup> BBC, 29.9.2009, *Angola secures IMF loan agreement*, Available online: <http://news.bbc.co.uk/1/hi/business/8281639.stm>, accessed on 14.12.2010 and China Economic Review, 2009, *Angola Secures New China Loan*, Available online: [http://www.chinaeconomicreview.com/dailybriefing/2009\\_03\\_13/Angola\\_secures\\_new\\_China\\_loan.html](http://www.chinaeconomicreview.com/dailybriefing/2009_03_13/Angola_secures_new_China_loan.html), accessed on 30.12.2010

it also left no doubt that even though it is still ‘a very small actor on the continent compared with Europe and the USA’<sup>64</sup>, it is providing Africa with a choice and a better negotiating stand with the global governance institutions.

## Conclusion

The first point to be mentioned, by way of recapitulation, is China’s identity on the global governance scene. Though statistics, national interests and vision, as well as current practice in the global governance scene may send out a mixed message as to whether China should be considered a developed or a developing country, one could safely stick by the Chinese government’s explanation that China is a still-developing country, that is helping other developing countries through the capacity it already possesses. It is still not strong enough to be able to apply its own non-prescriptive methods over accepted Western standards on the international scene, so it is engaged instead in an exercise of maneuvering its way through current Western structures, slowly highlighting its position, and scoring points whenever its vision coincides with similar propositions in Western-based theory.

However, one could argue that, apart from offering non-prescriptive choices to the Third World, China cannot really offer much more on the global governance scene. The Chinese presence in Africa can be said to have given Africans the best momentum since the Cold War,<sup>65</sup> but apart from this, nothing else of value can be proved in China’s regard. China speaks out about reforming current paths to global governance, but so does the West. While China advocates participation by states it offers its assistance to, the West can also be said to tailor its system towards the needs of states. China can, however, be seen as more state-oriented, and as a better partner than the West, due to its policy of non-intervention, considering issues such as human rights to be within the ambit of the sovereign state, rather than a pre-condition that needs to be fulfilled before any kind of assistance can be forthcoming.

The country can be seen as tailoring solutions better suited to the needs of individual countries. These may be seen as bypassing international/Western standards and practices, as in the case of the loan to Angola. There are also ethical issues that can be raised, as is the case of China continuing support to a regime largely seen as genocidal by the outside world, in the case of Sudan vis-a-vis the Darfur problem. However, in this case, China ended up being a mediator between the Sudanese government, and international institutions such as the United Nations and the African Union, so one may ask whether China did in fact apply a morally superior approach to that of coercion usually applied by the West, at the end of the day.

Through the principles of its Harmonious World programme, China projects an image of standing on the side of developing countries, and offering choices that no one else can offer. Still, it will take time for China to be able to shed a bit of the rogue image it has gained in the process, and be able to exercise more political clout in the institutions of global governance,

<sup>64</sup> S. Cook and J. Gu, *The Global Financial Crisis: Implications for China’s South-South Cooperation*, “IDS Bulletin 40.5/2009, pp. 38-46.

<sup>65</sup> P. Carmody and I. Taylor, *Flexigemony and Force in China’s ...*, pp. 496-515.



reforming the according to he values. Although China does not force a prescriptive approach on other countries, it will – as predicted by Gu, Humphrey and Messner - still have to play by Western rules<sup>66</sup> in extreme cases as in Sudan.

China has realized that with its growth on the international scene, whether it likes it or not, it has come to have a certain weight in foreign policy matters – not enough to change the international order, but still enough to make it have to play by international/Western rules at certain points. This calls for a delicate balancing act by China, juggling on the one hand the role of emerging saviour of Third-World countries, and on the other hand having to exercise enough diplomacy to make sure that its non-prescriptive methods do not let the states protected by it fall foul of international/Western norms. China can thus be seen as having a new role, that of a bridge between the West and these developing countries. How far ahead China will progress on the international scene due to this role depends on how China will ,behave' in future situations, and remains to be seen.

