
THE FORMATION OF A LITHUANIAN COUNTER-TERRORISM INSTITUTION AFTER 9/11

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Abstract

Lithuania's formation of a counter-terrorism institution following 9/11 sheds new light on three premises often associated with the study of institutional formation. First, the distinction between the creation phase and the operation phase is logical, but the appearance of extra-institutional guidance suggests that established institutions within other domains (e.g. military security) can temporarily fill an institutional vacuum (counter-terrorism). Second, the dynamic between agency and structure was easily seen, but in this case it was quite clear that agency was strongly dependent upon changes in some of the structural contexts (environmental threats, international institutions, age of the security state). Third, the role of sequencing and timing turned out to be more important than expected as there was a strong temporal order between the sequences of the formation phase and a significant spill over from two contemporary security processes (preparations for NATO-membership, reforms of the security state).

Introduction

Lithuania has hardly any experience of terrorism. The only incidents that could be classified as terrorist acts go back to 1997-98 when unknown groups attacked political and non-political targets, causing six injuries but no fatalities.¹ Moreover, the only terrorist group that has ever been active in Lithuania is the Russian National Unity, which is an extremist paramilitary organization that operates in Russia, Ukraine, and the Baltic states. Keeping this in mind, it may seem somewhat surprising that Lithuania reacted so decisively to the terrorist attacks in the United States on 11 September 2001. In slightly more

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¹ RAND-MIPT, "Terrorism Incident Database", <<http://www.tkb.org/Country.jsp?countryCd=LH>>, 5 10 2007.

than one week, it had specified the guidelines for a counter-terrorism program and clarified the roles of the central actors of the security state.² The domain of counter-terrorism was then further institutionalized when the government adopted an anti-terrorism program in January 2002, which the parliament five months later incorporated into the *National Security Strategy*.³ This means that the institution formation phase was over within less than nine months from the 9/11 attacks.

Lithuania's formation of a counter-terrorism institution offers an opportunity to study the general puzzle of institutional formation. That is, under what conditions do institutions emerge? Despite a remarkable growth in institutional studies over the last twenty years, it has been noted, "we know far more about the consequences of certain types of institutions than we do about how they originate and change".⁴ As regards the formation of institutions, the research suggests at least three premises. The first premise is that the "institutional creation phase" should be analytically separated from the "institutional operation phase".⁵ The reason for this distinction is that once institutions are in place they will develop an endogenous stabilizing dynamic, which tend to embed actors and to reduce the effects of exogenous change stimulus. The second premise is that institutional formation reflects both agency and structure.⁶ This implies that institutions should be conceived of neither as architects' intentional designs nor mechanical responses to environmental dictates. The question is rather how the two interact. The third premise emphasizes sequencing and timing, which necessitates a rather detailed analysis of the specific historical context,

² Lithuanian Government, *Report to the Counter-Terrorism Committee pursuant to paragraph 6 of Security Council resolution 1373 (2001)*, 28 December 2001, <<http://daccessdds.un.org/doc/UNDOC/GEN/N02/221/53/PDF/N0222153.pdf?OpenElement>>, 19 09 2007.

³ Lithuanian Seimas, *National Security Strategy*, 28 May 2002, <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_c?p_id=262943&p_query=&p_tr2=/>, 28 09 2007.

⁴ Jones Luong P., "After the Break-Up: Institutional Design in Transitional States", *Comparative Political Studies* 33 (5), 2000, p. 563. See also, Pierson P., "The Limits of Design: Explaining Institutional Origins and Change", *Governance* 13 (4), 2000, p. 475; and Rhodes R. A. W., Binder S. A., and Rockman B. A., eds., *The Oxford Handbook of Political Institutions*, Oxford: Oxford UP, 2006, p. xvi.

⁵ Lindner J. and Rittberger B., "The Creation, Interpretation and Contestation of Institutions – Revisiting Historical Institutionalism", *Journal of Common Market Studies* 41 (3), 2003, p. 447-455.

⁶ Rothstein B., "Political Institutions: An Overview", in Goodin R. E. and Klingemann, H.-D., eds., *A New Handbook of Political Science*, Oxford: Oxford UP, 1996, p. 156-161.

sometimes referred to as critical junctures or formative moments, in which institutions originate.⁷

This article will approach the puzzle of institutional formation through a single case study, which proceeds from the stated premises. The case – the creation of a national counter-terrorism institution in Lithuania in 2001-02 – should be considered in heuristic terms. Certainly, premises 2-3 give us an idea about where to look for the answer to why counter-terrorism institutions arise, but it stills remains to identify the relevant variables and to discover how they work together. Therefore, the aim of this article is to explore the causal dynamics rather than to test an already existing theory. For this purpose it might also be a good strategy to select a case from Eastern Europe because, as has been noted elsewhere, the transformations in this part of the world have provided scholars with “a unique opportunity and a pressing need to study institutional origin and change”.⁸ In the following, the article proceeds in three steps. First, I will theorize the formation of a counter-terrorism institution. The aim of this is to specify the dependent variable as well as the conditions under which institutions are formed. This framework is then applied in a case study of Lithuania. Based upon documents, the case study identifies the sequences of the formation phase and the underlying causal dynamics. The last section focuses on conclusions and discusses how the findings can contribute to the general understanding of institutional formation.

1. What is a counter-terrorism institution?

Counter-terrorism is here conceived of as a governmental activity aimed at combating any non-state actor, group or individual, who consciously use, or threatens to use, random violence against innocents for political ends.⁹ The mere presence of a governmental activity, however, is not enough for qualifying as an

⁷ Stern E. K., *Crisis Decisionmaking: A Cognitive Institutional Approach*, Stockholm: University of Stockholm, 1999, p. 40. See also, Thelen K., “Historical Institutionalism in Comparative Politics”, *Annual Review of Political Science* 2, 1999, p. 387-392.

⁸ Jones Luong, (note 4) p. 563.

⁹ There is no commonly agreed definition of terrorism, and some would say it is not possible to agree on one. This article follows the definition given by Audrey Kurth Cronin, “the shorthand (and admittedly imperfect) definition of terrorism is the threat or use of seemingly random violence against innocents for

institution. For this we should also be able to identify “constitutive rules and practices prescribing appropriate behaviour for specific actors in specific situations”.¹⁰ In other words, if there is a relatively enduring collection of rules and practices that prescribe appropriate behaviour for governmental agencies combating terrorism, then we have a counter-terrorism *institution*. In connection to this, it is also common to make a distinction between more and less formalized institutions.¹¹ The former typically includes laws and regulations that are legally binding for actors within a certain domain, while the latter refers to informal rules and practices. In both cases the outcome could be described as institution-alized. That is, regardless of whether the institution is written or unwritten, it prescribes appropriate behaviour for specific actors in specific situations.

It follows from the definition that a counter-terrorism institution should embed behaviour, actors, and situations. As regards *behaviour*, institutions play a prescribing role as they not only tell what and how things should be done, but also indicate what type of behaviour that is not accepted. This aspect has been most apparent in the formation of counter-terrorism institutions as governments strive for an effective combat of terrorism while preserving the respect for human rights.¹² It is not given exactly what type of behaviour that should belong to a counter-terrorism institution. Following the debate in the United States on a program for homeland security however, one can think of behaviour that aims at, for example, detection, prevention, protection, crisis management, consequence management, and response.¹³ Second, institutions are created and designed for *specific actors*. In the case of counter-terrorism, it has been much debated whether this task should be assigned to already existing authorities or if it requires that new ones be created. Considering that the traditional institutions of the security state – military, police, and intelligence community – never were designed for meeting the challenge of transnational terrorism, much of the debate has focused on governance reforms such as clarifying roles or creat-

political ends by a nonstate actor”. Kurth Cronin A., “Behind the Curve: Globalization and International Terrorism”, *International Security* 27 (3), 2002/03, p. 33.

¹⁰ March J. G. and Olsen J. P., “Elaborating the ‘New Institutionalism’”, in Rhodes et al, (note 4), p. 3.

¹¹ Rothstein, (note 6) p. 145-146.

¹² Heymann P. B. and Kayyem J. N., *Protecting Liberty in an Age of Terror*, Cambridge, MA: MIT Press, 2005.

¹³ Carter A. B., “The Architecture of Government in the Face of Terrorism”, *International Security* 26 (3), 2001/02, p. 15-17.

ing new structures. Finally, institutions are designed for *specific situations*. The emphasis on situations has at least two implications. One is that an institution defines an area of activity (e.g. counter-terrorism) that is separate from other activities (e.g. crime-fighting). The other implication is that some situations have an inherent temporal dimension. In this particular case it is common to separate situations where there is a risk of terrorism (e.g. low or imminent risk) from the aftermath of a terrorist attack.

Having examined the individual parts of a counter-terrorism institution, we should now put the pieces together. Figure 1 represents an attempt to summarize the relationship between situations, behaviour, actors, and institutions. The figure as such is largely inspired by the work of Ashton B. Carter, but has been somewhat modified to fit the purpose of this study.¹⁴ Depending on the nature of the situation, we expect a certain behaviour by those specific actors who have been assigned the task of fighting terrorism. If, for instance, there is a credible threat of an imminent attack against a nuclear power plant (situation), then an institution will clarify what should be done (behaviour) and by whom (actors). In the former case (behaviour), we can think of rules and practices for protection (e.g. police cordon, no-fly zone) and crisis management (e.g. arresting potential perpetrators, evacuation). In the latter case (actors), we can think of rules and practices that focus on the responsibility of actors or the need for coordination between different types of actors (e.g. federal and local authorities).

Figure 1. **Framework for mapping counter-terrorism institutions**

Situation	Behaviour	Actors (e.g. federal, state, and local governments; private)	Institution (formal and informal rules and practices)
I. Low risk of a terrorist attack	1. Detection		
	2. Prevention		
II. Imminent risk of a terrorist attack	3. Protection		
	4. Crisis management		
III. Aftermath of a terrorist attack	5. Consequence management		
	6. Response		

¹⁴ Ibid. Carter’s model makes a distinction between seven functions: detection, prevention, protection, interdiction (crisis management), containment (consequence management), attribution, and analysis and invention.

In order to fully grasp the phenomenon of a counter-terrorism institution, we should also pay attention to the distinction between institution and *institutionalization*.¹⁵ The latter is generally understood as the process by which rules and practices are created and developed. From a political scientist's point of view, it has often been natural to think of this process in terms of the formal sequences of a policy process. That is, it begins with agenda setting and ends with the adoption and implementation of a new law. In the case of institutional creation it might however be difficult to apply such a straightforward view. This is because the formative moment is often associated with times of crises, which tend to change the conditions for the policy process. Considering this, it is assumed that the formative phase will include at least some element of institutionalization, even though it may not be as clear-cut as the typical policy process.

2. Conditions for institutional formation

One of the premises of this study is that institutional formation reflects the dynamics between agency and structure. In order to capture some of this dynamics, it is assumed that the choice to create a counter-terrorism institution takes place within the frame of four structural contexts. The first context stems from *environmental threats*. In the post-Cold War world, governments face a new security environment in which global terrorism constitutes a major external challenge.¹⁶ In Lithuania, as in many other states, the attacks of 9/11 made the establishment of a counter-terrorism institution an urgent matter. *International institutions* provide a second context.¹⁷ In the domain of counter-terrorism, these include international organizations (e.g. the UN Security

¹⁵ See, for example, Peters B. G., *Institutional Theory in Political Science: The 'New Institutionalism'*. 2nd edition, London: Continuum, 2005, p. 107-108; and Smith M. E., *Europe's Foreign and Security Policy: The Institutionalization of Cooperation*, Cambridge: Cambridge UP, 2004, p. 32-49.

¹⁶ Paul T. V., "The National Security State and Global Terrorism: Why the State Is Not Prepared for the New Kind of War", in Aydinli E. and Rosenau J. N., eds., *Globalization, Security, and the Nation State: Paradigms in Transition*, Albany: State University of New York Press, 2005, p. 49. See also, Paul T. V. and Ripsman N. M., "Under Pressure? Globalisation and the National Security State", *Millennium* 33 (2), 2004, p. 355-380; and Patman R. G., ed., *Globalization and Conflict: National Security in a 'New' Strategic Era*, London: Routledge, 2006.

¹⁷ Katzenstein P. J., "Coping with Terrorism: Norms and Internal Security in Germany and Japan", in Goldstein J. and Keohane R. O., eds., *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*, Ithaca: Cornell UP, 1993, p. 266.

Council) as well as international laws and agreements (e.g. the 1999 Terrorist Financing Convention). The third context concerns the *age of the security state*. Young security states, such as Lithuania¹⁸, are at early stages of state building and tend because of this to have less established institutions.¹⁹ As a consequence of this, young states' repertoire of security rules and practices should be less constraining in case new institutions are proposed. Finally, there is the *domestic* context. This context has a political or strategic side to it simply because governmental effectiveness depends on popular and parliamentary support. The fact that Lithuania up to June 2001 had eleven governments in eleven years, or on average a governmental turnover once a year, suggests the absence of a stable political majority for establishing new institutions.

A thorough understanding of institutional formation requires analysts to also pay attention to the temporal dimension, which includes at least two related but analytically distinct elements. The first element is *sequencing*, which implies establishing the course of events or the single steps when the institution was formed. To get control of the chronology is vital in institutional analysis because prior events and decisions tend to have an impact on subsequent events and decisions. As regards the beginning of the creation phase, we should keep in mind that institutions can be formed by revolution or by evolution.²⁰ That is, the formation process may be triggered off by one defining event or occur as a series of incremental steps. As regards the duration of the formation phase, it is crucial to fix the date from which the operation phase begins. It has generally been argued that an institution has been created "when an idea becomes accepted and is embodied into a structural form".²¹ This means that an institution has entered the operation phase once a practice has been established and when the rules of the game have been codified by formal documents such as constitutions and laws.

The second element is that of *timing*. This means that analysts should be sensitive to the circumstances that prevail at the particular moment when the institution is formed. The reasoning here is that contemporary processes may

¹⁸Tamulaitis G., "National Security and Defence Policy of the Lithuanian State", UNIDIR Research Papers 26, New York: United Nations, 1994.

¹⁹Ayoob M., "Security in the Age of Globalization: Separating Appearance from Reality", in Aydinli and Rosenau, (note 16) p. 21-22.

²⁰March and Olsen, (note 10) p. 12-13.

²¹Peters, (note 15) p. 76.

spill over and have an impact on the formation of a new institution. Of course, there are many conceivable processes that in one way or the other may impinge, including for instance the budgetary process, forthcoming elections and so on. To deal with this problem, and without making any claims of completely covering this aspect, I will focus on the security processes explicitly referred to in the main policy documents just prior to 9/11.²² This reveals two conclusions. First, counter-terrorism was clearly not on the security agenda. It was mentioned neither in sections on domestic law-and-order nor in parts dealing with defence and foreign policy. Certainly, threats to national security are identified, but these emanate from organized crime, destructive neighbourhood relations and so on. Second, the documents show that there were two closely interlinked security processes going on in Lithuania at the time. One process consisted of preparations for membership in NATO, while the other concerned reforms of the national security state.

3. Sequence 1 (11-18 September 2001): extra-institutional guidance

The first sequence of the creation phase lasts about one week. During this time, the Lithuanian decision-makers had no separate counter-terrorism institution to act from. Instead institutions within other domains guided them, a phenomenon that here will be referred to as extra-institutional guidance.

3.1. Imminent risk of a terrorist attack?

Considering the initial uncertainty of who was behind the 9/11 attacks, Lithuania (as did many other states) thought it necessary to act as *if* there was an imminent risk of a terrorist attack also in their own country (Figure 2). Therefore, in order to *protect* the territory and other possible targets of terrorism, all relevant authorities took precautionary measures for increased security

²²See, Adamkus V., *Annual Address to the Seimas of the Republic of Lithuania*, 19 April 2001, <<http://adamkus.president.lt/en/pmp2001.phtml>>, 27 09 2007; and Lithuanian Government, *Program of the Government of the Republic of Lithuania for 2001-2004*, 4 July 2001, <http://www.lrv.lt/engl/vyr-programos_en/en_12_programa.html>, 20 09 2007.

within their own areas of responsibility. The Police authorities stepped-up the protection of foreign Embassies, the Civil Aviation Administration implemented supplementary security measures for air transport and airports, and the State Border Guard Service enhanced the control of the borders.²³ Moreover, the armed forces were put on increased alert in order to step up (a) the security at strategic facilities and army units (including an extension of the no-fly zone over the Ignalina nuclear power plant), (b) the control of Lithuania's air space, territorial waters and economic zone, and (c) if necessary, to assist the Interior Ministry and local governments.²⁴ The protective measures were generally not taken by random, but followed a carefully designed defence regime. These routines had however not been created specifically for the case of global terrorism.

Although it never got as far as making arrests of potential perpetrators or evacuation of possible targets, a certain *crisis management* appeared when the Security Department launched an investigation to find out if there were any connections between Lithuania and the al-Qaeda network.²⁵ For this purpose, the relevant government institutions investigated a list of names of suspected terrorists for possible identification and also scrutinized criminal groups in Lithuania to establish possible links. In connection to these measures it was also decided to enhance the surveillance of persons who had connections with terrorists. As far as these investigations could tell however, there were no indications that persons linked with Usama bin Laden were in Lithuania. Taken together, the protective measures and the crisis management seem to confirm that the situation was perceived in terms of higher risk. At the same time, President Valdas Adamkus were quick to emphasize "Lithuania is not a state that should live under the conditions of the state of emergency today".²⁶ In other words, the situation motivated some precautionary measures, but it was not so acute that all the authorities of the security state needed to be mobilized.

²³ Lithuanian Government, (note 2) p. 3-4.

²⁴ Lithuanian Ministry of Defence (MoD), "Lithuanian armed forces put on increased combat alert", press release, 12 September 2001, <<http://kam.lt/index.php/en/71643/>>, 08 10 2007.

²⁵ Lithuanian Government, (note 2) p. 3-4.

²⁶ Adamkus V., *Address to the nation by President Valdas Adamkus in response to terrorist attacks in the United States*, 14 September 2001, <<http://adamkus.president.lt/en/one.phtml?id=2327>>, 27 09 2007.

Figure 2. Lithuanian counter-terrorism immediately after 9/11, protection and crisis management

Situation	Behaviour	Actors	Institution (formal and informal rules and practices)
Imminent risk of a terrorist attack?	Protection	Police authorities	Protection of foreign embassies
		Civil Aviation Administration	Supplementary security measures for air transport and airports
		State Border Guard Service	Enhanced border control
		Armed Forces	Increased security at strategic facilities and army units; control of air space, territorial waters and economic zone; assistance to the Interior Ministry and local governments
	Crisis management	State Security Department	Investigation of suspected terrorists and criminal groups; enhanced surveillance

3.2. The aftermath of a terrorist attack

The second issue that needed urgent attention was how Lithuania should react to the 9/11 attacks as such (Figure 3). In dealing with this issue, a number of concrete measures were taken. As regards *consequences management*, it should first be noted that the Foreign Ministry immediately formed an intra-ministerial working group to follow and analyze the events in the United States.²⁷ Although this was an ad hoc arrangement, it followed an informal practice of establishing working groups for sorting out the significance of international events for Lithuania. In this particular case, the analysts were mainly concerned with the political and security implications of the terrorist attacks. As regards the humanitarian aspects of the attacks there was little doubt what the consequences were, not least because much of 9/11 could be witnessed live by

²⁷ Lithuanian Ministry for Foreign Affairs (MFA), “Lithuanian Foreign Minister condemns terrorist acts against US”, press release, 11 September 2001, <<http://www.urm.lt/index.php?218128178>>, 01 10 2007.

a global TV-audience. This circumstance also helps explain why the central decision-makers already within 24 hours send letters to their American opposites in which they offered consequence management assistance.²⁸ In taking this step, they were benefited by the fact that Lithuania already had a general institution for disaster relief assistance in place, even though it had not been designed specifically for managing the consequences of terrorism. The details of the Lithuanian offer was later worked out by the Defence Ministry's Civil Protection Department and consisted of military medical teams.²⁹

Figure 3. Lithuanian counter-terrorism immediately after 9/11, consequence management and response

Situation	Behaviour	Actors	Institution (formal and informal rules and practices)
Aftermath of a terrorist attack	Consequence management	Ministry of Foreign Affairs	Intra-ministerial working group
		Civil Protection Department of the Ministry of Defence	Disaster relief assistance
	Response	President, Government, Seimas	Condolences and condemnations
		President, Government	Support for NATO's invoking of article 5
		Government	Permission for US military aircrafts to use airspace and to land in airports

Finally, the Lithuanian case suggests that the central political institutions were more directly involved in the *response* than they were in other types of behaviour. There are two main reasons for this pattern. First, there was a strong requirement for official representation attached to the responsive phase. This was not least reflected in the diplomatic response, which consisted of public statements and letters expressing condolences with the victims and condemnations of the perpetrators.³⁰ This response essentially followed the custom for what states are expected to do when another member of the international system has

²⁸ Lithuanian MFA, "Lithuania strongly condemns the terrorist attacks against New York and Washington D.C. and expresses solidarity with the US after the tragedy", press release, 12 September 2001, <<http://www.urm.lt/index.php?2132410623>>, 01 10 2007.

²⁹ Lithuanian MoD, "Lithuania to offer military medical assistance to Washington and New York", press release, 20 September 2001, <<http://www.kam.lt/index.php/en/71695/>>, 10 10 2007.

³⁰ Lithuanian MFA, (note 28).

been illegally attacked. On the other hand, considering that this custom is applied to a transnational case (i.e. when at least one actor is a non-state actor), it still makes sense to look at this as an example of extra-institutional guidance.

The second reason for the involvement of the political institutions has to do with policy. As long as 9/11 was interpreted as a formative moment in world politics, there was also a need for policy formulation. In this case, it was only a matter of days before the political institutions had defined Lithuania's policy position and identified relevant responses. In a statement on 12 September, the Seimas described the attack as "a challenge to the whole civilized and democratic world, to freedom, the world community, to principles of coexistence and humanism".³¹ The parliament also took a firm stand when it stressed that "nothing can justify terrorism" and declared that Lithuania "will join all international anti-terrorist efforts and support decisions, which are needed to punish the terrorists and neutralize their centres". Two days later, President Adamkus gave an address to the nation in which he further specified Lithuania's position:³²

Today we have to assume more responsibility for our common future. Until now we thought that only America should safeguard our common life. And when America has been calling on us to defend democracy we too often thought first only about our interests. After September 11th it has become painfully clear that we should act with America not only in Bosnia and Herzegovina or Kosovo, but also everywhere where human rights and freedoms are threatened. Therefore our state must stand ready today to defend the entire democratic world together with NATO member countries and act as an ally of America and NATO.

The alliance position was in accordance with the statement made earlier by the Seimas. In practice however it had already been communicated to NATO. This occurred at a meeting with the European-Atlantic Partnership Council on 13 September, when the Lithuanian representative made a statement on behalf of the Vilnius group in which they supported NATO's decision to invoke article 5 of the Washington Treaty.³³ Since this article establishes that an armed attack

³¹ Lithuanian Seimas, *Statement on the Acts of Terrorism Against the United States of America*, 12 September 2001, <<http://www.nato.int/pfp/lt/speeches/2001-09-12.html>>, 28 09 2007.

³² Adamkus, (note 26).

³³ Lithuanian MFA, "The Vilnius group countries' governments condemned terrorist acts in the United States", press release, 13 September 2001, <<http://www.urm.lt/index.php?522670605>>, 02 10 2007. The

against one or more of the Allies shall be considered an attack against them all, Lithuania thereby made it clear that it would act as a formal member and come to the ally's rescue. Four days later, this standpoint was also incorporated into Lithuania's new preparation program for NATO-membership.³⁴ This time however it was also emphasized that "Lithuania will have to specify the capacities it is ready to provide for fighting terrorism", a remark that once again confirms the absence of a counter-terrorism institution. As far as military response is concerned, one concrete step that was taken during the first sequence was to give US military aircrafts permission to use Lithuanian airspace and to land in its airports until the end of the antiterrorist campaign.³⁵

4. Sequence 2 (19 September – 31 December 2001): guidelines and roles

One implication of extra-institutional guidance is that actors within the state apparatus not only apply old institutions to a new problem, but also apply different institutions to the same problem. It was therefore obvious that the institutional vacuum within the counter-terrorism domain soon had to be filled. In order to do this, the State Defence Council was called to a meeting on 19 September. The Council – which consists of the President, the Prime Minister, the Speaker of the Parliament, the Minister of Defence, and the Commander of the Armed Forces – is to consider and coordinate the main issues of state defence. At the meeting, the Council made two decisions that were essential for the formation of an institution.³⁶ First, it established *guidelines* for a counter-terrorism program. This was not intended as a temporary solution, but as a first step to establish and institutionalize a new policy domain. The guidelines therefore identified problems that required a medium or long-term answer and,

Vilnius Group was formed in 2000 by ten Central- and East European states that strived for NATO-membership.

³⁴Lithuanian MFA, "National NATO integration program for 2002 presented", press release, 17 September 2001, <<http://www.urm.lt/index.php?-1619320597>>, 04 10 2007.

³⁵Lithuanian Government, (note 2) p. 4. In connection to this, it should also be mentioned that Lithuania since autumn 2002 contributed to the international military operations in Afghanistan.

³⁶See, Lithuanian Government, (note 2), p. 3-4; and Lithuanian MoD, *White Paper: Lithuanian Defence Policy*, 2002, p. 11, <<http://www.kam.lt/index.php/en/122335/>>, 11 10 2007.

in connection to this, pointed out the following directions to be taken by the relevant ministries and agencies:

- (1) Participation in the activities of the international community;
- (2) Enhancement of the general antiterrorist legal framework;
- (3) Protection of the possible targets of terrorism;
- (4) Identification of persons suspected of involvement
in terrorist activities;
- (5) Identification of possible terrorist funds or other assets;
- (6) Investigation of terrorist acts;
- (7) Overcoming the crisis situations caused by terrorist acts;
- (8) Reinforcement of the antiterrorist intelligence.

Considering that the eight directions, with some smaller modifications, were codified in the spring of 2002, I will return to the question of how well they fit into the analytical framework in the final section. The second decision that was taken by the Defence Council on 19 September concerned *roles*. Because counter-terrorism has a cross-sectional character, it was necessary to clarify issues related to leadership and responsibility. The Council therefore decided that the Security Department should be the coordinating institution for combating terrorism. The objective of this department, which was set up in May 1994 following a reorganization of the security service, is to protect Lithuania's sovereignty and system of government. Of course, many other institutions were involved in counter-terrorism. But, as was emphasized by the Council, this involvement should take place within their existing competence and functions. On the basis of this principle, the Council pointed out an additional group of nine actors that were to be involved in counter-terrorism. These included eight Ministries (Internal Affairs, Defence, Transport and Communications, Economy, Environment, Finance, Foreign Affairs, Health) and the Prosecutor General's Office. Along the same lines, it was also expected that a number of state agencies (such as the State Border Guard Service) would become involved in the implementation of the program.

The intervention of the Defence Council constituted a major step towards an institutionalization of the domain. The significance of this step became even more evident the following day, on 20 September, when the Seimas confirmed

the decisions made by the Council.³⁷ Before the counter-terrorism program could be effective however, it still remained to give it a concrete content. This became a task for the Security Department, which during the following three months prepared a draft that later was to be presented to the government for approval.

The final draft was drawn up along the lines pointed out by the Defence Council. However, as far as concrete measures are concerned, it was also affected by developments at the international level. On 28 September, the UN Security Council adopted a resolution that obliged all states to implement some twenty measures (mainly related to prevention) to combat terrorism.³⁸ To further emphasize the seriousness of the situation, the Security Council established a Counter-Terrorism Committee and called upon all states to report continuously to the Committee on their steps to implement the resolution. As a direct consequence of this intervention, the Lithuanian government decided to implement all relevant UN resolutions and to authorize all ministries and governmental agencies “to recommend organizational, technical and legal measures to the State Security Department”, which could be included into the anti-terrorism program.³⁹ Moreover, even though the department had not yet come up with any concrete measures, there were no real obstacles for taking immediate action on some of the items included in the guidelines (especially item 1 and 2). The government did therefore not hesitate to strengthen the control of borders, identity papers and travel document (prevention) as well as to intensify international cooperation with respect to exchange of information (detection) and to legal procedures (response).

The draft for a national program on counter-terrorism was finalized in December 2001. By this time, the program had developed into more than fifty concrete measures or actions for each of the eight directions mentioned earlier. Even though the directions thereby remained unchanged throughout the entire process, there is no doubt that the resolution of the UN Security Council helps explain many of the preventive measures that are listed in the program. The interconnection between the program and the global process was also seen in Lithuania’s first report to the UN Counter-Terrorism Committee on 28 De-

³⁷ Lithuanian Government, (note 2) p. 4.

³⁸ UN Security Council, *Resolution 1373*, 28 September 2001, <<http://daccessdds.un.org/doc/UNDOC/GEN/N01/557/43/PDF/N0155743.pdf?OpenElement>>, 04 10 2007.

³⁹ Lithuanian Government, *Resolution on measures for the implementation of Resolutions of the United Nations Security Council, No. 1281*, 31 October 2001, attached to Lithuanian Government, (note 2) p. 12-3.

ember. The report contains at least thirteen explicit references to the draft program and to more than forty concrete measures (mainly aiming at prevention) that are mentioned in it.

5. Sequence 3 (1 January – 28 May 2002): codification

After the Security Department had presented the draft for an anti-terrorism program, it was incorporated into policy documents. Of course, this is not a necessary condition for an institution to exist, but since it represents a new level of institutionalization it is here treated as a separate sequence. In the Lithuanian case, the codification of the counter-terrorism domain took place when the program was approved first by the government on 22 January, and then by the Seimas on 28 May.

The latter decision, which marks the end of the creation phase, was taken by integrating the program into the *National Security Strategy*. This is a policy document that intends “to provide a vision of the safe development of the State, to lay down the main tasks and objectives of a national security policy, national interests and the measures required for their implementation”.⁴⁰ The anti-terrorism program as such is included under section 6, which deals with the means for implementing the security strategy. However, in order to achieve a complete integration into the document, this change was accompanied by revisions of other sections as well. This means that the Seimas already in the beginning of the document established that Lithuania’s security agenda should be determined by – apart from the relations to NATO, EU, and the Eastern neighbourhood – a response to the challenge of international terrorism.⁴¹ From an institutional perspective, this was an important remark since it gave counter-terrorism a prominent place within the entire security policy.

The final version of the counter-terrorism institution (Figure 4) was more or less similar to the draft program. This means that neither the government nor the Seimas made any significant changes in the proposal worked out by the Security Department in December 2001 or in the guidelines laid down by the Defence Council three months earlier. So, even though the wording is not ex-

⁴⁰ Lithuanian Seimas, (note 3) item 1.1.

⁴¹ Lithuanian Seimas, (note 3) item 1.7.

actly the same, the institution was organized around the eight directions, or key strategies, that were singled out already in the beginning of the process.

