# The Review of European Affairs

Volume (4) Issue (1) 2020

The publication of "The Review of European Affairs" was prepared in cooperation with the Konrad Adenauer Foundation in Poland. The publication reflects only the views of the Authors and cannot be understood as the official position of the Konrad Adenauer Foundation in Poland.

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ISSN 2544-6703

#### Publisher

Polskie Stowarzyszenie Badań Wspólnoty Europejskiej ul. Armii Krajowej 119/121, 81-824 Sopot, http://pecsa.edu.pl/

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#### Typeset, printing and distribution

ELIPSA Dom Wydawniczy ul. Inflancka 15/198, 00-189 Warszawa, http://elipsa.pl/

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#### RÉKA FRIEDERY\*

# Promoting Democracy through the Work of the EU Ombudsman

#### **Abstract**

The EU is in an economic, social and political crisis, and there are vital expectations to enhance and restore trust, openness and transparency. The EU bodies which bring the EU and its citizens closer to each other gain even more importance. This paper will demonstrate that alternative dispute-resolution forums, like the office of the EU Ombudsman, have a multidirectional function. It was established to strengthen the fundamental rights of citizens and to enhance a more citizen-friendly EU administration. The analysis highlights the forum's importance in changing horizontal relations between different stakeholders into vertical during its procedure, for instance between EU institutions and EU citizens. The presentation of research explores these relations by analysing complaint cases and the EU Ombudsman-related cases of the CJEU. The paper argues that the right to complain to the EU Ombudsman, who is a direct link between EU institutions and EU citizens, and the potential of changing the above-mentioned functions, can strengthen the trust of Member States' citizens and help them identify as European citizens. The cornerstone of this argument are the relations between the EU citizens, institutions and the Ombudsman.

DOI: 10.51149/ROEA.1.2020.1

Key words: democratization, EU institutions, EU citizens, EU Ombudsman.

JEL Classification: K23, K33.

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#### Introduction

According to the rule of law, a strong and independent judiciary shall possess the power and means to ensure that government officials, even the highest ones, are held accountable under the law. The potential for public participation in the administration can be derived essentially from recognizing that through separation of power, the parliamentary and judicial control do not provide a sufficient counterbalance to public administration (Szamel 1998, 265).

The adoption of the Treaty on the European Union marked a clear transition in the development of the Community from politics to polity (Chryssochoou 2001, 96). Because there is no clear division of power within the Union, the issue of democratic deficit is directly linked to the lack of democratic legitimacy of the Union's institutions. In the EU's institutional system, the European Parliament, along with the Council of the European Union, form the legislative branch, but the two main political decision-makers are the Commission and the Council. The executive Commission can be regarded as part of the 'government' of the Union (next to the Council), but not like the governments used in parliamentary democracies. It is partly composed by a bureaucracy of civil servants. The EU bureaucracy means the EU Commission with the administration.

The selection of delegates to the Commission lacks the direct voice and political will of EU citizens. That is to say, the Commissioners are not directly elected by EU citizens. This lack of legitimacy, namely the lack of direct elections, cannot be solved by the European Parliament, a body directly elected by EU citizens, mainly because there are no European demos (people, nation) which could act as a sovereign and give the sense of direct links to the representatives and institutions of the European demos. Also, the European Parliament being a political institution was established because of political reasons. Following the establishment of the European Economic Community (EEC) and the European Atomic Energy Community (Euratom), the ECSC Common Assembly was expanded to cover all three communities. Members of the European Parliament (MEPs) would initially be appointed by the national parliaments. The fact that it was established as an appointed assembly without a "direct" link to the people is also supported by the fact that Members of the European Parliament were only directly elected from 1979 onwards, due to the 1976 Electoral Act. It profoundly changed the institutional position of the European Parliament and was the founding document of a more democratic European Union, as it declares that "citizens of the

Union have the right to participate in its democratic life, in particular, by voting or standing as candidates in elections to the European Parliament." (Council Decision, 2018). With the Electoral Act a direct link between the EU Parliament and the citizens had been established, making the EU lean closer to its citizens.

The aim of this paper is to underpin that an EU office, that ensures EU institutions accountability on behalf of its citizens, can take part in the efforts to make the EU more democratic.

#### The EU Ombudsman Step by Step

As early as in 1974, at the meeting of the Parliamentary Assembly of the Council of Europe, a Recommendation on the role of the ombudsman and the parliamentary commissioner had already been adopted. The Recommendation emphasised that the citizens' lives are being increasingly governed by the authorities, and while protection of fundamental rights is supervised by the state, interferences of public authorities into the lives of individuals threaten their fundamental rights. Because the usual forms of judicial remedies are not always able to react with necessary speed and efficiency to the problems, and due to the complexity of different fields of the administration, there is a need for another guarantee- one that is simpler, quicker, cheaper and more efficient. This role could be filled by the Ombudsman (Recommendation 1975).

The Maastricht Treaty was needed in order to provide a better framework for internal policies in the field of justice and home affairs, and a more coherent framework for joint Community action. At the same time, the exercise of the extended powers of the Community and the European Union has in fact made it more urgent to protect individuals across the full spectrum of political and economic life under the rule of law (Bradley and Sutton 1996, 246), which pervades the Union system with varying degrees of emphasis and intensity (Wennerström 2007, 157). According to Dahrendorf, democracy, as the voice of the people – all citizens – sets up institutions that control government and allows it to be changed without violence. In this sense, the demos, the people, are the sovereign that gives legitimacy to institutions of democracy (Dahrendorf 2003, 103).

Thus, the Maastricht Treaty marked a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and at a level closest to the citizens. Transparency is a key requirement of the Union vis-à-vis the proceedings of bodies and offices, and openness is reflected

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in the relationship between bureaucracy and EU citizens. Strengthening its identity at an international level (in particular by pursuing a common foreign and security policy) and strengthening the protection of rights and interests of the Member States' nationals through the introduction of Union citizenship were among the objectives of the EU. There were two reasons for declaring EU citizenship in the Maastricht Treaty. The first stages of integration offered no role to the citizen, and as the integration continued, it needed to be associated with the identification of citizens. European citizenship had to be introduced because the early period of European integration gave no role to the citizens, and in order to deepen the integration a sort of identification and means of demonstrating a European 'added value' were required (Warleigh 2001, 22). When the concept of EU citizenship was created it was only a frame, and could only have serious consequences for the involvement of the European public in Community affairs once it was well established with civil, cultural and social rights (Duff 1996, 30). Also, citizenship offered a direct connection between the Union and the citizen. The office of the European Ombudsman was established in connection with the European citizenship. Although classical ombudsmen do not have an express mandate for human rights protection and promotion, the violation of human rights by government institutions and bodies by maladministration falls within their mandate, and thus the Ombudsman, as a true classical ombudsman on international or supranational level, uses human rights norms that are part of the applicable legal system and applies them in human rights related cases (Reif 2004). Thus, the raison d'etre for setting up the European office (Peters 2005, 699-700) was the aim of strengthening oversight of the EU institutions and making the EU institutions more democratic by setting up a body to which citizens can turn directly (see more Heede 2000; Reif 2004; Biering 2005; Pino 2011).

Although in different ways, the definition of good administrative practices (good administrative behaviour) has been used by the European law since the 1960s, enshrined through activities of the European Court of Justice (Council of the EU 2001, 58). The right to good administrative procedure embodied in the Code of Good Administrative Behaviour has been formulated into the Charter of Fundamental Rights as a right enjoyed by the European citizens: the right to good administration in Article 41, and the right to refer to the Ombudsman in Article 43.¹ The right to complain to the Ombudsman as a new forum formed a new legal redress. It followed the idea that this new forum would contribute to the achievement of an open, reliable and service oriented government (see Söderman 2002). The Code

<sup>&</sup>lt;sup>1</sup> The Charter was the first international legal document with explicit declaration of the right to good administration.

itself includes a codification of general principles of European administrative law, it restates procedural and substantive rights and duties which result from express rules of Community law, and includes rules of administrative practice which are directed by the idea of providing a good service to the public and in principle do not form judicially enforceable rights or rules (Mendes 2009, 7).

The democratic element in the establishment of the Ombudsman appeared in 1998, when an own-initiative inquiry was conducted. The ground for the inquiry was a correct procedure determining the relation between the public officials of Community bodies and institutions, as well as clarifying a good administrative procedure. The ombudsman initiated the investigation because of complaints made in cases where offences could have been avoided with a clear and public record of obligations of Community officials. During the procedure the Ombudsman stated that the office was set up at the supranational level in connection with the Union's commitment to a democratic, transparent and accountable administration.

Regarding the term maladministration in connection with the Ombudsman, neither in the treaty nor in the statutes can be found any further explanation. The European ombudsman made several clarifications, and under the definition of maladministration we can find a complex set of procedural obligations in relations between the administration and the public, and where these procedural obligations can gradually increase. Since the first annual report of the ombudsman, he has constantly presented the view that three types of errors may give rise to an instance of maladministration, and that they might overlap to some extent. Those errors can be identified as a failure to comply with a legal norm or principle, failure to prevail the principle of good administration and failure to respect human and fundamental rights. The European ombudsman with his activities concerning the field of the protection of fundamental rights promotes the respect of the Charter, and when investigating a possible instance of maladministration he takes into account the rules and principles set out in the Code as well. Next to this, the ombudsman published ethical standards in the form of five public service principles as a guide for the EU public administration, which are: commitment to the European Union and its citizens, integrity, objectivity, respect for others and transparency (see Friedery 2018). 10 Réka Friedery

# EU Institutions and the Practice of the Ombudsman

The European Ombudsman can be generally categorized as one of the external accountability mechanisms of the supranational EU (Pino 2011, 433). To understand the place of the office in the institutional life of the EU, we shall take a look at the Court of Justice and the European Commission. Before the Maastricht and the Amsterdam Treaty, the Court of Justice took up the task of elaborating community law on human rights, and developed jurisprudence that fundamental human rights are general principles of community law. Although the Maastricht Treaty enshrined the human rights as general principles of community law, it had not listed the fundamental rights of citizens: only Article 6 of the Treaty declared that the Union shall respect fundamental rights and simply referred to the European Convention on Human Rights.<sup>2</sup> However, the latter could have not been enforced versus the EU institutions in such a way as against the Member States. Although the European Commission has proposed that the Community should join the Convention, in March 1996 the European Court of Justice rejected the decision, stating that Article 308 of the TEC did not permit it as the phrase "...if action by the Community should necessary to attain, in the course of the operation of the common market, one of the objectives of the Community, and this Treaty has not provided the necessary powers, the Council shall, acting unanimously on a proposal from the Commission and after consulting the European Parliament, take the appropriate measures" does not offer sufficient legal basis for the fundamental institutional change that would be a result of accession to the Convention. This situation has led to the development of the Charter of Fundamental Rights.

With the declaration of fundamental (human) rights listed in the Charter, the European Union intended to strengthen its commitment to human rights and outline a general human rights policy. The EU Ombudsman' part in this is that it regularly refers to and uses these rights in the complaint procedure. However, the Court clearly set up the borders of the Ombudsman's mandate and activity in several judgments. The Court of First Instance declared that an 'act of maladministration' by the ombudsman does not mean in itself, that the conduct constitutes a sufficiently

<sup>&</sup>lt;sup>2</sup> Article 6 of TEU declared "...the Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on 4 November 1950 and as they result from the constitutional traditions common to the Member States, as general principles of Community law".

serious breach of a rule of law within the meaning of the case-law. According to the ombudsman, an error of legal interpretation was a form of maladministration, and in a court case the applicant relied on the ombudsman's non-binding draft recommendation which included the ombudsman's own legal interpretation of a provision. However, the Court stated that the conclusive interpretation of the law is not within the remit of the ombudsman. We can point out that the Court only limited the Ombudsman's interpretation of 'activity'. Beside ruling about parts of the Ombudsman's procedure, the Court defined its powers when it pointed out that the Court has jurisdiction regarding an action for compensation against the ombudsman. Namely, it can examine the decisions and inquiries taken by the ombudsman and thus has judicial control over them (see M, T-412/05 and Tillack, T-193/04). This is very important because the ombudsman has no jurisdiction to question a decision of an institution or body but as we saw the ombudsman expressed opinions repetitively on the merit of a decision. With action of damages against the ombudsman, the Court has an option to state that even the Ombudsman's actions can lead to maladministration – for prevention of which the office was established.

The Ombudsman receives and engages in complaints against the Commission in its role as a guardian of the Treaties (TFEU, Art. 258). The Commission has responsibilities regarding correct application of EU law at Member State level, and in this regard the ombudsman supervises the supervisor (Diamandouros 2008, 6). The Ombudsman handles complaints with both procedural and substantive aspects of the Commission's behaviour. In this regard it uses the Community's communication that provides for an obligation to register complaints, for certain exceptions to this obligation, and also establishes deadlines for dealing with complaints and informing complainants. The Commission issued this Communication originally in response to inquiries and criticisms of the Ombudsman in relation to these issues. The Ombudsman started own-initiative inquiry against the EU Commission's infringement procedure based on Article 258. The ex officio inquiry was necessary because the office received many complaints in relation to the administrative side of the infringement procedure. Complaining citizens were dissatisfied with the Commission's handling of their complaints about infringements of Community law by Member States. They concerned the secretive and time-consuming nature of the Article 258 procedure, lack of information about developments and failure to give reasons for closing cases. There were also impressions of high-handed and arrogant behaviour by the Commission, and that the procedure gives room for political fixing. In connection with those various issues, the ombudsman made a further remark in the so-called Thessaloniki Metro case, suggesting that the Commission should consider adopting

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a procedural code for treatment of complainants in Article 258 cases, consistent with the Charter's right to good administration (Commission communications 2002 and 2012). Of course, there are examples of good and bad administrative behaviours of the Commission. On one hand, the Ombudsman found in case 773/2011/OV, that contrary to the complainant's allegation that the Commission failed properly to deal with his infringement complaint, the Commission had sent several substantive replies (Decision of the European Ombudsman 2012a). On the other hand, in case 230/2011/(TS)EIS the Ombudsman pointed out that the Commission is not free from constraints flowing from fundamental rights and principles of good administration during handling of infringement complaints (Decision of the European Ombudsman 2012b). The Ombudsman took the view that the complexity of the issues did not justify the delay incurred in this case. As regards the consistency issue raised as an argument by the Commission, the Ombudsman declared that pursuing a 'consistent approach' must not lead to unnecessary delays.

We shall put emphasis on the fact that the Ombudsman's inquiries and conclusions fully respect the Commission's discretionary power recognised by the Treaties and the case-law of the Court of Justice, that is to say, to decide whether or not to refer an infringement to the Court. However, the Ombudsman may also review the substance of the analyses and conclusions reached by the Commission during the investigation of infringement complaints. The Ombudsman may, for example, check whether such analyses and conclusions are reasonable, well argued, and thoroughly explained to the complainants. If the Ombudsman fundamentally disagrees with the Commission's assessment, when stating this she would also point out that the highest authority interpreting EU law is the Court of Justice.

It is not a surprise that the demand for democratically functioning institutions requires accountable officials, even more so in the case of the highest officials. Therefore, the Ombudsman dealt with the rules and procedures the Commission has in place to prevent conflicts of interest regarding current Commissioners. But the activities of ex-Commissioners concern a type of complaints as well, namely, their activities after they have left office for the private sector and *vice versa*. The core of these complaints concerns conflict of interest. Following a number of complaints, the Ombudsman conducted an inquiry about a paid position held by a former EU Commissioner and concluded that the Barroso Commission failed to deal adequately with the former Commissioner's breach of Code of Conduct despite concerns having been raised by the Ad Hoc Ethical Committee (Dee decision of the European Ombudsman 2016).

#### Conclusion

The creation of the Ombudsman's office was a part of a political game. Following the establishment of the Denmark backed ombudsman type, the country in return accepted the provisions of the Treaty which contained substantial legislative powers. Thus, inter alia, the co-decision procedure of the Parliament was also recorded, and the Danes opposed it fundamentally. The establishment of the European Ombudsman provided assurances for Danish citizens who were particularly sceptical of the political union. The new body offered a suitable alternative for the Community to become more open and closer to its citizens, and this ambition could be fulfilled. This is underlined by its relation with the EU institution as we can observe that the work and opinion of the ombudsman play an important part in the development of general principles and rules of the administration. As for the practice, reaching a solution with the institution or body concerned and satisfying the complaint is the primary objective of the ombudsman. This shows the ombudsman as a *médiateur*, as in this role the ombudsman attempts to solve the alleged maladministration. Even a variety of languages naming the head of this office, as médiateur européen in French, or mediatore europeo in Italian, put emphasis on this role.