Figure 4. The main directions of the Lithuanian counter-terrorism institution, codified on 28 May 2002 ⁴²

Situation	Behaviour	Institution (formal and informal rules and practices)
I. Low risk of a terrorist attack	1. Detection	<ul style="list-style-type: none"> • Developing a general anti-terrorist legal database (2) • Identifying individuals involved in ordering and executing possible terrorist acts (4) • Reinforcing anti-terrorist and counter-terrorist intelligence capability (8)
	2. Prevention	<ul style="list-style-type: none"> • Identifying and removing sources and methods of terrorist funding (5)
II. Imminent risk of a terrorist attack	3. Protection	<ul style="list-style-type: none"> • Protecting potential targets against terrorist attack (3)
	4. Crisis management	<ul style="list-style-type: none"> • Constant preparedness for eliminating crisis situations caused by acts of terrorism (7)
III. Aftermath of a terrorist attack	5. Consequence management	
	6. Response	<ul style="list-style-type: none"> • Establishing clearly defined procedures for investigating acts of terrorism (6)
I-III. General	1-6. General	<ul style="list-style-type: none"> • Participating in the fight of the international community against terrorism and activities of appropriate mechanisms of NATO and EU (1)

The eight directions cover more or less all behaviours associated with a counter-terrorism institution. That is, the institution is directed towards detection (2, 4, 8), prevention (5), protection (3), crisis management (7), and response (6). Direction 1 (internationalization) is of relevance to several behaviours. The only seemingly missing behaviour is consequence management, which is partly included under the first direction and partly handled by existing institutions for disaster relief assistance. Taken together, there seems to be a certain emphasis on

⁴²The number attached to each direction shows the order in which they are presented in the Strategy document.

situations where there is a low risk for a terrorist attack (detection, prevention), even though the other situations are covered as well.

Once the program had been codified it was implemented within a two years period. From the very beginning of this process, it was clear that coordination would be a key for its success. This was not only because of the large number of measures that were to be implemented, but also because of the cross-sectional character of counter-terrorism. To deal with this problem, the government set up an Interdepartmental Coordination Commission for the Fight against Terrorism. The commission, which was led by the Director General of the Security Department, brought together representatives from ministries and agencies that were identified by the Defence Council in September 2001. As regards the implementation as such, some measures were implemented more or less immediately, as was indicated earlier in connection to the Lithuanian report to the UN Counter-Terrorism Committee. Other measures needed more time. This was especially so when the institution required amendments to existing laws (e.g. of the Criminal Code and of the Law on the State Security Department) and accession to international conventions.

6. Explaining the formation of the counter-terrorism institution

Having described the formation of a Lithuanian counter-terrorism institution, the analysis will now turn to the question of why this step was taken. Following the framework outlined earlier, it is assumed that the formation took place within four structural contexts, each leaving a certain room for agency, and within the frame of a temporal dimension.

6.1. Agency and structure

The Lithuanian case may at first sight seem easy to explain. The terrorist attacks of 9/11 sent a shock wave across the world and made many governments take immediate precautionary steps. Of course, global terrorism as such was not a new *environmental threat*, but the scale of the attacks, and the way they were carried out, showed that there was a general and urgent need to create and

strengthen counter-terrorism institutions. In the Lithuanian case, this explanation holds for the first weeks when the precautionary steps were taken and when the basis for a counter-terrorism institution was laid out. However, as soon as it was clear that there were no imminent threats to Lithuanian interests, the initial sense of urgency decreased. Instead, there appeared an increasing room for agency, including time for producing a thorough estimation of the environmental threat. The outcome of this turn was a widely shared perception of the terrorist threat that was included in the security strategy adopted by the Parliament in May 2002.⁴³ The essence of this perception is that terrorism is placed entirely within an international context and that Lithuania may be affected by becoming either a target or a transit country. The emphasis on the international aspect also suggests a link to another structural context, namely the role of *international institutions*. The case study reveals that there was a significant impact from the UN Security Council resolution 1373, which because of its obligatory status clearly embedded the national program into an emerging international counter-terrorism institution. The international pressure, which increased from the beginning of sequence 2, meant that there was a lesser room for agency. A circumstance that became even clearer since there was a follow-up mechanism attached to the resolution.

Turning to the national level, it was assumed that *young security states* should be more receptive to proposals for new institutions. This appears also to be a facilitating circumstance in this case. However, at closer scrutiny it seems obvious that a more profound description is necessary. It is true that there was a favourable climate for creating guidelines and rules for anti-terrorism, but the final institution did not include any changes of the governmental structure. Instead, counter-terrorism was handled within the established structure and, as a consequence of this, treated as a matter of coordination between the existing governmental actors rather than as a matter of creating new departments or agencies. So, even though these actors were at relatively young age, it was still they who had to act during sequence 1, and it was also they who were identified as the main actors in the beginning of sequence 2. The formation of the new institution was therefore constrained by the governmental structure already from the beginning. This narrowed the room for organizational innovation and shifted the focus to issues of management and coordination. From this point

⁴³Lithuanian Seimas, (note 3) item 4.1.1.

of view, it was also natural to assign the responsibility for coordination to the Security Department since it was already established as the main governmental body within the intelligence area.

Finally, the quick formation of a counter-terrorism institution was facilitated by a stable *domestic context*. The government that came into power in July 2001, and that was headed by Prime Minister Algirdas Brazauskas, stayed in power for 41 months. Keeping in mind that Lithuania prior to June 2001 on average had had a governmental turnover once a year, suggests that there for nearly three and a half years (July 2001-December 2004) was a stable political majority for establishing new institutions. This also means that the implementation of the counter-terrorism program was completed well before the Brazauskas government stepped down in mid-December 2004. Interestingly, stability was also a characteristic of the presidential office where President Valdas Adamkus ruled a full term, from 26 February 1998 to 25 February 2003. Together, these circumstances made up a favourable political climate for institutional formation, not least because the reform process could go on without being “interrupted” by electoral politics.

6.2. Sequencing and timing

A thorough understanding of institutional formation requires an analysis of the temporal dimension as well. More specifically, it was assumed that the creation of new institutions is affected by the course of events as well as by contemporary security processes. The former aspect, which is referred to as *sequencing*, seems to play an important role in the Lithuanian case. It was found that the formation phase could be divided into three sequences with a strong temporal order between them. Decisions made early in the process strongly influenced the final outcome, which means that the codification of the counter-terrorism institution (sequence 3) more or less confirmed the decisions made at the beginning of sequence 2. Most interestingly, the same dynamic was also found at the very beginning of the creation phase. Certainly, there is little doubt that 9/11 represents a defining event in world politics⁴⁴, which also triggered off the

⁴⁴ Rosenau J. N., “Turbulence and Terrorism: Reframing or Readjusting the Model?”, in Aydinli and Rosenau, (note 16), p. 221-222.

process of creating a Lithuanian counter-terrorism institution. However, the steps taken during sequence 1 were not taken by random. Instead, there was a clear element of extra-institutional guidance, which means that prior decisions within other domains had a direct impact on the immediate response to 9/11. It is therefore possible to also talk of institutional formation by evolution.

As regards *timing*, it seems clear that the formation of a Lithuanian counter-terrorism institution cannot be fully understood without paying attention to at least two contemporary security processes. On the one hand, there was a strong spill over from the ongoing preparations for NATO-membership. In the summer of 2001, the process had proceeded so far that the new government expected that, if everything went well, it would within a year be invited to start accession negotiations with NATO. Considering that this was a goal of utmost importance, it was not surprising to find President Adamkus stressing that Lithuania must “act as an ally of America and NATO”.⁴⁵ In a similar vein, Foreign Minister Antanas Valionis later referred to the Lithuanian position as “no Half Allies”.⁴⁶ Statements such as these revealed two concrete spill over effects from the membership issue into the domain of counter-terrorism. One effect was temporary, seen from the support for NATO’s decision to invoke article 5 and the permission to give US military aircrafts access to airspace and airports. The other effect was more durable and meant that participation in NATO activities was incorporated as one of the eight key strategies in the new anti-terrorism program. Having established this, it should also be added that there appeared a reversed spill over effect as well. This is because 9/11, by coincidence, presented an opportunity for Lithuania to show the seriousness of its application for membership.

The other process going on in Lithuania at the time concerned the reforms of the security state. Being a young state, and with aspirations of becoming a NATO member, Lithuania was in the summer of 2001 very much preoccupied with strengthening its security institutions and with adaptation to NATO integration needs (e.g. interoperability of armed forces). This was not least clear from the program of the Brazauskas government that came into power in July

⁴⁵ Adamkus, (note 26).

⁴⁶ Valionis A., “International Response to Terrorist Threat: no Half Allies”, *Lithuanian Foreign Policy Review* 9 (1), 2002. See also, Linkevicius L., “September 11, its Impact and Meaning for Lithuania”, *Lithuanian Foreign Policy Review* 9 (1), 2002.

2001. In the immediate future, the new government was determined “to prepare the National Security Strategy, to set up a Strategic Planning Group for National Security and to set up the Strategic Research and Analysis Centre”.⁴⁷ The fact that there was already a process of security reforms going on means that there in some senses was an open window for establishing new institutions. So when the terrorist attacks occurred on 11 September, the Lithuanian government had already decided to prepare a new security strategy, which also indicates that it was more open minded about reform proposals. Therefore, this provides an important background for why counter-terrorism was so quickly incorporated into the strategy. On the other hand, considering that the final strategy did not bring about any changes of the existing governmental structure, the window for institutional formation was not entirely open.

Conclusions

Even though Lithuania has had hardly any experience of terrorism, it reacted decisively to the terrorist attacks in the United States on 11 September 2001. Within nine months it had created a national counter-terrorism institution, which was founded upon a formalized collection of rules and practices that prescribed appropriate behaviour for governmental agencies combating terrorism. The Lithuanian case is interesting because it sheds more light on the general puzzle of institutional formation. So far, many scholars appear to agree that this puzzle should be approached from at least three premises. The first premise emphasizes that the origin of new institutions should be separated from the operation of already existing institutions. This assumption proved unproblematic since it was easy to identify both the beginning and the end of the formation phase. However, the appearance of extra-institutional guidance indicates that there may be an important link between the two phases and that works across different domains. In this particular case it meant that the institutional vacuum within the counter-terrorism domain was initially filled by rules and practices from already operating institutions within other domains (e.g. military security). The effect of this spill over was eventually reduced, although it remained more durable for functions related to prevention and protection.

⁴⁷ Lithuanian Government, (note 22), p. 31.

The second premise stresses that institutional formation reflects a dynamic interaction between agency and structure. This dynamic was clearly seen in this case, but there is one important complementary conclusion to be made. It appears throughout the case as if structure comes first. In other words, the room for agency proved to be strongly dependent upon changes in the structural contexts. The presence of an environmental threat explains the behaviour during the first sequence, but once the initial sense of urgency decreased there was an increasing room for agency. International institutions played a crucial role as well, but worked in the opposite direction. That is, once the UN Security Council intervened it immediately brought new restrictions on agency. Moreover, the relatively young age of the security state made up a favourable climate for creating new institutions. At the same time however, it turned out that the existing governmental structure (despite its young age) narrowed the room for organizational innovation. Finally, because there was no variation in the domestic context, it can only be assumed that the same logic should apply to this variable as well (i.e. if the stable political majority for some reason had been dissolved, then it would not have been as easy to establish the institution).

The essence of the third premise is that sequencing and timing provides additional insights into the conditions for institutional formation. In the former case, it turned out that the creation phase could be divided into three sequences with an internal dynamic between them. Not least, it was found that the codification of the new institution confirmed the guidelines that had been worked out in the beginning of sequence 2. Moreover, by emphasizing the sequential dynamic it was also revealed that there was a mix of revolution and evolution. So, although the formation process was triggered off by one dramatic event, it did not prevent the decision-makers from taking the time needed for developing a comprehensive institution. As regards timing, the study shows that there was a significant spill over from two contemporary security processes. The ongoing preparation for NATO-membership was the cause of one spill over effect and meant that Lithuania very much acted as if it was already a member of NATO. The second spill over effect emanated from the ongoing reforms of the security state. Because the government was already determined to prepare a new security document, it was quite easy for it to accept the idea of a counter-terrorism insti-

tution. On the other hand, considering that the reforms did not aim at changing the governmental structure, the effect of this spill over was somewhat reduced.

The case study of the formation of a Lithuanian counter-terrorism institution gives strong support for the three premises. By applying them systematically, much of the causal dynamics behind institutional formation was revealed. From a theoretical point of view, it was also sound to marry together the three premises (in effect institutional theory) with the work of Ashton B. Carter. Although some modifications are needed, mostly related to the internal dynamics of the premises, the integrated framework appears promising enough to motivate more case studies in order to test its explanatory power.

REGIONAL COOPERATION OF UKRAINE, BELARUS, POLAND AND LITHUANIA: NEW DIMENSIONS AND OPPORTUNITIES

Anatoliy Kruglashov*

The analytical overview considers and summarizes the main scientific results of the International Scientific Conference *Ukraine, Belarus, Poland and Lithuania: Through Collisions of the Past Towards Common European Values and Cooperation Perspectives*, which was held on 17-18 April 2008 at Jury Fedkovych Chernivtsi National University.

The article considers the goals and objectives of the conference, its priorities, course of the work and main content of the discussion. It also covers the contribution of the participants to the disclosure of the discussed issues and presents the main proposals made at the conference.

The article provides general conclusions on the event and demonstrates perspectives for publishing the conference material and implementation of the results of the conference into a scientific and educational activity. Particularly, there is reason to believe that this type of scientific communication will work permanently and Vilnius will become the venue of the next conference.

Introduction

Historically, the national, cultural and political development of modern Lithuania, Ukraine, Belarus and Poland was very deeply intertwined and interconnected. Beginning from the times of Kievan Russia and the Grand Duchy of Lithuania, proceeding with common history with Rzeczpospolita and ending with the period of entering the Russian Empire and Soviet Union, the population and territories of these countries were primarily in similar and very close social, cultural, spiritual and political conditions. This situation started changing fundamentally after the disintegration of the socialist camp and breakup of the USSR. After Lithuania and Poland chose to orient their development in the European and Euro-Atlantic direction in the early 1990s, they soon became full

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members of NATO and the EU. Ukraine proclaimed European and Euro-Atlantic integration as a strategic goal in the early 1990s, but has not yet achieved decisive success in this direction. Belarus, with its neo-Soviet development model, cultivated by the present Minsk appeared to stand entirely apart from these processes. Regardless of the officially proclaimed multivectorial foreign policy, the country has been demonstrating political and economic orientation towards Russia for a long time.

All these recently acquired, more fundamental and historically justified differences do not prevent the four countries from maintaining a special interest in each other. The intellectual, business and political elites of these countries are quite well aware of the benefits of cooperation and express certain interest in realisation of the potential of regional cooperation. The issues that they are facing at the moment are also very similar. In order to understand the perspectives of their cooperation, besides the above-mentioned factors it is very important to bear in mind the fact that the historical heritage of these countries and communities, similar in many respects or even common to a considerable extent, still has an impact on the contemporary state of the countries and vision of their future, including predetermining forms of communication between the neighbours.

In order to clarify, inter alia, these crucial issues and bring the existing level and quality of cooperation to a higher level, the Political Science Centre of Bukovyna at the Department of Political Sciences and Public Administration of the Faculty of History, Political Sciences and International Relations of Jury Fedkovich Chernivtsi National University (Ukraine) in cooperation with the European Humanities University (Vilnius, Lithuania) and under support of the Regional Representative Office of the Friedrich Ebert Foundation in Ukraine and Belarus held an international scientific conference *Ukraine, Belarus, Poland and Lithuania: Through Collisions of the Past Towards Common European Values and Cooperation Perspectives*. Certain support and assistance in conducting this conference on 17-18 April 2008 was also provided by Chernivtsi Regional State Administration, Chernivtsi Regional Council, Jagiellonian University (Krakow, Poland) and High Business School (Novy Sazc, Poland).

As was demonstrated by the active scientific communication during the conference, the relationships between people of Ukraine, Belarus, Poland and

Lithuania have a long and rich history full of various examples of fruitful cooperation, close cultural connections, common political experience and national traditions. Despite many, sometimes dramatic, events of the past that drew the attention of both researchers and the society, modern dialogue of the neighbouring nations requires a systematic approach and a new semantic structuring. Among the priority tasks of the conference, the following were defined by the organizers:

1. Development and deepening of scientific contacts among researchers in the humanities and social sciences of Ukraine, Belarus, Poland and Lithuania.
2. Identifying crucial problematic issues regarding the relationships between these countries, and search for and development of approaches to solve these issues based on constructivism and objectivity.
3. Investigating opportunities provided to these countries by the European integration processes and political and energy safety challenges arising in the region.
4. Making practical proposals regarding future joint events, development and implementation of perspective models of cooperation between scientists, in particular, historians, political scientists, cultural scientists, and representatives of public organisations of Ukraine, Belarus, Poland and Lithuania.

Issues of scientific dialogue during the main conference sessions

The conference was conducted in consecutive sessions. The first session was devoted to historiosophical and historiographical, rather than only historical, analysis of the experience of the past in the consciousness of the elites and society, and its impact on the relationships of the neighbouring countries Ukraine, Belarus, Poland and Lithuania. During this session, essential attempts to conceptualise studying the historical past were made in respect of people of the neighbouring countries and their political, sociocultural and spiritual contacts. The contemporary state of the mutual knowledge and historical self-conscious-

ness of Ukrainian, Belarusian, Polish and Lithuanian people, as well as their interference and conditionality were also analysed. Critical consideration was given to the stereotypes of mutual perception formed throughout the long period of the past and an interpretation was made with regard to the role of historical science and methodological readiness of its representatives to form civilized principles of dialogue between the neighbouring nations.

Among the many presentations and reports given at the conference, the issues touched by certain colleagues, who aroused the highest interest of the participants, are worth mentioning. Thus, docent Audronė Janužytė (Vilnius) touched insufficiently explored aspects of the formation of an idea of the state society in Lithuania at the beginning of the 20th century by giving an author's evaluation of various alternative political projects and theoretical concepts, among which, in particular, proposals to create a common state with Russia, Poland and Belarus were made. Professor Grigoriy Minenkov (Vilnius) summarized and gave a critical consideration to the practice of construction of historical narratives in post-communist societies by focusing primarily on the experience of post-Soviet Belarus compared to the practice of the neighbouring countries. He showed a dependency of these structures on ideological considerations, values and political goals of the authorities and opposition, and on the correlation of the impact of various political forces, public inertia and other factors. Professor Alyaksandr Smalyanchuk (Grodno, Belarus) proceeded on and clarified this subject from a particular historiographical point of view. He made an interesting and comprehensive attempt to compare the state of the Soviet and contemporary Belarusian historical science by pointing out the predominance therein of the Soviet methodological and scientific organisational heritage that has not been mastered until now. The scientist noted that the formation of the proper national discourse of the Belarusian history in the country appeared to be a marginalized semi-official version of the Soviet historiography. Moreover, this branch of science turned out to be in a very peculiar position when quite a number of its representatives lost even those values which were specific for certain periods of development of the historical science in Soviet times. They did not, however, acquire either Western pluralistic or academic openness, and remained weakly integrated in the European and global academic space.

Active interest was aroused by a presentation passionate in its tone and content which was given by docent Alexander Massan (Chernivtsi, Ukraine) who enthusiastically and originally interpreted the relationships of late medieval Lithuania, Belarus and Ukraine as relationships which evolved from an armed confrontation and lack of understanding to mutual rapprochement and cooperation. The author polemized with the contemporary Lithuanian researchers, who cast doubt on the certainty of the Union of Krewo, and proved the authenticity and meaning of the documents by which this Act was recorded. The speaker insisted on giving special importance to that event in the formation of dialogue between the Grand Duchy of Lithuania and Poland and in the development of their common state society.

The next session joined together the efforts of the researchers engaged in European integration issues. They were mainly considered from the point of view of threats to the regional safety of the countries. A presentation which was jointly prepared by Professor Irmina Matonytė and investigator Justė Tolvašaitė had a programmatic meaning. By considering the threats to Europe's safety as perceived by the elites of Germany, Lithuania and Poland, the authors of the presentation could clearly bring out something more than only the things which were common and specific to those elites and their approaches to safety and European solidarity challenges. The authors insisted on the advisability of applying a socio-constructivistic approach as a more effective approach compared to the school of rational conflict rationalism. They proved that perceiving "others" from the outside as a threat forms a certain identity. This, in turn, leads to the fact that the development of a European identity implies, with necessity, the presence of some common threats. In other words, when talking about a common European identity, European elites must perceive external threats in a similar way. The analysis of the countries selected by the authors of the presentation allowed us to draw the conclusion that it is economic development that is a key factor that disunites the common European identity. Countries with a lower level of income pose greater danger to the unity of the EU than all the other external threats. On the other hand, ideological self-identification of the national elites is one more disuniting factor. For example, rightists are more concerned about the threats caused by EU enlargement and the possible entry of Turkey into the EU, and they are also worried about Russian interference.

At the same time, leftists, much more than rightists, are concerned about the fact that the relations between individual countries of the EU and the USA become closer than the relations between these countries and other EU member states. Finally, the East/West dichotomy at the level of individual states is a very important challenge to the common European identity. Eastern EU members are mostly concerned about Russian influence in Europe, while Western EU member states are concerned about possible further enlargement of the EU.

Anatoliy Lysyuk, a scientist from Brest, broadened the proposed topos of discussion and attempted to summarise the contemporary state of safety culture in its regional East European context by referring to political-philosophical and social approaches. Wide analytics was given in a presentation of professor Arvydas Matulionis. Using the example of Lithuania, he presented statistical, demographical and sociological data demonstrating relevancy and insufficient understanding of the main social challenges to national safety. Particularly interesting were reasoned considerations of the author of the presentation on the correlation of global and national trends in the social sphere, and opportunities and drawbacks of the social policy which were imposed on the Lithuanian community and state after Lithuania entered the EU.

Professor Sergiy Fedunyak (Chernivtsi, Ukraine) proceeded on the discussion of the safety issues by choosing a safety discourse in the rhetoric of Ukrainian and Polish political elites as a subject for consideration. He proposed his view of the degree of security that citizens of the neighbouring countries feel. He analysed the key threats to national security articulated by the leaders of those countries. Based on the degree of public understanding of the threats by elites and on the reaction of the society to these proposals and their correlation with political practice, the speaker proposed to evaluate the adequacy of political management in both countries and its conformity with the contemporary level of requirements to the mature political leadership.

Interesting data (based on Bertelsmann Foundation studies) related to the present state of democracy in Central and Eastern European countries and Lithuania, in particular, after entering the European Union, were brought to the attention of the conference participants by Lithuanian colleague docent Romualdas Kacevičius. Referring to the materials of the presentation, despite the indubitable beneficial influence of preparing and entering the EU on the

Lithuanian society, the democratic process in this country after entering the EU acquired certain features of stagnation with respect to democratic procedures and active participation of the citizens.

Regional resources of bi- and multilateral cooperation were considered by docent Vladislav Struginskiy (Chernivtsi) by giving specific examples of a Ukrainian-Polish dialogue. He presented a systematic overview of the participation of the Chernivtsi region of Ukraine in different partner programmes with Polish colleagues at the level of voivodeships, cities, and individual administrative-territorial units of the two countries. He highlighted the importance and fruitfulness of active participation in such programmes of the civil society institute, including national cultural organisations of various ethnic groups in both countries. The given examples were especially convincing also for the reason that the speaker had been the head of the regional Adam Mickevicz Polish Culture Society in Chernivtsi. Close to the attention focus, but oriented towards studying new initiatives on the use of regional resources of cross-border cooperation, was a presentation made by investigator and civil activist of authority Yaroslav Kirpushko (Chernivtsi).

Professor Anatoliy Kruglashov (Chernivtsi) presented a report prepared together with Belarusian investigator Yuliya Kotskaya on problematic issues of cross-border cooperation between the neighbouring countries. By concentrating attention on the comparison of the models and tools of the regional policy of Ukraine and Belarus, the authors ranged the main difficulties related to the development of this kind of cooperation. Among those are essential differences in the foreign policy priorities of both countries, greater or lesser extent of centralization of regional administration that leaves very little room for their own initiatives, peripheral position of boundary regions with respect to national financial flows, limited material and financial as well as institutional organisational resources which do not allow successful implementation of interregional and cross-border cooperation.

The third session *The Politico-Legal and Public Relations Between Ukraine, Belarus, Poland and Lithuania in the Context of European Integration* was to consider processes of post-communist transformation in these countries. It provided to the participants of the scientific meeting an opportunity to trace the evolution of the political systems and regimes of these countries and assess

the development of democratic processes, formation and problems of further development of the civil society, and the impact of internal political factors on multilateral relations of Ukraine, Belarus, Poland and Lithuania.

Certain tonality to the session was given by a presentation of Professor Y. Makar from Ukraine. The speaker, having wide personal and theoretical experience in the considered field of his study, gave an attentive and many-sided presentation on the problems of stereotypes in Ukrainian-Polish interpersonal relationships. After him, a Polish expert Dr. Przemyslaw Zurawski vel Grajewski proposed his own understanding of the role of the EU as a new resource of the Polish policy with respect to Ukraine and Belarus which showed an original combination of neorealistic and national romantic approaches to the analysis of this topic.

Considerable interest was aroused by theses reflected in a presentation of Prof. Sergey Troyan (Rovno, Ukraine) who proposed his understanding in Ukraine's measuring post-Soviet integration space. Naturally, Kiev's ambition to become an alternative centre with respect to Russia's attraction of countries for the post-Soviet space is, as compared to the Kremlin's policy, supported by lower resource potential and performance opportunities. Nevertheless, Ukraine makes efforts as an initiative regional player which deserves our attention and respect.

The next session of the conference discussed politico-legal and public relations between Ukraine, Belarus, Poland and Lithuania in the context of European integration. The participants of the discussion were expected to provide a certain synthesis of practical experience and theoretical knowledge on the mutual relations of Ukraine, Belarus, Poland and Lithuania at the level of cross-border, interregional and Euroregional cooperation, and analysis of transnational cooperation of the neighbouring countries. Scientists who study and take part in the development of relations between the countries in the context of post-Soviet integration and make forecasts on their perspectives in the European and Euro-Atlantic space had the floor during this session.

Dr. Artur Wolek (Novy Sazc) gave a comprehensive presentation in which he considered and classified informal rules and institutions which form mechanisms of corruption, and proposed evaluations of quality of democracy in Poland and Ukraine based on these considerations. Professor Antanas Kulakauskas

from Lithuania systematised the experience of the post-communist transformation in Lithuania and frankly pointed out difficulties that arose on the way to democratic consolidation of the Lithuanian society. The speaker's Ukrainian colleague Prof. Vladimir Fisanov proposed to discuss controversial issues on the degree of maturity of the democratic systems in the post-communist countries by taking an issue of openness of the political class in all four countries as a basis of his reflections and interpreting it from the point of view of the clientele model of development of the social environment in these countries. A focus analysis of Prof. Nikolay Primush (Donetsk) was addressed at the stages of the formation and development of the party system in Poland in light of entering the EU, and proposed to be used as a reference in making certain conclusions for the Ukrainian political class and expert environment.

The conference ended with a session on cultural, scientific and educational contacts in relations between Ukraine, Belarus, Poland and Lithuania in light of enlargement of the EU. It aimed to consider the present state of scientific and educational contacts between state institutions and non-government organizations, produce particular proposals on the establishment of bi- and multilateral relations, and determine possible common projects in the field of historical, economic, political, sociological and other relevant studies.

This focus was given in the presentation of Belarusian colleagues Vladimir and Valentina Lyukevich, who proposed a study rich in specific data on dynamics and the meaning of tourism in the system of Euroregional cooperation. The data showed how dysfunctional development of relations of regional authorities-partners hinders intensification of personal contacts, attraction of investment and modernization of the social infrastructure of the boundary areas.

Interest was aroused by the presentation of historian Natali Yusova (Kiev, Ukraine), who demonstrated how the Belarusian component was used in the formation of the Soviet paradigm of the "Old Russian nationality" and its remaining level of meaning for the contemporary humanistic science in this country. The discussion touched upon the political innovations of Polish leadership that generated a mixed response in the neighbouring countries. This was mentioned in the presentation of Nataliya Nechayeva-Yuriychuk (Chernivtsi, Ukraine), who made an attempt to predict the impact of introduction of the Pole Card on demographical changes in Ukraine and Poland.

Conclusions

At the end of the discussions, the results of the conference were summed up. The participants of the discussion evaluated the high level of the presentations and reports, and versatility of scientific approaches and opinions heard in the course of the discussions. The main results of the conference must be presented in a special collection of scientific articles published in cooperation with the Chernivtsi National University and European Humanities University. Furthermore, certain articles, which are mostly significant from the point of view of the considered issues, will also be published in Lithuanian and Polish editions. All this will provide wider opportunities for the interested audience to become familiar with the results of the works of the scientists and experts who gathered at this conference in Chernivtsi.

The participants of the conference supported a Prof. Kruglashov's idea to make this form of scientific communication work on a permanent basis and to suggest the Lithuanian institutions hold the next conference in Vilnius after having determined what organisations would take over the task of preparation for the next conference.

The participants stated that there were no insuperable contradictions between the intellectual elite from the conference member states and that it would open new opportunities for further dialogue and partnership between them. In addition, this form of communication offered to all participants new opportunities and chances for professional cooperation and diverse, including institutional, partnership. It's important to note that the creation of a dynamic forum such as a conference devoted to urgent issues of mutual relations between Lithuania, Poland, Ukraine and Belarus could create a new communication platform between researchers and lecturers in these countries, bring a new impulse to the relationships of the neighbouring countries, and intensify integration and cooperation contacts and processes in the so-called Border Zone. The theoretical and conceptual potential worked out by the researchers could turn out to be quite useful not only in educational and research activity, but also in political practical activity of the member states of the four-lateral dialogue.

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THE EUROPEAN UNION NEIGHBOURHOOD POLICY TOWARDS UKRAINE

Linas Linkevičius*

Abstract

Ukraine with its size, population, geopolitical standing and ambivalent external orientation is an important element in evaluating the impact of European Union (EU) initiatives in the former Soviet Union. The post-“Orange revolution” developments have only strengthened this ambition. This country constitutes a critical test case and challenge for the viability and success of the EU’s neighbourhood policy. The present article provides an extensive study on the development of the European Neighbourhood Policy (ENP) towards Ukraine. It presents an analysis of the evaluation of the relations between Ukraine and the EU, and the role of Russia as an obstacle in the rapprochement of Ukraine and the EU. The analysis also accurately presents the role of other EU member-states concerning the issue of EU enlargement.

Introduction

In recent years, the EU’s role as a regional power in “the wider Europe” has become one of the main priorities of EU foreign policy. As mentioned in the European Security Strategy, the EU needs to extend the benefits of economic and political cooperation to its neighbours in the East while tackling political problems there and enlargement should not create dividing lines in Europe.¹ The ENP has established an overall strategy for all neighbouring countries, with the aim of creating a “ring of friends” around the Union.² The ENP marks a step towards creating a more coherent approach, but it provides a more general

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¹European Union, *European Security Strategy: A Secure Europe in Secured World*, 12 December 2003, <<http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>>.

²The European Neighbourhood Policy was first outlined in a Commission Communication on Wider Europe in March 2003, followed by a more developed Strategy Paper on the European Neighbourhood Policy published in May 2004. This document sets out in concrete terms how the EU proposes to work more closely with these countries. As part of its report on implementation, in December 2006, the Commission put forward proposals as to how the policy could be further strengthened, and on 5 December

framework, which does not as such help to address the specific challenges in the Eastern neighbourhood.³ The formulation of an EU policy towards these region countries was further complicated by their close ties with Russia, which was determined to keep the former Soviet areas within its sphere of influence.

The ENP, as an alternative mechanism designed to offer coherent policy-making in the cross-pillar context of relations with the EU's strategically important neighbours, does not rely on new instruments but rather offers a way of integrating existing instruments via "soft" frameworks (European Council and Council Conclusions and Commission policy papers among others), with a view to enhancing security and stability at its periphery.⁴ The main objective of the ENP is the mutual interest of the EU and its neighbours in promoting reform, the rule of law, stable democracies and prosperity – prosperity, security and stability – throughout the neighbourhood of the enlarged European Union.⁵

Ukraine is the most vocal state in the neighbourhood proclaiming its desire to join the EU. Ukraine remains the EU's leading partner in the Eastern neighbourhood, and negotiations have already begun on an enhanced agreement, which should cover deep free trade, visa facilitation, energy dialogue, cooperation in justice and home affairs and links to the Common Foreign and Security Policy (CFSP).⁶ Ukraine's democratic progress has been rather good, although its achievements have not been consolidated yet.

In the words of Commissioner Ferrero-Waldner, "the ENP is not an enlargement policy. It does not close any doors to European countries that may at some future point wish to apply for membership, but it does not provide a

2007 the following document was issued: Communication from the Commission A Strong European Neighbourhood Policy.

³ Altogether, the EU's policies towards the East cover 12 countries which we can divide into four categories of countries: (1) Russia, (2) Ukraine, Belarus and Moldova, (3) three South Caucasus countries – Armenia, Azerbaijan and Georgia, and (4) five CIS countries in Central Asia. The Eastern dimension of the ENP naturally includes Ukraine, Belarus, Moldova and three South Caucasus countries.

⁴ Copsy N. and Mayhew A., "European Neighbourhood Policy: the Case of Ukraine", *SEI Seminar Papers Series No1. 2006 Sussex European Institute*, < http://www.sussex.ac.uk/sei/documents/sei_seminar_papers_n_o1_.pdf>, 03 04 2008.

⁵ European Commission, The Policy: Frequently asked questions, European Neighbourhood Policy <http://ec.europa.eu/world/enp/faq_en.htm>.

⁶ Emerson M., Noutcheva G. and Popescu N., "European Neighbourhood Policy Two Years On: Time indeed for an "ENP plus"", *CEPS Policy Brief No126, March 2007, Centre for European Policy Studies*, <http://shop.ceps.eu/download.php?item_id=1479>.

specific accession perspective either”.⁷ It is predicated that enlargement is not anticipated for these countries, many of which are not in, or seen as being in, Europe, but that the EU has strong interest in creating a framework within which to export much the same peace building effect that enlargement has produced.⁸ The practical benefits of the prospect of membership have been proven by the successful transition of Poland, the Baltic states and other new EU members. Once the pre-accession process is underway, it creates a strong motivation and determination in the candidate states, especially in neighbouring countries to carry out political and economic reforms. From the very beginning, one of the central aims of European integration has been securing peace in Europe. In that respect, enlargement has been one of the most successful EU policies.⁹ Even though it is understood in Ukraine, for example, that the adoption of EU norms is necessary for the country in any case, having the perspective of membership would create an incentive of unique strength. The candidate status also confers very concrete economic gains such as increased foreign investments and trade, which are spurred on by an improvement in political stability and the rule of law.

This paper will concentrate on the perception of the European Neighbourhood Policy towards Ukraine from both parties: the EU and Ukraine. Analysing the official EU documents, independent analytical materials and statistical data we will try to find important factors which could accelerate (the role of new member states in EU-Ukraine relations) or determine (i.e. Russia) current relations between the EU and Ukraine and to predict future developments.

⁷ Ferrero-Waldner B., “To launch first seven Action Plans under the European Neighbourhood Policy”, Press Conference, 9 December 2004, <http://ec.europa.eu/external_relations/news/ferrero/2004/sp04_529.htm>.

⁸ Crisis Group, *EU Crisis Response Capability Revisited*, Europe Report No160, 17 January 2005, <<http://www.crisisgroup.org/home/getfile.cfm?id=1614&tid=3220&type=pdf&l=1>>.

⁹ Rehn O., “A stronger Europe through deepening and widening”, *EPP Conference on Enlargement and consolidation of the European Union*, 8 April 2008, <<http://europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/08/184&format=HTML&aged=0&language=EN&guiLanguage=en>>, 21 03 2008.

1. The EU's agenda towards Ukraine

In the Partnership and Cooperation Agreement (PCA) of 1 April 1998 the EU and Ukraine committed themselves to establishing a partnership which provides for close political and mutually beneficial trade and investment relations together with economic, social, financial, civil scientific, technological and cultural cooperation.¹⁰ Following the events which led to the “Orange revolution” at the end of 2004, under President Yushchenko Ukraine has pursued an agenda of ambitious reforms in order to root democracy and the market economy firmly in the country. Of the new EU Eastern neighbours, the question of offering the prospect of membership is most urgent in the case of Ukraine. The country has been requesting it for many years, but while political and other criteria remained far from fulfilment, it was fairly easy and justifiable for the EU to say “no”.¹¹ The “Orange revolution” and the victory of democratic forces in the presidential election of late 2004 changed many things. The strong expression of commitment to democracy and the “European choice” made by Ukrainians during the “Orange revolution” came as a surprise to the EU and most outside observers. The new president, Viktor Yushchenko, has defined membership of the EU as a top priority under his leadership. Ukraine has been seeking EU membership since Yushchenko came to power, when he has declared that Ukraine aims to start accession negotiations in 2007, but it didn't happen.¹²

After “Orange revolution” EU foreign policy chief Javier Solana and external relations Commissioner Benita Ferrero-Waldner stated that Ukraine had made a “strategic choice” for reform and Yushchenko's inauguration opened up new possibilities, so there is a need to “find the right actions to support this choice in concrete terms”.¹³ Nonetheless, the Union has so far refused to treat Ukraine as a potential member state. It underlined that the adopted Action Plan offers

¹⁰ European Commission, *Ukraine Country Strategy paper 2007-2013*, European Neighbourhood and Partnership Instrument, <http://ec.europa.eu/world/enp/pdf/country/enpi_csp_ukraine_en.pdf>.

¹¹ Gromadzki G., Lopata R. and Raik K., “Friends or Family? Finnish, Lithuanian and Polish perspectives on the EU's policy towards Ukraine, Belarus and Moldova”. *FIIA report 2005. The Finnish Institute of International Affairs*, <http://www.upi-fiaa.fi/document.php?DOC_ID=127#FIIA-report_12.pdf>.

¹² Brand C., “Ukrainian President Viktor Yushchenko called on the European Union to commit by 2007 to membership talks for his country”. *Associated Press*, 26 January 2005.

¹³ On 24 January 2005 Mr Javier Solana, High Representative for the Common Foreign and Security Policy and Mrs Benita Ferrero-Waldner, Member of the European Commission sent a letter addressed

enough substance and concrete goals for the relationship. According to some analysts, there are several reasons why the EU is reluctant to speak about membership for the new Eastern neighbours. Firstly, Ukraine, as well as Moldova and even more obviously Belarus, are far from satisfying the membership criteria. Secondly, there is serious concern about the ability of the Union to absorb an ever-increasing number of members. It is feared that the EU will simply not be able to function with over 30 member states (including the Western Balkans countries that are already seen as potential members). Thirdly, there is a considerable amount of “enlargement fatigue” in the Union, coupled with a feeling that the focus should now be on the still remaining candidates (i.e. Croatia) and the development of existing policies and structures. And last but not least, the EU – especially some of the big member states – is concerned about the views and reactions of Russia.¹⁴

The EU offers for its neighbours a privileged relationship, building upon a mutual commitment to common values (democracy and human rights, rule of law, good governance, market economy principles and sustainable development), however the most important factor – future membership in the EU – is not an objective in this case. Already mentioned analysts argue that the main common denominator in the ENP is the extension of EU values and norms to neighbours through conditionality. Whereas conditionality has worked effectively for countries that have had membership within reach, there is no evidence of effective conditionality in other EU external relations. They notice how the ENP without membership on offer can avoid establishing new divisions in Europe.¹⁵

According to Andrei Zagorski the instruments of conditionality developed and applied by the EU towards the Commonwealth of Independent States (CIS) have generally not proved to be efficient. In many cases the EU was unable to use its leverage to make a difference in the region, especially when developments in the CIS went wrong. In particular, the linkage between democrati-

to Mr Jean Asselborn, Minister for Foreign Affairs of the Kingdom of Luxembourg related to concrete proposals for ways to strengthen cooperation with Ukraine.

¹⁴ Gromadzki G., Lopata R. and Raik K., “Friends or Family? Finnish, Lithuanian and Polish perspectives on the EU’s policy towards Ukraine, Belarus and Moldova”. *FILA report 2005. The Finnish Institute of International Affairs*, <http://www.upi-fia.fi/document.php?DOC_ID=127#FIIA-report_12.pdf>.

¹⁵ Ibid.

zation, cooperation and technical assistance from the EU, which was build into the concept of the PCAs, has not worked as well as initially hoped.¹⁶

Though Ukraine lacks official status as a candidate country, many observers are of the view that the Ukraine will, one day, join the EU. 55% of all respondents in Germany, France, Italy, Spain, Poland, and the UK say that they would be in favour of Ukraine joining the EU with around a third (34%) saying they would be against. It is important to note, however, that there is greater support within the EU for Ukraine's accession than there is for Turkey's (40%).¹⁷ To date, the EU's reaction to the "Orange revolution" has been very modest in terms of concrete policy proposals. Notable shifts have taken place, however, with respect to preparing visa facilitation, starting consultations on a new enhanced agreement, strengthening dialogue on energy issues, and promoting people-to-people contacts. One of the main practical priorities of EU-Ukrainian relations now is to move towards a free trade area. In order to advance in this issue, Ukraine first had to receive market economy status (the EU in 2005 and the US in 2006 have granted Ukraine market economy status) and join the WTO (Ukraine became the full-fledged 152nd member of the World Trade Organization on 16 May 2008).

The EU is the Ukraine's largest trading partner and its largest market, it has replaced Russia as Ukraine's foremost commercial partner and accounts for about one third of its external trade. In 2006, Ukraine's total trade in goods with the 25 countries of the EU amounted to around 26.6 billion euros, a figure which has been growing steadily since the economic crisis in 1998 and which constitutes 9% growth year over year. The EU is by far the largest foreign investor in Ukraine with its growing share every year (71.7% by the end of 2005). Foreign direct investment flow from EU 25 amounted to 5.5 billion euros in 2006 compared to just above 230 million euros in 2003.¹⁸ However there is huge trade disbalance between the EU and Ukraine – in 2006 the EU absorbed 25% of Ukraine's exports worth 8.7 billion euros and provided 42%

¹⁶ Zagorski A., *Policies towards Russia, Ukraine, Moldova and Belarus*, In *European Union Foreign and Security Policy: toward a neighbourhood strategy*, edited by R. Dannreuther, 2004, p. 79-97. Routledge.

¹⁷ Yalta European Strategy, *Yalta European Strategy Survey, January 2007*, <http://yes-ukraine-old.finport.net/en/survey/January__2007.html>.

¹⁸ European Commission, *Bilateral Trade Relations with Ukraine*, <http://ec.europa.eu/trade/issues/bilateral/countries/ukraine/index_en.htm>.

of its imports worth 17.8 billion euros.¹⁹ Ukraine made significant progress in achieving more predictable and safer investment climate, which is essential to attract higher levels of investment. However, according to the European Commission, further improvements to this end are necessary. The main obstacles faced by EU investors so far has been frequent changes in regulations, lack of transparency, failings in implementation and enforcement of laws, discriminatory regulation and corruption.²⁰

In 2006, the European Commission proposed a new enhanced agreement with the Ukraine that would include the negotiation of a free trade area to strengthen the economic integration between the two economies. WTO membership is the necessary foundation for such an agreement.

Some analysts argue that Ukraine should no longer participate in the ENP, a policy initiative where the majority of its members are not within geographic Europe.²¹ As Charles Grant pointed out, Ukraine's continued membership in the ENP should be premised on a status different to ENP members who are not in Europe and therefore have no legal right under the 1957 Rome Treaty to join the EU.²² Geographic distribution of the ENP members reflects the fact that the EU's policy towards Ukraine is ill conceived.²³ ENP members include non-European states in Northern Africa and the Middle East as well as three European countries: Ukraine, Moldova, Belarus and three countries from South Caucasus²⁴ – Armenia, Azerbaijan and Georgia. The ENP does not include the

¹⁹ European Union, "EU and Ukraine agree terms for Ukrainian WTO accession", *Press Releases IP/08/57*, 17 January 2008,

<<http://www.europa.eu/rapid/pressReleasesAction.do?reference=IP/08/57&format=HTML&aged=0&language=EN&guiLanguage=en>>.

²⁰ European Commission, *Bilateral Trade Relations with Ukraine*, <http://ec.europa.eu/trade/issues/bilateral/countries/ukraine/index_en.htm>.

²¹ "Strategy And Tactics Of Euro-Atlantic Integration", *Kiev Ukraine News Blog* 13 January 2008. <<http://blog.kievukraine.info/2008/01/strategy-and-tactics-of-euro-atlantic.html>>.

²² According to Charles Grant, article 49 of the EU's Rome treaty limits membership to "European" countries. North African countries are not in Europe and so cannot join. Grant C., *Europe's blurred boundaries, Rethinking enlargement and neighbourhood policy*. Centre for European Reform, October 2006, <http://www.cer.org.uk/pdf/p_696_boundaries_grant_29.pdf>.

²³ Orange Ukraine, *Euro-Atlantic Intergration and European Intergration*, January 10 2008, <<http://orangeukraine.squarespace.com/journal/2008/1/10/ukraine-euro-atlantic-intergration-and-european-intergration.html>>.

²⁴ In 2004 EU has included Armenia, Azerbaijan and Georgia in the ENP. According to the Crisis Group Report (2006), the increased EU activity in this region was proposed mostly due to the unresolved Nagorno-Karabakh, Abkhazian and South Ossetian conflicts which have the potential to ignite into full-fledged

Western Balkans (with Stabilization and Accession Agreements, and declared membership perspective) or Turkey (a candidate for membership since 2005) while Russia has excluded itself, preferring to conduct a bilateral relationship with the EU.

From the EU perspective the country-specific approach within the ENP provides flexibility and differentiation, and there are as many possible responses as there are partner countries. According to Communication from the Commission “A Strong European Neighbourhood Policy” the enhanced agreement currently being negotiated with Ukraine, the ongoing discussions with Morocco on an “advanced status” and with Israel on an upgrading of relations demonstrate this differentiation. The further the policy evolves, the more pronounced this differentiation will become.²⁵

According to Benita Ferrero-Waldner, European Neighbourhood Policy is a strategic policy to support the reform agenda in EU partner countries and bring more prosperity and stability to Europe’s neighbourhood. The implementation of Action Plans is supported by significant EU assistance, through the new European Neighbourhood and Partnership Instrument, the EU will provide almost 12 billion euros in grant assistance in the neighbourhood until 2013. That is 32% more than in the previous financial framework to support reform priorities and build stronger Cross-Border Cooperation.²⁶ In 2007, 144 million euros in EC assistance has been allocated for Ukraine (120 million euros under the National Programme and 22 million euros from the Governance Facility). EC National assistance budgets to Ukraine have tripled over the last years from 40 million euros in 2002 to 120 million euros in 2007.²⁷ In Table 1 we can find data about European Commission assistance to Ukraine from 1991 to 2006.

wars in Europe’s neighbourhood. However, geographic proximity, energy resources, pipelines and the challenges of international crime and trafficking make stability in the region a clear EU interest.

²⁵ European Commission, *A Strong European Neighbourhood Policy*, Communication from the Commission, COM(2007) 774 final, <http://ec.europa.eu/world/enp/pdf/com07_774_en.pdf>.

²⁶ Ferrero-Waldner B., “The European Neighbourhood Policy and the Regions”, Structured Dialogue – Committee of the Regions. SPEECH/07/829, 18 Decembre 2007, <<http://www.europa.eu/rapid/pressReleasesAction.do?reference=SPEECH/07/829&format=PDF&aged=0&language=EN&guiLanguage=en>>.

²⁷ European Commission, *The European Neighbourhood Policy Fiches on Partners*, ENP Conference On Strengthening the ENP, 3 September 2007, <http://ec.europa.eu/world/enp/pdf/enp-country-2006_en.pdf>.

Table 1. EC assistance to Ukraine, 1991-2006 (in million euros)*²⁸

	1991-1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
TACIS National Programme	407**	38.6	48	43	47	50	70	88	100	892
TACIS Nuclear Safety (incl. Chernobyl Shelter Fund and UKR G7 Action Plan)***	304	50.3	3.5	69.4	44	46.6	34.3	28.4	40.3	621
TACIS Cross-border Co-operation****		5.2	1	5.5	0.5	3	3	18	4	40.2
TACIS Regional Programme****		3.7	6	9.1	10.5	6	6	8.7	tbc	50
Fuel gap	-	-	25	20	20	-	-	-	-	65
ECHO (humanitarian assistance)	12	6.3	1.3	0.9	0	-	-	-	-	20.5
Macro-financial assistance (loan)	565	-	-	-	110	-	-	-	-	675
Human rights (EIDHR)		0.2	-	1.3	0.6	0.6	0.5	1.8	0.95	5.95
Migration (AENEAS)	-	-	-	-	-	1.3	-	1.5	tbc	2.8
Anti-landmines	-	-	-	-	-	-	7	-	-	7
Contribution to STCU		3	4.5	4	4	4	4	5.5	5	34
Total	1288	107	89.3	153	237	112	125	152	150	2413

* 2006 figures indicative and not available for each item

** Overall figure for technical assistance in 1991-98 (mostly Tacis) Source: AIDCO A/1

*** Includes both national projects and estimated share of multi-country projects, 2005 and 2006 Chernobyl allocations still subject to possible modifications.

**** Estimated pro-rata share for Ukraine in cross-border and regional programmes.

Ukraine is seen as an important actor which could have a positive impact in solving the Transnistria conflict. EU identifies important role of Ukraine in strengthening co-operation on regional and international issues, conflict prevention and crisis management. According to the EU-Ukraine Action Plan, “Ukraine will continue its constructive efforts as mediator in the settlement process to solve the Transnistria conflict in Moldova”.

Therefore, the question why is it important for the EU to recognise Ukraine as a major regional player in relation to other Eastern neighbours of the Un-

²⁸ European Commission, *Ukraine Country Strategy paper 2007-2013*, European Neighbourhood and Partnership Instrument, <http://ec.europa.eu/world/enp/pdf/country/enpi_csp_ukraine_en.pdf>.

ion pertains to several important reasons. Firstly, the already-mentioned strategic importance for the EU to strengthen and ensure prosperity and security in the neighbouring countries. Secondly, the settlement of frozen conflicts in the Eastern neighbourhood with the valuable support from Ukraine.²⁹ Thirdly – the security of energy supply to the EU countries from Russia through Ukraine. It could be one of the most important issues in relations between EU and Ukraine. As mentioned in the European Security Strategy, energy dependence is a special concern for Europe. Europe is the world's largest importer of oil and gas. Imports account for about 50% of energy consumption today. This will rise to 70% in 2030. Most energy imports come from the Gulf, Russia and North Africa.³⁰

Jose Manuel Barroso, President of the European Commission, stated that reinforcing energy security in the EU-ENP area is a key priority for cooperation with EU neighbourhood partners. At the European Neighbourhood Policy Conference on 3 September 2007, he put forward Ukraine as an excellent example how to develop strong energy relations in this region.³¹ A Memorandum of Understanding (MoU) on energy between the EU and Ukraine was signed in December 2005 and is presently being implemented. This MoU foresees increased cooperation in this area and the potential future integration of EU and Ukraine energy markets – this will increase Ukraine's ability to introduce crucial reforms in the gas, oil, coal and electricity sectors and help bring the safety of Ukraine's nuclear power plants in line with international standards. As stated in the Communication from the Commission to the Council and the European Parliament "An Energy Policy for Europe", the Energy Community Treaty³² already acts as the basis for an emerging regional energy market, and

²⁹ First of all it pertains to the Transdnistria conflict where the EU and Ukraine need to cooperate closely. The Border Assistance Mission (EUBAM), launched in December 2005, helps with the management of the Moldova and Ukraine border, including with the implementation of the Joint Customs Agreement of 2006. EUBAM assists in addressing issues such as smuggling, illegal trafficking, including of human beings, and also makes a contribution to finding a solution to the Transnistrian conflict.

³⁰ European Union, *European Security Strategy: A Secure Europe in Secured World*, 12 December 2003. <<http://www.consilium.europa.eu/uedocs/cmsUpload/78367.pdf>>.

³¹ Barroso J.M.D. "Shared challenges, shared futures: taking the neighbourhood policy forward", European Neighbourhood Policy Conference, 3 September 2007.

³² The Energy Community is a process that aims to extend the EU internal energy market to the South East Europe region. The Energy Community Treaty was signed in Athens on October 25, 2005. The main goals are to create a stable and regulatory market framework capable of attracting investment; to

should seek to extend gradually beyond the EU and the Western Balkans to incorporate neighbours like Moldova, Norway, Turkey and Ukraine.³³

The year 2008 for the EU will be challenging because of the necessity to re-new relationship with Ukraine (as well as other two partner countries – Moldova and Israel). According to the new EU strategy paper on ENP published on 5 December 2007, a roll-over of the current Action Plans for one year, with no change in substance, appears to be the most pragmatic way of continuing work on the Action Plans, pending the outcome of the negotiations of a new agreement with Ukraine (or any possible future arrangements with the Republic of Moldova and Israel). In any event, Action Plans are updated by agreement between the parties when this is required to maintain their operational value.³⁴ It means that the EU does not have a clear vision on how to continue the partnership with Ukraine so far, and did not formulate a policy for future cooperation with Eastern neighbours. At least there is no decision yet made to propose a membership perspective for Ukraine. A new agreement with Ukraine will much depend on the coalitions between countries inside the EU, between countries which support Ukraine's closer and faster integration process in the EU and those countries which want to slow down this process.

2. The role of new member states in EU-Ukraine relations

The discussion over a specific policy towards the new Eastern neighbours that came to border the EU in May 2004 started well before the first Eastern enlargement. The views inside the EU and among the former candidate countries have been divided ever since the Eastern neighbourhood issue appeared on the EU's agenda in 2001. The Eastern candidate countries (currently new members) favoured the idea of a separate Eastern policy or "Eastern Dimension" – with reference to the Finnish Northern Dimension (ND) initiative that

create a single regulatory space for trade; to enhance security of supply; to improve the environmental situation and to develop electricity and gas market competition on a broader geographical scale.

³³ European Commission, *An Energy Policy for Europe*, Communication from the Commission to the Council and the European Parliament, COM(2007) 1 final.

³⁴ http://ec.europa.eu/energy/energy_policy/doc/01_energy_policy_for_europe_en.pdf.

³⁴ European Commission, *A Strong European Neighbourhood Policy*, Communication from the Commission, COM(2007) 774 final, <http://ec.europa.eu/world/enp/pdf/com07_774_en.pdf>.

had been established as an EU policy in the late 1990s. The strongest proponent of the Eastern dimension was Poland.³⁵

Even before Poland's entry into the EU, Polish authorities tried to submit proposals concerning the EU's Eastern policy. In 2002, the Polish Ministry of Foreign Affairs prepared a non-paper on EU policy towards Eastern neighbours where it outlined the Eastern Dimension concept.³⁶ The geographical scope of the Eastern Dimension included Ukraine, Belarus, Moldova and Russia. It was quite evident that the paper prioritized relations with Ukraine, Belarus and Moldova, whereas Russia played a secondary role. Yet, the Eastern Dimension concept proposed by Poland failed due to the Wider Europe concept accepted by the EU before Poland's accession to the Union. After joining the EU Poland's activities towards Eastern neighbours stayed the same: this country's government continues to support further EU enlargement beyond its borders, with special focus remaining on Ukraine. President Lech Kaczynski on repeated occasions is continuing to confirm that his country is interested that "doors to Europe" be open for Ukraine, and that the European Union broaden in future, it means that Poland's policy concerning Ukraine remains unchanged.³⁷ Poland provides assistance to Ukraine of approximately 3-4 million euros per annum, in particular in the following areas: public administration reform, support for local government and economic reforms.³⁸

Lithuania is also seen as strong advocate for faster and closer integration of the Eastern European countries in the EU. Lithuanian President in its State of the Nation Address in 2008 reiterated that his country will continue to support Ukraine's "aspirations to join the family of European nations as fully fledged members".³⁹ According to the FIIA Report, Lithuania started to develop its vision for future relations with Belarus, Ukraine and Moldova at the turn of 2002. This vision was based upon what had been achieved in Lithuania and in the region during the previous decade, and it was structured around three main

³⁵ Cimoszewicz W., "The Eastern Dimension of the European Union. The Polish View", The EU Enlargement and Neighbourhood Policy Conference, 20 February 2003, <<http://www.ms.gov.pl>>.

³⁶ Ibid.

³⁷ UNIAN, "Poland to support Ukraine's EU membership in future", 17 January 2008. <<http://www.unian.net/eng/news/news-231332.html>>.

³⁸ European Commission, *Ukraine Country Strategy paper 2007-2013*, European Neighbourhood and Partnership Instrument, <http://ec.europa.eu/world/enp/pdf/country/enpi_csp_ukraine_en.pdf>.

³⁹ Adamkus A., "State of the Nation Address to the Seimas of the Republic of Lithuania by H. E. Mr. Valdas Adamkus, President of the Republic of Lithuania", 2008.

goals. First, Lithuania's borders should be among the most friendly and cooperative in all Europe. Second, the common interests with the Eastern neighbours in regional economic growth and prosperity must be strengthened. Third, it is in Lithuania's foremost interests that its neighbours are democratic and peaceful both internally and in their relations with other neighbours.⁴⁰

During Ukrainian political crisis in 2004 Poland and Lithuania, already as EU member states, played a significant role in negotiations. Their contribution was very crucial not just for the solving crisis itself, but it also showed the ability of the new EU member states to bring added value to the ENP. However, it would be unfair not to mention the other EU countries which support Eastern dimension of the ENP as well. Also the most obvious partners are the other Baltic, Nordic and Visegrad⁴¹ countries that have already developed relatively active bilateral relations with Ukraine, Belarus and Moldova and have taken a similar, proactive position towards this area in the EU. From the EU-27 Sweden, the United Kingdom (UK), Denmark, Germany, the Netherlands, the Slovak Republic and Poland provide assistance to Ukraine.⁴² Assistance is focused on strengthening democracy, economic and social reform, and the environment, HIV/AIDS and public administration reform, independent media, combating human trafficking, and so forth.

It is crucial to include Germany in the group of countries promoting the EU's policies in the East. Without the backing of Germany, the Eastern and Northern member states would hardly be able to receive sufficient support for their positions in the Union.⁴³ Germany has developed intensive bilateral cooperation with Ukraine since the beginning of the 1990s to help strengthen democracy, the rule of law and market economy reforms. From 1993 to 2004, the Federal Government granted Ukraine support totalling approximately 115

⁴⁰ Gromadzki G., Lopata R. and Raik K., "Friends or Family? Finnish, Lithuanian and Polish perspectives on the EU's policy towards Ukraine, Belarus and Moldova". *FIIA report 2005. The Finnish Institute of International Affairs*, <http://www.upi-fia.fi/document.php?DOC_ID=127#FIIA-report_12.pdf>.

⁴¹ The Czech Republic, Hungary, Poland and Slovakia.

⁴² "Friends or Family? Finnish, Lithuanian and Polish perspectives on the EU's policy towards Ukraine, Belarus and Moldova". *FIIA report 2005. The Finnish Institute of International Affairs*, <http://ec.europa.eu/world/enp/pdf/country/enpi_csp_ukraine_en.pdf>.

⁴³ Gromadzki G., Lopata R. and Raik K., "Friends or Family? Finnish, Lithuanian and Polish perspectives on the EU's policy towards Ukraine, Belarus and Moldova". *FIIA report 2005. The Finnish Institute of International Affairs*, <http://www.upi-fia.fi/document.php?DOC_ID=127#FIIA-report_12.pdf>.

million euros under its TRANSFORM programme. The budget for 2005/2006 was 48 million euros.⁴⁴

Unlike new member states, France has opposed a drift towards the more authoritative expression of a “European perspective” (such as the one offered to the Balkans in 2000). France sees the upcoming negotiation about an enhanced agreement with Ukraine with the same reluctance. Although France, like Portugal and Spain, is particularly sensitive to this question, it is by no way isolated with its Mediterranean orientation.⁴⁵ The UK and Germany, which generally see the perspective of further Eastern enlargements more positively, recognize the present obstacles.

The last EU enlargement creates a clear shift of resources eastwards. During the next financial framework (2007-2013), the 100 million inhabitants of the new member states (including Bulgaria and Rumania) will receive 150 billion euros (only through regional funds). The 100 million inhabitants of the candidate countries (Turkey and the Balkans) will receive 10 billion euros (as pre-accession aids). And the 400 million inhabitants of the southern and Eastern neighbourhood (including Russia) will only receive 10,5 billion euros through the new neighbourhood instrument.⁴⁶

In Table 2 we can find the exact numbers of the EU assistance to the three Eastern neighbours (except South Caucasus) and compare them with the EC assistance to Russia, the whole Eastern neighbourhood, Poland and the Mediterranean region. There is considerable difference between EU support for Mediterranean countries through MEDA program and Eastern neighbours – Ukraine, Belarus, Moldova and Russia. The difference is approximately 1 billion euros per financial year period. For example in the period 2000-2003 East-

⁴⁴ European Commission, *Ukraine Country Strategy paper 2007-2013*, European Neighbourhood and Partnership Instrument, <http://ec.europa.eu/world/enp/pdf/country/enpi_csp_ukraine_en.pdf>.

⁴⁵ Historically, culturally and by geographical location, France is a Mediterranean country, a maritime power and has thus - along with other southern members of the EU - emphasized the southern dimension of the European Neighbourhood Policy. More specifically, it is concerned that the ENP can potentially create a divergence between the East (asking for a European perspective) and the South (being more and more left outside of European developments).

⁴⁶ Overhaus M., Maull H.W. and Harnisch S., “The New Neighbourhood Policy of the European Union, Perspectives from the European Commission, France, Germany, Poland, Ukraine and Moldova”, *Foreign Policy in Dialogue Volume 7 No19, 27 July 2006, A Quarterly Publication on German and European Foreign Policy*, <<http://www.deutsche-aussenpolitik.de/newsletter/issue19.pdf>>.

ern neighbours received through the TACIS program 1,3 billion euros, whereas MEDA total – 2,4 billion euros.