We can conclude that the European Ombudsman seems to play a complex role and his procedure cannot only be limited to dispute solving, creating or protecting fundamental rights. Regarding the Ombudsman's role, the Committee of Petitions pointed out in the past: protection of the rights of citizens and improvement of connection between citizens and the Community go hand in hand. And these can strengthen the democratic life of the EU.

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### MELJANA BREGU\*

# The Impact of the Council of Europe and the Process of European Integration on Protection of Human Rights in Albania

DOI: 10.51149/ROEA.1.2020.2

#### **Abstract**

The European integration process of Albania is bound to fulfillment of the accession criteria, a political criteria related to stability of institutions guaranteeing democracy, rule of law and protection of human rights. Protection of human rights is a core value for the EU as well as a precondition for candidate countries.

The European Commission, through the annual progress reports, monitors protection of human rights and compliance of the domestic legislation with international human rights instruments; particularly the European Convention of Human Rights. Also, the Commission evaluates cooperation with the European Court of Human Rights and executions of the Court's decisions. The paper aims to analyze implementation of the acquis and European standards on the abolishment of the death penalty and on prevention of torture and ill-treatment. The paper considers the progress reports and some of the judgments of the European Court of Human Rights on prevention of torture and ill-treatment.

According to the progress reports, the main conclusion is that Albania has an adequate legal framework that guarantees human rights, but the main concern is still the implementation of legislation.

Key words: integration process, human rights, European Court of Human Rights, torture, ill - treatment.

**IEL Classification: K38.** 

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#### Introduction

After the fall of the communist regime the process of European integration has been the main priority of the Albanian foreign policy, as well as the main aspiration of the Albanian society, which fully supports the European Union. Despite the differences in domestic policy between the government and the opposition, all the political forces and the society agrees that integration is the most important process for the future of the country.

On October 2019, the integration process backlashed due to the veto of France on the accession talks for Albania and North Macedonia. In Albania, the refuse was perceived as a failure of the Albanian government, as well as a "betrayal" of the European Union *versus* the Western Balkans.

Despite the French refusal in 2019, the Albanian integration is not a smooth process, but a long and complicated journey which impacts the domestic legislative system and the values of Albanian society. Albania is trying to embrace the European values, especially the founding value of protection of human rights.

The EU has always put a strong effort to promote and protect human rights, especially after the Treaty of Lisbon. As De Burca explains: the Treaty of Lisbon identified human rights as a foundational value of the EU, and this is evident due to the binding character of the European Charter of Fundamental Rights and the commitment of the EU to ratify the European Convention on Human Rights (ECHR) (De Burca 2011, 649). Also, the EU system and the Council of Europe system on human rights protection are strictly connected as the article 6 (3) of the EU Treaty mentions the ECHR and defines the fundamental rights guaranteed by the ECHR as general principles of the Union's law (TEU, article 10).

Moreover, the Copenhagen criteria for prospective member states set that accession to the Community shall be open to any European state which guarantees the protection of human rights, a clear request included in the political criteria (De Burca 2011, 681). So the EU not only protects human rights, but also promotes human rights outside the EU and imposes protection of human rights upon candidate member states, because the "accession to the EU is the most successful instrument for the promotion of human rights in the post-communist countries" (Cierco 2011, 142–158). The protection of human rights in candidate states must pursue the European standards and the European Convention on Human Rights.

The EU has adopted various strategies to promote human rights, trying to mitigate Albanian lack of tradition in human rights issues. In Albania the protection and respect of human rights is a recent issue, as during the communist regime Albania lacked human rights protection tools, especially the right to life, freedom of speech, belief and religion, detainee rights, vulnerable groups etc.

In order to embrace protection of human rights and to cut the ties with the communist past, in 1996 Albania ratified the European Convention on Human Rights and its Protocols (Qendra e Publikimeve Zyrtare, 2011). Albania has amended or promulgated the primary legislation trying to enforce the protection of human rights in order to fulfill the EU accession conditions and to meet the standard of the European Convention on Human Rights.

A properly functioning judicial system and an effective fight against corruption are of paramount importance, as is the respect for fundamental human rights. In this regard, Albania has begun a significant judicial reform, creating the institution of the People Advocate or the *Ombudsman*, and is trying to address all the conditions of the *Acquis* Chapter on Judiciary and Human Rights (European Commission, 2019).

The paper analyzes main legal reforms undertaken in Albania in order to prevent torture and ill-treatment in detention centers, as well as the decisions of the European Court of Human Rights on this issue.

As mentioned, the EU system and the Council of Europe system on human rights are independent, but strictly connected. Furthermore, in Albania, the reforms on domestic legislation embrace the European values on human rights and the principles of the European Convention on Human Rights. It is important to describe how Albania copes with the implementation of the European Convention on Human Rights, since the Stabilization and Association Agreement (SAA), the country committed to respecting human rights as defined in the ECHR (Official Journal of the EU – SAA, 2009). Also, one of the requirements of the European Commission is the execution of the ECtHR rulings.

The paper analyzes the Progress Reports of the European Commission from 2007 to 2018 and the decisions of the European Court of Human Rights regarding prevention of torture and the abolishment of the death penalty.

# The abolishment of the death penalty and prevention of torture

Protection of human rights in candidate and potential candidate countries is evaluated each year by the European Commission. Every year, the Commission publishes Progress Reports in order to assess the situation and define areas in need 20 Meljana Bregu

of enhancement and reforms. The EU enlargement policy has been an important instrument of the EU in promoting human rights and fundamental freedoms in the region as inherent values of the integration process.

Also, the European Union acts in the Western Balkans through a powerful instrument of conditionality in order to impact domestic systems and political structures, to share common values and to promote human rights norms and values (Radaelli 2000, 1–28). Anastasis and Bechev assert that in the Western Balkans, EU conditionality is a form of power, a multi-dimensional and multi-purpose instrument which tries to assure the fulfillment of reforms and is related to economic, political, social and security-related criteria (Anastasakis, Bechev 2003, 1–20).

As Pridham affirms there is a growing use of conditionality in the Western Balkan countries, among them Albania, which includes a particular attention on human rights (Pridham 2007, 451). Moreover, the protection of human rights (a specific negotiation chapter, 23 of the Progress Rapport) as part of the *acquis* has added procedural force aiming to tighten up implementation (Pridham 2007, 461).

EU conditionality in human rights protection is difficult to measure and evaluate, but it is expected to function as an incentive on national authorities to pursue reforms and to align the domestic legislation with the values and principles that the EU shares and protects. The EU conditionality is more effective on the codification of human rights as a clear condition of the integration process than on spreading democratic values and human rights effective protection (Fraczek, Huszka, Kortvelyesi 2016, 196).

The first Progress Report on Albania in 2007, after the signature of the Stabilization and Association Agreement in 2006, analyzes the main features on protection of human rights and rights of minorities. Regarding the instruments for protecting human rights, the most important achievement was the ratification of the Protocol 13 of the European Convention on Human Rights regarding the abolition of the death penalty in any circumstances (Progress Report Albania 2007). The ratification of the Protocol 13 was in line with the EU initiatives concerning the abolishment of capital punishment, a clear result of the conditionality used by the EU and a commitment to European values. In this regard the ratification of the Protocol was influenced by the EU policy on the abolishment of the death penalty. In 2007, the abolition of the death penalty was a top human rights priority in the Council of Europe and also in the EU relation with the third countries (European Commission, Joint Declaration 2007). So, the Council of Europe and the EU shared the same strategic objective on the abolition of the death penalty in the world.

The European Union expressed its position on death penalty in numerous official statements and resolutions, like Resolution 1187/1999 that reaffirmed earlier

resolutions, stating that the death penalty "has no place in civilized, democratic societies governed by the rule of law" (Magen 2003, 50).

The abolition process of the death penalty started in 1995, when Albania signed a declaration affirming the intention to sign and ratify the Protocol 6 (European Convention on Human Rights) on the abolition of the death penalty in time of peace within three years. Indeed, from 1995 Albania put in place a moratorium on executions and ratified the Protocol in 2000 (OSCE 2001). De Facto, in 1999, the Constitutional Court of Albania decided that the death penalty was incompatible with the Constitution of 1998 (the first constitution after the communist regime), and *de facto* abolished the death punishment as cruel and degrading against the right to life. In this period, the Council of Europe invoked Albania to refrain from using the death penalty and to fulfill its commitment as a member of the Council on many occasions (Council of Europe 1990). Despite the efforts of the Council of Europe, the progress on the abolishment of capital punishment, the *de juro* abolition of the death penalty in all the circumstances as a result of the Protocol 13 ratification and the reform of the military code were completed in 2007 due to the conditionality policy used by the European Union. The abolition of death penalty was also a breaking point with the authoritarian past and an important element of the democratic system.

Despite this important achievement and the alignment with the European policy on the death penalty, from 2007 onwards the European Commission in its progress reports has continuously raised the concern of prevention of torture and ill-treatment. The paper focuses on the remarks of the ECtHR and the EU on torture and ill-treatment of detainees in Albania.

The 2008 Progress Report marked the difficulties on prevention of torture and ill-treatment by police officers during pre-trial detention (European Commission Progress Report 2008). Albania has ratified the Convention against Torture and the document is transposed into national legislation, but the implementation of this legal instrument is limited. Furthermore, the enforcement of detainees' rights is insufficient (Civil Right Defenders 2006, 8). In 2010 the EU heads of Mission in Albania approved the Local strategy for the implementation of the EU guidelines on Human Rights Defenders, addressing the need to prevent torture in detention centers (EU Heads Mission 2010). The EU Mission in Albania also affirmed collaboration with the Council of Europe in order to promote and encourage enforcement of human rights in Albania. The Council of Europe and the EU Mission collaborate in Albania in order to promote and enhance human rights and to protect vulnerable groups.

The efforts of the EU delegation and the Council of Europe were also influenced by the report of the European Committee for the Prevention of Torture and Inhuman 22 Meljana Bregu

Punishment (CPT). The CPT in its *ad hoc* visit in 2008 uncovered a series of human rights breaches, like the ill-treatment of the persons in custody, detainees in predetention center and prisons (Council of Europe 2009, 9). The Progress Report in 2009 had also recommended actions from the government in order to implement the recommendations of the CPT (European Commission Progress Report 2009, 14).

Albania had tried to address the concerns of both the CPT and of the European Commission on the ill-treatment and torture in pre-detention centers and prisons. The National Strategy for Development and Integration 2007–2013 affirmed that protection of human rights and the rule of law were main priorities of the national agenda as was defined in the Stabilization Association Agreement (SAS) (Council of Ministers of Albania 2008, 11). According to the document, one of the priorities was the improvement of prisons and pre-detention systems, ensuring a humane treatment of all the prisoners.

One of the measures undertaken in order to achieve this goal was transferring pre-trial detention facilities from the Ministry of Interior to the Justice Ministry, but it was only finalized in 2007–2008, despite being approved in 1994 (Sufaj 2009, 3). The expected reform had been finished only after construction of new pre-detention centers, financed through European Union projects like CARDS (Program of Community Assistance for Reconstruction, Development and Stabilization – an important financial instrument in the Western Balkans) and IPA (Instrument for Pre-Accession Assistance).

Despite all the efforts, instances of ill-treatment had continued and in 2007 the European Court of Human Rights ruled in some important cases regarding this issue.

The ECtHR delivered one judgment on Albania regarding the torture and ill treatment of prisoners and found that Albania had violated the ECHR. The case is *Dybeku versus Albania* and the Court unanimously found that there was a violation of the Article 3 (prohibition of inhuman or degrading treatment) of the European Convention on Human Rights (Dybeku, 41153/06, 3). The applicant had alleged that his detention conditions and medical treatment were not appropriate for his health, particularly chronic paranoid schizophrenia. The Court concluded that the applicant was subjected to ill-treatment and negative effects of lack of medicines and appropriate cures for his state of health, which was enough for the situation to be qualified as inhuman and degrading (Dybeku, 41153/06, 5).

Another case was *Grori versus Albania*, when the applicant complained about a violation of the Article 3 of the Convention due to a lack of medical treatment. The Court found that Grori had been left without medical treatment, and due to the Government's failure to explain the deterioration of the his health in prison, the Court decided that the deterioration of the applicant health had created a strong feeling of insecurity, which amounted to degrading treatment (Grori, 25336/04, 4).

In order to enforce prevention of torture and to improve its legal framework, the Albanian criminal code was amended in 2010. The crime of torture (art. 86) was introduced among the offences committed intentionally against health, laying down the legal framework and providing a tool for effective protection in case of abusive actions by officials. In 2008 the National Mechanism for Prevention of the Torture had been established (Daems, Robert 2017, 107).

In this context between 2007 and 2010 there was an improvement in the legal framework on the human rights protection regarding prevention of ill-treatment and torture of detainees. This enhancement has been recognized by the European Commission, as being in line with European standards, as well as a break with the past (EC Progress Report 2012, 16). In order to promote the European path and to underline the presence of the EU in the region, in 2012 the European Commission recommended to grant EU candidate status to Albania in recognition of "Albania's reform efforts" in fulfillment of the enlargement priorities (European Commission 2013). The candidate status was a clear signal of the EU presence in Albania, and although not all of the reforms had been fully implemented the EU wanted to acknowledge Albania's endeavors to fulfill the integration criteria, especially the political ones.

Regarding the human rights part of the enlargement criteria, the Progress Report in 2013 affirmed that the measures taken to improve the treatment of detainees, which was a key priority for the European Commission, were partially effective (European Movement Albania 2011).

In 2014, after a shift of power from the Democratic to the Socialist Party, the government elaborated a new National Strategy on the integration process (Council of Ministers 2014). According to the document it is strategically important to minimize the use of violence in penitentiary institutes, through both administrative and judicial procedures, in order to prevent this phenomenon and therefore fulfill the European Commission requests and recommendations. Despite the legal framework enhancement the ill-treatment of detainees was not fully addressed, the National Mechanism on the prevention of Torture uncovered further cases of abuse and lack of investigations against police officers (Avokati i Popullit 2015, 26).

In 2015 the country was involved in a debate regarding a comprehensive justice reform with the participation of all political forces and with involvement of the European diplomacy and civil society.

In 2016–2018 a slight improvement regarding torture and ill-treatment in detention centers had been noted, due to the Progress Reports (European Commission, Progress Report 2018). Also, this trend was confirmed by the Committee for the Prevention of Torture in its *ad hoc* visit. The CPT reported to the Albanian Government in 2017 and

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the Progress Report of the European Commission in 2018 presented the main findings of the CPT. Due to the report, the situation was improved compared to 2014, and a vast majority of persons interviewed were treated by the Police authorities in a correct way. Despite a positive trend, the CPT reiterated the recommendation to combat all forms of ill-treatment by the police officers (Council of Europe 2018, 13). The CPT and the EU Commission were mainly concerned of the treatment of people with health problems, both in pre-trial centers and prisons, despite a positive improvement comparing to 2014.

In 2019, The European Court of Human Rights again ruled on a case regarding violation of the article 3 and article 2 of the ECHR. The case Prizreni v. Albania raised questions about ill-treatment of prisoners in hospitals. The applicant complained about a lack of investigations from the authorities regarding the death of his brother. The Court ruled that the authorities had failed to carry out an effective investigation to establish whether Mr. Prizreni's brother had been subjected to ill-treatment while in custody and there had thus been a violation of Article 3 under its procedural limb (Prizreni, n. 29309/16).

#### **Conclusions**

The paper addressed the main challenges faced by Albania in preventing torture and ill-treatment, as well as abolishment of the death penalty. Albania, as a post-communist state, doesn't have a tradition of protection of human rights. Although after the fall of the communist regime the state ratified the main instruments on the human rights as well as international treaties, a concern of their implementation still remains. The European Union and the Council of Europe have an important role in the area of protection of human rights in Albania. Due to the EU policy of conditionality Albania ratified the Protocol 13 of the European Convention on Human Rights. As a result the death penalty was abolished in any circumstances. The abolishment of the death penalty was a clear sign of dissociation from the communist past.

Albania, as a member of the Council of Europe, was bound to abolish capital punishment, but it was the conditionality policy of the European Union that convinced the Albanian government to ban the penalty in any circumstances. However, while conditionality enhances legal framework, it cannot assure its implementation. This is evident in Albania; according to all of the Progress Reports the legal framework is adequate with European values, but its implementation is still lacking, as shown by frequent cases of maltreatment of detainees in 2008–2014.

All of the Progress Reports mentioned above have a common feature, which is the European Commission's concern on the crime of torture and ill-treatment

towards detainees during pre-trial treatment and in prisons. Albania tried to face the problem through the enhancement legal framework and approval of reforms. The most important reform is the creation of the People Advocate institution and the improvement of legal framework of its activities. Also, the criminal code was amended, introducing the crime of torture (art. 86) which is a direct result of the EU request to improve the legal framework on the human rights. After acquiring the status of a candidate country Albania boosted implementation of the reforms, and conditions in prisons and custody centers have improved.

From 2016 until now the attention of the European Union in Albania has been concentrated on the judicial system reform. It is considered crucial in the integration process and is being implemented under observation of the EU.

In 2018, The Committee on the Prevention of Torture recognized the achievements in the area of prevention of torture, but there are still some reported cases of abuse.

The integration process and the integration criteria have a positive impact on protection of human rights in Albania because, due to this process, the country has ratified the most important international human rights instruments. Also, Albania has amended the national legal framework in line with European standards. However, the main problems are still the incomplete implementation of the mentioned national and international instruments and, in some cases, the implementation of the European Court of Human Rights judgments.

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#### REBECCA KERR\*

### Social Democratic Party's Electoral Strategies Amid Social Class (Re)alignment and (Re)mobilisation

DOI: 10.51149/ROEA.1.2020.3

#### **Abstract**

Social Democratic parties have long been steady pioneers of European democracy, but over the past decade they have suffered a humiliating collapse. It is commonly asserted that European countries have entered a classless society. Subsequently, mainstream left parties adopted broad electoral strategies to appeal widely to the median voter, exemplified by the Blair-Schröder Third Way. Electoral backlash following the British and German social democratic party's 1990s neoliberal shift, their approach to globalization as well as their handling of the financial crisis and refugee crisis have eroded their popularity. Subsequent frustration with the political establishment is exemplified by the cultural backlash thesis. However, a countermovement signified by postmaterialism and social liberalism calls for transformative social and political change. The two convictions clash on binary issues, exacerbating a righteous divide between sociocultural liberals and conservatives, recently popularized as the "anywheres" and the "somewheres". This paper puts forth the necessity for social democratic parties to re-engage with the cleavage politics of today. This is particularly important as today's cleavages are largely ideologically driven. Questions of electoral strategy, ideological positioning and mobilisation tactics are contested intra-party. Attention is paid to Corbyn's Labour, whose move towards traditionalism at first earned electoral support, only to be discredited in 2019. In comparison, the German SPD embraced centrism in 2017 and were penalized for it. They must now respond and offer a strategic alternative following competition from the Greens and Die Linke.

Key words: cleavage politics, electoral socialism, factionalism, political sociology, polarisation.

JEL Classification: O570, Z130.

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#### Introduction

Social democratic (SD) parties have their origins in class politics and are traditional representatives of the working-class electorate. This is evident in both the British Labour Party and the German Social Democrats (SPD). Therefore, a clear mandate and electoral strategy has been in place since conception of these parties, largely based on class emancipation and equality. However, particularly since the 1990s, globalization, technological change and rising education rates have disrupted traditional understanding of class system as a three-tiered format of the lower, middle and higher class. This has largely resulted in an upwards class mobility leading scholars to argue that we are all now in classless society, as individuals largely acquiescence towards the middle class (Evans and Tilley 2017). This is compounded by the rise of postmodern values, facilitated by rising education rates (Inglehart 1981, 1990; de Graaf and Evans 1996). Again, this acts to disrupt traditional conceptions of class and creates many problems for SD parties who have seen their target electorate vastly contract in size (Padgett and Paterson 1991).

Contemporary social and political changes are characterised by a socio-cultural cleavage which delineates between the alternative libertarian voter and the socially conservative authoritarian. However, particularly challenging for SD parties is that their natural voting coalition of the left-libertarian and the traditional working-class votes are increasingly at polarising ends of the spectrum, an electoral dilemma which has been long inferenced by SD scholars (see Przeworski and Sprague 1986; Kitschelt 1994). This has cumulated in contrasting party strategization within Labour and the SPD in the party's aspired appeals.

The left-libertarian voter can be generally characterised by their adoption of postmodernism and/or postmaterialism, which is symbolized by a political life that is rooted in a qualitatively better world (Aronowitz 1989; Opp 1990). Social change is rooted around the rejection of social conservativism and gives support to sexual, gender and power equalities, and ecological concerns (Inglehart and Norris 2003). Postmaterialists are expected to find representation on the left (Inglehart 1977). This led to the expansion of what is now termed the "New Left" evident also in SD parties. Contemporarily, this group remains a significant voter group for SD parties but have been increasingly characterized by the adoption of "New Leftism" which is the adaption of New Left issues along with the modification of socialist values which take on an internationalist perspective. But this is in direct conflict with an underbelly of populist right-wing nationalism, which comes into direct conflict with

globalist postmodernism. Unfortunately for SD parties, the traditional working class is considered amongst the socially conservative who have been mobilised of late by the populist right-wing on a platform of anti-immigration and welfare chauvinism.

This leaves SD parties in quite a precarious position. To give way to the "New Leftism" voters would be to compromise on party appeals to the working-class vote and vice versa. Additionally, any movement might isolate the median voter who does not mobilise along New Leftism or socially conservative delineations. In appealing too narrowly, this may fail to attract new voter segments, which are increasingly necessary and decisive for winning elections. SD parties are facing a choice between electoral strategies, with three clear options: they can appeal to the broad church of voters, appeal solely to the growing electorate of youth postmaterialists, or solely the traditional blue-collar voter. This paper will analyse how a changing socio-political environment has impacted SD party strategy and identity. As SD parties experience drastic electoral decline, their reformulation is integral to their revival. The Labour Party and the SPD are chosen for analysis to allow for an approach of dynamic comparison of SD parties contemporarily.

#### Towards a Broad Electoral Strategy

Questions over party direction and electoral strategy soon accompanied the profound sociopolitical change of the 1990s and the 2000s. In 1997, the middle class dominated numerically, and it was readily proclaimed that "We are all middle class now" (Prescott, as cited by BBC 2007). In a bid to attract the median voter and move away from a reliance on the ever-shrinking working class vote, both Labour under Tony Blair and the SPD under Gerhard Schröder adopted neoliberalism and brought the parties towards "Third Way" politics (Giddens 1994; 2004).

Tony Blair is commonly asserted as a professional politician who was electorally pragmatic above all else. He argued that the left needed to withdraw from its influence on civil society and lessen Labour's interventionist approach. To do so, he pursued investment in "education, skills, technology, small business entrepreneurship." (Blair and Schröder 1998, 5). By 2000, Middle England has rallied behind New Labour. In New Labour's approach, there was no prominent role for unions. It became a common assertion that the only way to get elected in a union was to be anti-New Labour (Haseler and Meyer 2004). "A pale version of social democracy emerged from a decade of Blair" (Kavanagh 2010, 23) and this did not change much under the leadership of Gordon Brown thereafter.

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Comparatively, SPD's Gerhard Schröder's adoption of the neoliberal agenda faced backlash from many within his own cabinet. Most significantly from "Red Oskar" Lafontaine, who resigned within 163 days following the SPD's 1998 federal election as SPD chairman and as Schröder's finance minister. Schröder joined forces with Blair in order to develop a social-democratic centre-left European identity with a legitimate political force. This is represented by the Blair-Schröder papers, where the duo outlined their move from a social welfare model to one characterized by social investment (see Blair and Schröder 1998).

Schröder's 2002 government introduced the Agenda 2010 and Hartz reforms, which tied social welfare with unemployment assistance. While these reforms saw unemployment drop in Germany, bitter opposition followed as individuals claim the reforms ultimately left the unemployed with fewer benefits (see Sturm 2003; Paterson and Sloam 2006). Factions within the SPD fought bitterly following these reforms. The left considered the neoliberal reforms as an attack on the German welfare system. This split led to the defection of many supporters on the party's left-labour wing, and to the formation of the Alternative for Work and Social Justice, which has since merged with The Left (*Die Linke*) (Paterson and Sloam 2006).

The centrist movement, while granting the parties favours with the middle class, distorted the parties' identity as that of the working class representatives. The programmatic changes made under Blair and Schröder undermined the parties' own individual identity and saw them programmatically similar to their political counterparts, the Conservatives and the CDU/CSU. The financial crash of 2008 saw a massive upheaval in both the UK and Germany. Gordon Brown's Labour introduced austerity measures to combat the financial crisis, but this further isolated the traditional working-class voter who was hit hardest by austerity. Labour lost their majority in 2010 to the Conservatives. Comparatively, the SPD's entrance in coalition with Angela Merkel's CDU in 2013 meant that over the past decade the SPD has shared responsibility for deeply unpopular decisions on austerity measures and refugee policy (Bremer 2019). Additionally, younger individuals saw their opportunities shrink with the rise of precarious part-time work and an expensive housing market in both the UK and Germany.

While Blair and Schröder realigned their policies and strategies in response to changing cleavage lines, the backlash from their centrist positions is commonly asserted in the growing nationalism that is now most commonly tied in with far-right politics (Mudde and Rovira Kaltwasser 2019). These parties appeal to the "left behind" voter who felt neglected by the SD parties' expansion to the center. This has led to what is commonly referred to as a cultural backlash effect (Norris and Inglehart 2018). Frustrations with the

political elite have come to be represented in the electoral support for the more populist right-wing parties. For instance, it becomes possible to mobilise voters on definite populist policies, such as those aiming at economic redistribution and the nationalization of natural resources, that consist of anti-establishment and anti-system appeals. Generally, in the context of Western Europe, this means tapping into the economically disadvantaged who hold anxieties against a modernising society in Western Europe. This is evident in the rise of the Alternative for Germany (AfD) in Germany, who are now comfortably sitting in the Bundestag opposition. This is also evident through the rise of UKIP and subsequently, the Brexit Party, particularly in European elections (Chase and Goldenburg 2019).

Given the peculiarities of the British two-party system and the Conservatives clear 'Leave' position on Brexit, many disenfranchised voters aligned with the Conservatives in the 2019 general election. The absence of a populist right-wing party in Westminster does not undermine frustrations with the political elite. In fact, the Conservatives arguably filled this gap by asserting they would 'take back control', in doing so using similar language to a populist strategy and reaffirming an anti-elite basis, directed in this instance towards the EU (see Mudde 2010; Barbar 2019). The 2019 general election, commonly dubbed the Brexit Election, demonstrated and the disenfranchised electorate fed up with the status-quo. This allowed Boris Johnson's Conservatives a victory through the reconfiguration of the political landscape (see Holder et al. 2019).

With every action comes a reaction, and with the advent of Brexit and subsequent right-wing growth, there has also been a corresponding growth on the fringe of leftwing politics. This growth is related to the postmaterialist surge and is occupied by liberal, globalised individuals. The two opposing groups are increasingly cited as the "anywheres" and the "somewheres" (Goodhart 2017). This is based on each of the group's ability to relocate, usually dependent on whether the individual is comfortable with immigration and globalisation. This group of left libertarians are attracted to New Left issues such as egalitarianism and climate change and have been growing steadily in both the UK and Germany since the 1960s (Inglehart 1981; 1990). Age cohort studies (1970–1987) in Britain and West Germany show that between 1970–71 materialists were three or four times as numerous as postmaterialists in Britain and West Germany; by 1986-87 the groups were close to parity, with postmaterialists actually moving ahead in Germany (Inglehart 1990). Today, postmaterialist values are commonly cited as most prominently displayed through non-traditional modes of political participation such as political marches and petitions which are more common in affluent countries (Norris 2002). This is evident in the UK, with largescale protest marches against Brexit (see Townsend 2019). Similarly, evident in Germany are the protests rallying against climate change (@thelocal.de 2019).

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However, notably, there has also been a growth in what is being dubbed "New Leftism". This is ultimately the accumulation of New Left values which remain postmaterialist in their format, but adopt an internationalist, globalist perspective on their politics. This appeals to younger voters in particular. New Leftism also accommodates more traditional economic socialist values such as the redistribution of wealth towards an emancipation of those less privileged in society. Members of this group are mainly found within urban areas, they are young and consider their views progressive. For example, the issue of climate change is a postmaterialist concern which incorporates a globalist and socialist response, at times through alternative forms of political participation such as marches in a bid to increase egalitarianism. But again, the presence of this voter group is in contrast to the traditional working-class voter and poses stark questions for SD parties. The nature of the shifting cleavage alignment and the subsequent remobilization demonstrates that a growing postmaterialist liberal cleavage in tandem with a socially conservative nationalistic cleavage have become frontrunners in cleavage (re)alignment and political (re)mobilization.

#### Responding to Realignment

UK:

When Jeremy Corbyn became Labour party leader in 2015 his left-wing stance, combined with a charismatic everyday image, granted him favours with the "anywhere" electorate. Labour had been attempting to shift away from the New Labour image since 2010, most notably in the selection of Ed "Red Ed" Miliband, who saw himself as the face of the New Left, as the party leader (Behr 2015). Miliband attempted to distance himself from the Blairite years, claiming that "Today our danger is to defend traditionalist New Labour solutions on every issue because this will consign us to defeat." (Miliband 2010). However, leftists felt that Miliband did not go far enough and he came to represent a "gentle but systematic social democracy" (Burnell 2014). Corbyn otherwise propelled himself on a decidedly left-wing platform and was frequently critiqued as "the outsider, the long-shot, the maverick, the fruit-loop leftie, the man who couldn't tie his shoe-laces." (Nunns 2018, 408)

All the same, in the 2017 general election Labour experienced a considerable jump in support with a rise of 9.5% from 31.5% in 2015 to 40% (BBC 2017). This has been readily attested to a youthquake (Sloam and Henn 2019) and has suggested that Labour does have the capability to appeal widely to the two burgeoning sociopolitical cleavages. In an environment of high cleavage mobilization, ideologues are

likely to grow within a political party (Kitschelt 1994). This became evident under Corbyn's leadership through a resurgence of grassroots political activism, at least on the left (Whiteley et al. 2019). Individuals re-joined the party under Corbyn who elsewise departed during the neoliberal years (Whiteley et al. 2019). The 2017 general election saw Labour galvanise New Left issues and New Leftism advocates. This was only encouraged by Corbyn's public appearances at concerts and his endorsements by celebrity figures. Also, location in lower social grades and experiencing relative deprivation was a significant factor that drove people and particularly first-time joiners to Labour. Therefore, Labour's ability to bridge an alliance between the two cleavages began to take form. However, the 2019 election results cut this short and undermined the party's broad appeal from a leftist platform.

Between 2017 and 2019 the party lost much of its momentum under Corbyn, particularly amongst the traditional Labour heartland areas who suffered most acutely from austerity measures and deprivation. Corbyn's brand of socialism resulted in Labour's narrowing appeal towards southern middle-class urban youth and the fraying of long-held partisan ties, notably the swing of Labour areas towards the Conservatives. This can be attributed to various factors, such as the Brexit cleavage which aligns the socially conservative with the Leave vote, which the Conservatives came to represent through their steady adoption of populist rhetoric. Additionally, the party became plagued by intra-party factionalism, notably centrifugal in nature, leading to the defection of many individuals from the party. The party was also accused of anti-Semitism, leading to further defections. Corbyn as a leader proved less popular than many had expected with personal poll ratings the lowest for any opposition figure since 1977. This is combined with additional electoral competition from the Greens and the Liberal Democrats who offered an alternative for many natural Labour voters. Ultimately, Labour's strategy remained to appeal to a broad range of voters, characterised by their wavering position on Brexit. But instead of galvanizing their voter coalition, they dropped from their 40% in 2017 to 32.2% (BBC 2019). The 2019 general election did not see Labour remobilize the traditional working-class vote but instead saw their electoral base shrink.

#### Germany:

The SPD also had ambitions to move the party leftwards. Kurt Beck's leadership saw the introduction of the 2007 Hamburg Programme. It was short and moved the party significantly to the left. Nevertheless, the SPD had a dismal performance in 2009 (Faas 2010). The Eurozone crisis had overshadowed the development of the SPD's distinct economic profile (Bremer 2019). After an ineffectual programmatic

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turn leftwards, the SPD remained on a steadfast moderate platform up until and including the 2017 federal election with Martin Schulz as chancellor candidate. Initially, this seemed to generate support for the party, which experienced a jump, starting in the low twenties and rising to around 30% within weeks (Bräuninger et al. 2019). However, a significant difference between Labour and the SPD in 2017 lies in the fact that while Corbyn was comparatively more successful in gaining unaffiliated voters, unaffiliated voters are significantly more inclined to vote for Merkel over an SPD candidate (Hansen and Olsen 2019). In 2017, the SPD fell to a post-war low with 20.5% of the votes, and this was an indication that the party needed to end its grand coalition and become an opposition party (Bräuninger et al. 2019). Nevertheless, the SPD entered coalition with Angela Merkel's CDU again in 2017.