Table 2. EU assistance (millions euros) to the three Eastern neighbours (except South Caucasus), compared with assistance to Russia, the whole Eastern neighbourhood (TACIS), Poland and the Mediterranean region (MEDA).⁴⁷

	1991-1994	1995-1999	2000-2003	2004-2006	Planned 2007-2013	Total
Belarus*	61	93	52	16 (04-05)		222
Moldova*	73	92	73	n/a		238
Ukraine*	171	298	483	128 (04)		1 080
Russia*	865	1 426	711	n/a		3 002
TACIS total	1 757	2 464	1 300	1 800		7 321
Poland**	809	931	3 970	2 808		8 518
MEDA total	n/a	3 435	2 400	2 900		8 735
ENPI planned					14 900	14 900

* EU assistance to Belarus, Moldova, Ukraine and Russia includes the TACIS programme, macroeconomic assistance, humanitarian assistance and food delivery programmes.

** EU pre-accession assistance to Poland includes the PHARE, SAPARD and ISPA programmes.

3. Ukraine’s agenda towards the EU

The consensus about the European choice of Ukraine had been formulated in the Declaration about State Sovereignty of Ukraine adopted by the Parliament on 16 July 1990 and the resolution of the Verkhovna Rada “On implementation of the Declaration of State Sovereignty of Ukraine in Foreign Relations”, of 15 December 1990.⁴⁸ Ukraine’s attitude towards the EU was very clear from the very beginning, when the country became an independent state, and still it

⁴⁷ Gromadzki G., Lopata R. and Raik K., “Friends or Family? Finnish, Lithuanian and Polish perspectives on the EU’s policy towards Ukraine, Belarus and Moldova”. *FIIA report 2005. The Finnish Institute of International Affairs*, <http://www.upi-fiaa.fi/document.php?DOC_ID=127#FIIA-report_12.pdf>.

⁴⁸ Verkhovna Rada of Ukraine, “Declaration about State Sovereignty of Ukraine”, Passed by the Verkhovna Rada of the Ukrainian Soviet Socialist Republic, 16 July 1990. <http://gska2.rada.gov.ua/site/postanova_eng/Declaration_of_State_Sovereignty_of_Ukraine_rev1.htm>.

has very high public support – in a recent poll, more than 63% of Ukrainians said they were in favour of joining the bloc.⁴⁹ It is obvious that Ukraine would get many benefits from the membership, and economic for most. Ukraine's membership in the EU would probably have impact not just on this country's security situation, but also would spread values to those region countries, which aspire to a wider integration with the EU, for example to Moldova.

Ukraine wants a full membership in the EU and first of all it needs the same type of Association Agreement as the Europe Agreements offered to Central East European Countries. From the perspective of Ukraine, ENP is a disappointment because it includes the country into the same group as Morocco and other Mediterranean countries which do not have a clear European perspective (as is the case with Ukraine). Such a perception of the ENP was evident from numerous statements and comments by Ukrainian policy-makers and analysts.⁵⁰ As Iryna Solonenko points out, although the political elite in Ukraine was not satisfied with the long-term prospects of the ENP, it realized that without it and successful implementation of the ENP EU-Ukraine Action Plan any further rapprochement towards the EU, which ultimately includes an accession perspective for Ukraine, would be impossible. Therefore Ukraine accepted the ENP as a short-term and intermediate framework and has tried to make the best use of the opportunities offered by it.⁵¹

After "Orange revolution" Ukrainian government asked the EU to revise the ENP Action Plan and propose another one, adapted to the changed political situation in the country. Ukraine signed the ENP Action Plan supplemented with the 10 points on 21 February 2005.⁵² The signing of the ENP

⁴⁹BBC, "Ukrainians dream of EU future", 28 January 2008, <<http://news.bbc.co.uk/2/hi/europe/7212672.stm>>.

⁵⁰Overhaus M., Maull H.W. and Harnisch S., "The New Neighbourhood Policy of the European Union, Perspectives from the European Commission, France, Germany, Poland, Ukraine and Moldova", *Foreign Policy in Dialogue Volume 7 No19*, 27 July 2006, *A Quarterly Publication on German and European Foreign Policy*, <<http://www.deutsche-aussenpolitik.de/newsletter/issue19.pdf>>.

⁵¹Ibid

⁵²10 points were offered by the EU High Representative for Foreign Affairs, Javier Solana, and Foreign Commissioner Benita Ferrero-Waldner after the Orange Revolution. Without going as far as to offer a membership prospect to Ukraine, these 10 points offered to Ukraine new incentives such as EU support for Ukraine's WTO accession and granting Market Economy Status, the starting of negotiations on a facilitated visa regime for Ukrainians, increasing EU assistance, including in the fields of democracy, the rule of law, legislative approximation, support for the strengthening of civil society and people-to-people contacts, and additional funding from the European Investment Bank.

Action Plan marked the new stage of the approximation of laws process in Ukraine. For example in area of protection of human rights and fundamental freedoms the Ukrainian government took efforts to join multilateral conventions, Verkhovna Rada ratified the Council of Europe Civil Law Convention on corruption. Through ratifying this convention Ukraine obtained membership in the GRECO group (Council of Europe group of countries against corruption). In economic and social areas the Ukrainian executive and legislature made serious efforts to liberalise national services market and to accelerate structural reforms.⁵³ According to Joint Evaluation Report, over the three years of implementation of the EU Ukraine Action Plan, good progress has been made in numerous areas of cooperation: democratic parliamentary elections⁵⁴, the launch of negotiations on a new Enhanced Agreement, including a Free Trade Area as a core element, the finalisation and entry into force of agreements on visa facilitation and readmission⁵⁵, the launch and positive cooperation with the EU Border Assistance Mission, the close cooperation on energy issues and of most recently the finalisation of Ukraine's long accession process to the WTO.⁵⁶ In the field of energy, especially after gas supply conflict between Ukraine and Russia in 2006 and recently in March 2008, it is important to mention that Ukraine has paid off its debts to Russia for its gas imports and completely settled the accumulated debt for natural gas.⁵⁷

Former Ukrainian president Leonid Kuchma answering the question as to what extent Ukrainian membership of the EU would meet the country's inter-

⁵³ Copsey N. and Mayhew A., "European Neighbourhood Policy: the Case of Ukraine", *SEI Seminar Papers Series No1. 2006 Sussex European Institute*, < http://www.sussex.ac.uk/sei/documents/sei_seminar_papers_n_o1_.pdf>, 03 04 2008.

⁵⁴ OSCE-led International Election Observation Mission concluded that early parliamentary elections, which were held in Ukraine on 30 September 2007, were conducted mostly in line with international commitments and standards for democratic elections and confirmed an open and competitive environment for the conduct of election processes.

⁵⁵ The Verkhovna Rada of Ukraine, on 15 January 2008, ratified the agreement between Ukraine and the European Union on liberalization of visa regulations and readmission (the EU introduced a facilitated visa regime for Ukrainians on 1 January 2008 and has pledged to provide 30 million euros to Ukraine this year to set up accommodation centers for readmitted migrants).

⁵⁶ European Commission, *EU-Ukraine Action Plan*, Joint Evaluation Report, March 2008, <http://ec.europa.eu/external_relations/ukraine/docs/ukraine_eu_joint_evaluation_2008_en.pdf>.

⁵⁷ On 28 April 2008 Ukrainian Prime Minister Yulia Tymoshenko stated that Ukraine has paid off its debts to Russia for its gas imports and completely settled the accumulated debt for natural gas. Russian Prime Minister Viktor Zubkov stated that settling the debts opened the door for talks on a longer-term supply contracts (Reuters, 28 April 2008).

ests, stressed that before his country joins the EU Ukraine must tackle three basic tasks at home: first, become a viable state, second, have a competitive economy and, third, become a nation with an established national identity. Such integration presupposes an active policy not only towards the West but also towards the East and an all-round deepening of cooperation with Russia. The EU is not interested in having a Ukraine that is separated from Russia by a “Chinese wall”.⁵⁸

Ukraine’s policy towards European integration changed after the “Orange revolution” and has differed from the policy under Kuchma’s presidency. Besides, Ukraine’s so-called multi-vector foreign policy was rather contradictory.⁵⁹ A very evident example was Ukraine’s decision in September 2003 to join the Single Economic Space with Russia, Kazakhstan and Belarus, which envisaged the creation of a customs union and supranational institutions in the medium-term perspective. Kiev’s decision to operate the Odessa-Brody pipeline “in reverse mode” also met with clearly negative response. This decision contradicted declared Ukrainian objectives towards the EU.⁶⁰ After the “Orange revolution” and the signing of the ENP EU-Ukraine Action Plan in February 2005, the Ukrainian authorities made it clear that they were aware of the necessity to develop an internal dimension of the country’s European policy. There is the unity of all Ukrainian power branches regarding the European and Euro-Atlantic bid, which is supposed to be very important signal for the EU countries regarding Ukraine’s intentions to continue integration process with the EU.⁶¹ It is also very important to mention that the finalization of discussions on Kiev’s

⁵⁸ RIAN, “Leonid Kuchma: I am concerned by the uncertain prospects for the country’s development”, 15 January 2000, <<http://en.rian.ru/analysis/20080115/96824988.html>> .

⁵⁹ Overhaus M., Maull H.W. and Harnisch S., “The New Neighbourhood Policy of the European Union, Perspectives from the European Commission, France, Germany, Poland, Ukraine and Moldova”, *Foreign Policy in Dialogue Volume 7 No19, 27 July 2006, A Quarterly Publication on German and European Foreign Policy*, <<http://www.deutsche-aussenpolitik.de/newsletter/issue19.pdf>> .

⁶⁰ The Odessa-Brody pipeline (with a further extension to Poland) was to become one of the first energy transportation routes from the Caspian and Central Asia region to Europe as an alternative to those controlled by Russia. A result of the pressure from the Russian Federation, in 2004, the Kuchma government agreed to operate the pipeline in the reverse direction from Brody to Odesa.

⁶¹ On 18 January 2008 Ukrainian Foreign Minister Volodymyr Ohryzko met EU Commissioner for External Relations and European Neighbourhood Policy Benita Ferrero-Waldner and discussed drafting a new enhanced agreement between Ukraine and the EU and the issue of implementation of the visa facilitation agreement. During the meeting, the Ukrainian Foreign Minister stressed the unity of all power branches regarding the European and Euro-Atlantic integration (Ukrainian radio 2008).

accession to the World Trade Organization, followed a joint letter of Ukrainian President Viktor Yushchenko, Prime Minister Yulia Tymoshenko and Parliament speaker Arseny Yatsenyuk sent to NATO Secretary General Jaap de Hoop Scheffer, asking him to put Ukraine on the Membership Action Plan (MAP) at the April summit in Bucharest 2008.⁶² ⁶³ It means that Ukraine's new government is continuing the integration in the Western Organizations, and these two events just proved the chosen road.

However, despite successful recent developments in the EU-Ukraine relations, there are many criticisms from Brussels towards Ukraine on its efforts made so far to carry out the necessary reforms. The EU is concerned with the lack of progress towards economic and political transformation in Ukraine, as well as with the security threats, such as nuclear safety, organized crime, drug trafficking and illegal immigration, the spread of diseases and environmental pollution. This gap in mutual expectations between the EU and Ukraine has become a source of mutual frustration and controversy.⁶⁴ The European Commission states that progress has been made in various areas since 2005, but implementation of reform strategies has lagged behind since the beginning of 2006, mostly due to long pre- and post-election periods of political instability.⁶⁵ The long lasting political crisis after Ukrainian Parliamentary elections in 2006 suspended the economical development, reform process related to the integration into the EU. According to Roman Petrov, foreign investors were concerned about the situation in Ukraine, they were worried about economical instability and asked Ukrainian government to ensure two major guarantees: 1) certain degree of predictability of the governmental policy towards investors, and 2) high standards of equality between all players on the market.⁶⁶

⁶² Ukrainian radio, "Ukrainian Foreign Minister conveyed letter to NATO Secretary General Jaap de Hoop Scheffer in Brussels", 18 January 2008, <<http://www.nrcu.gov.ua/index.php?id=148&listid=58919>>.

⁶³ NATO countries in Bucharest summit did not reach the consensus and MAP was not proposed to Ukraine, however in the final Declaration countries agreed that Ukraine as well as Georgia "will become members of NATO", and "MAP is the next step on their direct way to membership".

⁶⁴ Zagorski A., *Policies towards Russia, Ukraine, Moldova and Belarus, In European Union Foreign and Security Policy: toward a neighbourhood strategy*, edited by R. Dannreuther. Routledge, 2004, p. 79-97.

⁶⁵ European Commission, *ENP Progress report Ukraine*, Communication from the European Commission to the Council and European Parliament On Strengthening the European Neighbourhood Policy, COM(2006) 726 final, <http://ec.europa.eu/world/enp/pdf/sec06_1505-2_en.pdf>.

⁶⁶ Copsey N. and Mayhew A., "European Neighbourhood Policy: the Case of Ukraine", *SEI Seminar Papers Series No1. 2006 Sussex European Institute*, <http://www.sussex.ac.uk/sei/documents/sei_seminar_papers_n_o1_.pdf>, 03 04 2008.

Andrei Zagorski argues that EU-Ukrainian cooperation can hardly be seen as a success story, and not just because of poor progress and limited systemic effect of this cooperation. The EU-Ukraine “strategic partnership” is an unfortunate example of a relationship between two sides pursuing very different agendas, with Ukraine’s aspirations being much more ambitious than the EU is prepared to accept.⁶⁷

European Commission President Jose Manuel Barroso recently urged Ukraine to achieve political stability and economic reforms so as to have an EU future. Barroso at the meeting with Ukraine’s Prime Minister Yulia Tymoshenko stated that political stability based on democracy and the rule of law was key to allow Ukraine to speed up political and economic reform: “We are confident that political stability can become a reality in the Ukraine ... Ukraine is getting closer and closer to the European Union.” Therefore Tymoshenko reiterated promises to make Ukrainian politics honest and transparent after international observers repeatedly said the country was plagued by corruption: “We have wasted time, we have not always done our homework. Our government fully intends to make up for lost time.” The Prime Minister also assured that Ukraine would not use its WTO membership as a lever against Russia.⁶⁸

4. Russia – an important factor influencing Eastern dimension’s development

Russia does not participate in the ENP, and has a special status in its relations with the EU. According to Vsevolod Samokhvalov, one of the reasons behind Russia’s refusal to participate in the ENP was the fact that the latter has been elaborated and introduced without any involvement on Russia’s part. Another reason was that the post-Soviet states were regarded in the ENP as a legitimate object of EU policies. Moscow felt that it had the urgent task of preserving Russia’s influence in the post-Soviet Space (PSS).⁶⁹ We can assume that Russia’s

⁶⁷ Zagorski A., *Policies towards Russia, Ukraine, Moldova and Belarus*, In *European Union Foreign and Security Policy: toward a neighbourhood strategy*, edited by R. Dannreuther, 2004, p. 79-97. Routledge.

⁶⁸ REUTERS, “EU urges stability in Ukraine for closer ties”, 28 January 2008 <<http://uk.reuters.com/article/oilRpt/idUKL2839974620080128?pageNumber=1&virtualBrandChannel=0>>.

⁶⁹ Samokhvalov V., “Relations in the Russia-Ukraine-EU triangle: “zero-sum game” or not?” *European Union Institute for Security Studies*, No 68, September 2007 <<http://www.iss.europa.eu/occasion/occ68.pdf>>.

importance in its relations with the EU is determined by the couple of reasons: 1) Russia is an important economical partner (i.e. energy supply); 2) It is the biggest neighbour of the EU; 3) The enlargement policy of the EU outreaches more and more PSS countries.

Instead of participating in the ENP, Russia received from the EU a proposal to cooperate by creating in the long term four “common spaces” in the framework of the Partnership and Cooperation Agreement: 1) economy, 2) freedom, security and justice, 3) external security, and 4) research, education and culture.

Energy policy has become an important aspect of the ENP and of relations between the EU and Russia, especially since Moscow decided to cut the supply of gas to Ukraine and other client countries.⁷⁰ According to the new agreement between Ukraine and Russia, Ukraine is paying a much higher price for imported gas from the beginning of 2008.⁷¹ This crisis has shown how dependent European countries still are from Russian gas.

Russia supplies Europe with a quarter of its natural gas. Some 80% of that is transported via pipelines that run through Ukraine.⁷² The issue of energy security is now a major factor in Russia-EU relations. As a consequence, the EU has started to develop an energy strategy which includes an external component – other regions and neighbouring countries. The diversification of supplies plays a major role, in particular through countries of the European neighbourhood. The energy dimension is important to the Russia because this is one of the few fields where Russia can negotiate with Europe on an equal footing. Keith Smith argues that if Ukraine were to open up its energy sector by using market prices and reducing barriers to foreign investment, it would reduce Russia’s influence on economic policy decision making in Ukraine and might even induce Russia to introduce additional reforms into its own energy sector. A dynamic, efficient

⁷⁰ The dispute between Russian state-owned gas supplier Gazprom and Ukraine over natural gas prices started in March 2005 (over the price of natural gas and prices for the transition of Gazprom’s gas to Europe). The two parties were unable to reach an agreement to resolve the dispute, and Russia cut gas exports to Ukraine on 1 January 2006. The supply was restored on 4 January, when a preliminary agreement between two gas companies was settled.

⁷¹ UNIAN, “Ukraine macroeconomic situation-November 2007”, 14 January 2008, <<http://www.unian.net/eng/news/news-230729.html>>.

⁷² BBC, “Ukrainians dream of EU future”, 28 January 2008 <<http://news.bbc.co.uk/2/hi/europe/7212672.stm>>.

energy sector is a major prerequisite of Ukraine's development into a vibrant market economy that will rapidly improve living standards.⁷³

The issue of democracy and human rights also remains high on the agenda of Russia-EU and Ukraine-EU relations, that's why actual relations with both Russia and Ukraine remain low on the EU's agenda.⁷⁴ As a result, no proper priority considerations have been formulated, and little effort has been made to elaborate a comprehensive strategy towards Russia and Ukraine which would take into account the current situation in both countries and the complicated relations between the two states.⁷⁵

There is a perception that by introducing the concept of Wider Europe and the ENP, the EU has effectively penetrated the region which Russia considers to be the sphere of its vital national interests. Vsevolod Samokhvalov argues that both the EU and Russia have been pursuing their own strategies with the same goal in mind – shaping the PSS according to their vision. Both parties have declared that they were not competitors but partners. The very fact that both the EU and Russia have chosen to act in the PSS with different objectives in mind will inevitably bring them to the point where their strategies and methods will generate certain tensions or even serious problems in their bilateral relations.⁷⁶

Together with just discussed political and economical issues it is very important to mention cultural and identity factors which play an important role in the debate on the general character of foreign policy in Ukraine, as do interest groups lobbying for a pro-Russian or a pro-European orientation. According to Iyaylo Gatev, the realisation that the ethno-cultural foundations of Ukrainian national identity are closely bound up with the external orientation of the Ukrainian state has made foreign policy a priority for national-minded Ukrainians. Western Ukrainians are deeply suspicious of Russia's intentions towards Ukraine and opposed to any form of integration with Russia as harmful to the consolidation of Ukrainian identity, while nationalists see membership in the EU and NATO as a firm guarantee of remaining outside Russia's sphere of influence. Ukrainians on the eastern side of the country see themselves as being

⁷³Smith K. "Ukraine's energy challenges – net assessment", *US-Ukraine Business Council* Washington, D.C., 9 January 2008 <<http://en.for-ua.com/forum/read.php?10,44793,44810>>.

⁷⁴Interview with an official in the Council of the EU, Brussels, November 2006: Vsevolod Samokhvalov

⁷⁵Samokhvalov V., "Relations in the Russia-Ukraine-EU triangle: "zero-sum game" or not?" *European Union Institute for Security Studies*, No 68, September 2007 <<http://www.iss.europa.eu/occasion/occ68.pdf>>.

⁷⁶Ibid.

Eastern Slavs and profess close historical, cultural and linguistic ties to Russia.⁷⁷ It is also important to mention that if Ukraine were to join the EU, together with the ethnic Russians of the Baltic States, the EU would have 8.5 million Russians, i.e. 6% of Russia's population.

From 1991 up until the present day the political process in Ukraine has been characterised by constant swings between these two paradigms: "pro-independence" versus "pragmatism". Whenever the Ukrainian nationalist elite tried to implement the pro-independence programme, pragmatists pointed to its negative consequences, such as disrupted production chains, lost markets in Russia etc. Ukrainian society, and indeed sometimes the elite themselves, were not prepared to pay the economic and political costs of the "pro-independence" choice.⁷⁸ Iyaylo Gatev maintains that far from feeling threatened by Russian capital, Ukrainians have come to rely on business contacts with Russia for the continued operation of their enterprises. The view that Russia is a more promising welfare provider and potentially an integration partner of choice has also been reinforced by the lack of major Western investment in Ukraine.⁷⁹

Conclusions

The ENP is trying to remove the membership issue from the agenda, however the key question that the EU has to answer within the next few years remains: will it offer the prospect of membership to Ukraine? Therefore ENP cannot succeed unless the prospects for accession are clarified. At the same time the ambiguity of the ENP and the lack of clear priorities in the EU-Ukraine Action Plan can be seen as an opportunity, because despite its character as a regional policy it follows an individual approach which depends to a large extent on progress and the initiative of individual ENP countries. Despite the critics according to which Ukraine's path to European integration has not been as rapid as envis-

⁷⁷ Gatev I., "The EU's New Neighbourhood Policy Towards Ukraine", European Foreign Security Policy Conference, LSE, 2-3 July 2004. *University of Bath*, <<http://www.lse.ac.uk/Depts/intrel/EFPC/Papers/Gatev.doc>>.

⁷⁸ Samokhvalov V., "Relations in the Russia-Ukraine-EU triangle: "zero-sum game" or not?" *European Union Institute for Security Studies*, No 68, September 2007 <<http://www.iss.europa.eu/occasion/occ68.pdf>>.

⁷⁹ Gatev I., "The EU's New Neighbourhood Policy Towards Ukraine", European Foreign Security Policy Conference, LSE, 2-3 July 2004. *University of Bath*, <<http://www.lse.ac.uk/Depts/intrel/EFPC/Papers/Gatev.doc>>.

aged following the “Orange Revolution”, the progress Ukraine has made over the last year already opened the door for a new stage of EU-Ukraine relations and put Ukraine in some ways ahead of other ENP countries. However 2008 will be a decisive year in this context when the first Action Plan will expire and a new EU-Ukraine Agreement will substitute the current Partnership and Cooperation Agreement. Starting from 2008, Ukraine can either move to a new stage of its relationship with the EU, which would have a very different quality, or remain one of many countries within the ENP. Ukraine’s new government, which was elected on the 30 September 2007, has to continue reforms and to put more efforts for closer cooperation with the EU, has to work hard and to show the real results, not just ambitions.

Ukraine’s membership in the EU could have a positive impact on security situation in the region, especially for those countries, which aspire to a wider integration with the EU, for example Moldova, Georgia, and it is likely that the settlement of Transnistria conflict would accelerated much faster. Even Russia will be affected if due to integration Ukraine were to open up its energy sector by using market prices and reducing barriers to foreign investment: it would reduce Russia’s influence on economic policy decision making in Ukraine and might even induce Russia to introduce additional reforms into its own energy sector.

Many of the EU member states have different approaches toward the ENP that is why the EU could throw its weight behind the activities of individual member states that have the necessary expertise. One of the ways to pursue an efficient Eastern policy is for the EU to support the efforts of individual members. Whereas the European Union will, likely and naturally, have primary responsibility in shaping relationships with, and developments, in the Eastern neighbourhood, therefore a common approach amongst the member states on how to deal with Russia in a future is needed.

THE IMAGES OF THE BALTIC STATES IN THE INTERNATIONAL MEDIA UPON ACCESSION TO NATO AND THE EU

Miglė Mockutė*

Abstract

This article presents an analysis and comparison of the images of Lithuania, Latvia, and Estonia in the international press upon accession of the three states to NATO and the EU. Similarities and differences of the images of the three Baltic States in thematic and evaluative categories are analysed applying the method of quantitative and qualitative content analysis. By considering the concept of image in relation to the concept of identity, regional identification of the Baltic States is analysed and the key aspects defining the “Baltic States” as a region are identified.

Introduction

Although countries have attempted to present themselves to the world as positively as possible in all times, in the past few decades the state image has gained even greater importance. This has been to a large extent determined by certain economic and cultural aspects of globalisation: today, countries are bound to compete in major fields that can be expressed quantitatively such as attraction of foreign investment, conquering foreign markets, and attraction of tourists, whereas the rise of a global culture determines the desire to maintain cultural diversity and emphasise one’s uniqueness. Other important aspects of this process include the informational revolution, rise of the “shrewd” global media, and the events of September 11, which made not only the USA but also other states take closer care of their image in the world.

Image is especially important for the so-called *new states*, which formed or returned to the international arena after the dissolution of the USSR. In the past 15 years, the Central and Eastern European states (hereinafter collectively

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referred to as the CEE states) have had a really difficult task to accomplish, i.e. to position themselves in the European and global “geographical and mental map as democratic, politically stable, market economy countries.”¹ The fact that they managed to do so is evidenced by their accession to NATO and the EU, although, according to W. Olins², these countries are little known, are hardly distinguished from one another, and are often related to the negative image of “post-Soviet” or “post-communist” states.

Over the past few years, discussions on Lithuania’s state image strategy have intensified in the Lithuanian public life. It should be noted that, more often than not, when talking about the image of Lithuania (for instance, in the Lithuanian media), it is compared with the images of Estonia and Latvia: these two countries are mentioned as more advanced in this sector and as taking better care of their images. Estonia’s achievement in the process of image creation is also acknowledged by international experts.³ The qualitative study conducted by TNS Gallup⁴ shows that Lithuania is viewed as the least known of the three Baltic States and as being far behind in terms of image creation compared to the other two. This article aims at clarifying whether Lithuania is less visible and less “interesting” for the Western media compared to the other two.

On the other hand, it’s often stated that the image-related problem of the Baltic States lies in the fact that these countries are not distinguished one from another and lack a “distinct *own* face”, whereas it is important to be distinguished as the Baltic States compete in their attempts to attract more tourists and foreign investment, gain greater political influence, etc. Furthermore, it is important to take a look at the images of the Baltic States not only through the prism of competition (i.e. to consider which country is more visible and more attractive), but also through the prism of image as identity. Analysing the

¹ Szondi G., “The role and challenges of country branding in transition countries: The Central and Eastern European experience.” *Place Branding and Public Diplomacy*, 3, 2007, p. 1. <<http://www.palgrave-journals.com/pb/index.html>>, February 1, 2007.

² Olins W., *On brand. Prekės ženklas*. Vilnius: Mūsų knyga, 2006, pp. 164-165.

³ For instance, Szondi (note 1), p. 13; Gardner S., Standaert M., “Estonia and Belarus: Branding the Old Bloc”, <http://www.brandchannel.com/features_effect.asp?pf_id=146#more>, October 30, 2006.

⁴ Four target groups (travel organisation and media experts, foreigners holding a permit to reside in Lithuania, foreign tourists coming on holiday, and foreigners coming for business purposes (a total of 52 respondents)) were surveyed. “Creation of the Lithuanian tourism and business trademark. A qualitative research report”, <http://www.tourism.lt/lt/LT_Ivaizdis_KOK_Ataskaita.pdf>, February 1, 2007.

discourse of the Baltic political leaders in his study, M. Jurkynas came to the conclusion that in the case of each country the key regional identification element, even after the double enlargement, remains the “Baltic States” element.⁵ This article poses the question of whether the same regional identification is reflected in the media read by the Western elites, and whether, for instance, Estonia is viewed as a Nordic country, whereas Lithuania – just as a Central European country. It should be noted that Estonia, in the process of recreation of its image, would like to get rid of the epithet “Baltic”, as the said epithet is often identified with “a Soviet Baltic Republic”,⁶ while in the Estonian tourism image strategy the country is presented as a “Nordic country with a twist”.⁷ To Latvia, the epithet “a Baltic country” doesn’t seem negative, and in the 2003 image strategy it is proposed to position Latvia as a “real Baltic State.”⁸

This article aims at revealing the images of the Baltic States – the images of each of the three states individually, and collectively as a region – as portrayed in the international media. Applying the content analysis method, the images of the Baltic States presented in the Financial Times (FT) and The Economist are analysed. The choice of the aforementioned periodicals was determined by their influential nature and target audience (they are among the “opinion leaders” and decision-makers in Europe and the USA), as well as their availability all over the world (global nature of the periodicals). The selected research period is after accession of the Baltic States to NATO and the EU, i.e. from 2004 until the end of 2007. EU and NATO membership may be considered as the crucial point, whereby Lithuania, Latvia, and Estonia became true members of the transatlantic community and returned to the European and world political maps.

The units of this research analysis are the articles in which the key words “Lithuania”, “Latvia”, and “Estonia” are mentioned. Four hundred fifty-two articles from the Financial Times and 63 articles from The Economist were taken, in which Lithuania, Latvia or Estonia (each of them individually, any

⁵ Jurkynas M., *How deep is your love? The Baltic brotherhood re-examined*. Vilnius: Institute of International Relations and Political Science, Vilnius University, 2007, p. 171.

⁶ Brüggemann K., “Leaving the ‘Baltic’ States and ‘Welcome to Estonia’: Re-regionalising Estonian Identity”. *European Review of History*, Vol. 10, No. 2, 2003, p. 343.

⁷ Priks E., “Destination Estonia. Activities through branding 2008–2010,” <<http://www.tourism.lt/informacija/PTO%202008%20vasaris/ELIN%20PRIKS%20-%20DESTINATION%20ESTONIA%20-%20VNO%2028-02-08.ppt>>, April 21, 2008.

⁸ Frasher S., Hall M., Hildreth J. et al, “A Brand for the Nation of Latvia,” 2003, p. 21. <<http://www.politika.lv/index.php?f=113>>, March 13, 2008.

two of them, etc.) were mentioned in a significant manner.⁹ Prior to presenting the research results, the theoretical interrelation of the image and international relations will be discussed in brief.

1. What do image and international relations have in common?

It must be acknowledged that the issues of state image creation are more of interest to public relations experts rather than international relations academicians, regardless of the fact that public diplomacy is deemed as one of the key methods of creation and maintaining a state's image. Although these two academic communities are interested in similar concepts such as globalisation, identity, and the ever-changing nature of power in international politics, the two rarely communicate with each other.¹⁰

Peter Van Ham, one of the few international relations scholars taking interest in states' images, states that image is related to power and identity.¹¹

Image as power. According to Van Ham, a shift from the modern geopolitical world idea to the idea of a postmodern world of image and influence is noticed in political paradigms. In such an environment, power arises not only from persuasion or coercion, but also from information dissemination and perceived attractiveness.¹² In other words, victory can be won by an actor whose story seems the most believable rather than by an actor who is more active in "clanging arms." J. Nye calls "soft power" a state's capacity to achieve the desired result based on the state's attractiveness, reputation, and credibility.¹³

The concept of soft power may be identified with a positive and attractive state image. A positive image can increase a state's significance in international

⁹ "In a significant manner" means that the mentioning of one of the three Baltic States comprises at least five percent of the entire text of the relevant article, when counting the number of sentences.

¹⁰ For instance, in journals such as *Place branding and public diplomacy* the article authors, more often than not, are experts in the fields of marketing, public relations, and creation of state image rather than political scientists.