Jusos, the youth-wing of the SPD, passionately led by Kevin Kühnert commenced an internal revolt against the coalition (Stone 2019). Kühnert drew on the SPD's identity crisis as rubbing shoulders with the Conservatives for too long. In doing so, he advocates a return to socialist politics and grassroots activism, comparable to that of Corbyn. The Jusos have been rebellious and continue to put the leadership in distress (Fielder 2019). They represent the youth voters who are fed up with the establishment. The Jusos believe that if the party remains on its current platform it will jeopardize its future, up to a point when the party will not be capable of mobilizing any voters. The realignment of voters has seen SPD electoral support drop while Die Linke (The Left) and the Greens have electorally gained in popularity (Lehmann 2019). The Greens in particular successfully mobilise along the left-libertarian cleavage with a clear platform and non-traditional forms of political organization such as protests and marches.

Andrea Nahles' 66% in leadership votes in 2017 underscore "how hard it will be for her to revive and unite the demoralised and divided centre-left party." (Schwartz 2018). This is compared to Martin Schulz' 100% win of leadership votes (Connolly 2017). Nahles' result indicates an internal rift within the party. However, this rift was only exacerbated in the 2019 SPD leadership election which saw the selection of Saskia Esken and Norbert Walter Borjans. The duo are decidedly from the left of the party and narrowly defeated established SPD parliamentarian Olaf Scholz and his running partner Klara Geywitz. It was the Jusos who backed the left-wing duo who favour more radical reform and remain skeptical of the coalition. This exacerbates tensions within the SPD as one camp believes that the party can only be saved by a radical swing to the left, while the other wants a renewal of the SPD, but one not so radical. "As it stands, the only glue that still holds the SPD together is the desire to "reinvent" the SPD." (Richer 2018).

#### **Conclusions**

The SD parties' electoral dilemma remains. While the Labour party swung leftwards it did not succeed in combining voter cleavages. This is in contrast to the SPD who, on a moderate platform, have also experienced an electoral decline. Therefore, the electoral strategies of the two comparative parties, while diverse, have both failed to appeal to their voter coalitions broadly. This begs questions as to the longevity of social democracy and the electoral viability of SD parties.

#### Labour

Labour buckled down on its left-wing platform ahead of the 2019 general election as Corbyn promised a platform for real, radical change. But it was the party's ambiguous position on Brexit combined with issues of anti-Semitism, electoral strategy and Corbyn as a leader, which are charted as bruising the party. Labour took a strong stand against big polluters and tax dodgers on what can be called an insurrectionary campaign (Watson 2019). This strategy was to appeal broadly to the left-libertarian voter, but Corbyn's ambiguity on Brexit, which became an emotional divisive topic for voters, damaged links with Labour heartlands. Labour's electoral strategy was compromised by Brexit, which saw a pro-EU remain position from the younger globalized voters in stark contrast to that of Leave voters. Labour responded by appealing broadly to both cleavages, but met with little success.

This begs larger questions on the relationship between Labour and their voters today. The electoral demise of social democracy has been felt acutely, particularly in Western Europe. While the initial success of Corbyn following and including the 2017 general election seemed to indicate an anomaly, the 2019 general election demonstrated otherwise. The response of Labour was not adequate to appeal broadly to their two primary voting cleavages. This presents clear challenges for Labour moving forward.

#### Germany

The SPD became the third party in the European elections in May 2019, causing disquiet amongst left-wing members who criticised Nahles for staying in a coalition (McGuinness 2019). Nahles subsequently resigned as party leader, but that has not stopped the party's plummet. The SPD continues to poll regularly between 3<sup>rd</sup> and 4<sup>th</sup> party in Germany along with the CDU, the Greens and the AfD (see wahlreacht. de 2020).

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Following Nahles' resignation, a leadership battle between left-wing duo Saskia Esken and Norbert Walter-Borjans against Olaf Scholz and Klara Geywitz commenced. This represented a direct contest between a progressive and a conservative representative, with Scholz firmly a member of the establishment and supportive of the coalition (Borshoff 2019). After receiving support from the Jusos along with other progressives in the SPD, Esken and Walter-Borjans became party leaders (Mayr 2019). Walter-Borjans and Esken have their own hashtag #Eskabolation, a play on "escalation" (see jusosdah.de 2019) and were able to appeal along generational divides. This signifies an important break for the SPD and a move away from conservativism. This movement and support for the left-wing duo is important as it signifies a response to the party's external socio-political environment. Amid changing understanding of social cleavages and voter affiliations, the decision to break from establishment in this manner demonstrates a restrategisation of the party with regard to policy, ideology and party image. This is particularly relevant considering Jusos support for the leadership, while many younger voters have meanwhile flocked to Die Linke and particularly the Greens in search of a more radical and specialised platform. Whether this change in strategy and party image proves fruitful for future federal elections remains to be seen.

In providing a comparative analysis, both the SPD and Labour must respond to a changing socio-political environment. This has important implications for the links between the party and their voter. While both parties are social democratic, this means that they have traditionally attracted the working-class voter and the left-libertarian voter. However, given the changing nature of how we understand class and cleavages today, this leaves Labour and the SPD in an electoral dilemma. How individuals have dealigned from their political identities has important implications for SD parties. The growth of new societal cleavages intersects on issues of progressiveness and conservativism making it difficult for SD parties to respond without potentially isolating one cleavage over the other. Labour responded by moving leftwards, and in doing so have gained youth support. However, this was not sufficient in the 2019 general election and isolated their other voters. Comparatively, the SPD elected a leftwing leadership but have been relatively muted in their left-wing position. The party continues to fall in the polls as the electorate seeks alternative political representation on the back of an uncertain SPD identity and direction. This poses questions as to what should SD parties do in order to remain electorally viable amidst social class realignment and remobilization or whether it is tenable at all.

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#### Juliana Gjinko\*

# The EU Integration Process and its Role in the Albanian Sociopolitical Transformation

#### **Abstract**

Nearly thirty years after the fall of communism in Albania, European integration has been the main driving force for change and the real catalyst for reform. Today, a vast majority of Albanians continue to be convinced that the only way to develop, modernize and guarantee security is a full integration into the European family. The problem is not simply the duration of such an intermediate phase between obtaining candidate status and a full membership of the European Union. In fact, Albanians themselves are increasingly aware that the road to full membership of the European Union will be long, and that it will require a series of major and profound changes in the country, especially in the areas of the rule of law and functioning of institutions, along with implementing various standards that a society must meet in order to achieve this goal. The aim of this paper is to analyze Albanian use and abuse of the EU integration process in internal political discourse, reforms and transformation. A number of documents, publications and public speeches are examined in order to evaluate the impact of integration in this small, developing, post-communist country.

DOI: 10.51149/ROEA.1.2020.4

Key words: european integration, political communication, cultural identity, external factors. JEL Classification: D79, D91.

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#### Introduction

Right after the fall of the communist regime and establishment of a democratic government in May 1992 Albania became the first state of the Balkan Peninsula to sign the agreement on economic cooperation and trade with the European Community. The incredible enthusiasm and expectations of people that chanted "We want Albania like the rest of Europe!" had to go through some dramatic setbacks due to the unsuccessful democratization process and internal turmoil during the '90ies. The following years were dedicated to normalization and building democratic institutions. The first time that the perspective of European membership became more tangible was at the Thessaloniki summit of EU leaders in 2003 and continued later through the stabilization and association process. Formally Albania submitted its application for EU membership in April 24th 2009 and a new wave of optimism began, despite the fact that the European Commission assessed that Albania should still reach a necessary level of compliance with the accession criteria before the formal start of negotiations (Füle 2010, 5). Albania was given a candidate country status in October 2014, after the general elections had brought the Socialist Party to power, opening a period of initiated and partially realized reforms to meet the accession criteria. The European Council of 17 and 18 October 2019 decided to return to the issue of enlargement before the EU-Western Balkans summit of Zagreb in May 2020 (EUCO XT 20018/19). On March 25th 2020, The European Council decided to open accession negotiations with Albania, after the General Affairs Council gave its political approval amid the Covid-19 global crisis (EC Press Release, 25/3/2020).

All of the conducted surveys have concluded that Albanians have been and still are one of the most enthusiastic people about the perspective of European integration. The percentage of those who are in favor of integration is consistently around 90 percent. Furthermore, the main Albanian political parties have historically included European integration in their political programs, considering it as the country's major strategic objective (Misha 2015, 58). The promise of a membership in the European Union has been and still continues to be the true driving force behind positive change; while the European Union itself has been an authoritative watchdog stopping deviations and distortions of democratization and Europeanization, and often a decisive mediator in resolving Albanian internal tensions or political crises. The aim of this paper is to analyze the Albanian use of EU integration process in its internal political discourse, especially during the most important reforms. A number of documents, publications and public speeches are examined in order to evaluate the impact of integration in the Republic of Albania.

#### EU Integration in the internal political discourse

Studies on Eastern Europe countries transitioning to democracy have consistently seen the prospect of EU membership as the "EU's most powerful instrument to encourage them to undertake major economic and political reforms" (Smith 1997, 7). The literature on the international dimension of transition and recent studies on Europeanization of Central and East European Countries emphasize the important role of EU incentives for promotion of democracy and market economy. Within this context, conditionality has been used as an analytical tool to explain the effects of external actors on democratization (Grabbe 2002, 6). That is true in the Albanian case, where by means of incentives and deterrents, as well as relying on a range of instruments to impact the transformation of institutions and policies, the EU institutions and representatives have tried to effectively influence the reform processes in various fields. In this regard, Kubicek remarks that the use of conditionality does not guarantee that all changes develop in the direction intended by an external actor such as the EU. He therefore poses the question "whether and under what conditions can conditionality actually work?" (Kubicek 2003, 17). Kubicek constructs several hypotheses related to this question. According to him, the incentives pushed by external actors have to be bigger than the political and practical costs domestic elites face when they start to engage in and continue a democratization process. The causality between EU conditionality and the effectiveness of rule adoption in potential candidate countries had been analyzed (Böhmelt and Fryburg 2012, 250-272), but also internal factors as well as EU strategies affect the level of effectiveness of EU conditionality in candidate or aspiring candidate countries. Domestic factors include the level of competitiveness of the political system, the broad support for EU membership among the country's population (Schimmelfennig et al. 2003, 495–518), the sensitivity of the required policy change and the domestic adoption costs (Schimmelfennig and Sedelmeier 2017).

The fact that in Albania EU membership is accepted as a priority by all political parties, from left to right of the political spectrum, is generally considered as a positive feature. It is interesting to question if all the statements of priority are an expression of sincere commitments, or just rhetorical and instrumental tools in political struggle. Examining the data regarding the European Union integration process in discourse of main Albanian political figures during the 2000s (Fondacioni Soros 2012), we can distinguish some recurring features:

 The European Union and EU related aspects in public speeches of the two main Albanian political leaders (Sali Berisha, leader of the Democratic Party and Prime 44 Juliana Gjinko

Minister of Albania from 2005 to 2013 and Edi Rama, leader of the Socialist Party and Prime Minister of Albania since 2013) dominate any other topic, either domestic or international. Understandably, the use of these topics intensifies when the key moments of the negotiation process are approached, but it is also present in weekly political speeches.

- b) EU integration is quantitatively more present in discourse of the leader holding the Prime Minister position at any time (Berisha from 2005 to 2013, Rama from 2013 to date), the reforms undertaken by the ruling majority are always described and legitimized as a precondition for progress in the negotiation process.
- c) Both leaders present their party programs as the epitome of European values, whether they are presenting precise economic reforms or broader universal values. As an example, when illustrating the flat tax reform, PM Berisha expressed himself: "As we set the flat tax reform, in the next four years we will give Albania freedoms as in all European countries..." (Gazeta 55, 2009, 2), while Rama as a leader of the opposition presented their electoral project in the following, more realistic frame: "The European collective dream is linked to the missing social dimension of the Albanian state, which must be modeled on the European institutional and civilization model" (Zeri i Popullit 2009, 1).
- d) Every progress on the Albanian integration path is presented as an exclusive achievement of either the present or the past government, depending on the speaker, while every setback is to be blamed on the counterpart. This was evident in October 2014 when Albania was given candidate country status, and even more so after the EU summit of October 2019, when Albania and North Macedonia were blocked from starting membership negotiations. Lulzim Basha, the head of the opposition, declared: "Conditions were added for the opening of negotiations. It shows that the government has taken steps backwards. State capture and inequality before the law has led Albanians to leave the country en masse. These are not problems of the EU, but of our government" (Lapsi 2019). On the other hand, the Prime Minister's reaction was one of disappointment, underscoring internal problems and divides within the EU and dismissing any possible shortcomings of the Albanian institutions: "We will continue to reform our institutions. We will start implementing justice reform to make Albania better. We have undertaken a reform that no one has asked for. This is a game of great powers. It is a game of interests greater than us. But I have said that the process of integration is a process of internal transformation, not a process of pleasing others" (Tv1 2019). A recurrent tendency in Albania regards the use of historic references and stereotypes in the political discourse and public communication.

In press and public communication it is quite typical to find flattering or pejorative considerations regarding certain countries and linking their leaders' political decisions with historical events going back decades or even centuries. For example, on the occasion of postponement of accession negotiations by France, The Netherlands and Denmark in 2019, Albanian politicians and society simply repeated themselves. Some political representatives and main stream opinion makers expressed their frustration by focusing on the internal problems within European countries, sometimes using simplistic or even derogatory explanations. Among others, a member of the National Assembly criticized the France's stance and attributed it to internal problems with immigration. He expressed himself on national television "Paris has become black and white like the Juventus jersey" (TV Klan, 22/10/2019).

On March 25<sup>th</sup> 2020, at the height of the global Covid-19 crisis, the European Council decided to open accession negotiations with the Republic of Albania (EC 7002/20). Regarding internal political dynamics in Albania, the Council's decision came during a prolonged and grave crisis and coincided with the opposition parties' decision to boycott all democratic institutions and any political communication with the governing party. Any of the above-mentioned tendency to use and abuse the integration process was even harsher this time, due to the internal political developments.

In a vast majority of public statements there is a discrepancy between the general agreement on Albania's European integration goal and the reaction to concrete steps towards integration. While there are no political parties or organizations in Albania that describe themselves as Eurosceptic, no shared opinion exists on the reasons and responsibilities regarding the negotiation process stalemate.

#### Between European identity and European hope

Questioning and defining components of the European identity is a complex issue, and it is even harder to evaluate them within the Albanian society. Ever since the second half of the 2000s a line of public discourse persists, first promoted by the best-known Albanian writer – Ismail Kadare. In the "European Identity of the Albanians" (Kadare 2006) he writes about the antiquity of the Albanian people, the Catholic lords of the Middle Ages, the links with the West and the intrusion of the Ottomans as an incompatible, foreign culture which failed to leave any traces in Albanian culture. This is a stagnant vision, but still has a very strong following withinthe Albanian public; it is

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often stated as the main idea on which the myth of European identity of the Albanian people is based. Collective identity tends to be pervasive and persistent, but individuals often have multiple identities that coexist and overlap. (Smith 1997, 322). We cannot speak of an identity referring to a static concept, since it is rather to be understood in terms of a fluid dynamic process, sensitive to the factors to which it is subjected, be they internal or external. The Albanian society has been quite traditional up to thirty years ago, but in the following years a number of factors have caused a sharp acceleration of cultural changes and consequent dilemmas/insecurities. In the last thirty years some of the impacting factors have been: a) the process of urbanization and economic transformation, which has seen Tirana in absolute foreground as a residence of almost half of the Albanian population; b) the proliferation of media outlets and the communication sector in general; c) the contribution of the emigrating population, due to the Albanians who emigrated to other (mostly EU) countries and, despite having the same cultural backgrounds as their countrymen, have intertwined their culture with that of the receiving nations.

The Maastricht Treaty has shaped a new legal category – the European Citizenship (TEUC 325/5 2002, 9), with the aim to give European citizens a sense of belonging to a common community with a shared history, values and purposes. The Maastricht Treaty also brought several new policy areas within the jurisdiction of the EU, including education, youth, culture, consumer protection and public health. With this enlarged sphere of governance, the EU obtained new legal powers to intervene in people's everyday life.

Beyond the vast rhetoric of European integration – are Albanian citizens fully aware of what the European Identity consists of and what does European integration mean in economic, social, political and cultural terms?

European integration is an overall important process to the Albanian people, with 86.2% combined percentage of those who think it is either very important or important but not a priority, opposed to only 7.7% who think it is irrelevant (AIIS 2014, 27). This level of support and expectation, despite a slight decline in recent years, coincides with an extremely high level of frustration that Albanian citizens express for the Albanian institutions at large. The integration process is perceived as adding a higher level of control, performed by a positive external factor, over the disappointing Albanian political class. To 72% of Albanians the EU means freedom to travel, study and work anywhere in the EU, to 60% it means democracy and democratic values, to 60% it means economic prosperity and to 59% it means peace (OSFA 2014, 44). Albanian citizens, frustrated by the scarcity and insecurity of work and difficult living conditions in their country, are increasingly aiming at building

their future outside Albania, often in one of the EU countries to which they feel culturally closer. This cultural proximity comes out clearly in the polls showing that 66% of the participants under 50 see themselves in the near future as being both Albanians & Europeans. The sectors Albanian people expect to improve more as a consequence of the expected EU accession of Albania are: the education system, the economy and the environment protection in the country, the very sectors that are being considered the most problematic by Albanian public opinion.

When speaking of European institutions and values there's a lack of adequate information and awareness. 57% of Albanians think they are very or fairly well informed about the EU and its institutions, but most of them, when asked, can mention none. Even more serious is the lack of knowledge about the individual and collective rights deriving from a country's accession in the European Union. Most of Albanians pride themselves as "true Europeans" when asked directly, but they are not as coherent when asked about specific laws and customs. In 2015, the Minister of the Interior felt obliged to give a public answer (Sot, 7/7/2015) to the hundreds of people soliciting him to push for the introduction of death penalty after two Czech tourists were killed in northern Albania. Also, the reports on women and minorities rights show some disturbing figures related to discrimination and domestic violence (UNAL 2018, 27), although relative improvements have been made in those areas.

Analyses of the EU's ability to promote democracy, human rights and minority rights in candidate countries have found that the EU's impact has crucially depended on the regime type and political systems as well as democratic traditions of the candidate countries (Schimmelfennig et al. 2003). In states with liberal democratic governments (such as Poland, Hungary and the Czech Republic), the EU did not need to use democratic conditionality heavily, while external conditionality is actively used in the Albanian case, especially in drafting crucial reforms and supervising their implementation.

#### **Conclusions**

After a number of holdups and setbacks on the road to European integration, Albanians are still one of the most enthusiastic people when it comes to both the process itself and its expected outcomes, sometimes to the point their enthusiasm sounds incredible soundingl in these tumultuous times. At the same time, there exists no political party in the Albanian political spectrum that expresses even a slightly critical position about the integration process or its dynamics. This unusual

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enthusiasm is due to historical and geopolitical reasons, but also due to the Albanian dysfunctional political system and society, which have been analyzed here. The rhetoric of Albanian accession to the EU has been interchangeably used by political leaders, whether in power or opposition. The government officials tend to attribute any progress in the process to themselves and accuse the opposition of a lack of collaboration for any stops or failures. At the same time, opposition representatives describe their role as the "real European position", accusing the government of going in the wrong direction. Both major parties call for the EU intermediation during political crises, and yet they refuse to collaborate when the EU diplomats do not support their political positions. In any case, Albanian leaders never take any responsibility for their failures and usually find or create external and internal factors that are supposedly undermining them.

On the other hand, Albanian people are consistently very favorable towards integration in all polls conducted in previous decades. Being generally disappointed with the economic and social achievements of their elected officials, they perceive the external pressure of EU institutions as a positive factor that could oblige Albanian politicians and institutions to be more responsible and result oriented. Albanian citizens describe themselves as close to the European values and culture, especially younger generations and people that have been in direct contact with European societies. Historically, the European identity has been embraced by nationalistic Albanians in order to differentiate themselves from the Ottoman cultural heritage and their Balkan neighbors. Polls show that this European identity doesn't rely on adequate knowledge of EU institutions and integration practical consequences, and neither does it express a real commitment to European values and norms. Therefore much has to be done to educate Albanians on the impact of integration, both its benefits and costs.

Is it appropriate to encourage a country like Albania in the integration process? In the resolution adopted in October 2019 the European Parliament expressed disappointment about the failure to open accession talks with Albania and North Macedonia. The EP considered the "non-decision" by EU leaders as a strategic mistake, which could damage the EU's credibility and send a negative message to other possible candidate countries. It could also allow other foreign actors – whose activity might not be in line with EU values and interests – to engage more closely with both Albania and North Macedonia. Both countries have seen the green light on accession negotiation talks in March 2020, but most of the factors challenging the integration process persist both at the governmental and societal level.

The inclusion of factors described in constructivist approaches (such as domestic resonance) can provide complementary explanations for the domestic processes

leading to the adoption of EU rules and particular choices of rules within the scope of the EU's conditionality, but itis not enough: the European Union must be able to maintain faith in its commitment to the accession of the Western Balkan countries in general, and Albania in particular. After the last refusal to open the negotiating process, Albanians have found themselves in the psychological limbo of "permanent potential candidates". Although reaffirmed solemnly on more than one occasion, European commitment does not always appear credible. The EU should therefore make its promise of membership more credible and concrete, while at the same time keeping the bar of political conditionality steady.

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### **JUDAS EVERETT\***

## The Future of EU-Russian Relations: a Common European Home?

DOI: 10.51149/ROEA.1.2020.5

#### **Abstract**

The Cold War was a confrontation dominated by dogmatic ideology; the rise of Gorbachev and his attempts to inject new thinking into the Soviet Union were critical in ending that standoff. Generally, Gorbachev was successful in the field of foreign policy and many of his ideas and actions created lasting legacies which have shaped the world today. However, one idea which failed to gain much traction was his proposal regarding a Common European Home. The aim of this paper is to examine how this opportunity was missed or why hasn't it been taken advantage of, before moving on to analyse whether shared aims, freedoms, values and responsibilities exist between Russia and the EU today. Opinion polling shows that Russian values and opinions are complex, but often similar to other post-communist countries that have successfully become European Union member states. The issue of NATO expansion stands out as more problematic than a lack of shared values between the EU and Russian citizens.

Key words: Gorbachev, Common European Home, EU-Russian relations, values, opinion.

JEL Classification: F50, F53, F55.

#### Introduction

The rise of Gorbachev and the end of the Cold War are often directly linked, especially in the area of lessening tensions between the USA and the USSR, whose confrontation had defined the Cold War period. Furthermore, releasing the countries

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brought into the Soviet Union's sphere of influence following the second world war would have been inconceivable under any previous leader, yet the Sinatra Doctrine did exactly that (Larrabee 1991). The improvement of relations between the USA and the USSR fostered by Gorbachev and Reagan had also led to several summits, meetings and ultimately the signing of the INF Treaty¹ (Beschloss, Talbott, Little 1994). In the end, however, Gorbachev was more successful in internationally than domestically, although his concept of a Common European Home did not experience the same success as his bilateral negotiations with the US.

Following the Russian Soviet Federative Socialist Republic's declaration of sovereignty and disintegration of the USSR, Russian President Boris Yeltsin also showed a desire to find some kind of Common European Home. The political landscape had significantly changed by this point and Yeltsin showed enthusiasm for joining the European Union (Martin 1997). Although at no point during the Yeltsin presidency was Russia even close to being in a position to join the European Union, the prospect was positive in terms of signifying that the country was seeking to move closer to European norms and economic structuring. Since the rise of Vladimir Putin there had been considerable doubts raised over such a future for the Russian Federation, especially since Russian aggression in Crimea and Eastern Ukraine.

On the other hand, prior to this aggression, cooperation in certain areas, particularly economy; justice and home affairs; external security; research, education and culture (Benč et al. 2009) (Romanova, Zaslavskaya 2004), combined with a favourable view of the EU among Russian youth (DW 2013) suggested that this might have been subject to change in the future. Therefore, the questions here are: why did a Common European Home remain unrealised in the past? What are the future prospects for finding a Common European Home which includes Russia? And finally – to what extent the prospects regarding Russia can hope to contain the shared European values of human dignity, freedom, democracy, equality, the rule of law and respect for human rights?

The importance of soft power has been demonstrated (Nye 1990), as has the importance of soft power to the EU (Michalski 2005; Matlary 2006; Goldthau, Sitter 2015). Perhaps most important, however, is that due to 'its particular historical evolution, its hybrid polity, and its constitutional configuration, the EU has a normatively different basis for its relations with the world' (Manners 2002). In other words, the EU is not merely constructed on a normative basis, but it is predisposed

<sup>&</sup>lt;sup>1</sup> Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Elimination of Their Intermediate-Range and Shorter-Range Missiles.

to act in a normative way in world politics (Manners 2002). This has changed what is considered normal in world politics (Manners 2008), for this reason there is a need to consider aims, freedoms, values and responsibilities when discussing the EU.

### Unrealised Opportunities at the End of The Cold War?

The Cold War had dominated international relations for over four decades and its end caught many by surprise. The stability of the situation was often noted as an unexpected positive side of the bipolar confrontation. As the confrontation came to an end many feared that chaos would ensue, that the international system would crumble and violence would rage. Even more were trapped in uncertainty, as the USSR, Yugoslavia and Czechoslovakia all disintegrated, some in more violent ways than the others. Gorbachev, the great hope for change, was successful in starting the reforms, but after being the victim of one of the most poorly planned and executed coups in history he fell into irrelevance, his career ended by the man who had blocked the coup's attempts to remove him – Boris Yeltsin. However, the fate of Yeltsin was not dissimilar to that of Gorbachev, beset by conservatives at home and increasingly unable to convince the West that investing money in the Russian Federation would not be a waste.

Even after the collapse of the USSR, suspicions remained. It was believed that Russia did not have the legal framework which could prevent the loss or stealing of funds, and that financial support may also allow their military industrial complex to continue to be supported (Nasar 1992). In the analysis of the period following the breakup of the Soviet Union, the enthusiasm of the time is replaced with a feeling that Russia has been somehow lost (see Conradi, McFoul, Lucas).

The rise of concern regarding Russia and whether it has been lost to the West for the immediate future is important – logically it implies that it had not always been so. Returning to the time when Gorbachev was rising to the highest position in the Soviet Union there was little sign that within just a few short years the Soviet Union would no longer exist and that the politics of the world would be irreversibly changed. Initially Reagan was not convinced by the new young leader of the USSR and as such made little effort to achieve bilateral co-operation or concrete goals in tandem with the Soviet Union. However, this had changed and Reagan's later declaration that his characterization of the USSR as the Evil Empire was no longer

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relevant was the clearest indication of this turnaround in the US-USSR relationship (Beschloss, Talbott, Little 1994).

The renunciation of the Brezhnev Doctrine was the clearest indication in the turnaround which had occurred in geopolitical reality. The stationing of hundreds of thousands of troops in East and Central Europe, followed by the violent repression and reversal of reforms in Hungary in 1956 and Czechoslovakia in 1968 had been central to the Soviet Union's geopolitical position. By renouncing such actions, in what was coined the Sinatra Doctrine, the way for reforms was cleared and even encouraged as reformers in Moscow were eager to use the Warsaw Pact countries as test subjects for their own reforms (Sebestyen 2010). However, many of the regimes in Warsaw Pact countries were significantly more conservative than Gorbachev's government, so clearing the way was one thing, but beyond suggesting reform Gorbachev was unwilling to act in any way which would contravene his stated intention to let these countries exercise self-determination over their futures.

It was not apparent how far the Sinatra Doctrine could be stretched. Clearly Gorbachev expected these countries to choose a form of socialism – perhaps one not dissimilar from Dubcek's socialism, which was crushed by Warsaw Pact forces in 1968 (Bialer 1988). However, would those countries be allowed greater sovereignty? Would they be allowed to pursue pure market capitalism? What of their relationship with western European communities? All of these questions were difficult to answer, especially as Gorbachev tried to balance the reformer and conservative factions within his country and his government. One thing was abundantly clear: NATO expansion was not to be accepted under any circumstances.

The good relationships which Gorbachev enjoyed with leaders in the western camp, as well as the adoration he received from foreign publics, suggested that a new settlement may be found in the East-West relations. It was in this context that his largely forgotten proposal of a Common European Home was made. At the time the proposal was noted to clash with traditional Soviet foreign policy thinking, as well as being greeted with some puzzlement and mistrust (Malcolm 1989). In his 1989 address to the Council of Europe in Strasbourg, Mikhail Gorbachev hailed the meeting as evidence of the fact that the pan-European process is a reality and the fact that it continues to evolve. He continued to state that:

'The Helsinki process has already commenced this important work of world-wide significance. Vienna and Stockholm brought it to fundamentally new frontiers. The documents adopted there are today's optimal expression of the political culture and moral traditions of European

peoples. Now it is up to all of us, all the participants in the European process, to make the best possible use of the groundwork laid down through our common efforts. Our idea of a Common European Home serves the same purpose too.' (Mikhail Gorbachev 2015)

The speech was short on detail, Gorbachev admitted that he did not have notes in his pocket. However, military reductions and moving towards peace were stressed, as was the need to tighten both institutional connections across Europe and economic ties and the retention of the humanitarian aspect of the pan-European process. Furthermore, and more important for this paper's scope, a restructuring of the international order existing in Europe was suggested, one that would 'put the European common values in the forefront and make it possible to replace the traditional balance of forces with a balance of interests' (Mikhail Gorbachev 2015). In terms of security, a much greater role for the OSCE was envisaged. This is an idea which has endured in Russian foreign policy thinking much better than the Common European Home has managed to (Casier 2018).

The days of the Warsaw Pact and Comecon were clearly numbered as the results of the Round Table Agreements in Poland and subsequent free elections shook the communist world and changed the political landscape considerably. One by one, the communist regimes of the region fell. Events were spiraling out of control and it was becoming increasingly clear that the Soviet leaders were losing their grip on the situation. The achievements of co-operation were then thrown into doubt as the August coup was attempted in 1991. The US intelligence services had long known that a coup would be a likely result of the daring reforms which Gorbachev had embarked upon (Beschloss, Talbott, Little 1994), but the American response to the events was quite restrained, perhaps in order to protect their interests regardless of which faction prevailed (Beschloss, Talbott, Little 1994).

The same restraint was characteristic of how the Bush administration dealt with the increasing pre-eminence of Yeltsin and Gorbachev's loss of relevance. Hesitancy characterized the US's approach to developments in post-communist Europe. The idea of the USSR joining NATO was proposed by some, but joining an organization established to counter the Soviet Union itself, as well as its, now changing, ideology, was absolutely unthinkable. The idea was pure anathema even to reformers. Declassified documents have shown that officials lined up to give assurances against NATO expansion: Baker, Bush, Genscher, Kohl, Gates, Mitterrand, Thatcher, Hurd, Major and Woerner were among those who assured the Soviet leadership that NATO would not expand eastward (Savranskaya and Blanton 2017). As a compromise, in order to offer increased relations with NATO for those who sought membership and

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minimise the exclusion of those who did not (especially Russia), the Partnership for Peace (PfP) was proposed as a way to bring European countries together. According to President Clinton it was absolutely not intended to draw another line dividing Europe a few hundred miles to the east and was a track that would lead to NATO membership (Savranskaya, Blanton 2018).

The decision to expand NATO eastward, regardless of previous guarantees, was in part due to eagerness of some countries to join, e.g. Poland and the Baltic states, but also due to extensive lobbying from US arms contractors (Seelye 1998) and groups such as the U.S. Committee to Expand NATO, which was also led by the director of strategic planning for Lockheed Martin Corporation (Gerth and Weiner 1997). Ultimately, both EU and NATO expanded eastward, but only one of these made the vision of a Common European Home less likely - the expansion of NATO. Attempts to include Russia in NATO decision-making by creating a new body, the NATO-Russia Council, which replaced the NATO-Russia Permanent Joint Council that had been set up in 1997, failed to include Russia in NATO decisionmaking in any meaningful way. Former Bush adviser Thomas Graham explained that while the council was intended to include Russia in the decision-making processes, any issue which was important for the US government was actually worked out beforehand, so while Russia appeared to participate and be included, the reality was quite different (Conradi 2017). After several decades outside of the very institutions which Gorbachev was so desperate to see his country become a part of, the question is whether or not shared aims, freedoms, values and responsibilities exist which may allow this to become a reality in the future.