¹¹ Van Ham P., "Place Branding: The State of the Art," 2008, p. 6. <http://www.clingendael.nl/publications/2008/20080300_cdsp_art_ham.pdf>, April 16, 2008.

¹² Van Ham P., "The Rise of the Brand State: The Postmodern Politics of Image and Reputation," *Foreign Affairs*, 80 (5), 2001. <<http://www.foreignaffairs.org/2001/5.html>>, October 30, 2006.

¹³ Nye S. J., *Soft Power: The Means to Success in World Politics*. New York: Public Affairs, 2004, pp. 30-31.

relations and the influence of the state on the international community in the state's seeking to protect its interests. A negative state image (lack or absence of "soft power") may determine disagreement with the state's actions and blocking or even ignoring of its initiatives. State image is important not only in political, but also in economic terms. Image influences the state's position on the global market: if a state is little known (lacks an image) or has a negative image (based on erroneous, outdated stereotypes), this determines little interest in the state on the part of other states, weakens the state's opportunities to compete on the international level, and prevents it from attracting direct foreign investment and developing the tourism and exports sectors.

Image as identity. According to Van Ham, the creation of a state's (or location's) image as an international relation phenomenon can be best explained by the constructivist theory of international relations. Constructivists emphasise norms, values, and identities as the key and necessary elements of international politics. Identity may help to diagnose certain actions of a state in relation to other states.¹⁴ Identity has an influence on interests, whereas interests determine a state's foreign policy.

According to A. Wendt, "structures and states have multifold meanings for different actors, based on their own intersubjective perceptions and practices."¹⁵ Identities change and depend on various contexts. Thus it is the constructivists who provide for states' opportunity to construct their image and role in the international arena.

According to constructivism supporters, a state's opportunities to choose an identity/role are not unlimited. The opportunities are restricted by other actors' perceptions, identities, and interests dominating in the historical context in question.¹⁶ According to N. Rengger, actors exist in a network of social practices, expectations, political parameters, and institutions, which limit the choice of the state roles; the states' "mental maps are filled with concepts such as

¹⁴ Hopf T., "The promise of constructivism in international relations theory." *International Security*, 23, 1998, p. 190. Cited from: Van Ham (note 11), "Place Branding: The State of the Art," p. 21.

¹⁵ Wendt A., *Social theory of international politics*, Cambridge University Press, 1999. Cited from: Van Ham (note 11), "Place Branding: The State of the Art," p. 20.

¹⁶ Hopf, p. 177.

trust, suspicion, history, and reputation.”¹⁷ Image-building specialists also often remind us that image creation will be successful only when it has a real ground, i.e. when it is based on identity. Image creation is also called the articulation of identity (the understanding of what one is) and projection of identity (communication of that understanding to others).¹⁸ Thus both identity and image are constructed in the interrelation with other actors, and both identity and image exist to the extent they are recognised by other actors.

2. The images of Lithuania, Latvia, and Estonia: a comparative analysis

The images of Lithuania, Latvia, and Estonia were studied considering the articles published in the Financial Times daily and The Economist weekly in 2004–2007. An attempt was made to study the images of the three states considering different aspects; therefore, the analysis units (articles) in which Lithuania, Latvia, and Estonia are mentioned were grouped as follows:

- By thematic categories, i.e. instances of mentioning a state were assigned to one of the following six categories: “Economy,” “EU,” “Politics,” “Energy Sector,” “Social Issues,” and “Culture and Tourism”;
- By evaluative categories, i.e. instances of mentioning a state were assigned to one of the following four categories: “Positive,” “Negative,” “Mixed,” and “Neutral.”

The main principle for assigning articles (or, more precisely, for assigning instances of mentioning, as, more often than not, only a portion of articles was dedicated to a particular state) to a category (both in terms of themes and evaluations) was that instances of mentioning were assigned to a category consider-

¹⁷ Rengger N., “The Ethics of trust in world politics.” *International Affairs*, 73 (3), 1997. Cited from: Van Ham (note 11), “Place Branding: The State of the Art,” p. 21.

¹⁸ Melissen J., “Wielding Soft Power: The New Public Diplomacy,” Netherlands Institute of International Relations: Clingendael, 2005, p. 24, <http://www.clingendael.nl/publications/2005/20050500_cdsp_paper_diplomacy_2_melissen.pdf>, October 30, 2006;

Georgescu A., Botescu A., “Branding national identity.” Lund University, Lund, 2004, p. 22. <<http://theses.lub.lu.se/archive/sob//soc/soc04020/SOC04020.pdf>>, October 30, 2006.

ing the dominating theme or dominating evaluation. For instance, if the entire article talked about the Latvian economy, yet in some sentences its policies were mentioned as well, the article was categorised as belonging to the “Economy” category. The same principle was applied when grouping various instances of mentioning as “Positive,” “Negative,” “Mixed” or “Neutral.” Instances of mentioning were evaluated based on the overall impression created. For example, if positive messages dominated, and one negative aspect was mentioned, the article was categorised as “Positive.”

With a view to conducting a maximum-precision image analysis and comparison, it was decided to assign to each of the articles in which any of the three Baltic States was mentioned a “weighted coefficient” based on “how much” a specific state was mentioned. Thus the volume of text on each of the three states (in sentences) was compared with the entire text (in sentences), i.e. in each case the percentile ratio of sentences about a state and the entire text was calculated. For instance, if an article comprised 20 sentences, and one of them talked about Lithuania, this meant that Lithuania “gained” five percent, if two sentences were dedicated to Lithuania – it “gained” 10 percent, and if the entire article talked about Lithuania – then Lithuania “gained” 100 percent. It should be emphasised that when performing the grouping (by thematic and evaluative categories) and summarising the data, the weighted coefficients showing the ratio of the instances of mentioning a country to the entire text rather than texts as units were calculated.

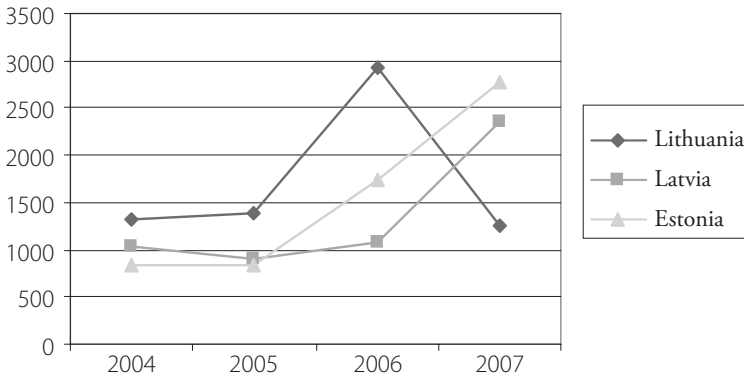
2.1. The visibility of Lithuania, Latvia, and Estonia in the international press

In 2004–2007, *The Economist* paid more attention to Estonia, whereas the *Financial Times* – to Lithuania, although upon summarisation of the results from both periodicals Lithuania was the most visible, closely followed by Estonia, whereas Latvia received the least attention. Visibility was calculated by adding the weighted coefficients of the instances of mentioning of each of the three states.

Increasing the volume of information on individual states at certain times was directly determined by the events taking place in the relevant country such

as elections, visits, conflicts (for instance, the conflict between Estonia and Russia concerning the relocation of the Bronze Soldier statue), international meetings, etc. It may also be stated that the greater visibility of Lithuania and Estonia compared to Latvia was among other things determined by the fact that Lithuania was often mentioned together with Poland, whereas Estonia was often mentioned together with Finland.

Graph 1. Visibility of the Baltic States in the Financial Times in 2004–2007 (calculating in weighted coefficients)



As demonstrated in Graph 1, in 2004–2006 Lithuania was more visible in the Financial Times compared to the other two Baltic States, and its visibility was increasing considerably. The visibility of Latvia and Estonia in 2004–2005 was similar, and increased significantly in 2006–2007, whereas the visibility of Lithuania in 2007 underwent the opposite process and was the poorest of the three Baltic States. The increased number of instances of mentioning of Lithuania in 2006 may be related to the country’s attempt to become a member of the euro zone, whereas the increased number of instances of mentioning of Estonia in 2007 – to its conflict with Russia concerning the relocation of the Bronze Soldier statue.

2.2. Images of Lithuania, Latvia, and Estonia in different thematic categories

Table 1 presents a comparison of the positive/negative nature of image in different thematic categories by different publications (the categories from the Economist whose overall ratio was very small are not presented). The table specifies whether a particular state's image was more negative or positive: if a state is marked as "+", it means that the number of instances of positive mentioning outweighed the negative ones, whereas if it is marked as "-", it means a negative rather than a positive image. The three states are also compared with each other: for instance, in the "Economy" (FT) category, the images of both Lithuania and Estonia are positive, yet the fact that Estonia's image is more positive is demonstrated by the two pluses by its name, whereas the two minuses show a relatively more negative image (in the other categories). We will discuss the images of the Baltic States in each category separately.

Table 1. Comparison of the images of the Baltic States on the positive/negative scale

Category (name of the periodical)	Lithuania	Latvia	Estonia
Economy (<i>FT</i>)	+	-	++
Economy (<i>Economist</i>)	-	--	+
EU (<i>FT</i>)	++	-	+
EU (<i>Economist</i>)	+	Not mentioned	Mixed
Politics (<i>FT</i>)	-	+	--
Politics (<i>Economist</i>)	--	-	+
Energy Sector (<i>FT</i>)	++	+	-
Social Issues (<i>FT</i>)	-	+	++
Social Issues (<i>Economist</i>)	--	-	+
Culture and Tourism (<i>FT</i>)	+	++	+

2.2.1 The “Economy” category

Economy constitutes an important element of the image of the Baltic States, especially in periodicals interested in business and economy such as the Financial Times and The Economist. In this category, the visibility of Latvia in the Financial Times was the most distinct, whereas that of Lithuania – the smallest; in The Economist, Lithuania was the least visible – four times less than Estonia, which received the most attention in this periodical.

All three states were presented as the “Baltic tigers” experiencing rapid economic growth; however, the potential threats of their economies becoming “overheated” and of the “hard landing” were underlined, which was especially emphasised in the case of Latvia. At the same time, Estonia was distinguished as one of the most competitive CEE states, with especially low taxes and offering very favourable business conditions, due to which it was highly rated on the international level. The Economist emphasised the economic dynamism of Estonia and Latvia, whereas Lithuania seemed to have been “forgotten.” Furthermore, The Economist distinguished Estonia as the “economy star” of the Baltic States and underlined it as an IT business development country even more actively than the Financial Times did.

2.2.2. The “EU” category

One of the main areas of political, economic, and cultural activity of the Baltic States is the European Union; therefore, it is important to clarify what the image of the Baltic States in the EU context is. Lithuania’s visibility in the “EU” category was the greatest both in the Financial Times and The Economist, whereas Latvia was the least visible. Furthermore, The Economist didn’t pay much attention to the Baltic States in this category.

Lithuania and Estonia were praised in the Financial Times for their proper preparation for becoming members of the euro zone, whereas the fact that they didn’t manage to become euro zone members was described as a misunderstanding caused by the EU rules rather than the two countries’ fault. When discussing euro-related issues (in the case of both Lithuania and Estonia), positive aspects about the two states such as rapid economic growth and well-managed public finance were mentioned repeatedly.

Latvia's image in the "EU" category was fairly negative, which was to the greatest extent determined by the recall of the Latvian representative from the European Commission due to non-transparent financing of her party, whereas the image of the Lithuanian European Commissioner Dalia Grybauskaitė was positive. Of the highest ranking politicians, only two heads of state – Lithuanian President Valdas Adamkus and now ex-Latvian President Vaira Vīķe-Freiberga – were well distinguished on the EU level.

The conducted research has shown that Lithuania was more visible compared to the other two Baltic States when talking about the EU's foreign relations, due to Lithuania's policies in Eastern Europe. The role of Lithuania and Poland in the Orange Revolution in Ukraine received a positive evaluation – it was stated that this way the two countries contributed to the EU's foreign policies:

"The Orange Revolution was a triumph for democracy and a tribute to the influence of an enlarged EU. It was thanks to the new memberstates - Poland and Lithuania in particular - that Leonid Kuchma, the outgoing president, was bullied into declaring the rigged elections of his chosen successor null and void."¹⁹

This event was often mentioned as an example aimed at demonstrating how useful the EU enlargement was in political terms. Furthermore, Lithuania and to a somewhat lesser extent Estonia were revealed in the periodicals in question as important actors in EU-Russia relations, calling for a stricter EU position towards Russia.

2.2.3. The "Politics" category

Both the *Financial Times* and *The Economist* made Estonia the most visible in the "Politics" category, whereas Latvia received the least attention. The number of instances of mentioning of the Baltic States in the "Politics" category was especially dependent on the political events that were taking place in the countries or abroad, i.e. on the internal and foreign policies. It is obvious that if parliamentary elections were taking place in one of the states, the media interest in that state was increasing. Thus in 2004, when presidential and parliamentary elections were held in Lithuania, Lithuania's visibility in the "Politics"

¹⁹ Peel Q, "Europe cannot shrink from enlargement," *Financial Times*, October 6, 2005.

category increased, whereas there were few instances of mentioning Estonia and Latvia. The increased interest in Latvia in 2005 was determined by the decision of Latvian President Vike-Freiberga to attend the Victory Day celebrations in Moscow and the visit to Latvia of US President George W. Bush. Up to 2007, Estonia's image in the *Financial Times* was the least politicised, whereas in 2007 the number of instances of mentioning Estonia went up considerably, which was dependant on the tension in Russia-Estonia relations in connection with the relocation of the Bronze Soldier statue.

The two periodicals paid more attention to Lithuania's internal affairs rather than to its foreign policies, whereas it was the opposite with Latvia and Estonia. Lithuania's negative image in this category was to a great extent determined by internal events and scandals such as the 2004 presidential elections and related scandals (raids of the Special Investigation Service on parties' headquarters), the impeachment of President Rolandas Paksas that took place prior to that, and the victory in the parliamentary elections of the populist Labour Party led by an entrepreneur of Russian origin, Viktoras Uspaskichas. Foreign policies of the three countries were all dominated by the issues in connection with relations with Russia.

We will discuss in chronological order the following key events that received major attention in the articles published in the *Financial Times* and *The Economist*:

- *Celebration of the 60th anniversary of victory over Nazi Germany (2005)*. Articles on this topic revealed not only the foreign policies of the Baltic States, but also their attitudes, positions, and values. It was a chance to remind Europe of the fact of Soviet occupation and of the Baltic States' perception of history, which is different from that of Russia. This was especially important in terms of image as a projection of identity. It should be noted that in the articles dedicated to the celebration the Baltic States were considered as one integral region; therefore, for instance, in the article "History divides the Balts"²⁰ published in the *Financial Times*, we can feel a certain surprised attitude that the three countries, who were always together and seeking a stricter attitude towards Russia on the part of the EU and USA, now took different paths: the

²⁰ "History divides the Balts", *Financial Times*, March 9, 2005.

Latvian President decided to go to Moscow, whereas the Lithuanian and Estonian leaders refused to do so. The *Financial Times* didn't condemn or support the position of any of the three countries; however, one of the positive aspects to be mentioned is the fact that the Baltic States' message that Victory Day for the Baltic States meant the end of one (Nazi) occupation and the beginning of another (Soviet) occupation was communicated clearly and unambiguously. Thus this event emphasised the image of the Baltic States as victims of history. On the other hand, it helped to understand the Baltic States' attitude towards Russia.

- *US President George W. Bush's visit to Latvia (2005)*, which took place when the American President was going to the Victory Day celebration in Moscow, determined an even greater interest in the Baltic States, especially Latvia. It was stated that the US President's visit to Riga demonstrated to Russia the importance of the Baltic States. Furthermore, the pro-American stance of the Baltic States was emphasised, and the possible reasons for that were named. The articles also provided some positive information about the Baltic States (their achievements, accession to the EU and NATO, and economic growth), and some negative information on the tensed relations with Russia in connection with the issues of the Russian-speaking minorities, non-concluded border agreements (at that time, there were no agreements concluded with Latvia and Estonia), and the feeling of insecurity and vulnerability; therefore, such and similar instances of mentioning the Baltic States were categorised as "Mixed." On the other hand, the self-contraposition of the Baltic States to Russia and their perception of Russia as "the other" were felt. For instance, Andrejs Pildegovics, the Latvian President's foreign affairs adviser, was quoted: "We are still on the frontline. We are the easternmost outpost of the west ...I tell ambassadors coming to Latvia, 'You have been sent to the battlefield'.²¹
- *NATO Summit in Latvia, 2006*. This event was named as important both for Latvia and for the Alliance, as it was the first time that a NATO Summit was held in a post-soviet country in the hope that it would "lay

²¹ Wagstyl S., "Baltic states shiver in the shadow cast by Russian occupation", *Financial Times*, May 6, 2005.

ghost of the Soviet era” – Latvian President Vike-Freiberga said that “the last traces of the iron curtain” were meant here.²²

- *Speech of US Vice President Dick Cheney in Vilnius, 2006.* The Summit of Baltic and Black Sea States held in Vilnius, during which Russia was warned “not to use energy for intimidation and blackmailing,” received global media coverage and was cited on front pages. Although Lithuania’s name was mostly mentioned only as the place of the event (the speech), yet a couple of times the event organised by Lithuania – an international democracy promotion conference was mentioned as well. Furthermore, prior to Cheney’s famous speech, the Financial Times took an interest in this conference and interviewed Valdas Adamkus, who criticised Germany for its support of Russia’s controversial plan to build a gas pipeline in the Baltic Sea, and, when talking about the conference itself, emphasised the dissemination of democratic values in the region.²³
- *Estonia-Russia conflict concerning relocation of the Bronze Soldier statue in May 2007.* This event also received wide coverage in the Financial Times and The Economist. The progress of the conflict was described, and the two countries’ statements and accusations towards each other, protests in Tallinn and in Moscow near the Estonian embassy, cyber attacks, and Russia’s economic sanctions with regard to Estonia were discussed. The image of Estonia in this story wasn’t univocal, and the instances of mentioning were often categorised as negative due to the negative emotional load provoked by words such as “protests,” “violence,” “sanctions,” and “attacks.” These events indeed were a blow to the image of this country previously known as a peaceful, modern, fairly non-politicising “business paradise.” On the other hand, a number of instances of mentioning were evaluated as mixed (ambiguous), as Estonia wasn’t condemned, and an attempt was made to understand and explain (but not to justify) its behaviour.

On the whole, it should be noted that Russia doesn’t miss its chance to publicly complain and accuse Latvia and Estonia of disrespect for their Russian-speaking minorities, which has a negative impact on the images of the two states. On the

²² Wagstyl S., “NATO summit in Latvia to lay ghost of the Soviet era”, *Financial Times*, November 23, 2006.

²³ Wagstyl S., “Lithuania’s president hits back at Russia’s policy on energy,” *Financial Times*, May 4, 2006.

one hand, for instance, the Financial Times states that Lithuania-Russia relations are better than Russia-Latvia or Russia-Estonia relations. On the other hand, when discussing the Bronze Soldier statue-related conflict, it is stated that Estonia, unlike Lithuania, has never tried to oppose in its relations with Russia.²⁴

It should be mentioned that when talking about Estonia and Lithuania, their contribution to the NATO mission in Afghanistan, as well as the contribution of and benefit provided by all three Baltic States to NATO was mentioned.

2.2.4. The “Energy sector” category

In this category in the Financial Times, Lithuania was the most visible, while the visibility of Estonia and Latvia was much lower. The Economist rarely mentioned the three countries separately – it discussed in more detail the overall energy security problems of the Baltic States.

A greater interest in Lithuania on the part of the Financial Times was determined by issues related to *Mažeikių Nafta*. The selling of the company to a Polish company received a positive evaluation. Furthermore, the problems in connection with the “politicised” breakdown of the Druzhba pipeline and Lithuania’s attempts to increase its energy security were discussed.

2.2.5. The “Social Issues” category

In this category, Estonia was the most visible in the Financial Times, whereas Lithuania and Latvia received only half as much attention. Lithuania was the most visible in The Economist, yet in a negative context.

In the periodicals in question, Estonia was emphasised for its private universities providing good business and management education. Furthermore, the country’s birth rate increasing policy was also evaluated positively. It was also emphasised that the level of corruption in Estonia was one of the lowest among the CEE states, whereas Latvia and Lithuania had especially high corruption levels. Compared to residents of the other two states, Latvian residents were more often mentioned in the context of criminal activity.

²⁴ Anderson R., “Estonia acts to appease angry Russia,” *Financial Times*, May 12, 2007.

2.2.6. The “Culture and Tourism” category

In the Financial Times, Estonia was the most visible; Latvia was visible to a somewhat lesser degree, whereas Lithuania received the least attention. In The Economist, the Baltic States in this category were mentioned only episodically.

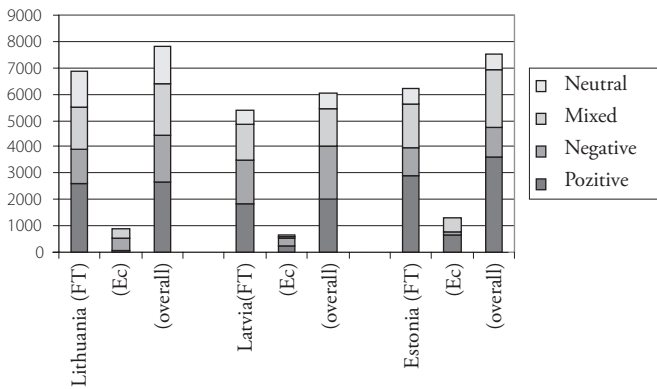
The volume of information on Lithuania was considerably smaller; furthermore, most of the instances mentioned were dedicated to the tourist infrastructure, which were not very significant in terms of image. However, in the case of each of the countries the “genuine” nature was mentioned, which was especially evident when discussing Latvia and Estonia. The “charming architecture” and old towns of the capitals of the three countries were mentioned as well. Lithuania and Estonia were also described as attractive destinations for investment in real estate and purchase of second (holiday) homes.

When talking about culture, it should be emphasised that the musical accent is especially distinct in the images of Latvia and Estonia – folk songs, opera, classical and modern music, choirs, and the countries’ achievements at the Eurovision song contest were mentioned. Some detailed information was also provided about other arts in Latvia and Estonia such as theatre and fine arts. Estonia’s name was mostly popularised by composer Arvo Pärt, Lithuania’s – by writer Czesław Miłosz.

2.3. Comparison of positivity/negativity of the images of Lithuania, Latvia, and Estonia

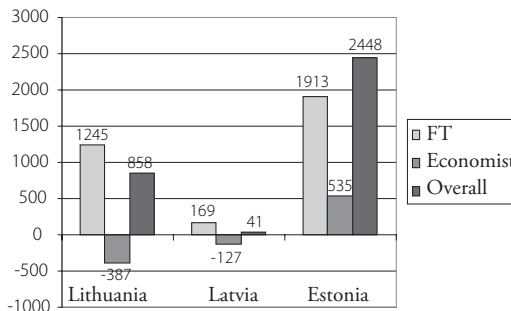
Summarised results of each of the three countries in the categories in the two periodicals being considered are presented in Graph 2; furthermore, an overall result of the positivity/negativity of the images of the three countries is presented as well. Thus we can see that in the Financial Times the images of all three states are more positive than negative, and a considerable volume of mixed information was presented as well. In The Economist, the images of Lithuania and Latvia are fairly negative, whereas that of Estonia is more positive.

Graph 2. Summarised results in the categories being evaluated(in weighted coefficients)²⁵



A useful value allowing a more precise comparison of the positivity/negativity differences of the countries’ images is valence. Valence is calculated by deducting the number of instances of negative mentioning from instances of positive mentioning.²⁵ Graph 3, in which the valence of image of each of the three states is shown, demonstrates that Estonia’s image both in the Financial Times and The Economist was the most positive, and that in the Financial Times Lithuania was very close to Estonia, whereas Latvia’s valence in the Financial Times is the lowest, although it was positive as well. The images of Latvia and Lithuania in The Economist were negative (valence with a negative sign), yet Lithuania’s image was even more negative. The overall result was that Estonia’s image was the most positive, whereas that of Latvia – the least positive.

Graph 3. Valence of the images of the Baltic States



²⁵The *Ec* abbreviation stands for The Economist.

²⁵Manheim B. J., Albritton R.B., “Changing National Images: International Public Relations and Media Agenda Setting.” *The American Political Science Review*, 78 (3), 1984, p. 645.

3. Regional identification of Lithuania, Latvia, and Estonia, and the “Baltic States” image

As already mentioned in section one of this article, a state’s image can be perceived as its identity, because identity is not only how a state perceives and defines itself, but also how it is perceived by other actors. In our case, the concept of “other actors” includes the Financial Times daily and The Economist weekly. Thus in this section the following aspects will be analysed:

- 1) To which area/region Lithuania, Latvia, and Estonia are assigned;
- 2) Summarisation of the image of the Baltics as a region – what dominating discourses define this region.

Only the units expressed as articles (instances of mentioning) will be calculated in this section, without regard to the weighted coefficient of each of these instances of mentioning.

3.1. Overall definitions and regional images of the Baltic States

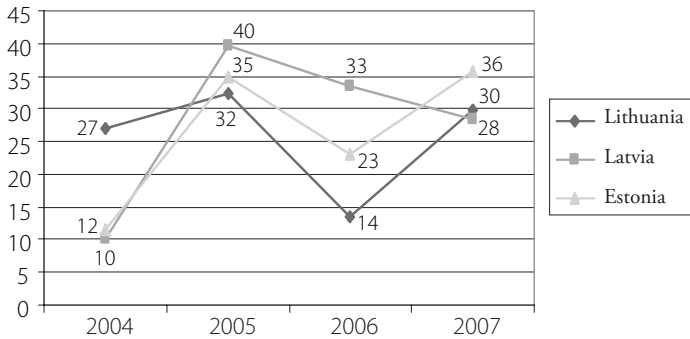
One of the main contexts in which the Baltic States were mentioned was the European Union. Readers were reminded that Lithuania, Latvia, and Estonia make up part of the EU not only when discussing EU-related issues, but also when articles were dedicated to economy, business, energy, and social issues. Lithuania was mentioned as an EU member in 57 percent of all articles, Latvia – in 52 percent of the articles, and Estonia – in 51 percent of the articles. It should be noted that, more often than not, the Baltic States, just as other CEE states that entered the EU in 2004, were called “new EU members”/“the new Europe.”

The Baltic States were mentioned as NATO members considerably less: Lithuania and Estonia as NATO members were mentioned in seven percent of all articles dedicated to them, and Latvia – in six percent of the articles.

Although starting from 2004 the Baltic States are transatlantic states and members of the Western community, they continue to be mentioned as former Soviet, post-communist republics. All articles in which the three states were called “post-Soviet,” “post-communist,” “ex-Soviet,” “ex-communist,” and oth-

er similar names (“Soviet-ruled,” “Soviet-occupied”) were calculated. Thus, regardless of membership in NATO and the EU, in 57 percent of the instances of mentioning Latvia, 40 percent of the instances of mentioning Lithuania, and 39 percent of the instances of mentioning Estonia, the Soviet past was remembered. Unlike what might have been expected, with the Baltic States being more integrated in the EU and NATO, they still didn’t manage to get rid of the label of former Soviet republics. Graph 4 shows that, for example, comparing the years 2004 and 2007 in the case of each of the three states the number of articles mentioning the Soviet past had even relatively increased.

Graph 4. The number of instances of mentioning the Soviet past. The Financial Times and The Economist in 2004–2007.



Of course, the Baltic States cannot just “erase” the 50 years of their Soviet past, which constitutes part of their identity; therefore, it is reflected in their image portrayed in the international media. However, if we consider the image in terms of positivity/negativity, the aforementioned phenomenon has a negative impact, because the Soviet and communist past is often related to “backwardness, hopelessness, poverty, and inferiority.”²⁶

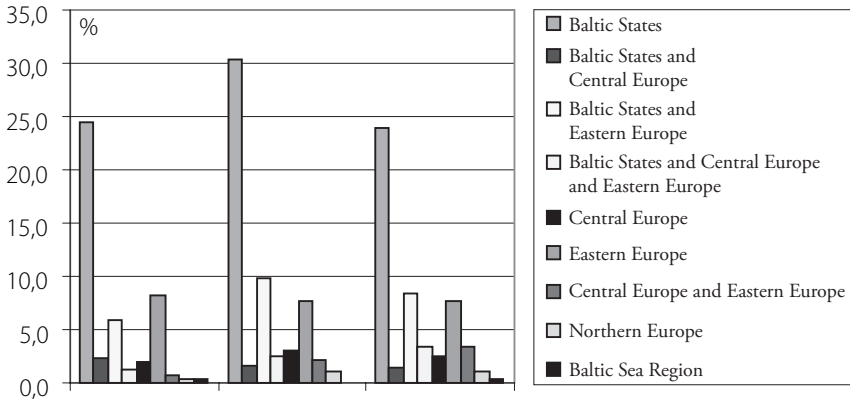
Another important factor defining the Baltic States is the region to which the Financial Times and The Economist assign each of the Baltic States. It should be noted that not all articles categorise Lithuania, Latvia, and Estonia as belonging to any region (we do not mean the assigning to the EU or “the new Europe” here). For Lithuania, the regional “assignment” was contained in 45

²⁶ Szondi (note 1), p. 10.

percent of all articles, whereas for Estonia this figure was 52 percent, and for Latvia – 58 percent.

The names of the regions mentioned in the Financial Times and The Economist were fairly diverse and included “Eastern Europe,” “Central Europe,” and “Central and Eastern Europe.” Terms such as “the Baltics” and “the Baltic States” were sometimes mentioned as an individual region, even though sometimes as part of Eastern Europe or Central Europe (for example, “Of the Eastern European economies, growth of the Baltic economies was the most rapid”). Furthermore, the same article could name a state a Baltic State, and an Eastern European state. Thus with a view to reflecting the entire spectre of regional “assignment,” instances of mentioning Lithuania, Latvia, and Estonia in the following regional categories were calculated: “Baltic States,” “Baltic States and Central Europe,” “Baltic States and Eastern Europe,” “Baltic States and Central and Eastern Europe,” “Central Europe,” “Eastern Europe,” “Central and Eastern Europe,” “Northern Europe,” and “Baltic Sea Region.” The obtained results (in percent) are summarised in Graph 5.

Graph 5. Regional identification (%) of Lithuania, Latvia, and Estonia in the Financial Times and The Economist in 2004–2007.



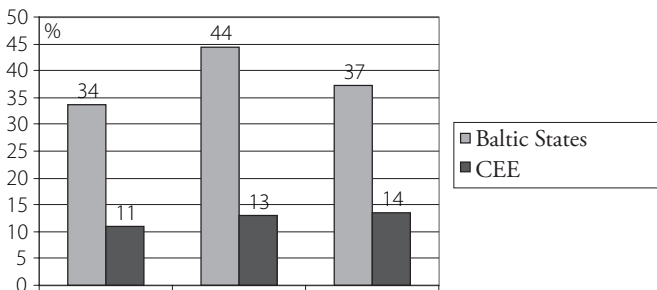
Lithuania, Latvia, and Estonia were usually mentioned as “the Baltic States” (24 percent of all instances of mentioning Latvia and Estonia, and 30 percent of all instances of mentioning Latvia respectively). Thus Latvia may be considered

the “most Baltic” among the three Baltic States. The other two categories that were mentioned the most were “Baltic States and Eastern Europe” and “Eastern Europe.” Thus whereas, for instance, Lithuanians perceive Eastern Europe as the EU’s eastern neighbours (Belarus and Ukraine), in the Western media the Baltic States and other new EU members (Poland, Czech Republic, Slovakia, etc.) are considered as Eastern Europe. Furthermore, the obtained results allow us to state that in the periodicals in question the Baltic States were often mentioned as a certain sub-region of Eastern Europe.

Other regional identifications of the three states were not very distinct: only in 0.4 percent of instances of mentioning Lithuania and one percent of instances of mentioning Latvia and Estonia included the states in the “Northern Europe” category. The concept of “Baltic Sea Region” included only 0.4 percent of instances of mentioning Lithuania and Estonia.

In order to insure clarity, all of the most mentioned regional categories were narrowed down to the following two groups: “Baltic States” (including “Baltic States,” “Baltic States and Central Europe,” “Baltic States and Eastern Europe,” and “Baltic States and Central and Eastern Europe”), and “Central and Eastern Europe” (including “Central and Eastern Europe,” “Central Europe,” and “Eastern Europe”).

Graph 6. Regional identification (%) of Lithuania, Latvia, and Estonia in the Financial Times and The Economist in 2004–2007.



The obtained results (see Graph 6) show that the Baltic States were fairly often identified with Central and Eastern Europe (over 10 percent of all instances of mentioning each of the three states); however, the most important

regional identification was the “Baltic States” category. It should be noted that this is confirmed not only by quantitative analysis, but also by qualitative data: the titles of some of the articles talking about Lithuania, Latvia, and Estonia (together or individually) contained the name “Baltic States.”²⁷ In these cases, where only one of the three states was discussed in essence and the title contained the term “Baltic States” with the article being negative in nature (for instance, on the Latvian economy), this was detrimental for the image of the other two states as well (especially if the reader didn’t read the entire article but only the title).

It should be noted that even though Estonia, in the process of creation of its image, would like to get rid of the “Baltic State” epithet because it is identified with a “Soviet Baltic Republic,”²⁸ it is called a Baltic State no less often than Lithuania and somewhat less often than Latvia. It should also be noted that in the periodicals in question the term “Balts” is used not as an ethnic term (i.e. to identify only Lithuanians and Latvians) but as a political term, i.e. like a general name for the residents of the three Baltic States also including Estonians (even though, as is well known, the latter are Finno-Ugric rather than Balts).

Taking into consideration the analysis data, Latvia can be called “the most Baltic” among the three Baltic States. It’s rather interesting to note that in the Latvian image creation strategy the country is advised to position itself as “the most Baltic among the Baltic States,” because, as stated in the strategy, Lithuania is closer to Central Europe (due to its connection with Poland), whereas Estonia is closer to the Nordic States (due to its connection with Finland), therefore Latvia should position itself as the “true” Baltic State.²⁹ With a view to clarifying how often the states closest to the Baltic States, i.e. Poland, Nordic States, and CIS States (excluding Russia), were mentioned next to (together with) Lithuania, Latvia, and Estonia, all instances of mentioning were counted. The calculation included only those instances of mentioning of relations, com-

²⁷ For instance, *Three small Baltic tigers have leapt to prominence, Baltic blues, Baltic politics eclipses Europe issues* (although only Lithuania was discussed), *Americans warned of Baltic terror* (although only Latvia was discussed), *Baltic states shiver in the shadow cast by Russian occupation, Nordic banks welcome roar of the Baltic Tigers, Baltic boom states face hard landing* (although most attention was paid to Latvia).

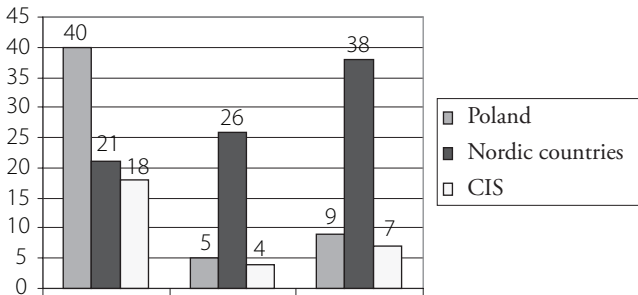
²⁸ Brüggemann (note 6), p. 343; Van Ham (note 12), “The Rise of the Brand State: The Postmodern Politics of Image and Reputation.”

²⁹ Frasher, Hall, Hildreth et al (note 8), p. 21.

mon activity, initiatives, etc. of a Baltic State and the states in question (Poland, Nordic States, CIS).

As we can see from Graph 7, Lithuania was mentioned together with Poland more often compared to the other two Baltic States (political support for Poland in EU-Russia relations, sale of Mažeikių Nafta, etc.), whereas Estonia was mentioned together with the Nordic States more often than the other two states (Estonia was often named as Finland’s economic competitor due to its low taxes). However, Latvia and Lithuania were also mentioned together with the Nordic States sufficiently often (usually in the economic and business context), thus Estonia’s uniqueness in this case was not considerable. Lithuania was also distinguished by the fact that it was often mentioned together with the CIS countries. Lithuania’s role was mentioned in the Orange Revolution in Ukraine, relations with Belarus, and cooperation initiatives in the energy sector with the Central Asian countries. Thus, compared to Latvia and Estonia, Lithuania was mentioned in more diverse regional contexts.

Graph 7. Which countries were mentioned together with Lithuania, Latvia, and Estonia (number of articles).



3.2. Image of the Baltic States as a region

The following epithets were usually used to define the Baltic States:

- New EU members;
- Former Soviet republics;
- Tiny Baltic States;
- Baltic tigers;
- Success stories; and
- The new democracies.

These epithets reflect some key, repeated discourses on the Baltic States as a region:

1. “Baltic States” – *political and economic transformation success stories*: from former Soviet republics to members of NATO and the EU (which is often mentioned as a great achievement and an impressive victory won in a short period of time).
2. “Baltic States” are characterised by *the most rapid economic growth in the EU*, and only the second half of 2007 saw concerns about the “overheating” of the economies of the region; furthermore, the “Baltic States” are viewed as a single market and business development region, to which Russia and Ukraine are often related as well. This should be viewed as a positive aspect, because the image of the Baltic States as a springboard to the Eastern markets provides them with a certain competitive advantage.
3. *The image of “victims” of history*. The history of “the Baltic States” is emphasised, as well as the fact that they had disappeared from the political map of Europe for 50 years because of the Molotov-Ribbentrop Pact and Soviet occupation. The Baltic States’ demands to Russia to condemn the Molotov-Ribbentrop Pact and occupation, to acknowledge Soviet crimes as equal to those of the crimes of the Nazis, etc. were mentioned as well. History has an influence on the “current status of the Baltic States” – it is “history and geography that make the Baltic nations view Russia with more caution compared to other Eastern Eu-

ropeans,”³⁰ as the Baltics were occupied not only by the Soviet Union, but also by the Russian Empire prior to that.³¹

4. *The current relations of “the Baltic States” with Russia are tense and complicated.* “The Baltic States” are mentioned as an example of Russia’s interference with the politics of the former Soviet republics; also it is stated that the Baltic States feel political and economic pressure on the part of Russia. Furthermore, the Baltic States were revealed as highly dependent on Russian energy and due to that as “more nervous” compared to other new EU members from CEE. The Baltic States together with Poland were called the traditional and harshest critics of Russia among the EU members, which aim at the EU becoming stricter with regard to Russia. It was noted that the Baltic States still fear Russian domination; however, the Financial Times and The Economist didn’t directly call the Baltic States Russophobes, even though it was mentioned when quoting other sources, i.e. representatives of Russia and large EU states. The Baltic States were also defined as an obstacle to closer EU-Russia relations.
5. *The Baltic States being especially close to Nordic States due to economic relations.* The common Baltic and Nordic stock exchange market, Scandinavian banks, the Nordic Investment Bank, and other companies actively expanding their businesses in the region were mentioned.

We can notice that the first discourse distinguished the Baltic States from other former Soviet republics, whereas the remaining discourses mentioned the features characteristic of the Baltic States and distinguishing them from other CEE states/new EU members.

³⁰ Wagstyl S., “Peacetime collaboration,” *Financial Times*, May 7, 2005.

³¹ Wagstyl S., “Baltic states shiver in the shadow cast by Russian occupation,” *Financial Times*, May 6, 2005.

Conclusions

An analysis of the images of Lithuania, Latvia, and Estonia in the international press (the *Financial Times* and *The Economist*) in 2004–2007 has revealed that the image of Estonia was the most positive, that of Lithuania was somewhat less positive, whereas that of Latvia was the least positive. However, the image of Estonia was also the most ambiguous (compared to the images of the other two Baltic States, a greater number of instances of mentioning of Estonia was categorised as “mixed”). Thus the statement that Lithuania’s image was the worst among the Baltic States wasn’t confirmed. Furthermore, the images of all three Baltic States (the overall results) were fairly positive. However, it should be mentioned that *The Economist* portrayed negative images of Latvia and Lithuania (and that of Lithuania was more negative), which are outweighed by the positive images portrayed by the *Financial Times*. These differences in the two periodicals may have been determined by the nature of the periodicals: *The Economist* is more oriented towards presentation of opinions rather than facts, whereas the case with the *Financial Times* is the opposite.

The conducted analysis of the images of the three states enables identifying the following factors which had the most negative and the most positive impact on the image of each of the states:

- Lithuania’s image suffered most from the internal political events (the scandals accompanying the 2004 presidential election, the State Security Department related scandal, etc.). The positive aspect to be mentioned, as paradoxical as it may seem, is the country’s attempt to become a member of the euro zone. Although this attempt wasn’t successful, it attracted considerable attention, and the media portrayed Lithuania as a country defending its position. Lithuania’s active initiatives in increasing its energy security undertaken in the past few years were also reflected in the international media, while the country’s initiatives dedicated to the promotion of democratic values and its eastern policies didn’t receive sufficient reflection and were mentioned only episodically. An important shortcoming of the image of Lithuania in the international media, compared to the other two Baltic States, should be considered the lack of attention to Lithuanian culture and tourist sector opportunities.

- Latvia's image was especially "damaged" by the worsened macroeconomic status and the threat of a "hard landing" (2007), which was also accompanied by a political crisis in the country. The biggest advantages were the NATO Summit held in Latvia and the visit of George W. Bush, which attracted international media attention and enabled presenting the country in more detail. Another considerable advantage of Latvia was the positive image of former President Vike-Freiberga. Furthermore, Latvian culture (especially music) was evaluated and presented positively. This may have depended on the image of a "singing country" formed by Latvia. Still, Latvia's position was the worst compared to the other two Baltic States, as Latvia was the least visible and its image was the least positive.
- Estonia's image suffered the most because of the conflict with Russia concerning relocation of the Bronze Soldier statue. Although this scandal enabled Estonia to become more visible and its position seemed to be understood, the conflict was a blow to the image of this peaceful, modern, non-politicising "golden province" country. The positive aspects of the country's image were as follows: economic competitiveness, innovativeness and advancement of the country (IT business), private university valued on the international level, and, compared to the other two countries, considerable attention received by the country's culture and tourism, as well as positive images of the former and current political leaders.

Relations with Russia are important for all three Baltic States, and, more often than not, these relations have an impact on the images of each of the three countries. Although at times the emphasis of the issue of relations with Russia automatically gives a negative impression, in this way an important explanatory work is carried out, which helps to understand the behaviour of the Baltic States.

Lithuania, Latvia, and Estonia are often identified with "Central and Eastern Europe" or "Eastern Europe," yet the most important regional identification even after the double enlargement remains "the Baltic States." It is also true that the Baltic States themselves are often perceived as part (sub-region) of Eastern Europe or Central and Eastern Europe. Estonia, regardless of its desire

to be a “Nordic” rather than a “Baltic” country, is deemed a “Baltic country” in the international media. The concept of “the Baltic States” is sufficiently well known; therefore, Lithuania, Latvia, and Estonia shouldn’t try to avoid it. Upon more active promotion of the positive and unique history of the region, the “Baltic” brand could aim at reaching the level of a strong brand such as “Nordic.” Although each of the three Baltic States has to attempt to communicate its own values, culture, achievements, etc. to the world, they shouldn’t try to compete among themselves too much. Promotion of the positive image of the Baltic States region in some spheres would enable the three states to become more attractive for foreign investors due to a larger market or a wider consumer network alone, and encourage more interest on the part of foreign tourists.

Furthermore, the Baltic States should attempt to get rid of the image of victims of history (which has a negative load), and try to present their historical experience in a more positive light – as a successful example of political and economic transformation.

LITHUANIAN POSITION REGARDING THE EU MANDATE ON NEGOTIATIONS WITH RUSSIA: SEEKING A NEW QUALITY OF EU-RUSSIAN RELATIONS

*Žygimantas Pavilionis**

Mandate approval process

At present, the legal basis for EU-Russia relations and cooperation is the Partnership and Cooperation Agreement (PCA) that was signed in 1994 and entered into force in 1997. Taking into consideration the fact that EU-Russia relations underwent considerable evolution during the last decade (an increase in the number of cooperation areas, EU enlargement, adoption of the Road Maps package for the creation of four Common Spaces, etc.), the EU and Russia agreed on drawing up a new, legally binding long-term and all-round agreement ensuring further development of EU-Russia relations (post-PCA).

In July 2006, EU member states were presented a draft document granting the Commission the mandate to negotiate on the new agreement. The aforementioned draft document listed the principles for negotiations, the objectives of the new agreement, and the content of the new agreement. However, in November 2006 the approval of the mandate was blocked by Poland, which related this issue to the demand to Russia to abolish the prohibition to import Polish meat products. Russia's decision to prohibit meat imports from one EU member state was considered as a violation of the existing PCA.

Lithuania also supported the Polish position, and related the approval of the mandate on negotiations with Russia with the renewal of oil supply via the Druzhba pipeline.

In the process of preparation for negotiations with Russia regarding the new agreement, the term of the EU and Russia Partnership and Cooperation Agree-

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ment ended on November 30, 2007; however, taking into consideration the fact that due to the Polish veto and Lithuanian support for the veto negotiations regarding the new agreement have not been started, the agreement valid at that moment was automatically extended for another one-year term.

Upon change of the Polish government and Poland's reaching of an agreement with Russia regarding abolition of the embargo, in January 2008 Polish representatives emphasised that they were withdrawing their veto concerning the mandate on negotiations with Russia.

Slovenia that held the presidency in the EU at that time attempted to approve the entire mandate; however, Lithuania, which wanted the mandate to fully reflect the problematic issues in EU-Russia relations, at the April 24, 2008 COREPER meeting officially presented its proposals / supplements to the mandate on negotiations with Russia. However, no agreement on this issue was reached among EU member states during this meeting. Another attempt to approve the mandate was made on April 29, 2008 during the BRIST meeting, yet as Lithuania's proposals had not been taken into account, Lithuania didn't approve the text of the mandate.

Finally, thanks to diplomatic efforts, during the May 21, 2008 COREPER meeting in Brussels permanent representatives of the EU member states reached a compromise regarding approval of the mandate for the European Commission to start negotiations with Russia regarding the new partnership and cooperation agreement, in which issues important for Lithuania were taken into account. The mandate was approved on May 26, 2008 during the meeting of EU foreign ministers, which opened the door for starting negotiations.

Lithuania's proposals included in the mandate

A proper form was found of how to reflect in the mandate all demands expressed by Lithuania with regard to the draft mandate on negotiations:

- *regarding the energy sector* – an agreement was reached regarding a joint Council and Commission declaration, in which clear reference was made that the obligations assumed by the Russian Federation in connection with

the Energy Charter are fully valid and that the EU will seek to include them in the future agreement, and the issue of renewal of oil supply via the Druzhba pipeline is clearly defined noting that the EU will pay special attention to this issue during its negotiations with Russia;

- *regarding legal cooperation* – an agreement was reached regarding the text of the joint Council and Commission declaration, by expanding it with the Commission's unilateral declaration, in which through reference to Lithuania's unilateral declaration the Commission undertakes the obligation, within the scope of its competence, to voice the following issues important for Lithuania: regarding the Medininkai Massacre and January 13 cases, as well as compensation for damage to persons deported from the Baltic States;
- *regarding conflicts in Moldova and Georgia* – an agreement was reached regarding a joint Council and Commission declaration, emphasising that the EU will seek to resolve the conflicts by ensuring territorial integrity of the state, and will on a regular basis evaluate the progress made on solving the conflicts.

Lithuanian position and substantiation thereof

During negotiations concerning the mandate, Lithuania aimed at achieving a new quality of relations with Russia, based on the rule of law, fulfilment of assumed obligations, justice, and security. Declarations regarding the energy sector and regarding Moldova and Georgia will help to ensure security. Declarations regarding criminal cases and compensation for damage will contribute to the adherence of the principles of rule of law and fulfilment of assumed obligations.

Most EU member states confirmed that the problematic issues in relations with Russia that were tackled by Lithuania are lawful and just. Furthermore, most states emphasised that it's better to start negotiations with Russia rather than not to conduct them whatsoever. Therefore, with a view to achieving an agreement within the EU Lithuania supported the position that the mandate must reflect the lawful and just issues in relations with Russia that were named by individual EU member states, and that the EU must have one voice when considering the problematic issues named by individual EU member states.

It's also important to emphasise that the EU-Russia relations agenda reflects not only Lithuania's problematic issues in relations with Russia but also those of other EU member states. Some examples of such problematic issues include a treaty on the Estonian and Russian border, and the Litvinenko case important for the Brits. The problem concerning Polish meat products should be considered as well.

Lithuania's position was that the relations of the EU and eastern countries should not be based on double standards. The position of the EU in relation to Russia should be based on the same values as in its relations with the European Neighbourhood Policy countries.

It should be emphasised that Lithuania did not block negotiations when presenting its proposals. We expressed our support of negotiations with Russia; however, such negotiations must take place on conditions favourable for the EU and its member states. Lithuania adhered to the position that prior to starting negotiations the objectives and problematic areas/issues must be identified. That's why we aimed at reflecting issues of importance to us in the EU's negotiations-related position, i.e. we needed a guarantee that such issues will be negotiated. Lithuania's negotiations-related stance didn't mean that Lithuania wanted to block the beginning of negotiations with Russia, but rather demonstrated that EU member states didn't have an agreement regarding the form of reflection in the mandate of the issues named by Lithuania.

Lithuania's position was also based on the opinion that the issues tackled by Lithuania are very serious and important not only for Lithuania itself, but also have a wider impact in the process of development of the EU-Russia partnership. The proposals made by Lithuania reflect common problematic areas in EU-Russia relations, while the specific instances emphasised by Lithuania constitute just examples of such problems.

Although it has often been emphasised that Lithuania by the issues it named is seeking to resolve problems in its bilateral relations with Russia, it can't be stated that Europe's energy security and assurance of reliable guarantees of supply of energy resources constitute only Lithuania's interest with regard to Russia.

Resolution of the situation in Georgia and Moldova is also part to the EU's security (especially as regards energy security), because the possible alternatives of supply of Caspian oil and gas lies in the territory of Georgia. The more stable

and secure neighbours surround the EU, the safer and richer the EU itself will be. Failure of the EU to participate in the regulation of the situation in Georgia and Moldova would equal acknowledgment that the other country in its closest neighbourhood may do whatever it wants. Not very long ago some people in the West were saying that they shouldn't care about the accession of the Baltic States to the EU and NATO, and that the old Europe would not gain much in terms of security with their accession, yet we forgot this very quickly. Today, we say that our security is the security of Georgia and Moldova, and while saying this we shouldn't forget that some time before the same thing was said about the Baltic States by just a couple of EU states.

Investigation of the January 13 and Medininkai cases also reflects the EU's common problems in its desire for effective legal cooperation with Russia. Issues regarding legal cooperation and deportees are directly related to the principle of rule of law, and to the fulfilment of international obligations. This should help to ensure that EU-Russia relations will be based on the principle of rule of law rather than on the principle of "rule of the strongest".

Russia has undertaken a number of international commitments, notably under the United Nations, the Council of Europe and the Organization for Security and Co-operation in Europe. Lithuania wants to emphasize the fact that not all of them were implemented. Therefore, the EU should be consistent in holding Russia to international commitments and encouraging Russian respect for rule of law in her international relations. One particular commitment of Russia to the Council of Europe concerns Russia's commitment to compensate for the USSR committed crimes in the occupied Baltic States, such as Soviet deportations from Lithuania, Latvia and Estonia. Lithuania underlines the importance of constructive co-operation by Russia in full respect of international commitments and believes that is very important that all crimes that were committed by various totalitarian regimes should be treaded and recognized equally. Lithuania considers that only Russia's full acknowledgement of all crimes committed by Soviet regime will lead Russia to the new quality of her role in the EU-Russia relations. Ironically, the biggest victim of crimes committed by totalitarian Soviet regime was Russia herself.

The compromise reached by EU member states constitutes a decisive step for beginning negotiations with Russia, which demonstrates solidarity within the EU.

Lithuania will seek a new quality of EU-Russia relations

Lithuania's diplomatic steps and position in the process of approval of the EU mandate on negotiations with Russia demonstrates that Lithuania is seeking a new quality of EU-Russia relations. Our goal is the achievement of a mutually beneficial EU-Russia strategic partnership based on the rule of law, common long-term objectives and obligations, mutual respect, and common values. All this fully complies with Lithuania's national interests.

Russia is the largest and most important neighbour of the EU, and one of the regional centres of power; therefore, the future of Russia is of importance not only for Russia itself but also for the entire continent. It's of importance because Russia today is undergoing a period of transformation, solving the civilisation dependency dilemma, and looking for answers to value-related and geopolitical questions. However, without underestimating the significance of Russia, the EU must first of all take care of its own future and model its relations with Russia considering its own position.

For Lithuania, cooperation with the Russian Federation is especially important; whereas strategic partnership with Russia is important for the EU, it's even more important for the EU members who have Russia for a neighbour. We are the first to win or suffer when the nature of EU-Russia relations changes. That's why Lithuania was very active in the process of approval of the EU mandate on negotiations regarding the new EU-Russia agreement.

Lithuania is ready for close and mutually beneficial cooperation, as it's one of our interests and part of our neighbourhood policy. This is demonstrated by Lithuania-Russia relations up to the present day, the foundation for the development of which was laid over 80 years ago and which has been undergoing restoration for the past 17 years, with the 1991 signing of the Lithuania-Russia agreement regarding the foundations of interstate relations. Signing of the agreement was accompanied by significant practical examples of bilateral coop-

eration such as the withdrawal of the Russian army from Lithuania in 1993 and signing of the borders agreement in 1997.

It should be acknowledged that at present EU-Russia relations are not going through their best period. They are complicated by various issues, including the unresolved issue of renewal of oil supply to Lithuania via pipelines and mysterious disappearances of EU citizens in the Russian territory. In order to start solving these issues some goodwill and openness is needed. We hope that Russia will present its answers to all questions in the near future, because transparency and mutual trust are the key principles of a neighbourhood-based partnership. We hope that this cooperation will also be encouraged by negotiations concerning the new EU-Russia agreement, during which among other things issues important for Lithuania will be discussed.

When talking about EU-Russia relations of a new quality, it's important to emphasise that practical cooperation should not be based only on pragmatic principles. Values are important as well. Some concern is raised by certain political trends within Russia, which more often than not start having a negative impact on Russia's relations with its neighbours. Respect for human rights and democratic principles inside the country is closely related to respect for neighbours and transparent, long-term Russia-EU relations.

Lithuania hopes that cooperation of the EU with the new Russian authorities will enable us to create neighbourhood relations of a new quality, although may not strive for that at the expense of the EU's and Lithuania's interests. Both sides should demonstrate goodwill and interest in the development of close amicable relations.

In relations with Russia, it's especially important to maintain solidarity within the EU. A significant achievement of the previous EU-Russia summits is the clear signal to Russia that problems of individual EU member states are issues of the entire EU. This policy line must be strengthened in the future, as it constitutes the foundation of EU solidarity and prevents the application of the "divide and rule" tactics. The compromise reached within the EU regarding the mandate on negotiations with Russia also shows solidarity within the EU and emphasises that regardless of the size of a member state or the date of accession, problematic issues of all member states are equally important.

In conclusion, we may say that the attempts to create a true EU-Russia strategic partnership that have been made so far have not given any feasible results. We must look for other ways, and one of these might be making more active the work on lower levels and in the area of practical cooperation. We should be calmer towards loud statements and high formats, and undertake silent and persistent work based on the rule of law, goodwill, and unconditional and real adherence to common democratic values. Perhaps this will help the European Union and Russia to speed up creation of a real strategic partnership, especially in the context where all other political, economic and cultural predispositions exist. The new EU-Russia agreement should aim at the abovementioned, because if the new agreement doesn't create a higher quality of EU-Russia relations, the value of this agreement will be doubtful.

USE OF DIACRITICS: TOWARDS A NEW STANDARD OF MINORITY PROTECTION?

Rytis Satkauskas*

Abstract

The right of persons belonging to a national minority to use their names in their native language shall be considered as a fundamental element of the right to express, preserve and develop their identity. This article reviews the legal basis of new developments in protection of national minorities. The nature and extent of the right to use names in a minority language under selected international instruments are examined. There are also explored some constraints impeding the writing of personal names in diacritics of the minority language from becoming a universal norm rather than an exception.

Introduction

A person's name is the main constitutive element of his or her personal identity. The right of persons belonging to a national minority to use their names in their native language shall be considered as a fundamental element of the right to express, preserve and develop their ethnic, cultural, linguistic or even religious¹ identity. Writing minority names using diacritical signs of their native language can certainly help them exercise this right.

At present, human rights documents provide no obligation of this character and the general practice of States far from this level of protection of national minorities. However, in light of new technological developments, some countries do adopt national measures aimed to allow the use of diacritics in their civil registers and even endeavour to transform these guarantees into international obligations. Italy, Denmark, Germany and Slovenia have already enacted legislation granting members of national minorities the right to the official recognition of their names, written with diacritical marks. Meanwhile, Poland,

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¹ See for instance *Coeriel and Aurik v. Netherlands*, 31 October 1994, UN Human Rights Committee, Communication No. 453/1991.

pending the adoption of a new law on minorities' protection, has even entered into negotiations with Lithuania concerning the conclusion of a bilateral agreement on the use of diacritics in the official registers.²

This article takes a look at the legal basis of these new developments in protection of national minorities. First, the nature and extent of the right to use names in a minority language under selected international instruments will be examined. Then, we'll see the constraints impeding the writing of personal names in diacritics of the minority language from becoming a universal norm rather than an exception.

1. Right to one's name

A person's name may be considered as a component of its private life.³ The right to have one's name registered in a minority language is therefore specifically protected by several international instruments.

Under Article 11, paragraph 1 of the Council of Europe's Framework Convention for the Protection of National Minorities, the Parties undertake to "recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system".

Similarly, according to Article 10 paragraph 5 of the European Charter for Regional and Minorities Languages, "the Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned".

The right to use names in a native language forms a constitutive element of a comprehensive system of protection of national minorities and shall be

² See on this subject: „Prime Ministers of Poland and Lithuania about energy security and improving situation of poles in Lithuania and lithuanians in Poland”, Press Release of Ministry of Foreign Affairs of Poland, 1 July 2007, <<http://www.kprm.gov.pl/english/s.php?id=814>>, accessed 12 May 2008; „Litwa: polskie nazwiska zgodnie z polskim alfabetem”, *PAP*, 20 April 2007; „Spór o Ś Ć Ż Ń: Brazauskas odwołał wisytę w Polsce”, *Gazeta Wyborcza*, 28 March 2002, No. 74 /3982, p. 4; „Paszet ortograficzny: Polsko Litewski spor o pisownię nazwisk”, *Gazeta Wyborcza*, 3 April 2002, No. 77 /3986, p. 4.

³ See notes 14, 15 *infra*.

considered together with the related provisions of the other human rights instruments. The Explanatory Report to the Framework Convention specifies that the meaning of the first paragraph of Article 11 of the Convention lies in the international principles concerning the protection of national minorities.⁴ What are these norms and do they require the official recognition of diacritics? Assessment of both international documents and State practice is needed in order to determine the actual content of the right to use names in the minority language.

1.1. General provisions of multilateral documents on human rights

Basic principles of non-discrimination of linguistic minorities and protection of their identity are revealed in major human rights agreements, inspired by the Universal Declaration of Human Rights, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) and the International Covenant on Civil and Political Rights.

Within the last decade more detailed minority protection measures have appeared in a number of instruments such as the Document of the Copenhagen Meeting of the Conference on the Human Dimensions of the CSCE⁵, the United Nations General Assembly Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities⁶, the Council of Europe Framework Convention for the Protection of National Minorities⁷ and the Minority Languages Charter⁸.

⁴“It is understood that the legal systems of the Parties will, in this respect, meet international principles concerning the protection of national minorities”. *Explanatory report to the Framework Convention*, para. 68., <<http://www.humanrights.coe.int/Minorities/Eng/FrameworkConvention>>, accessed on 12 May 2008.

⁵CSCE, *Document of the Copenhagen Meeting of the Conference for the Security and Cooperation in Europe (CSCE) on the Human Dimension of the CSCE*, Copenhagen, 29 June 1990, <<http://www.osce.org/docs/english/1990-1999/hd/cope90e.htm>>, visited on 12 May 2008.

⁶UN Doc. A/RES/47/135, 18 December 1992.

⁷Framework Convention for the Protection of National Minorities, Council of Europe, *ETS* No. 157. The Framework Convention was opened for signature on 1 February 1995 and came into force on 1 February 1998. By May 2008, 39 European States have become parties to the Convention.

⁸European Charter for Regional or Minority Languages, Council of Europe, *ETS* No. 148. The Minority Languages Charter was opened for signature in Strasbourg on 5 November 1992 and entered into force on 1 March 1998. As at 12 May 2008 Charter has been ratified by 23 States.

Several universal principles can be found in these documents encompassing the right of persons belonging to national minorities to use of their names in their minority language, those are: principle of non-discrimination, right to maintain and develop their cultural identity (freedom from assimilation) and the protection of a person's private life.

1.1.1. Principle of non-discrimination

This basic principle stems from the Article 1 of the Universal Declaration of Human Rights, which states: "All human beings are born free and equal in dignity and rights". Article 2(1) provides that "everyone is entitled to all rights and freedoms set forth in this Declaration, without distinction of any kind, such as ... language".

Recent minority instruments generally guarantee to persons belonging to linguistic minorities the right to enjoy their own culture and to use their own language in private and public life, freely and without interference from any form of discrimination. For instance, Article 2(1) of the UNGA Minorities Declaration proclaims the right of persons belonging to national minorities to "use their own language, in private and in public, freely and without interference or any form of discrimination". Similarly, Article 10(1) of the Framework Convention stipulates that States will recognise the right of persons belonging to national minorities to "use freely and without interference his or her minority language, in private and in public, orally and in writing".

More generally the principle of non-discrimination is set up in Protocol No. 12 to the ECHR: "the enjoyment of any right set forth by law shall be secured without discrimination on any ground such as ... language, ... national or social origin, association with a national minority, ... or other status".⁹ Article 27 of another human rights instrument – the International Covenant on Civil and Political Rights – also declares that "persons belonging to ... minorities shall not be denied the right, in community with other members of their group ... to use their own language".