## Shared Aims, Freedoms, Values and Responsibilities Today?

The fact that opportunities at the end of the Cold War may have remained unrealised does not mean that they can never be. However, as earlier discussed, for a Common European Home to become a reality, there must be shared aims, freedoms, values and responsibilities which exist today and would allow for such a realisation. The main values of the European Union are: human dignity, freedom, democracy, equality, the rule of law and respect for human rights (Europa.eu 2016). These are not values often associated with Russia in general, certainly the central government does little to promote them, but have they developed among citizens regardless?

Even in some of the areas where Russia has been most famously at odds with the values espoused by the EU, there are signs of changing attitudes. For example, in a recent opinion poll conducted by the Levada Center, it was revealed that 47% of Russians support equal rights for gay people in general. A higher percentage (63%) would accept an acquaintance's homosexuality (Interfax 2019). In the same year, the percentage of the populations which did not agree that gay, lesbian and bisexual people should have the same rights as heterosexuals across several post-communist EU member states were as follows: Slovakia 59%, Romania 54%, Croatia 51%, Hungary 46%, Bulgaria 45%, Poland 45% (ILGA-Europe 2019). Therefore, while the situation is not ideal in many countries around Europe, it has not proven to be a barrier for cooperation or even EU member status. Moreover, it is notable that the opinion of homosexuality is improving in Russia and in the future it may prove to be even less of a barrier.

In terms of democracy the views of Russian citizens are, perhaps surprisingly, realistic, with by far the most common answer to a Levada Center poll stating that democracy exists in Russia only in part (Levada Center 2016). However, when asked what kind of democracy Russia should have only 16% chose a democracy like in another state (e.g. Europe or the USA), with 19% selecting one like in the Soviet Union and 46% choosing something which corresponds to national traditions and the specifics of Russia (Levada Center 2016). In terms of what kind of state they would like Russia to become in the future, the most common answer (with 31%) was that Russia should become a state with a market economy, a democratic system and respect for human rights similar to Western countries, but in a way corresponding to national traditions and specifics of Russia (Levada Center 2016). The need for a uniquely Russian way is a recurring theme in Russian opinion polling in general, regardless of whether that is due to the size, ethnic and social makeup of the country, or a mixture of all of the above.

The issue of whether or not Russia should join the EU is a more complicated one. Specific policy actions are more complex than general opinions or attitudes and, this being the case, relevant polling data should be viewed somewhat more skeptically. However, with that being said, before the matter of Crimea and the sanctions young Russians, in particular, had a positive attitude toward the EU (DW 2013), with 41% in favour of joining the European Union sometime in the future, 19% unsure and 40% against. This is a trend which EU member states seem eager to encourage, with the German politician Ronald Pofalla suggesting a visa-free regime for young Russians (DW 2019), a plan which the German FM pledged to discuss with other Schengen countries (Schengen Visa Info 2019). The Levada-Center (2017) found that

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only 4% stated that Russia should aim to become a member of the European Union, with 21% selecting "probably", 39% opting for "probably not" and 21% being firmly against while 15% remained unsure. In a country characterised by strong opinions, the uncertainty over the EU is interesting and suggests that, at least from the Russian public's point of view, the door to membership is certainly not closed, even if it is from the point of view of the EU and the government of the Russian Federation.

The European Union enjoys a fairly positive view from the Russian public in general. With 5% very positive, 45% mostly positive, 23% mostly negative, 11% very negative and 17% finding it difficult to say (Levada-Center 2019). This compares well with attitudes towards the USA (42% very positive and mostly positive), but is some way behind attitudes towards Germany (61% very positive and mostly positive) (Levada-Center 2019). The issue of attitudes towards the EU and EU membership is complicated by the fact that the view of Russia itself is not entirely clear. A country of this size and variety is not simple even for its citizens to comprehend. As such, only 7% fully agree that Russia is a European country and 37% somewhat agree, while 35% somewhat disagree, 13% fully disagree and 9% find it hard to say (Levada-Center 2017).

The geopolitical reality is that Gorbachev's heady idea of a Common European Home, which was big on ideas but sparse on details, may be further away than ever. The lack of details, concrete action and insurmountable security concerns saw Gorbachev's Common European Home fail to materialise. Presently even beyond the geopolitical situation several issues still remain, such as the rule of law and respect for human rights. However, opinion polling suggests that, despite the actions of the Russian government, the views of the citizenry continue to develop in a direction similar to other post-communist states who became EU member states. If future Russian governments were to encourage such views, as well as respect for other human rights and the rule of law, then an increase in the speed of these changes is very much possible.

#### **Conclusions**

In conclusion, it seems that opportunities to better integrate Russia into Europe, and the West, have been missed. Russia retains agency and responsibility, especially for its aggressive actions, and the lack of more effort from the Russian side cannot be ignored, nor should it. However, as Brzeziński wrote in his (1994) Foreign Affairs article, the West and the US in particular lacked a well-considered and historically

relevant successor to the grand strategy of the Cold War years. Such lack of strategy saw neither Russia finding its place in a Common European Home, nor increased security and trust in the region. In fact, the expansion of NATO was not well-thought-out and the consequence was Russia's new leadership's inevitable distrust of the West. Although such feelings towards the European Union are lessening, the EU only has an interest in integrating states which share the same values.

Russian public opinion does not seem to be a major barrier in seeking membership of the EU, and despite popular opinion both parties are not without shared aims, freedoms, values and responsibilities. This is not to say that Russia could join the EU in the immediate future, but there are signs that the values and opinions of Russians do not constitute a significant barrier and may become even less so in the future. The biggest barrier to Russian integration into Europe, whatever form that may take, does not stem from the EU or any individual state, but from the expansion of NATO and Russian aggression against Ukraine, in particular. Whether any Russian politician could find a way to overcome what is viewed as deceit and betrayal to help steer Russia to a Common European Home is unclear, while Russian NATO membership certainly remains beyond the realm of reality, and attempts at co-operation were undermined by a lack of trust. Therefore, while the economic and social side of the Common European Home idea does have some potential, it is difficult to see how the national security side could be realised.

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DOI: 10.51149/ROEA.1.2020.6

# The Need for Dialogue between the European Union and the Arab League<sup>1</sup>

#### **Abstract**

In recent years the relations between the Arab League and the European Union have not been particularly close. It resulted from both the limited activity of the League, as well as other directions of foreign policy implemented by the EU. Changes that have taken place in the international balance of power (e.a. the Arab's Spring, increased Chinese interest in Arab states) should be factors prompting the European Union to undertake a more intensive dialogue with the Arab League. Both the EU and the Arab League have many common interests, and the refugee problem seems to be one of the most important. From the EU's point of view, refugees are a serious social, economic and political problem as well as an obstacle to sustainable development for the member states of the Arab League.

Key words: Arab League, European Union, international relations, international organizations, sustainable development.

JEL Classification: 019, Q01.

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<sup>&</sup>lt;sup>1</sup> The Publication is based on the outcomes of the Project: "Sustainable Development and the Global Public Goods in theory and practice of International Organizations" (the original title: "Zrównoważony rozwój a globalne dobra publiczne w teorii i praktyce Organizacji międzynarodowych"), No. 2012/07/B/HS4/00309, granted by National Centre of Science to Warsaw School of Economics in Warsaw, Poland.

#### Introduction

The Arab Spring, the growing Chinese presence in the Middle East, the US intervention in Afghanistan and Iraq, the civil war in Syria, the emergence of the Islamic State of Iraq and Levant and the US diplomatic attempts to build Arab-Israeli disengagement led to significant changes in the Middle East. The new developments in international relations are forcing the European Union to face new challenges in relations with the Middle East. In the long term the rapprochement could be beneficial for both European and Middle Eastern countries. It could bring about a chance for sustainable development. As the Middle East is a very diverse entity,<sup>2</sup> in order to make some generalizations about the mutual relations between Europe and the Middle East the author of this paper decided to focus on relations between the European Union and the Arab League. The author decided to use this example as the Arab League is the largest regional organization in the Middle East,<sup>3</sup> both in terms of the number of member states (22) and in terms of population – c. 428 million people (World). As such, it represents the interests of a significant part of this region. Due to a limited space of this publication the problem of relations between the member states of the Arab League and their attitudes towards the organization itself was omitted, as each and every case could be a topic for a separate article. The main objective of this publication is to point out the most important fields of common interests between the European Union and the Arab League, as well as any threats which could harm those relations in the future.

The main research method used in this publication is an analysis of various types of documents and reports from different institutions. The press releases are also very important, particularly the ones with statements made by leading politicians.

#### The Arab League in international relations

The Arab League was formed in Cairo in March 1945. Initially there were six members, but currently the number has grown to 22. The main reason to form the Arab League was to "draw closer the relations between member states and coordinate

<sup>&</sup>lt;sup>2</sup> One may point to differences in political systems, the level of internal stability, wealth of each country or the mineral resources.

<sup>&</sup>lt;sup>3</sup> Other regional organisations were: Arab Union of Maghreb, Council of Arab Economic Unity, Gulf Cooperation Council and Agadir Agreement.

collaboration between them, to safeguard their independence and sovereignty, and to consider in general way the affairs and interests of the Arab countries" (Pact 1945).

Despite the fine premises which were at the foundations of the Arab League, it went through hard times – caused by both internal and external problems – several times throughout its existence.

The decline of British and French colonial empires and the emergence of the Cold War changed the balance of power in the region. Antagonisms between Arab states, strategic importance of the Middle Eastern oil and a U.S. and USSR policy in the region provided many possibilities conflicts for the League. For example, during the Lebanese civil war, the Arab League had limited success trying to help negotiate peace.<sup>4</sup> Also, in the case of the civil war in Yemen in 1962, which deteriorated into an eight-year proxy war between Saudi and Egyptian-backed forces, the Arab League failed to resolve the conflict (Orkaby 2014).

If one was to sum up mediational "achievements" of the Arab League, then according to a 2009 study of 56 regional conflicts and crises between 1945 and 2008, the League only mediated 19, and successfully resolved the conflict on five occasions, which means that in most cases the League failed to contribute to the successful resolution of those conflicts (Pinfari 2009, 10). The Arab League had also failed in safeguarding independence of smaller Arab states like Kuwait. The League held two summits to resolve dispute inter alia over oil and debt between Kuwait and Iraq. Both summits had failed, which led to a direct foreign intervention by the United States, Great Britain and other states (Dakhlallah 2012, 409). In crises and conflicts where foreign powers were engaged, the Arab League traditionally took a backseat or retreated completely from the conflict resolution process. For example, such situation happened in 2003, when the Arab League withdrew from mediation in Iraq's case (Moran 2005).

The previous – not too impressive – achievements of the Arab League in the region rise a question of its future. It seems that Marwan Bishara, one of Al-Jazeera frontmen, put it correctly while answering a question concerning the future of the Arab League: "The 400 million Arabs who share the same geography and the same history, bitter and sweet; a people who worship the same God and share the same pride in a glorious past; a people who write with the same alphabet, read the same books, recite the same poetry and sing the same lyrics – they deserve at least one functioning institution that truly represents their collective will" (Bishara 2019).

<sup>&</sup>lt;sup>4</sup> This civil war lasting from 1975 to 1990 and resulting in 120,000 fatalities and an exodus of almost one million people from Lebanon. See: Edgar O'Ballance, *Civil War in Lebanon*, 1975–92, Palgrave Macmillan, London 1998; Dilip Hiro, *Lebanon: Fire and Embers. A History of the Lebanese Civil War*, Palgrave Macmillan, London 1993.

#### The Arab League and European Union

It seems that in the current international situation the Arab League has better chances to consolidate its position in the region. Among other factors we may point to the coming of new players in the region, such as China (Lons et al. 2019) and India (Khushnam 2020; Burton 2019; Mohan 2020). Their engagement is growing every year, which means that the previous partners of the Arab League, such as the United States or European Union, need to face a new challenge.

One of the most important changes from the perspective of the Arab League was the situation of Palestine. In the annex to the Pact of the League of Arab States there were stipulations concerning the question of Palestine, which stated among others that: "Her existence and her independence among the nations can, therefore, no more be questioned *de jure* than the independence of any of the other Arab States. Even though the outward signs of this independence have remained veiled as a result of force majeure, it is not fitting that this should be an obstacle to the participation of Palestine in the work of the League. Therefore, the States signatory to the Pact of the Arab League consider that in view of Palestine's special circumstances, the Council of the League should designate an Arab delegate from Palestine to participate in its work until this country enjoys actual independence." (Pact 1945) For several decades the Palestine question was one of the most important topics undertaken by League. But the creation of a Palestinian State<sup>5</sup> radically changed the situation, as it pushed the Palestinian problem to the background as an issue in relations of the Arab League with European countries and the United States. It was visible in an agenda of the summit which took place on 24-25th February 2019 in Sharm el-Sheikh. The aim of the meeting was to "boost cooperation" and "find common ground", to strengthen their relations, achieve common interests and aspirations of their people to ensure a life free from conflict (Nugali 2019). The subjects of terrorism and migration dominated the gathering (Terror 2019), but despite officially hailing

<sup>&</sup>lt;sup>5</sup> The position of the Palestinian State is not completely clear. The State of Palestine was recognized by 138 United Nations members and since 2012 has a status of a non-member observer state in UN. Since July 2019, 138 UN members recognized the State of Palestine. Palestine is a member of the International Olympic Committee, Organisation of Islamic Cooperation, Group of 77 (a coalition of 134 developing countries founded in 1964) and Arab League. See: Mathias Holvoet, Medlir Mema, *The UN General Assembly Vote. Upgrading the Status of Palestine and Its Implications for a Possible Role of the ICC*, Institute for European Studies, Policy Brief, Issue 2013/06, June 2013, https://www.researchgate.net/publication/293401647\_The\_UN\_General\_Assembly\_Vote\_Upgrading\_the\_Status\_of\_Palestine\_and\_Its\_Implications\_for\_a\_Possible\_Role\_of\_the\_ICC; Philip Leech, *The State of Palestine. A Critical Analysis*, Routledge, London and New York 2017; Kavitha Giridhar, *Legal Status of Palestine*, https://www.drake.edu/media/departmentsoffices/dussj/2006-2003documents/PalestineGiridhar.pdf; The Group of 77 at the United Nations, www.g77.org.

the talks a "new step in EU-Arab relations", as it was denominated by then European Council President Donald Tusk (Hirsch 2019), no formal agreements were reached, mostly because of divisions within both camps and differences in the approach to human rights between the two blocs.<sup>6</sup>

As Shahira Amin stated: "While the summit ended with the two blocs nowhere nearer to seeing eye to eye on the contentious issue of human rights and other topics, the meeting's organizers say the gathering is indeed a first step toward ironing out longstanding differences" (Amin 2019). Taking into account the issues faced by both the European Union and the Arab League it would be most desirable if both sides reached some sort of consensus and start an effective cooperation instead of sham actions. Being aware that both organisations have their set of internal problems it must be said that only by working as unified entities can they work out realistic goals and achieve them.

Reaching a consensus and starting a real cooperation between those two organisations would be invaluable in the face of the US, Chinese and India engagement in the region. The US have been active in the Middle East for decades, and one of the main reasons of their engagement there was an access to sources of oil and natural gas, as well as countering Soviet activities in the region. The American involvement fluctuated significantly over time, but a significant decision to disengage from the region, made by the administration of the former President Barack Obama and continued under President Donald Trump, left a lot of room to be filled by other players. It goes hand in hand with the expectations of Americans, who are tired with their country's engagement in the Middle East<sup>7</sup>, and with the fact that there is a diminishing demand of the US economy on Middle-eastern oil and natural gas.