Names are an important element of corporate identity as well, especially in the context of persons belonging to national minorities acting 'in community'.

⁹Protocol No. 12 to the Convention for the Protection of Human Rights and Fundamental Freedoms, Council of Europe, opened for signature on 4 November 2000, *ETS* No. 177, Article 1(1).

Consequently, national minorities also must have guaranteed the right to use their traditional names in private and public life in their original form.¹⁰

Respect for a person's dignity is intimately connected with respect for the person's identity and consequently for such fundamental components of the identity as the person's name or language he/she speaks. Even though the numerous international documents embodying the principle of non-discrimination do not refer expressly to the use of diacritics, neither they do mention the possibility of derogation from this basic principle on the grounds of different letters found in the minority language.

1.1.2. Right to maintain and develop cultural identity

Another step towards the protection of national minorities is the recognition of the necessity of active measures in order to protect cultural identity of their members. If a person's language is a fundamental constitutive element of personal identity, then the existence of a secure and supportive cultural and linguistic environment is an important factor in an individual's personal development. Such an environment is, however, much more likely to exist for members of cultural and linguistic majorities than for members of minorities.¹¹ Therefore positive actions shall be taken to preserve cultural links amongst the members of national minorities.

The Preamble to the Framework Convention provides that "a pluralist and genuinely democratic society should not only respect ethnic, cultural, linguistic and religious identity of each person belonging to a national minority, but also create appropriate conditions enabling them to express, preserve and develop this identity". This effective equality means more than simply non-discrimination, positive measures are also required (Article 4(2)).

The Minority Languages Charter recognizes that a regime of linguistic tolerance is not, by itself, sufficient to meet the needs of minority linguistic communities, thus, in Article 7(1) it requires that States take positive steps to meet

¹⁰ See more in Skutnabb-Kangas T. and Phillipson R., eds., *Linguistic Human Rights. Overcoming Linguistic Discrimination* (Contributions to the Sociology of Languages, No. 67), Berlin & New York: Mouton de Gruyter, 1994, 478 p.; Greve, S. H., "What's in a Name? : the Human Rights to a Recognized Individual Identity", in Breitenmoser S. [et all] eds., *Human rights, democracy and the rule of law: liber amicorum Luzius Wildhaber*, Zürich [etc.]: Dike [etc.], 2007, p. 295-312.

¹¹ See Keller P., "Re-thinking ethnic and cultural rights in Europe", *The Oxford Journal of Legal Studies* 18:1, 1998, p. 29-60.

“the need for resolute action to promote regional or minority languages in order to safeguard them”. The Explanatory Report to the Charter underlines also, that having regard to the present weakness of some of the historical regional or minority languages of Europe, however, the mere prohibition of discrimination against their users is not a sufficient safeguard. Special support which reflects the interests and wishes of the users of these languages is essential to their preservation and development.¹²

In more a general formulation, The UNGA Minorities Declaration provides that “States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity” (Article 1, paragraph 1). Furthermore, “States shall adopt appropriate legislative and other measures to achieve those ends” (Article 1, paragraph 2).

A name is a constitutive element of a person’s identity. The names of the persons belonging to a national minority reveal also the “corporate” identity of the minority itself. Moreover, they are also a linguistic value. Denying persons belonging to a national minority the right to use their names in their minority language would also limit their linguistic rights. The Oslo Recommendations Regarding the Linguistic Rights of National Minorities further explains: “persons belonging to national minorities have the right to use their personal names in their own language according to their own traditions and linguistic systems. These shall be given official recognition and be used by the public authorities”.¹³

It can be advanced in this respect that the refusal to recognise names, given in a minority language can constitute an attempt to assimilate minorities, thus constituting a serious threat to the identity of persons belonging to national minorities.

¹² Council of Europe, *Explanatory report to European Charter for Regional or Minority Languages*, para 27, <<http://conventions.coe.int/Treaty/en/Reports/Html/148.htm>>, accessed 12 May 2008.

¹³ Oslo Recommendations Regarding the Linguistic Rights of National Minorities adopted by the High Commissioner on National Minorities of the Organization for Security and Cooperation in Europe (OSCE) attempt to clarify, in relatively straight-forward language, the content of minority language rights generally applicable in the situations in which the HCNM is involved. See text of the Recommendation <<http://www.htmh.hu/oslo.htm>>, accessed 12 May 2008.

1.1.3. Right to private life

The European Court of Human Rights acknowledged recently in *Burghartz v. Switzerland* (1994)¹⁴ and *Stjerna v. Finland* (1994)¹⁵ that the name of a person is a component of private life. The Court also reaffirmed in these cases that a person's name and surname is closely linked with the sense of his/her identity. Even though the European Convention on Human Rights does not contain any explicit provisions on names, the Court held that as a means of personal identification and a connection to a family, a person's surname none the less concerns his or her private and family life and therefore is protected by the Convention.¹⁶

These decisions were interpreted by the Constitutional Court of the Republic of Latvia in its ruling relating to the use of foreign names in official documents. In case No. 2001-04-0103 on 21 December 2001 the Court accepted that reproducing a name acquired after marriage in accordance with the traditions of the Latvian language and spelling in accordance with the norms of Latvian literary language in passports issued in Latvia shall be considered as limitation of one's private life. However, it held that "in the era of globalization Latvia is the only place in the world where the existence and development of the Latvian language together with it the existence of the main nation may be guaranteed. Limitation of the usage of the Latvian language as the state language in the state territory shall be regarded as the threat to the democratic system". Hence, the Latvian Court held that, the limitation of one's private life has a legitimate objective.¹⁷

¹⁴ *Burghartz v. Switzerland*, 22 February 1994, ECHR, no. 49/1992/394/472, para 24, Series A no. 280-B, p. 28.

¹⁵ In this case concerning the right to change the name into the one held by the ancestors, the Court referred to the case of *Burghartz v. Switzerland* and reaffirmed, that "since [the name] constitutes a mean of personal identification and a link to a family, an individual's name does concern his or her private and family life (para 37). The fact that there may exist a public interest in regulating the use of names is not sufficient to remove the question of a person's name from the scope of private and family life, which has been construed as including, to a certain degree, the right to establish relationships with others (*ibid.*). The Court recognized also that names retain a crucial role in the identification of people (para 39). *Stjerna v. Finland*, 25 November 1994, ECHR, no. 38/1993/433/512, Series A no. 299-B.

¹⁶ *Burghartz v. Switzerland*, note 14 *supra*.

¹⁷ Judgment of the Constitutional Court of the Republic of Latvia "On Compliance of Article 19 of the Language Law and the Cabinet of Ministers August 22, 2000 Regulations No. 295 'Regulations on Spelling and Identification of Names and Surnames' with Articles 96 and 116 of the Satversme (Constitution)

Thus, whilst the names are protected by Article 8 of the ECHR, the possibility of derogation, provided for in paragraph 2 of this Article is interpreted in practice in a rather broad manner.

The affirmation found in two recent decisions of the European Court of Human Rights that the reproducing the name in its original form does concern the right to private life has linked the use of minority languages with the issue of transforming documents issued by foreign authorities into national legal registers.

In 1973 already the attempt was made by the State Members of the International Commission on Civil Status (Commission Internationale de l'Etat Civil) to unify the writing of foreign names in national civil registers. Article 2 of the Berne Convention on the Recording of Surnames and Forenames in Civil Status Registers, established that "names and surnames shall be reproduced in a civil status register in their original form literally, without alteration or translation, including diacritic marks not existing in the language in which the record is to be made. If different characters are used in the language in which the record is to be made, names shall be reproduced as far as possible by transliteration without being translated."¹⁸

Only Austria, Germany, Greece, Italia, Luxembourg, The Netherlands and Turkey have become members of this Convention. In Austria, for example, persons names which are to be registered on the basis of a document presented in Latin letters must be recorded as a true copy of the original letters and characters, diacritic characters, not used in the German language must also be used.¹⁹ Nonetheless, the national legislation of some other States also contains provisions allowing for the reproduction of diacritics of foreign languages. For instance, the Decree of Lithuanian Minister of Justice on the Civil registry provides for the possibility of transliteration – i.e. reproducing the foreign names according to their spelling and omitting the diacritics only if they can not be

tion)", 21 December 2001, <http://www.riga.lv/minelres/NationalLegislation/Latvia/Latvia_Const-Court2001_English.htm>, visited on 16 October 2006.

¹⁸ Convention on the recording of surnames and forenames in civil status registers, signed at Berne on 13 September 1973.

¹⁹ Section 5 para 3 of the Civil Status Ordinance, cited in the report of Austria under Framework Convention, note 32 *infra*.

reproduced technically. The symbols, of course, are limited to those of the Roman alphabet.²⁰

Even though this is applied only to foreign nationals, it corresponds to the requirement affirmed also by the United Nations Human Rights Committee that no one shall be arbitrary forced to change his name.²¹ On the other hand, what are the reasons to deprive the members of national minorities the right to use letters not appearing in the script of the official language, when such a right is guaranteed to foreigners?

It may appear that only names that once were officially recorded are protected under the right to privacy. The European Court of Human Rights has not yet pronounced on this subject. On the contrary, the Court found, for instance, that the material presented by the applicant, Tadeuš Klečkovski, who objected to the way his name was written in his Lithuanian passport, did not disclose any appearance of a violation of the rights and freedoms set out in the Convention and its Protocols (Decision on Application No. 59379/00 of May 31, 2001).

A person's name appears to be internationally protected. First of all under the right to privacy, however, if a person belongs to a national minority a name can also identify a person as belonging to a community, and any State restriction on the use of a person's name in a minority language would be an intervention in what is by its very nature a private matter.²²

1.2. Bilateral agreements

International instruments for the protection of human rights provide for the obligation to take measures for the protection of the identity of national minorities, the extent and modalities of which is left to the States. These international documents recognize that diverse initiatives are necessary to implement

²⁰ Decree of the Minister of Justice of the Republic of Lithuania No. 65 of 26 March 1999, *Valstybės žinios*, 1999, No. 29-840.

²¹ *Coeriel and Aurik v. Netherlands*, note 1 *supra*, para. 10.2.

²² See also in De Varennes F., *Language, Minorities and Human Rights*, The Hague: Martinus Nijhoff, 1996, 532 p.

the principles contained therein. They refer in particular to the conclusion of bilateral agreements for the protection of national minorities.²³

It is obvious, that bilateral agreements on reciprocal protection of national minorities can be more easily adapted to the particular needs of the Parties and the national minorities, residing in the territories of two neighboring States, and thus more effective. Besides, they can serve as an affirmation of commitments concerning territorial integrity and require the loyalty of the members of minorities and therefore can be more attractive to the governments. For instance, at the time of the ratification of the Framework Convention Poland submitted a declaration reaffirming its readiness to implement the Convention by concluding bilateral agreements.²⁴

It is not surprising therefore that the use of these bilateral agreements has increased in the last few decades. Basically, they incorporate provisions of multilateral documents or just refer to them,²⁵ as they have to comply with the universal standards of the minority protection.²⁶ At the same time, the primary objective of the contracting governments may be seen as calming their respective national minorities rather than proposing additional guarantees.

Typical formulation concerning the use of first names and surnames by the persons belonging to national minorities is contained in the Poland-Germany

²³ Article 18 paragraph 1 of the Framework Convention reads: "The Parties shall endeavour to conclude, where necessary, bilateral and multilateral agreements with other States, in particular neighbouring States, in order to ensure the protection of persons belonging to the national minorities concerned."

²⁴ "The Republic of Poland shall also implement the Framework Convention under Article 18 of the Convention by conclusion of international agreements mentioned in this Article, the aim of which is to protect national minorities in Poland and minorities or groups of Poles in other States." Text of the declaration from the Archives of the Treaty Office of the Council of Europe.

²⁵ See for general approach Defeis E. F., 'Minority Protection and Bilateral Agreements: an Effective Mechanism', *Hastings International and Comparative Law Review* 22, 1999, p. 291-321.

²⁶ Asbjorn Edie, in his report to the Sub-Commission on Prevention of Discrimination and protection of Minorities, cited by Defeis (supra note 17 at 331), stressed that "the contents of provisions on minorities in such [...] bilateral arrangements should be based on universal and regional instruments on equality, non-discrimination and minority rights". He also added, that "where specific minorities are mentioned in such provisions, the treaty should contain an additional provision ensuring that minorities not mentioned in the treaty shall enjoy the same level of protection and promotion of their existence and identity". "Possible Ways and Merits of Facilitating the Peaceful and Constructive Solution of Problem Involving Minorities", United Nations, *Report Submitted by Mr. Asbjorn Edie, Sub-Commission on Prevention of Discrimination and protection of Minorities*, UN Doc. E/CN.4/Sub.2/1993/34Add.4(1993).

Treaty on Good-Neighborliness and Friendly Cooperation.²⁷ Article 20 guarantees their respective minorities the right “to use their first and surnames *in the form of the mother tongue*” (emphasis added).

However, some of them contain slightly different formulations that could be interpreted as more favorable to national minorities. For instance, the Treaty on Good-neighbourly Relations and Friendly Co-operation between the Republic of Hungary and Slovakia confirms the right of the Hungarian minority in Slovakia and Slovak minority in Hungary “to register and use their names and surnames in this [minority] language”.²⁸ Agreement between Hungary and Croatia on the reciprocal protection of national minorities imposes the obligation on the Contracting Parties to ensure for the members of the minorities “the *free use and registration of their original first names and surnames*”.²⁹

None of the bilateral agreements contain provisions concerning the obligatory recognition of diacritics. On the contrary, Article 14 of the Treaty on Friendly Relations and Good-Neighbourly Co-operation between Lithuania and Poland provides, for instance, that names and surnames must be used “*as it is pronounced in the language of the national minority*”.³⁰

The meaning of these provisions therefore can be found when looking at their implementation in the national legislation of the Parties. In Hungary, for instance, individuals belonging to a minority can “register their family names *in line with the rules of their native language, and, within the framework defined in the legal regulations to have them appear in official documents*”. It is added, however, that “in the case of registration not occurring in the Latin alphabet the phonetic Latin-style alphabet must be used”.³¹ Similar provisions may be found in the regulations on civil registers of other European countries.

The overall impression after having examined the provisions of bilateral agreements concerning the use of minority names is that they tend to grant the

²⁷ Treaty between the Republic of Poland and Federal Republic of Germany on Good-Neighborliness and Friendly Cooperation of 17 June 1991.

²⁸ Treaty on Good-neighbourly Relations and Friendly Co-operation between the Republic of Hungary and the Slovak Republic of 19 March 1995, Article 15 (g). Emphasis added.

²⁹ Convention between the Republic of Hungary and the Republic of Croatia on the protection of the Hungarian minority in the Republic of Croatia and the Croatian minority in the Republic of Hungary of 5 April 1995, Article 4, para. 1. Emphasis added.

³⁰ Treaty between the Republic of Lithuania and the Republic of Poland on the Friendly Relations and Good Neighbourly Co-operation of 26 April 1994. Emphasis added.

³¹ Report of Hungary under the Framework Convention, note 32 *infra*.

rights to write the names according the grammar rules (by adding or omitting suffixes, endings, etc.) of minority languages but not the use of its script.

It could be concluded, that bilateral agreements can serve as a source for the interpretation of the general principles on the national minorities' protection embodied in international documents. However, they do not provide the definitive answer whether those principles encompass the right to use diacritics in official documents. Therefore we shall go further and take a closer look at the arguments of those States, whose legislation does guarantee this right to their respective national minorities.

1.3. State practice allowing the use of diacritics

Pursuant to Article 25 of the Framework Convention and Article 15 of the Minority Languages Charter States Parties to these Conventions are required to submit periodic reports on their application.³² As of 12 May 2008 there are thirty-nine countries parties to the Framework Convention and twenty-three parties to the Minority Languages Charter. Even though the majority of the State Parties to the Charter do not expressly prohibit the use of diacritics, only a few of them have indicated in their periodic reports as having already enacted domestic measures allowing the use of diacritics in their civil registers thus granting the members of national minorities the right to bear their names in the minority language, of course, in Latin characters.

Probably the most protective system has been created in Slovenia where the languages of Italian and Hungarian national minorities have been granted status of official languages.³³ The Law on Personal Names of the Republic of Slovenia provides that the personal names of a member of the Italian or Hungarian national minority shall be entered in Italian or Hungarian script and form, except

³² The reports available at [http://www.coe.int/t/e/human_rights/minorities/2_framework_convention_\(monitoring\)/2_monitoring_mechanism/3_state_reports_and_unmik_kosovo_report/2_second_cycle/List_SR_2nd_cycle.asp](http://www.coe.int/t/e/human_rights/minorities/2_framework_convention_(monitoring)/2_monitoring_mechanism/3_state_reports_and_unmik_kosovo_report/2_second_cycle/List_SR_2nd_cycle.asp) and http://www.coe.int/t/e/legal_affairs/local_and_regional_democracy/regional_or_minority_languages/2_Monitoring/Monitoring_table.asp

³³ Article 11 of the Constitution of the Republic of Slovenia reads: "The official language in Slovenia is Slovene. In those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages."

if the member of the minority determines differently.³⁴ Bilingual documents are compulsory for the population on an ethnically mixed territory regardless of their national origin. In addition to the identity card (the form is trilingual: Slovene/Italian -Hungarian/English), passports (the passport is quadrilingual: Slovene/Italian - Hungarian/English/French) and passes for crossing the border in the border areas with Italy and Hungary, driving licences and certificates of registration, health insurance cards and weapons certificates are also bilingual.³⁵ As stressed in the Initial Periodic Report by Slovenia under the Minority Languages Charter: “The provision that a record in the national community language must take into account the rules of writing of the Hungarian and Italian script, respectively, is *part of the inherent right of members of the national communities to use their mother tongue.*”³⁶

Use of foreign diacritics is also officially recognised in Italy. Law No. 935 of 31 October 1966, amending the decree of 9 July 1939, established *inter alia* that “foreign forenames given to children of Italian nationality must be written in the letters of the Italian alphabet, including the letters J, K, X, Y and W. In case of children belonging to the recognised linguistic minorities, the forenames may be written using the above-mentioned letters together with the diacritical signs of the alphabet of the language of the minority in question”.

In Denmark, the names of members of the German minority, including the letters ü and ö are recognized in public and private relations.³⁷ Correspondingly the members of Danish national minority in Germany are entitled to use and

³⁴ Personal Name Act (*Uradni list RS*, No. 2/87), Article 3: “The personal name of a member of the Italian or Hungarian nationality shall be recorded in the Italian or Hungarian script and form, unless otherwise decided by a member of this nationality.” Bilingual documents are compulsory for the population on an ethnically mixed territory regardless of their national origin. In addition to the identity card (the form is trilingual: Slovene/Italian-Hungarian/English) and passports (the passport is quadrilingual: Slovene/Italian - Hungarian/English/French) and passes for crossing the border in the border areas with Italy and Hungary, driving licences and certificates of registration, health insurance cards and weapons certificates are also bilingual. See Initial Periodical Report by Slovenia under the Minority Languages Charter, note 32 *supra*.

³⁵ The use of language by the national communities is also guaranteed in some main acts. See Register of Births, Marriages and Deaths Act (*Uradni list RS*, No. 2/87) Article 30, para. 2, Personal Identity Card Act (*Uradni list RS* No. 75/97, 5 December 1997) Article 6 and Passports of Citizens of the Republic of Slovenia Act (*Uradni list RS*, No. 65/2000) Article 13.

³⁶ Report of Slovenia under the Framework Convention, note 32 *supra* (Emphasis added).

³⁷ Report of Denmark under the Framework Convention, note 32 *supra*.

adopt names in the Danish language.³⁸ It may be noted that only the Danish national minority (apart from dispersed Roma, Frisians and Sorbs) is officially recognised in Germany and the German national minority is the only recognized minority in Denmark.³⁹

Poland's new law on national minorities came into force on 1 May 2005 providing the right to the members of a minority to spell their names and surnames in passports and civil registers according to the orthographies of their own language. This only applies, however, to the minorities using Latin alphabet.⁴⁰ Besides, Poland declares itself ready to issue identity documents using diacritics even before the adoption of the said Law.⁴¹

Documents providing for minority protection do not indicate expressly the obligation to allow the use of diacritical marks in the official records. The discretion how to implement principles set out in these documents is left to the State Parties through national legislation and appropriate governmental policies⁴² and taking into consideration their specific conditions and historical traditions.⁴³

As we have seen, at least a few State Parties to the Framework Convention referred to international standards in their implementing domestic legislation.⁴⁴

³⁸ With the 13th General Regulatory Order to Amend the General Regulatory Order to Implement the Act on Civil Status ("Standing Instructions for Registrars and Their Supervisory Authorities with regard to the *Act on Civil Status*") of 2 June 1998 (Supplement to the *Bundesanzeiger* [Official Gazette of the Federal Republic], no. 107), which entered into force on 1 July 1998, account was taken of the provisions of the Framework Convention by including the provisions of the Act [on Civil Status] in Section 381a of the Standing Instructions and having them applied in registry office practice. The *Standing Instructions for Registrars and Their Supervisory Authorities* take account of the orthographic particularities of the names of members of national minorities by providing that the diacritics (graphic accents, hooks, etc.) in names or other words shall be retained as such.

³⁹ Source: State reports under Framework Convention, note 32 *supra*.

⁴⁰ Law on national and ethnical minorities and regional languages [Ustawa o mniejszościach narodowych i etnicznych oraz o języku regionalnym] of 6 April 2005, Article 10, <http://www.mswia.gov.pl/index_wai.php?dzial=178&id=2958>, accessed 12 May 2008. See also Polish second report on implementation of Framework Convention, note 32 *supra*.

⁴¹ Lentowicz Z., "Kłopotliwe znaczki", *Rzeczpospolita*, 15 April 2002. Decree of the Minister of the Interior and Administration of 30 May 2005 establishes schemes of transcription of the languages, using non-Latin alphabets, <<http://www.mswia.gov.pl/download.php?s=1&id=1091>>, accessed 12 May 2008.

⁴² Preamble of Framework Convention, note 7 *supra*.

⁴³ Preamble of the Minority Languages Charter, note 7 *supra*, Paragraph 35 of the Copenhagen Declaration, note 5 *supra*.

⁴⁴ See for instance report of Slovenia, note 32 *supra*.

Others, without referring directly, changed their domestic legislation and allowed the use of diacritics after acceding to these Conventions.⁴⁵

On the other hand the bilateralism in assuring this right is also clearly present, underlining thus the voluntaristic nature of these arrangements.

Finally, the vast majority of State Parties to the Framework Convention and the Minority Languages Charter have not adopted this practice and, to be stressed, this was not considered a violation of the international norms. If the positive effect of the use of diacritics in preserving the identity of national minorities is obvious, then, what may be the reasons of those States in depriving them of this advantage?

2. Practical implications

Even if you are given a name in minority language, it does not necessarily mean that you will determine how it is spelt. In today's International Community ensuring this right to national minorities is still a far-away objective rather than common practice. Amongst the numerous arguments advanced by Governments the most prominent appear to be the necessity to ensure the integration of national minorities into society and the protection of the rights of other members of society.

2.1. Identity-integration conflict

International documents not only provide an obligation to respect minority rights and ensure their protection but also guarantee that the protection of national minorities does not infringe the main purpose of a State –to ensure stability and thus the integrity of its society.

In the words of the Explanatory Report to the European Minority Languages Charter, “the approach of the charter respects the principles of national sovereignty and territorial integrity. Each state is required to take into account

⁴⁵ See report of Germany, note 38 *supra*.

a cultural and social reality and there is no question of challenging any political or institutional order.”⁴⁶

The Explanatory Report to the Oslo Recommendations proposed the same approach which “encourages a balance between the right of persons belonging to national minorities to maintain and develop their own identity, culture and language and the necessity of ensuring that they are able to integrate into the wider society as full and equal members”.⁴⁷

Even if the minority protection documents guarantee freedom from assimilation, under Article 5(2) of Framework Convention States Parties are allowed to take measures “in pursuance of their general integration policy”.

As well, Article 8(2) of the ECHR refers to the protection of the rights and freedoms of others as a ground permitting the limitation of the right to a private life.⁴⁸

Where is the balance between the need for ensuring the identity of a national minority and the primary objective of the integration of the whole society, or a nation? When a member of a minority becomes an alien in the society?

Individuals residing in a country often ascribe themselves to more than a hundred nationalities. Various letters are used in their languages, which often are totally or in part different from the letters of the language of the State in which they live. Writing names in the language of a national minority in official documents would certainly raise problems for the integration of the members of such a minority. Of course, they may differ depending on the linguistic relation of the minority language with that of the majority of the population, the importance and density of the national minority concerned and many other factors. However, it is clear that a person would face psychological discomfort

⁴⁶ Explanatory Report to the Minority Languages Charter, para 28, note 12 *supra*. It adds however, that, “on the contrary, it is because the member states accept territorial and state structures as they are, that they believe it is necessary, within each state, but in a concerted manner, to take measures to promote languages of a regional or minority nature.”

⁴⁷ OSCE, *The Oslo Recommendations Regarding the Linguistic Rights of National Minorities and Explanatory Note*, prepared in February 1998 by the Foundation on Inter-Ethnic Relations at the Request of the OSCE High Commissioner on National Minorities, The Hague: OSCE, 1998. Text also at <<http://www.unesco.org/most/ln2pol7.htm>>, accessed on 12 May 2008.

⁴⁸ A8 (2) of the ECHR reads “There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.”

being obliged to spell out his name in every day life. For this very reason in many countries a person is entitled to change his name if the current name gives rise to pronunciation and spelling difficulties.⁴⁹

In the modern State, the key role in integrating the whole society is attributed to the common language of its members.⁵⁰ The Official (or State) language serves to unify different national and linguistic groups. The need for such integrating value is emphasised, for example, in the Explanatory Report to the European Minority Languages Charter:

“The affirmation of the principles of interculturalism and multi-lingualism serves to remove any misapprehension as to the aims of the charter, which by no means seeks to foster any kind of partitioning off of linguistic groups. On the contrary, it is recognised that in every State it is necessary to know the official language (or one of the official languages); consequently, none of the charter’s provisions should be interpreted as intending to raising obstacles to the knowledge of official languages.”⁵¹

According to the explication of the Constitutional Court of the Republic of Lithuania,⁵² “the State language preserves the identity of the nation, it integrates a civil society, it ensures the expression of national sovereignty, the integrity and indivisibility of the State, and smooth functioning of the State and

⁴⁹ See reports of Sweden, Norway, and Denmark under Framework Convention, note 32 *supra*.

⁵⁰ See, especially from historical aspect, Mackey W. F., “Language Diversity, Language Policy and the Sovereign State”, *History of European Ideas* 13:1/2, 1991, p. 51-61.

⁵¹ Explanatory Report to the Minority Languages Charter, para. 29, note 12 *supra*.

⁵² Resolution of the Supreme Council of the Republic of Lithuania No. I-1031 of 31 January 1991 “On Writing of Names and Family Names in Passports of Citizens of the Republic of Lithuania” provided that in passports the names and family names of all the citizens of the Republic of Lithuania of Lithuanian or non-Lithuanian origin shall be written in Lithuanian letters. Under the written request of the citizen of non-Lithuanian nationality his name and family name shall be written: (a) according to the pronunciation and without conforming to the grammatical rules (without Lithuanian inflections) or (b) according to the pronunciation and conforming to the grammatical rules (by adding Lithuanian inflections). *Valstybės žinios*, 1991, No.5-132.

Seized by a regional court, the Constitutional Court of the Republic of Lithuania established that this provision complies with the guarantee of preservation of ethnic identity, development of the culture and national self-expression of ethnic communities, provided for in Article 37 of the Constitution of Lithuania. Ruling of 21 October 1999, *Valstybės žinios*, 1999, No. 90-2662, See also ruling of the Constitutional Court of the Republic of Lithuania of 10 May 2006 (para. 4), <<http://www.lrkt.lt/dokumentai/2006/r060510.htm>>, accessed 12 May 2008.

local government establishments. The State language is an important guarantee for the equality of rights of citizens as it permits all the citizens to associate with State and local government establishments under the same conditions and to implement their rights and legitimate interests”.⁵³

On the contrary, the Court held in its resolution of 31 January 1991, that if legal norms provide that the names and family names have to be written in letters other than those of the State language then the constitutional principle of State language and the principle of the equality of all persons before the law would be violated.⁵⁴

The Latvian Constitutional Court also held that the threat to functioning of the Latvian language as a unified system if the spelling of foreign personal names in the documents in their original form was allowed is much greater than the discomfort a person might experience in case the surname in the passport is reproduced in State language.⁵⁵

Thus, the right to one's identity is not absolute. For the purposes of Article 14 ECHR, a difference of treatment is discriminatory if it has no objective and reasonable justification, that is, if it does not pursue a legitimate aim or if there is not a reasonable relationship of proportionality between the means employed and the aim sought to be realised. Under the Convention, the Contracting States enjoy a certain margin of appreciation in assessing whether and to what extent differences in otherwise similar situations justify a different treatment in law.⁵⁶

It is clear that the exercise of positive rights shall not impinge on the basic civil and political rights of others.⁵⁷ As the European Court of Human Rights found in case *Stjerna v. Finland*, cited above, “regard must be had to the fair

⁵³ *Ibid.*

⁵⁴ In the dictum of the Court: “there is a fear that in case the names are written in letters, not familiar to an ordinary citizen, the activity of state and local government institutions, that of other enterprises, establishments and organizations would be disturbed. Due to this citizens would face more difficulties in implementing their rights and legitimate interests.”, *Ibid.*

⁵⁵ Note 17 *supra*.

⁵⁶ *Van Raalte v. The Netherlands*, 21 February 1997, ECHR, no. 108/1995/614/702, *Reports of Judgements and Decisions*, 1997-I, para. 39.

⁵⁷ See Article 8(1) of the UNGA Declaration on Minorities, note 6 *supra*, and Article 20 of the Framework Convention, note 7 *supra*.

balance that has to be struck between the competing interests of the individual and of the community as a whole”.⁵⁸

On the other hand the Court stressed in the same case that in today’s Europe, where the movement of people between the countries is becoming part of every day life, no one may complain any more of having been forced to spell out a foreign name.⁵⁹

After all, writing of entries in the passport in official language does not deny the right of those attributing themselves to national groups to write their names and family names in any language as long as it is not linked with the sphere of use of state language. A variety of methods have been implemented to ensure the use of the official language(s) and the protection of the identity of national minorities. In Latvia, for instance, the original form of the name and surname can be reproduced in a person’s passport page for ‘special notes’ thus diminishing the psychological discomfort of the transcription.⁶⁰ However, sometimes the compromise may threaten the identity of the national minority instead of helping to preserve it: the idea of transliteration of the symbols of minority language which coincide with those of the official language and the transcription phonetically others may lead to the creation of hybrid names, alien both to majority and minority languages.⁶¹

2.2. Problem of different alphabets

This goes already from the logic that the right to use the names in a minority language can be ensured only to those using the same alphabet. It is obvious that for practical reasons no Latvian passport could ever be issued in Russian and a French driving licence will not be printed in Hebrew or Arabic. The re-

⁵⁸ *Sjerna v. Finland*, note 15 *supra*. See also *Keegan v. Ireland*, 26 May 1994, ECHR, no. 16/1993/411/490, Series A no. 290, p. 19, para. 49.