<sup>&</sup>lt;sup>6</sup> On scene were inter alia the murder of Washington Post columnist Jamal Khashoggi inside the Saudi Consulate in Istanbul, allegedly on the order of Saudi officials and execution of nine people in Egypt convicted for the 2015 murder of the prosecutor Hisham Barakat. Amnesty International denounced as unfair trials and Human Rights Watch accused Egyptian police of using torture, arbitrary arrests, and disappearances of political dissidents. What is more, some summit observers stated, that the Europeans seemed to prioritize Brexit over other subjects. See: Jamal Khashoggi, *All You Need to Know About Saudi Journalist's Death*, BBC, July 2, 2020, https://www.bbc.com/news/world-europe-45812399; Austin Koltonowski, *UN Rights Experts Decry Egypt's Executions of Nine Men Who Confessed Under Torture*, Jurist, February 25, 2019, https://www.jurist.org/news/2019/02/un-rights-experts-decry-egypts-executions-of-nine-men-who-confessed-under-torture/; Amnesty International, *Egypt: Execution of Nine Men After an Unfair Trial a Monumental Disgrace*, February 20, 2019, https://www.amnesty.org/en/latest/news/2019/02/egypt-execution-of-nine-men-after-an-unfair-trial-a-monumental-disgrace/; Dominic Dudley, *Europe's Summit with Arab League Ends As It Began, Overshadowed by Brexit*, Forbes, February 25, 2019, https://www.forbes.com/sites/dominicdudley/2019/02/25/europe-summit-arab-league-overshadowed-brexit/#6da479956fd1.

<sup>&</sup>lt;sup>7</sup> For example, since the end of the Cold War, the United States has been involved in two wars in the Persian Gulf and intervention in Afghanistan.

The U.S. oil production in 2018 (per the BP Statistical Review) was 15.3 million BPD, which was more than a total sum of Iran, Iraq, and the UAE. In 2018, the impact of the U.S. shale oil production was readily apparent. Crude oil imports to the U.S. had fallen to 9.9 million BPD, and the share from the Persian Gulf had fallen to less than 1.6 million BPD (15.9%) (Rapier 2020).

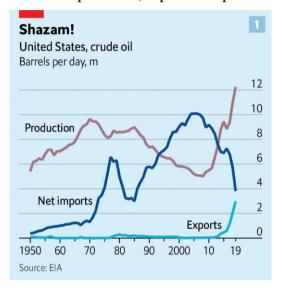


Figure 1. United States crude oil production, import and export 1950-2019

Source: America's Domination of Oil and Gas Will not Cow China, The Economist, September 17, 2020, https://www.economist.com/briefing/2020/09/17/americas-domination-of-oil-and-gas-will-not-cow-china [accessed on: 6.11.2020].

The declining engagement of the US in the Middle East creates a vacuum which is more and more filled by China. As a result of this increased engagement, China has become the largest investor in the region. In 2018 China committed 20 billion USD in loans for reconstruction of the Arab world, as well as 3 billion USD in loans for the banking sector. Through a wide range of financing vehicles, China has provided a mixture of concessional, preferred, and commercial loans to support central banks (for example – Dubai hosts branches of China's four largest banks) and fund infrastructure projects that use Chinese companies and Chinese labour (often on strict conditions on the use of Chinese materials and labour). In 2016 China became the largest extra-regional source of Foreign Direct Investment in the Middle East. China is Egypt and Lebanon's largest source of imports. China's relations with the United Arab Emirates has expanded dramatically in recent years, with Beijing

becoming the UAE's largest trading partner in 2017 with 53 billion USD in trade. The Port of Dubai is a key focal point of Chinese trade throughout the region. Algeria has also been a major focus of Chinese trade in the Arab world, with Algiers importing close to \$8 billion in goods and services from Beijing in 2018. China decided to build a new shipping port in the Algerian city of Cherchell, and the port's future capacity will be 3 to 6 million freight containers per year (Yeranian 2020; Elnaggar 2020; Fulton 2019).

Figure 2. China's investment in Middle East, 2005-2018 (USD)

Source: Aisha Han, Rachel Rossi, What are the Implications of Expanded Chinese Investment in the MENA Region?, Atlantic Council, August 10, 2018, https://www.atlanticcouncil.org/blogs/menasource/what-are-the-implications-of-expanded-chinese-investment-in-the-mena-region/ [accessed on: 6.11.2020].

India's relations with the Middle East are also undergoing a change. As India has emerged as a major economic force and global player, Indian policymakers have expanded their horizons, seeing the Middle East in strategic terms, perhaps for the first time. The India's policymakers are attempting to widen the economic ties with a focus on energy, but also on commercial ties with the region. Around a quarter of India's total imports are from the Middle East, with nearly 80% of these imports being crude oil and petroleum products. In 2017, India sourced nearly 64% of its oil imports from the Middle East, mostly from Iraq, Saudi Arabia and United Arab Emirates and Kuwait. India is also heavily reliant on natural gas from the Middle East, especially from Qatar.

Countries belonging to the Arab League became a source of Foreign Direct Investment for India. India became a partner in FDI with UAE and other Persian

Gulf countries. Not without importance is the fact that more than 6 million Indian nationals are working in the region and they are sending approximately \$40 billion US dollars to India (Gupta 2019; Nandy 2020; Biswas 2020; Pai 2020). Of course, the India involvement in the Arab League countries is much smaller than that of China. Still, in recent years we may observe i a significant boost of contacts between India and the Middle East.

(million mt)

Iraq
Saudi Arabia
Nigeria
United Arab Emirates
Venezuela
United States
Kuwait
Mexico
Russia
Iran

Figure 3. India's oil suppliers, 2019

Source: Venezuela Vaccum Intensifies India's Heavy Crude Search, Petroleumworld, May 5, 2020, http://www.petroleumworld.com/storyt20030602.htm [accessed on: 6.11.2020].

The reluctance of the EU to normalize relations with the Arab League could, in effect, lead to a situation where, after a partial withdrawal of the United States from the region, the Euro-Atlantic factor could be marginalised and this, in longer terms, may have serious consequences for the European Union. It can afflict access to oil and natural gas sources and have an influence on migrations. Especially the latter factor, a problem of migrants and refugees, became a common issue for both the EU countries and the Arab League.

In 2017, according to statistics released by the United Nations, the percentage of immigrants of all sorts in proportion to the total population reached high levels in the United Arab Emirates (more than 88%), Kuwait (75.5%) and Qatar (68%). In the European Union, the percentage is: 46% in Luxembourg, 17% in Austria and Sweden, and more than 12% in Germany, Spain and France. In terms of emigration Syria was the Arab League country with the highest level in 2017 (around 20%), followed by Lebanon (13%) and Morocco (11%). Moreover, the majority of Algerian, Moroccan and Tunisian international migrants live in the EU member states, mostly in France. There are also many Moroccans living in Spain, Belgium, the Netherlands and Italy. Egyptian international migrants (more than 6 million) live mainly in Arab countries, the same applies to Palestinian refugees and Jordanian citizens. A majority of Syrian

emigrants lives in Jordan, Lebanon, Turkey and, to a lesser extent, in Europe, mainly in Sweden and Germany (Migration 2019).

Migration has multiple effects on migrants, but also on host countries both in the Arab League and the European Union. In the case of migrants in the Arab League countries they are often forced to live in refugee camps with lack of basic infrastructure, poor planning and sometimes insecurity, malnutrition and restrictions on personal rights and freedoms. In many cases those camps lead to deforestation, air pollution, water pollution, soil erosion and a rise of crime. Migrants are usually a great burden on their countries of destination. In case of migrants in the European Union countries, the social condition of refugee camps is usually much better than in the Arab League countries. Still, migrants are going through a so-called cultural shock due to the difference of language, environment, traditions, and customs, particularly pertaining social and family issues, and the role of women and women's rights. The other problem of migrants is the problem of social integration. Cultural and historical specificities of immigrants from the Middle Eastern and North African countries to their new societies hampers their integration. When migrants attempt to adhere to their customs and cultural identities they face many problems, especially in raising children and trying to raise them in a way that reflects their culture and identity (Salameh 2019). In the case of European countries the influx of large numbers of migrants has political, security, cultural, economic and social consequences. These repercussions vary inter alia according to the wealth of the host country, the number of migrants, economic condition and measures taken by the official institutions and civil society organizations addressing the problem of migration.

As migration became a problem for both the European Union and the Arab League, the cooperation in this respect is desirable. A removal or at least limitation of the factors determining migrations is in the interest of both organisations, and only by cooperation they would be able to cope with this problem. One of the methods of solving this problem could be an introduction of the policy of sustainable development by the Arab League countries.

On October 25<sup>th</sup> 2001 the League adopted the Ministerial Declaration of Sustainable Development and expressed its willingness to fulfil Agenda 21<sup>8</sup>, the Millennial Agenda<sup>9</sup> and the World Summit on Sustainable Development (Earth

<sup>&</sup>lt;sup>8</sup> Agenda 21 is an action plan accepted by the United Nations during the UN Conference on Environment and Development (the Second Conference of Rio de Janeiro, 3–14 June 1992). It presents ways to prepare and implement of programs of sustainable development on the local level.

<sup>&</sup>lt;sup>9</sup> One of the most important documents of the United Nations, enacted on September 8, 2000. It defines fundamental goals and strategy of the UN activities in 21st century. It deals with the questions of

Summit).<sup>10</sup> Activities of the Arab League in the area of sustainable development concentrate on several aspects: peace and security, institutional structures, healthcare, education, scientific research, transfer of technology, resources management, production and consumption, trade and investment, fighting poverty (*The Sustainable*).

Adopted areas of activity reflect the needs of member states, but despite the undertaken actions, in many areas they did not achieve their planned goals or achieved them only partially. It was caused by many factors, some of which could be overcome with the help of the European Union. It is enough to mention poverty and unemployment issues, or the healthcare and education.<sup>11</sup>

Achieving sustainable development in all of the Arab League countries could serve both to limit the emigrational push in those countries, as well as provide them with the tools to stop migration from other areas. It would bring measurable benefits both to the European Union and the Arab League countries. Moreover, increasing standards of life in some of the Arab League countries would most likely limit the activity of terrorist organisations and limit the impact of their propaganda, which finds eager listeners among the poor and left out. In this way, in a longer perspective it could lead to a weakening of terrorist organisations and limit the range of their activities.

#### **Conclusions**

After a closer look at the relations between the European Union and the Arab League, one may dare to state that both organisations have common goals in many areas, such as stabilising the Middle East, creating a good neighbourhood policy and resolving the common problems of both organisations. Previous attitude was very

peace, security, economic and social development, elimination of poverty, environment protection, human rights, and takes into special consideration the needs of African continent.

<sup>&</sup>lt;sup>10</sup> When the Ministerial Declaration of Sustainable Development was accepted by the Arab League, the World Summit on Sustainable Development (Earth Summit of 2002) was in preparation as it took place in Johannesburg from 26 Aug. to 4 Sept. 2002.

<sup>11</sup> Specific data concerning the level of achieving the sustainable development in different areas by the Arab League countries could be found in: Ibrahim Abdel Gelil, *The Sustainable Development Initiative in the Arab Region. Third Progress Report*, Arabian Gulf University, October 2011, Economic and Social Commission for Western Asia, http://css.escwa.org.lb/sdpd/1545/3rd.pdf. The actions concerning the sustainable development in the area of telecommunication see: International Telecommunication Union, *ICT for Sustainable Development. Project and Initiatives, Connect Arab Summit 2012*, ITU 2012, http://www.itu.int/ITU-D/connect/arabstates/publication/E/Connect%20Arab%20Summit-EV1.pdf

distant and did not bring any benefits to none of them. If the European Union does not come closer to the Arab League, it will mean further serious problems for the Union and for the League. It will be difficult, perhaps even impossible, to solve the problem of migrants who are already in Europe, some of which come from countries belonging to the Arab League. What is more, taking into account the situation in the Middle East we can expect more waves of migrants coming to Europe – without cooperation with the League there is no chance of improving the situation. Another factor that should persuade the European Union to enter into dialogue with the Arab League is the increased activity of China and India in the Middle East. Strengthening the position of these Asian states in the Middle East region may threaten the vital economic and political interests of the European Union in the long run.

It seems that the only way to resolve all of the problems between the European Union and the Arab League would be to follow the words of Hossam Zaki, assistant secretary general of the Arab League, who said: "Multilateralism and dialogue are the way forward" (Amin 2019).

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DOI: 10.51149/ROEA.1.2020.7

# HILMAR ÞÓR HILMARSSON\*

# Bringing Ukraine Back on Track

#### **Abstract**

Ukraine's history has been a turbulent one, and currently the country is in a crisis. The purpose of the article is to discuss how Ukraine can move away from the current East-West competition that poses a risk of dividing the country into two. What does it take to move a united Ukraine forward? How can Ukraine progress economically, politically and improve its security profile? The methodology used in the article is the case study method and it often compares Ukraine's performance with Poland, a country of a similar size in terms of population, land mass, and located in geographic proximity. The article argues that more inclusive and sustainable growth in Ukraine will require increased productivity of the economy, more benefits from international trade and investment supported by closer integration into the global economy, as well as a well-governed domestic economy with stronger institutions to withstand pressures from vested interests. The US, EU and NATO must make more efforts to help Ukraine resolve the current conflict with Russia, which in turn needs to stop the military engagement in Ukraine to let it recover and benefit from integration and cooperation with the West. NATO membership and full EU membership should not be considered for now, but Ukraine should be an independent and neutral buffer state between the East and the West, with full access to the EU common market. Ukraine needs increased financial support, especially from the EU, US, IMF and the World Bank for its reconstruction.

Key words: Ukraine, Poland, economic crisis, international relations, international organizations and security.

JEL Classification: F10, E60, N14.

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### Introduction

The recent bizarre phone conversation between the US president Donald Trump and his Ukrainian counterpart Volodymyr Zelenskij reminded us of this neglected country that has long been facing an economic and security crisis. Ukraine is classified as a lower middle income country by the World Bank (World Bank 2019c). It has considerable potential for economic growth for several reasons, including fertile land, substantial natural resources and a geographic location linking Europe and Asia, the east and the west. Ukraine has a long industrial tradition and a skilled labor force (World Bank 2019b).

The fall of the Soviet Union in 1991 resulted in the collapse of GDP in Ukraine (see figure 1 and 2 below). This was to a large extent due to the disruption of commercial and production networks associated with the disintegration of the Soviet Union and its central planning system.

In 2000–2008 Ukraine's GDP grew more than seven percent a year. However, the pattern of that growth was based on international capital inflows and credit expansion that proved unsustainable. Ukraine is still suffering the consequences, most noticeably in the high nonperforming loans in the banking sector and difficulties in accessing new credit.

Between 2014 and 2016 Ukraine experienced serious economic, political, and security challenges. The nation was increasingly concerned over serious governance failures, capture of the state by groups with vested interests and corruption. This resulted in the *Maidan* uprising that eventually triggered new elections and changes in the government. These changes also resulted in a rift between Ukraine and Russia, and a realignment of commercial relationships with the rest of the world. In addition to the Russian occupation of the Crimean Peninsula, the government of Ukraine lost control of a part of the country and a military conflict began in the eastern part of Ukraine (World Bank 2019b).

The recent coronavirus (COVID-19) crisis, which has turned into a global health and economic crisis, is now severely affecting Ukraine's economic growth performance (see projection for 2020 form the IMF, figure 2).

The article is organized as follows: (i) discussion about the purpose of the research and research questions, (ii) discussion about research methods, (iii) Ukraine's current challenges that include discussion about: economic performance and productivity after the fall of the Soviet Union; integration with the West and the conflict with Russia; the effect of weak governance and corruption; outward migration, and finally (iv) conclusions.

The aim of this article is to discuss how Ukraine can break away from the current East-West competition that poses a risk of dividing the country even further, and possibly splitting it into two separate countries, East-Ukraine and West-Ukraine. What would it take to move a united Ukraine forward economically, politically and to improve its security profile? What are the issues holding back progress in Ukraine? Under what conditions can Ukraine exit the current deadlock, raise its economic growth and stop, or at least reduce, the massive outward migration of its youngest and most talented people to richer countries, and perhaps see more of them returning to help rebuild a country that has been suffering from this crisis for too long? What does it take for Ukraine to achieve a higher, more sustainable and shared economic growth? What can the international community do to help in this process?

#### Research Methods

This article simultaneously employs the case study method and comparative analysis. The case study method enables a researcher to examine the issues at hand in greater depth (Yin 2009). Among the sources of evidence used for the analysis are the authors interviews conducted in Ukraine and Poland in September 2019, including conversations at the World Bank offices in Kiev and Warsaw. The author also interviewed experts from the Kiev School of Economics and Warsaw School of Economics. Comparative analysis is used as it enables a researcher to assess and explain the political phenomenon among cases (Lancaster & Montinola 1997). It helps capture the effects of complex and interrelated causal influences and facilitates our understanding of political issues at national and international levels (Ragin 2014). Additionally, the literature on the comparative analysis is rich with suggestions on how such an inquiry should proceed (Lijhart 1975). The article often compares Ukraine's performance with that of Poland, a country of a similar size in terms of population, land mass, and located in geographic proximity with Ukraine. The two also share a common history, are large countries in European context, and are important for Europe's economy and security.

Economically Poland has been among the most successful transition countries after the fall of the Soviet Union and is now firmly integrated with the West, e.g. via EU and NATO membership which also strengthens its security profile. In contrast Ukraine remains politically divided, its economic performance has been mixed at best, and it currently suffers from a conflict with Russia, its security uncertain.

The article also uses several sources of secondary data, including reports and scholarly literature such as peer-reviewed articles and books. The database used for the graphs in the article comes from the IMF World Economic Outlook (WEO) database (IMF 2019 & 2020) and from World Bank reports (World Bank 2019a & 2019b).

# Ukraine's Current Challenges

The key challenges that Ukraine is currently facing discussed in this article are as follows: (i) the erratic economic performance of Ukraine after the fall of the Soviet Union, (ii) uncertain integration with the West<sup>1</sup> with associated conflict with Russia, (iii) weak governance and corruption, and finally (iv) a massive outward migration of its human capital, primarily young and skilled Ukrainians, to richer European countries.

Other articles and reports tend to analyse Ukraine's challenge from an economic, political or security point of view. In contrast this article seeks to consider all those challenges simultaneously and in a more comprehensive way.

# Economic Performance and Productivity after the Fall of the Soviet Union

When Ukraine initiated its transition in 1991, its GDP per capita was similar to that of its neighbour Poland. By 2018 Ukraine's GDP per capita (PPP terms) was less than one third of that in Poland (see figure 1). This happened in spite of the fact that Ukraine has a more favourable climate, better soil and more mineral deposits. Furthermore, in 1991 Ukraine had a stronger industrial base than Poland, as well as lower public debt (Hilmarsson 2019b).

The only period of high growth in post-Soviet Ukraine did not last long and was supported by favourable external conditions. Prior to the global economic and financial crisis (between 1999 and 2008) Ukraine's average rate of growth of GDP was about seven percent per year (see figure 2). With this growth rate Ukraine almost doubled its GDP per capita in a single decade (see figure 1; IMF 2019 & 2020).

<sup>&</sup>lt;sup>1</sup> Most notably the EU, NATO and the US.

Figure 1: Gross domestic product (GDP) per capita, USD, Constant prices - PPP

Source: IMF 2019.





Source: IMF 2020.

According to the World Bank about half of the accumulated income gap between Ukraine and Poland after the fall of the Soviet Union can be explained by divergent growth trajectories during the first decade of the transition (World Bank 2019b). However, the 2000s and 2010s were also challenging, most notably the global crisis of 2008–2009 and the Crimea crisis of 2014–2015 (see figures 1 and 2).

The recent coronavirus (COVID-19) crisis, which has now turned into a global health and economic crisis, is now severely affecting Ukraine's economic growth performance. This also true for other countries such as Poland, as can be seen in the GDP projection for Poland and Ukraine for 2020 (figure 2; IMF 2020).

The collapse of GDP in Ukraine in the 1990s was to a large extent due to the disruption of commercial and production networks associated with the disintegration of the Soviet Union. The term between 2000 and 2008 was a period of recovery. During the 2008–2009 global crisis Ukraine experienced a deep recession in 2009, with GDP declining by about 15 percent. A fragile and short-lived recovery ended in an even deeper recession of 2014

and 2015. This was triggered by the Euromaidan uprising and a conflict with Russia in the Eastern part of Ukraine. As a result, during the period of 2014–2015 Ukraine's GDP fell by cumulative 16 percent (World Bank 2019b; IMF 2019 and 2020) (see figure 2).

According to the World Bank at the GDP growth rate before the COVID-19 crisis hit, about three percent per year, it would have taken Ukraine almost 100 years to reach the income levels of Germany and about 50 years to reach those of Poland (World Bank 2019b). This gloomy outlook increases pressure on outward migration from Ukraine, as the young and most talented Ukrainians don't want to wait, but rather choose to vote with their feet, and leave the country for richer, western countries and, in some cases, Russia.

Aggregate productivity in Ukraine remains low. According to the World Bank it takes 17 days for an average worker in Germany to produce as much as an average worker in Ukraine in a year (World Bank, 2019b). The differences in output per worker between Ukraine and Germany are due to both capital and efficiency gaps. Improved productivity of the aggregate economy will e.g., require improved public investment and infrastructure to lower costs and equip companies to produce more competitively (World Bank 2019b).

To increase investment in Ukraine, both public and private, an increased assistance from institutions such as the World Bank, the EU and the US is vital. Regional Banks such as the European Bank for Reconstruction (EBRD) and the EU's European Investment Bank (EIB) can also play an important role. Export credit agencies (ECAs) can also help facilitate much needed trade and investment flows to Ukraine with their guarantee instruments (see, e.g. Dinh and Hilmarsson 2012)

# Integration with the West and the Conflict with Russia

The absence of a clear path to the European Union accession limited the resources available to transform Ukraine's economy anywhere close to the transformation that took place in the neighbouring Poland, that had a shared vision for EU membership and successfully accessed EU investment grants.

Ukraine remains a politically divided country with the western part tending to support EU and NATO accession, while the eastern part tends to favour stronger relations with Russia. Seeking a full and immediate EU membership may thus not be realistic while keeping the country united. Russia also sees Ukraine's EU aspirations, and particularly NATO membership, as a security threat. As EU and NATO have moved closer to Russia proper, the blowback from Moscow has increased (Howorth 2017). Nevertheless, Ukraine's access to the EU common market remains critical.

The Association Agreement between the EU and Ukraine entered into force in September 2017 and the Deep and Comprehensive Free Trade Area started its application in January 2016 (EEAS 2019; see also EU 2014). Furthermore, the EFTA States signed a Free Trade Agreement with Ukraine in Iceland in 2010. That agreement entered into force in 2012 (EFTA 2019).

The Free Trade Agreement with the EU may, according to the World Bank, provide an institutional umbrella that expedites the modernization of the Ukrainian economy. Introducing laws and regulatory procedures and reforming non-transparent practices in Ukraine will become easier with the support of the Agreement than previously had been possible (World Bank 2019b).

In addition to this, Ukraine is affected by the United States, as the recent phone conversation between the Ukrainian president Volodymyr Zelensky and the president of the United States, Donald Trump, demonstrates (Hilmarsson 20019b). During the conversation president Trump requested an investigation of the former US vice-president Joseph Biden, now the presidential candidate for the Democratic party, and his son. During their conversation the presidents agreed that the European Union was not doing enough to help Ukraine. Trump said: 'Angela Merkel she talks Ukraine, but she doesn't do anything.' (CNN September 26 2019).

Ukraine is in a difficult position, because it needs the United States to provide it with both continued bilateral support, as well as its support in international organizations, including the Bretton Woods institutions, the International Monetary Fund and the World Bank. Both institutions are headquartered in the US capital city of Washington, DC (Hilmarsson 2019b). The US government is very influential in both institutions, not only because of its large contributions, reflecting the relative size of the US economy compared to the global economy, but also because of the geographic proximity of those institutions with the US government, most notably the White House and the US Treasury. The US government is literally next door to the IMF and the World Bank while other major powers are far away and in a different time zone.

The World Bank estimates those needs to be about US\$33 billion dollars just to repay the Ukraine's public debt and finance its fiscal deficit until 2021 (World Bank 2019a). Ukraine needs continued support from the International Monetary fund after its stand-by arrangement runs ends in 2020.

This is not the first time Ukraine has been affected by external forces. With the Budapest Memorandum from 1994, Ukraine agreed to get rid of its nuclear weapons in exchange for respect of its independence and sovereignty and its existing borders. Russia, the US and the UK were signatories of this agreement (Budapest Memorandum 1994). The trouble began with the declaration issued by the heads

of state and government after the North Atlantic Council in Bucharest in 2008: 'NATO welcomes Ukraine's and Georgia's Euro-Atlantic aspirations for membership in NATO. We agreed today that these countries will become members of NATO. Both nations have made valuable contributions to Alliance operations.' (NATO 2008). It was clear from the beginning that this move would not be acceptable to Russia. Eventually it resulted in the invasions of Georgia in 2008, followed by an invasion into Ukraine in 2014. The argument has been made that the US and European leaders blundered the attempts at turning Ukraine into a Western stronghold on Russia's border (Mearsheimer 2014). Russia does not want to see Ukraine integrate with the west too closely and it knows full well that NATO and the European Union are unlikely to admit countries as member states if their borders are disputed. Russia acted accordingly and invaded both Georgia and Ukraine (Hilmarsson, 2019b).

Ukraine is not of strategic importance to the US, and the EU has few obvious interests in Ukraine except cheap labour flowing to Western Europe. If Ukraine was of strategic importance to the EU or the US, there would also be a willingness to sacrifice lives, if necessary, to defend their interests. It is clear that neither the US or the EU are willing to send troops to fight with the Ukrainian military against Russia.

Interestingly, it has been argued that Russia knows what it wants from Ukraine, while Ukraine clearly knows what it wants from the EU, but the EU has no clear policy goal towards Ukraine (Getmanchuk 2014). One might add that the US does not care much about the fate of Ukraine. Ukraine doesn't seem to have much that would be vital for the US interests. Meanwhile Angela Merkel, as Trump states, 'talks Ukraine, but she doesn't do anything.' (CNN September 26, 2019).

# The Effect of Weak Governance and Corruption

Numerous domestic problems have contributed to Ukraine's decline, including ill-advised economic policies, failed privatization and widespread corruption. In 2017 the total net worth of Ukraine's 3 wealthiest individuals amounted to more than six per cent of Ukraine's GDP, more than three times the proportion in the neighbouring Poland (World Bank 2019b, Hilmarsson 2019b). The strong influence of vested interests on the Ukrainian economy have undermined the effectiveness of Ukraine's domestic economic institutions and delayed necessary industrial restructuring needed to develop high-value added export-oriented industries in the country.

Achieving a better balance between vested interests/oligarch and the government is one of the key arguments in favor of Ukraine's EU membership, as it could result

in shared power and responsibility between Kiev and Brussels. EU membership could also help to increase professionalism in Ukraine's institutions.

Policies that would distribute economic growth dividends more fairly across society in Ukraine by creating access to opportunities for all, would make growth more inclusive. Economic growth is only sustainable if it does not leave vulnerable groups behind. But can the EU help with that? Given EU's strict fiscal and monetary policies during and post 2008/09 crisis in the Baltic States, one could question the benefits of EU membership for a country that needs more flexible fiscal and monetary policy that the EU demands. Current EU fiscal and monetary policies seem more suitable for the rich EU member states than emerging countries such as Ukraine. Also, the Baltic states, which joined the EU in 2004, do not have a very impressive record when it comes to income and wealth equality, inclusiveness and social justice (Hilmarsson 2020; Eurostat 2019). The Baltics went from Soviet central planning to neoliberalism, including flat taxes and minimal governments, too weak to support anything approaching the Nordic welfare states with progressive tax systems and systems for redistribution to the most vulnerable members of their societies (Hilmarsson 2019a). It is also notable that Poland, which performed well during the crisis of 2008-2009, has kept its own currency, thus benefiting from a more flexible monetary policy than those countries that either kept fixed exchange rates to be able to adopt the euro post crisis, like the Baltics, or already had the euro during the crisis, like Greece. Fixed exchange rate limited the ability of those governments to assist the most vulnerable members of society during the crisis as there was more pressure on the fiscal side to cut government expenditures.

# **Outward Migration**

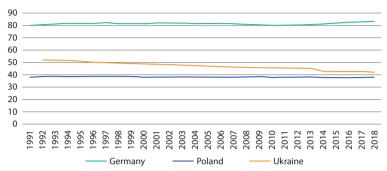
There seem to be very limited economic opportunities for a large share of Ukraine's population. In 1992 Ukraine had a population of about 52 million people (IMF 2019). Now there are 42 million left. In contrast Poland's population for the same period has remained stable at about 38 million (see figure 3).

Many young Ukrainians have opted to emigrate, attracted by higher expected earnings in neighbouring countries including Poland and Germany. The majority of those leaving Ukraine are high skilled/tertiary educated (Atoyan et al. 2016).

Given the demographic trends and outward migration, a significant decline in the labour force in Ukraine is foreseeable in the next decade (World Bank 2019b). With insufficient human capital Ukraine can hardly sustain economic growth. Given

the loss of skilled and highly skilled workers emigrating to higher income countries, Ukraine will not have a workforce prepared for jobs requiring high skills, and will not compete efficiently.

Figure 3: Population - Millions



Source: IMF 2019.

On one hand the burden on investment and productivity growth are very high in Ukraine, given that its labour force is projected to decline due to the demographic factors and migration out of Ukraine. On the other hand, the contribution of capital to support growth is also constrained by a low savings rate in Ukraine, as well as low foreign direct investment. Also, to be productive a workforce requires physical capital and a well governed economy (World Bank 2019b).

For the richer EU member states, the outward migration from Ukraine to EU is not necessarily a bad thing. Countries like Germany are facing severe competition from Asian countries, most notably China. Getting skilled workers from Ukraine, an industrial country, willing to work for low pay helps in this competition.

### **Conclusions**

What are the options for Ukraine now? How can the country move forward? One can hardly say that there is much pressure from the international community to help Ukraine. The European Union benefits from young and skilled people emigrating from Ukraine, and Ukraine has lost about 10 million since 1991. Many Western-European countries are aging and in need of young people. Many Ukrainians leave for neighbouring Poland, perhaps with the goal to reach Germany, an industrial power that needs skilled workers for its industry and where the pay is good compared

to what is being offered in Ukraine. Others leave for Russia where the per capita income is higher than in Ukraine (Hilmarsson 2019b).

Ukraine is not of any significant strategic importance to the United States. The US is increasingly occupied with East Asia, because of the rise of China, and the Persian Gulf countries due to an abundance of oil. The EU sanctions hurt Russia, but Russia is unlikely to accept any further integration of Ukraine into the West, especially NATO membership. Russia also opposes the EU membership. Geographically Ukraine is perhaps as important for Russia as Canada or Mexico for the United States. What would the US do if Russia or China formed a military alliance with those countries? The Cuban Missile Crisis had also demonstrated that the US do not tolerate other superpowers building close alliances with countries in America.

Ukraine is stuck in an economic and security crisis, and its territorial integrity is in question. In a low economic growth scenario, more people in eastern Ukraine may want emigrate to Russia, with its higher per capita income. A growing number in western Ukraine could meanwhile see continuing benefits in migrating to the EU and other western European countries. The risk is that an already divided country will formally split into two (Hilmarsson 2019b).

Should Ukraine be a neutral buffer state, between the West and Russia, not seeking immediate EU and NATO memberships? Ukraine could possibly receive more financial assistance from the EU, the US, the IMF and the World Bank under the condition that Russia would respect its territorial integrity.

The EU's European Investment Bank, the European Bank for Reconstruction and Development, and export credit agencies could also help with foreign investment and trade (Dinh and Hilmarsson 2012).

With strong international support Ukraine could possibly have sufficient peace and stability to grow economically. Whatever direction is chosen it needs to have the acceptance of the Ukrainian people, as most of them prefer to keep their country together. Nevertheless, EU, NATO and US leaders need to start tabling options that would also be acceptable for Russia. Ukraine politicians need advice and even initiative from the West here.

What can be said about conditions for favourable, inclusive growth dynamics for Ukraine? The first condition is political commitment. Fast and sustained economic growth sufficient for Ukraine to catch up requires long-term commitment by its political leaders. There is a need to adjust the role of the state, providing people with an equal opportunity and strengthening rule of law to make domestic institutions more resilient (World Bank 2019b). Second, economic growth and development depend on human and physical capital, and on the factors affecting their productivity.

The speed of growth has, to a large extent, driven Ukraine's ability to keep its highly skilled labour force within its borders by offering attractive job opportunities, but also by the pace of public and private investment. This investment requires increased domestic savings and an external capital flow into Ukraine. Facilitating foreign direct investment and integration into international value chains, improving logistics and connectivity to fully leverage external opportunities is also important. Thirdly, more integration into the world economy, especially the common EU market, is critical. Markets for exports and opportunities to import ideas, technology, and know-how is vital for Ukraine.

To achieve this much needed economic growth Ukraine needs to maintain stable macroeconomic policies and above all it needs peace and stability, not the deadlock that is, to a large extent, caused by the East-West competition for this country in a crisis.

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