⁵⁹ The Court held precisely, that “As to the instances of inconvenience complained of by the applicant, the Court is not satisfied on the evidence adduced before it that the alleged difficulties in the spelling and pronunciation of the name can have been very frequent or any more significant than those experienced by a large number of people in Europe today, where movement of people between countries and language areas is becoming more and more commonplace”, *Ibid*.

⁶⁰ See the ruling of Latvian Constitutional Court, note 17 *supra*.

⁶¹ See for example L. Dowdo, ‘Te Krytyczne Diakrytyczne’, *Magazyn Willeński*, 2001, No. 8, p. 3-4.

port of Albania submitted pursuant to Article 2, paragraph 1 of the Framework Convention explains:

“According to the law, the registration [of names] in the Civil Registry Office is made . . . on the basis of the orthography of the Latin alphabet, as the Albanian language, which is at the same time the official language in Albania, is written. This rule is also applied for the fact that the three national minorities living in the territory of Albania write their native languages on the basis of the orthography of the Cyrillic alphabet. Consequently, the registration of the names and surnames of their members on the basis of the Cyrillic orthography would cause numerous problems and confusion in their relations with the other part of the public administration and with other different institutions in Albania.”⁶²

In a proposal for name-writing in Swedish authorities data processing, Swedish Agency for Public Management⁶³ simply explains that “non-Latin letters are not included. It must be possible for government personel (and others) to understand and handle all the letters. To include non-Latin letters would be too difficult for the average civil servant and the public. It would lead to too many errors and mistakes.

Greek, Cyrillic, Arabic etc. have to be excluded in Sweden”.

Thus, the controversy is clear: the right cannot be granted to one category of persons on the grounds of eliminating the discrimination because that would cause the discrimination of the other category. In other words, accepting the existence of a right of certain national minorities would automatically mean denial of that right to the others merely on the basis of the language they use.

One may argue, that it is universally accepted that the positive measures taken in order to protect minorities cannot be considered as discriminatory in respect to majority members. Article 4 of the Framework Convention provides expressly that those measures taken in order to ensure the effective equality between persons belonging to a national minority and those belonging to the majority shall not be considered to be an act of discrimination. However, this

⁶²Note 32 *supra*.

⁶³Swedish Agency for Public Management, Name-writing in Swedish Authorities data processing – a proposal, 8 March 2005 <<http://www.statskontoret.se/upload/3655/namewritingproposal.pdf>>, accessed 12 May 2008.

concerns only minority – majority relations. None of the minority could be given advantage in rights in respect of the others.

This could be clearly illustrated by the State practice. In Malta surnames shall be spelt in the Latin alphabet, in Ukraine names are spelled in Ukrainian (using the Cyrillic alphabet) by means of the transcription, in Switzerland only Roman script is accepted in the registers of marriages, birth and deaths.⁶⁴ The German report under the Framework Convention stresses that “on account of the wide margin of discretion regarding the implementation of the Framework Convention, the legislator was at liberty to ensure that a name [of the member of national minority] also be in Roman characters/spelling which are familiar to the German civil registration system”.

It can also be found in bilateral agreements. For instance, the Collaboration Agreement between Moldova (using the Latin alphabet) and Belarus (using the Cyrillic alphabet), referred to in the report under the Framework Convention, contains similar wording as the bilateral agreements of the countries using the same alphabet. Its Article 5 guarantees national minorities the right “to use their names and family names, *inter alia*, in official documents, in accordance with the rules of their mother tongue”. It also provides that this should be done “in conformity with the rules on transcribing proper nouns into another language”. It is implied that the right to use names in a minority language is limited to the form of the name and not its spelling.⁶⁵

International documents also reveal the fact that the right of the members of a national minority to use names in their native language does not extend to the use of the script of that language in official documents.

2.3. Practical limits defined by international documents

It is expressly stated in the Explanatory Report to the Framework Convention in relation to the provision concerning the right of persons belonging to a national minority to use names in the minority language and the right to their

⁶⁴Data from the State reports under of the Framework Convention, note 32 *supra*.

⁶⁵See also Czech report under the Framework Convention, note 32 *supra*, where also it is accepted that the requirement to change the surnames of persons belonging to national minorities by adding feminine suffixes can be considered to be a discriminating restriction of their linguistic rights, but the problem of the use of diacritics is not mentioned.

official recognition, that “in view of the practical implications of this obligation, the provision is worded in such a way as to enable Parties to apply it in the light of their own particular circumstances. For example, Parties may use the alphabet of their official language to write the name(s) of a person belonging to a national minority in its phonetic form.”⁶⁶

A similar provision is found in the Explanatory Note to the Oslo Recommendations Regarding the Linguistic Rights of National Minorities: “This right, the enjoyment of which is fundamental to one’s personal identity, should be applied in light of the circumstances particular to each State. For example, public authorities would be justified in using the script of the official language or languages of the State to record the names of persons belonging to national minorities in their phonetic form.”

As concerns the right of the persons belonging to linguistic minorities to enjoy their own culture and to use their own language in private and public life, freely and without interference of any form of discrimination, it should be stressed, that, although the instruments refer to that right as an inalienable right⁶⁷, these same instruments do not precisely delimit the ‘public’ as opposed to the ‘private’ spheres.

According to professor de Varennes, using a person’s name during a religious ceremony, a private discussion at home or in a public street, or on a sign or poster on private property, still involves a person using words from a minority language in the private sphere. A State which would attempt to forbid a person belonging to a minority from using his or her own name because only names in the official, non-minority language are permitted would clearly be in breach of the principle to use one’s own language in private and in public, freely and without interference or any form of discrimination.⁶⁸

According to the Explanatory Report to the Framework Convention, the use of a minority language in “public life” is restricted to use in public places or in the presence of others, and, even though the Convention guarantees the right to use the minority language not only orally but also in writing (Article 10.1),

⁶⁶ Explanatory Report to the Framework Convention, note 3 *supra*, para. 68.

⁶⁷ See preamble to the Minority Languages Charter, note 8 *supra*.

⁶⁸ De Varennes F., *To speak or not to speak: The Rights of Persons Belonging to Linguistic Minorities*, Working Paper prepared for the UN Sub-Committee on the rights of minorities, 1997, <<http://www.unesco.org/most/ln2pol3.htm>>, accessed 12 May 2008.

it is not concerned with communications with public authorities or use of the minority language in official contexts,⁶⁹ such as official identity documents.

The right to use a minority language, embodied in international law, is limited therefore by the script of the State language. On the other hand, whilst a State would not be obligated to use a particular script in any of its official activities, universally recognized principles of minority protection do prevent a State from banning the use of a minority script (as an aspect of language) in the private sphere. Whether involving script use in private correspondence, the printing of a book by private entities, or on signs posted by a private entrepreneur, all these activities represent situations where persons have the right, in private or in public, to use their own minority language.

Therefore, it should be stated beyond any doubt that despite the spreading practice of States, at the present stage of development, international law provides no obligation to ensure the use of diacritics in the official documents of a person, belonging to a national minority.

Conclusions

International instruments for human rights protection obliged States to take measures for the protection of the identity of national minorities, the manner in which this is implemented is up to the States. Some of them permit national minorities to use names in the script of their native language, including diacritical marks.

However, this is far from becoming a common standard. Notwithstanding the attempts to unify the reproduction of foreign names in national civil registers, international practice reveals the right of States to use official State language in the person's identity documents.

At the present stage of development international law also reserves the possibility of using the alphabet of the official language to write the name of a person belonging to a national minority in its phonetic form.

On the other hand, it can be considered common practice that the minority names are used in their original form, that is, according to the grammar rules (by adding or omitting suffixes, endings, etc.) of minority languages. Besides, the diacritics are normally reproduced when the names of foreign citizens are

⁶⁹ Explanatory Report to Framework Convention, note 4 *supra*.

registered in civil registers. From the technical aspect, at least, this right can be also granted to minorities, using the different diacritical marks of their native language.

Thus, the present principles of international protection of names of national minorities can be best described by the words of professor Fernand de Varennès: “States operating within a democratic framework . . . must acknowledge the role and contributions of all of their peoples. Individual human worth and dignity, as a cornerstone of the international human rights edifice, implies a democratic State structure that values all of its citizenry. In terms of language or cultural preferences, this does not exclude a state from adopting a common or official language, but it does mean that value must also be attached to the worth and dignity of the whole population. Minorities within the State which differ from the majority must thus not simply be tolerated, but embraced and accommodated within the State as much as is reasonably possible to do given the situation of the minority and the conditions within the State. That is the very essence of the modern concept of human and minority rights.”⁷⁰

Finally, the practice of States is encouraging in this context. The international protection of national minorities is constantly developing. The adoption of new measures aimed at the protection of the identity of persons belonging to national or linguistic minorities is ongoing and promoted by competent international bodies.

⁷⁰ De Varennès F, *To speak or not to speak*, note 67 *supra*.

WHO WILL DETERMINE FURTHER SCENARIOS OF RUSSIA'S POLITICAL AND ECONOMIC DEVELOPMENT?

Vytautas Sirijos Gira*

After the inauguration of the new Russian president, Dmitry Medvedev, and the return of Vladimir Putin to the position of the prime minister, deliberations of political observers and analysts regarding the possible scenarios of Russia's political and economic development continued for a considerable time. Up until the end of 2007, the same political scientists and political observers kept raising the question of whether Putin was part of one of the closed groups of Russia's political elite, or the main authority in the political organisation with control over a tremendous state-corporation. Now such questions are very seldom raised. Over a period of eight years Putin has managed to create an efficiently operating clientelistic system. This was notably demonstrated by the well-staged Duma elections and a clever political manoeuvre following which Dmitry Medvedev, loyal to Putin and in essence possessing no "basis of influence" of his own, was delegated to become president, while the "master" himself was returned to the chair of the prime minister.

It is only natural that in view of the circumstances of Medvedev's arrival to the position of Russian president, the following questions arise: will Medvedev be performing the role of the regent or will he seek to become an independent player? Will Medvedev succeed in ensuring continuity and "controlling" rival elite groups or will he simply be a façade, leaving the balance among the clans to be further maintained by Putin? Or perhaps Medvedev will decide to launch new "rules of the game"?

Many analysts and political observers agree that at best it will only be possible to draw conclusions about the role of the new president in the political system after six months have passed and the profiles of the policy for selection

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of staff in the hierarchy of political institutions begin to show; strategic political decisions are made, etc. Therefore, in order to provide answers to these questions, it is vital to clarify where these answers may be found. In other words, what factors will determine further scenarios in Russia's political and economic development?

“Russian” division of power

Unlike democratic countries of the West with the classic principle of division of power (legislative, executive, and judicial), in Russia, there is a single real centre of power—the president of the country alongside formally functioning legislative, executive, and judicial powers, which in reality do not participate in any significant decision making, subordinate to the president. On the other hand, the lack of division of power in the Russian political system is compensated for by the implementation of the so-called principle of “checks and balances” in the informal “networks” of elite groups (clans). The implementation of the principle of “checks and balances” that replaces the traditional division of power is not only an exceptional prerogative of the presidential institution of Russia, but also the factor that guarantees stability of the Russian political system: for the sake of political stability, power must be divided among the elite groups with different preferences; as a result, the Russian president has limited possibilities to organise “a group of his own people”. Thus, “a president that has unlimited power” becomes dependent on a fragmented and mutually conflicting team.

Presidential independence from competing elite groups is compensated for by the limitation of institutions (parliament and prime minister) that potentially may question presidential powers. It is established in the Constitution of the Russian Federation—which was adopted as early as 1993—that Russia is a semi-presidential state with most of its authority being held by the prime minister who is under direct control of the president. It should be noted that only in the case of a semi-presidential state are the powers of the state governor—who directly controls the government—far broader than in the presidential system: the president may dismiss the parliament, initiate laws, etc. When concentration of power leverage is left in the hands of the president, it provides support

for the actual absence of responsibility of the government towards political parties in the Russian political system; firstly, because of the highly limited possibilities of the functioning of a political system:

1. Between 2001 and 2007, the number of political parties was artificially reduced on several occasions. In June 2001, Vladimir Putin, the President of Russia, initiated a new law on political parties in Russia (this law foresees new and more rigid procedures for the registration of all political parties in Russia). The requirements of the said law promote discrimination against the smaller political parties of Russia: the barrier for a party to be elected into the parliament was lifted from five to seven percent; only newly reregistered parties may participate in parliamentary elections; all members of the parliament are elected on a proportional election system, etc. As a result, the number of political parties was reduced (in 2001, there were 200 political parties in Russia, while in 2006 only 36 remained).
2. The new law on political parties in Russia sets maximum limits on the development of new political parties (the law restricts private financial support for parties, and state support is envisaged only if the political party has participated in the parliament or presidential elections and gained the support of at least three percent of the voters).
3. Since 2003, the Russian parliament has been dominated by the pro-governmental United Russia Party, which in fact transformed the State Duma into a false instrumental type of institution that unconditionally supports the new Russian Putin.

Furthermore, the concentration of the leverage of power in the presidential institution is enforced by the “non-formal state government”—presidential administration of several thousand staff (both at the federal and regional level) who more or less participate in the adoption of all major political decisions; whereas informal decisions made by the administration may establish the limits of power for the parliament and the government.

Who assures the political stability of the Russian political system?

The enforcement of the “checks and balances” mechanism as a substitute for the principle of the division of power has determined that it is natural to call the formed political regime in Russia a political vertical, a state corporation, or a system of bureaucratic capitalism. The key features of such a formation are as follows: the political system is hermetic and resistant to external influences; there is a “merged” political and economic elite; political decisions are adopted according to the principles of the “board of directors”; and strategic areas of state economy are controlled by bureaucratic corporations. Synergy of these factors determines that any attempts of external figures (state or international organisations) to “attach” Russia to certain “rules of the game” (for example, EU initiatives directed at the Europeanization of Russia) or increase its political and economic dependence (for example, through direct foreign investment into strategic sectors of the country) are only doomed to failure.

On the other hand, although the system does not succumb to external pressures, it is very sensitive to internal problems, such as various redistributions of spheres of influence, competition between elite groups (clans), unsuccessful searches for internal consensus, etc. These factors mean that the political stability of Russia and, to a large extent, possible changes in the system depend on the existing balance (“the rules of the game”) between the competing “agencies of influence”, and also on the ability “to manage”—with the help of these rules—the competition among various elite groups. In other words, the possible scenarios for transformation of the political regime in Russia (or possibly even for political and economic development models in general) should be examined, first of all, by focusing on the trends inside this closed political and economic system. Possible in-depth transformations in this hermetic political system will, to a large extent, condition the level of closeness/openness of all political and economic regimes, including centralisation/liberalisation, and autocratic/international dependence of Russia.

Medvedev-Putin diarchy: search for the power model

The fact that the balance of powers in the political system of Russia, to a great extent, depends on the relationships between the non-formal “agencies of influence”, and that there is, in essence, a single institutional centre of power (the president) in the political system of this country, presupposes tensions that occur between the institutional formations and non-formal sources of power. In other words, a problematic relationship between the institutional power balance in the Russian political system and non-formal (non-institutional) power balance poses a dilemma that could be named a “power tandem” or diarchy.

Experts maintain that the current relationship between Medvedev and Putin which could be characterised as a “power tandem” or diarchy, essentially reflects a peculiar transitional period that will sooner or later reveal in whose hands (the president’s or the prime minister’s) political power will be consolidated. The dilemma of the “power tandem” was caused by the relative political and economic stability in Russia that was achieved during Putin’s presidency, and thus is not really associated with the presidential and other institutions, but with the personality of Vladimir Putin (who initiated the erosion of the powers of the State Duma, the Federation Council of Russia, the courts, the main political parties, and other institutions). In this event several scenarios can be singled out:

Regency model. Dmitry Medvedev is only the nominal president of the country and the real power is concentrated in the hands of Putin. Basically, such a scenario involves retaining the *status quo* in a new form. In such a situation Putin would be the “grey cardinal” (the centre of power shifts from the Kremlin to the White House), i.e., the government) and would continue to be the main factor supporting the stability of the “elite corporation”, i.e., he would ensure the balance between different “agencies of influence”. Sharing of influence between the prime minister and the president in such a scenario is fairly clear: Medvedev will represent the Russian position abroad, which is inclined to be a compromise (for this purpose he is a viable candidate with the reputation for being a liberal which is appreciated in the West), yet basically he will not make any political decisions. Liberal reforms will not be carried out and further centralisation of power will take place. Due to the instatement of a puppet pres-

ident there will be less transparency, but the stability of the country will be ensured. This is to say that the image of the “power tandem” is further maintained, where Medvedev in reality only executes Putin’s political will. Medvedev’s presence in power during his entire term will create favourable conditions for Putin not only to act as a “grey cardinal”, but also, in case of the failure of Medvedev’s economical, social, and political reforms, it will increase the chance for Putin to return to the position of president in 2012 as the “winner”.

Premature presidential election. Dmitry Medvedev, on some pretext, after a certain time will resign and a premature presidential election will be held. In this case, the Russian Constitution establishes that the prime minister of the country (i.e. Putin) will become acting president, whereas the premature presidential election will have to be held no later than within three months. In other words, Medvedev’s premature “resignation” would enable Putin to become president of the country prior to the established term (2012) without violating the Constitution of the country.

Smooth transfer of the governing functions. According to this scenario, Putin would be prime minister for a short period of time in order to ensure the successful transfer of power to the president, and later he would withdraw from the political arena. This is to say that Putin’s key objective in the transitional period is to maintain the balance between rival groups of the political elite (they tend to be called “siloviks” and “liberal-technocrats”) and to ensure further functioning of the established system of “checks and balances” inside the Russian political elite where none of the political clan conglomerates have any major influence. In the event of this scenario, even after Putin’s resignation from office, it is necessary to control Medvedev’s “neutrality”, i.e., not to allow Medvedev to form his political environment independently.

Adoption of constitutional amendments that will increase the power of the prime minister and reduce the power of the president. Although Putin is head of the United Russia party (with 315 seats in a Parliament of 450) and the Parliament may initiate impeachment of the president, the power of the prime minister is limited. Therefore, according to this scenario, Medvedev should either

voluntarily limit his powers as president of the country, or change the political system by transferring more powers to the prime minister.

In order to find an answer to the question on what model of relationship between Medvedev and Putin and the competing elite groups will be established, it is necessary to monitor the redistribution of the “key” positions in the national institution, the controlling powers of which enable the rules of the political game to be dictated.

On 12 May 2008, Russian President Medvedev approved the new government formed by Putin. The majority of ministers from the previous government retained their seats, yet some of Putin's former assistants were also appointed to the new government. The number of vice prime ministers in the new government of the country increased (from five to seven)—former prime minister Victor Zubkov (currently in charge of national projects and fishing) and Igor Shuvalov (former deputy head of the Administration of the President) were appointed first vice prime ministers. Alexei Kudrin (Minister of Finance), Igor Sechin (former deputy head of the Administration of the President), Sergej Ivanov (former first vice prime minister), and Alexander Zhukov were appointed vice prime ministers and Sergey Sobyenin (former head of the Administration of the President) was appointed head of Administration of the Vice Prime Minister and the Government. Among the new appointments, the most significant is the appointment of Sechin. Igor Sechin is considered one of the key figures of the Russian political system and he is one of the heads of the representatives of the power clan (“siloviks”). It should be noted that while being a vice prime minister, Sechin also maintains the position of the manager of the national oil company “Rosneft”.

The prioritised issues of the new Russian government will be economics and energy, and this is reflected in the appointment of both first vice prime ministers—Shuvalov, a former assistant of Putin's in the Kremlin on G8 issues, was appointed first vice prime minister responsible for the coordination of actions of the government, issues of foreign trade and the negotiation process for joining the World Trade Organisation (WTO) (as yet it is not clear whether Shuvalov will maintain the position of the chairman of the board of the national tanker company “Sovcomflot”). Another first vice prime minister of Russia, Zubkov, should be appointed chairman of the national gas company

“Gazprom” (i.e. he should take the former position of Medvedev). Among the new appointments experts unambiguously assess the dismissal of Nikolai Patrushev from the position of the head of the Federal Security Service (FSB) and his appointment as secretary of the Russian Security Council. Experts maintain that the appointment of Alexander Bortnikov (former head of the economic security division of the FSB and head of the Federal Security Service) by the Russian president Medvedev indicates the existence of some compromise agreement between the prime minister and the president regarding the redistribution of power structures. On the one hand, it is forecast that after Bortnikov (who is regarded to be closer to the “liberal” than the “silovik” clan) becomes head of the FSB, the role of the FSB as regards economics will increase. On the other hand, after Patrushev becomes head of the Russian Security Service, the advisory role of this institution in formulating strategic priorities of the state policy will increase. The appointment of Sechin, Bortnikov and Patrushev shows that Putin will further try to use the system of “checks and balances” by “programming”—through new appointments in the new government—a continuous tension between competing clans and institutions that cannot exceed certain limits.

New government appointments, in fact, reflect the role of Putin as a “mediator” between the new president Medvedev and the “silovik” clan. On the one hand, new appointments in the Kremlin and the White House (Russian government) are aimed at creating a “controlled” environment (i.e., to create premises for Medvedev to gradually take over the control of power structures); on the other hand, changes in the “silovik” clan and appointments to other positions may mean a certain obligation for Putin to “defend” representatives of the “silovik” clan from the “licence” of the new president.

Then again, by using the “silovik” clan Putin seeks to create a distinctive balance for the new president Medvedev in the regions. As early as 2000, Putin reformed the institution of the president’s representatives in the regions (since all the president’s representatives in the regions belong to the “silovik” clan, perhaps the prime example of this being the former General Prosecutor of Russia and the Minister of Justice, Vladimir Ustinov, who was appointed new representative of the president in the Southern Federal District of Northern Caucasus). The logic of appointing “siloviks” to the regions is fairly clear: *firstly*, this is

aimed at ensuring rigid regional control and stability; *secondly*, it is likely that by appointing “siloviks” to regions Putin may not only strengthen the relationship of the president’s representatives with the Russian Security Service managed by Patrushev—former head of the FSB—but also Putin’s influence over the Council (which would limit the power of the Russian president Medvedev even more); and *thirdly*, considering that the Russian president’s representatives in the regions may—according to their status—be compared to deputy ministers, it is obvious that the appointment of “siloviks” to the regions is a continuation of Putin’s policy of “checks and balances” at a governmental level.

In summary, it may be stated that as yet there are no signs that Medvedev has started creating new “rules of the game”, because the change in the institutional powers after the presidential election is balanced by the redistribution of the spheres of influence in the powers of non-formal agency “networks”.

THE NEO-AUTHORITARIAN REGIME IN THE REPUBLIC OF BELARUS

Pavel Usov*

Abstract

The political history of independent Belarus is almost entirely relatable to the rule of Alexander Lukashenko and to the political regime that formed in the mid-90s. This regime was formed by rapidly wrapping up democratic processes and returning to authoritarian methods of political ruling of the state and the society.

The Belarusian political regime is the only non-democratic regime in Central and Eastern Europe. Widely supported by the Belarusian population, it has been able to successfully withstand internal and external attempts at democratisation. The hopes and forecasts that the Lukashenko regime would fall under the pressure of the Belarusian and international community have not proven true. Furthermore, it turns out that the regime has political and economic stability and is able to effectively deal with economic crises. It is quite clear that no major political changes will take place in Belarus in the near future.

The stability and effectiveness of the regime, as well as its ability to successfully withstand external and internal threats, allows to state that a particular type of political regime has formed in Belarus, which may be defined as a neo-authoritarian regime.

1. The problem of definition of the Belarusian regime in political science

The Belarusian political regime is a political phenomenon based on Soviet traditions, elements as well as institutions which are characteristic for democratic states and also on traditional Belarusian political culture and consciousness.

For that reason, there are a number of sometimes contradictory political concepts and theories attempting to define and explain the peculiarities of this regime.

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1.1. Characterisation of the Belarusian political regime in official political science

When analysing the political regime in modern-day Belarus, we should take into account how this regime is characterised in Belarus' official science.

In the country's official political science, the current political regime on the whole is viewed as a democratic regime. It goes without saying that we may not ignore the fact that in recent years Belarusian academic science has been heavily politicised and ideologised. When issues related to the current political situation in the country are dealt with, the boundaries between ideology and science tend to disappear. It can be stated that science has become an ideological tool, and that the "official intellectuals" themselves are ensuring the legitimacy of the current authorities and protecting the interests of the authorities,¹ rather than those of the society.

Nevertheless, a certain type of pluralism in the definitions of the Belarusian political regime can be found even in official political science. The key difference between the proposed definitions lies in understanding the level which Belarusian democracy has reached.

Thus, one group of political scientists, who may be called advocates of the concept of "a political regime of a restricted democracy", state that the Belarusian regime is a transitory one,² that it is not sufficiently democratic, and that it is still undergoing the inner transformation process. N. Antonovich, taking into consideration the presence of both democratic and authoritarian methods in the Belarusian regime, calls it a hybrid regime.³ V. Bobrovich and E. Soslovskaya write in their political science textbook that progressive (new) authoritarianism is a typical phenomenon in some Eastern European states (although the authors do not specifically name Belarus).⁴ The essence of this model lies in the "preservation of a virtually unlimited executive power and active use of onward methods (as opposed to liberalism) in the process of transition

¹ Антонович Н. «Политическая наука в республике Беларусь: проблемы становления и развития» (Antonovich, N. "Political science in the Republic of Belarus: the problems of formation and development"), *Палітычная сфера*. No. 3 2004, p. 12.

² Бондарь П. Бондарь Ю. *Политология* (Bondar, P., Bondar, Y. "Political science"), Минск: Аверс, 2003, p. 85.

³ Антонович (Antonovich), (note 1) p. 12.

⁴ Бобрович В. Сословская Е.Л. *Политология* (Bobrovich, V., Soslovskaya, E.L. "Political science"), Минск: БГЭУ, 2006, p. 63.

to a market economy.”⁵ According to the named authors, preservation of authoritarian governing methods helps to successfully solve social and economic problems in the transitional period, which closely corresponds to the interest of a society that is not used to living in the conditions of a real democracy.⁶

The view that the Belarusian regime is characterised by an ideal combination of authoritarianism and democracy is supported by some Russian observers as well, who state that authoritarianism and democracy in Belarus co-exist harmoniously. For instance, A. Karatkevich states the following: “When evaluating the political system in the Republic of Belarus, we should point out that today it is not based on authoritarianism or parliamentarianism but rather on a combination of elements of authoritarianism in leadership, elitism in the governing of the state, and a special role of the plebiscitary element. The authoritarian foundation is found in the institution of the presidency. The elite foundation is represented in the institution of the parliament and administration of the head of state. The democratic element manifests itself by the principle of majority, by electivity, and by the authorities’ readiness to listen to criticism. The institution of the presidency lies on the democratic foundations, because the president’s powers are restricted in terms of term and scope of office. The president is granted power for a set term. The authoritarian and democratic principles in the political system of the Republic of Belarus compete against and restrain each other.”⁷

However, it still remains unclear in what direction this transition and transformation is going – from democracy to autocracy or vice versa – and when this transitional stage will end.

Another group of official Belarusian political scientists (Y. Yaskevich, E. Luchenkova, V. Melnik, L. Vonsovich, etc.) state that the period of transition in Belarus has come to an end. The final stage of this transition saw the comple-

⁵ *Ibid.*, p. 63.

⁶ Рубинов А. «Тупики крестового похода за демократию» (Rubinov, A. “The dead ends of the crusade for democracy”), *Советская Белоруссия*, No. 204 (22614), October 27, 2006.

⁷ Караткевич А. «Государство в политической системе Республики Беларусь в переходный период: Автореферат диссертации на соискание учёной степени кандидата политических наук» (Karatkevich, A. “The state in the political system of the Republic of Belarus in the transitional period: the author’s summary of the PhD in Political Science candidate dissertation”), Moscow, 1999, <<http://dissertation1.narod.ru/avtoreferats/avtoref155.htm>>, May 10, 2008.

tion of “the process of creation of the Belarusian state”,⁸ as well as of the process of creation of a political system in which the dominant role is played by the Belarusian president.⁹ According to the authors, the democratic nature of the Belarusian political regime is manifested in the following: direct participation of the population in governing the state,¹⁰ which is manifested by holding elections, political pluralism, functioning of the election system, and separation of the institutions of public authority.¹¹

For Belarusian analysts, the presence of election mechanisms and of the mechanical election process (which, as is well known, have a fairly formal significance) is a sufficient basis for stating that the Belarusian regime is democratic. This is how political scientist L. Vonsovich describes the Belarusian political regime: “By the form of its political regime, the Republic of Belarus is a democratic state. The regime is based on the principle of participation of citizens in the formation of institutions of public authority, local governance and self-governance, recognition of the legitimacy of the institutions, and formation of the policies implemented by the state as well as control of implementation of such policies.”¹²

Thus, according to official Belarusian political analysts, the Belarusian political regime has characteristics of a democratic regime. The manifestation of centralisation and authoritarianism, which have only positive characteristics, takes place only in accordance with constitutional norms and thanks to the support of the population.

⁸ Яскевич Я. *Основы идеологии белорусского государства. Курс интенсивной подготовки* (Yaskevich, Y. “The foundations of ideology of the Belarusian state. An intensive course”), Минск: Terra-Системс, 2007, p. 138.

⁹ Лученкова Е. *Основы идеологии белорусского государства* (Luchenkova, E. “The foundations of ideology of the Belarusian state”), Минск: Вышэйшая школа, 2007, p. 5.

¹⁰ *Ibid.*, p. 5.

¹¹ Паречина С. *Концептуальные основы идеологии белорусского государства* (Parechina, S. “Conceptual foundations of ideology of the Belarusian state”), Минск: Академия Управления при президенте Республики Беларусь (Minsk, Academy of Management under the President of the Republic of Belarus), 2006, p. 18.

¹² Вонсович Л.В. *Политология* (Vonsovich, L.V. “Political science”). Минск: Terra-Системс, 2007, p. 87.

1.2. Opinions, methods and definitions of the Belarusian regime in independent science

A totally different point of view is expressed by independent Belarusian and foreign political analysts. Some of the independent researchers of the current political regime in Belarus include V. Karbalevich, V. Bulgakov, V. Silitsky, V. Chernov, A. Kazakevich, V. Rovdo, and others.

Studies of the Belarusian regime have also been undertaken by a number of former politicians, analysts and journalists, including S. Shushkevich, A. Liakhovich, Y. Drakakhrust, A. Feduta, S. Bogdankevich, and others.

It should be noted that the evaluations of the current political regime expressed by independent scholars and researchers are also contradictory. Independent Belarusian political thinkers, just as the “official” political analysts, have not managed to avoid some sort of ideologically-biased attitude to the evaluation of the current political regime. Usually definitions and characterisations of the Belarusian regime are not a result of in-depth analysis, but rather constitute reflections on the topic of the processes taking place in the country and on the personality of Alexander Lukashenko. The attitude towards Lukashenko himself is fairly negative.

Such reflections led to the “demonization” of the Lukashenko regime and creation of general definitions and concepts such as “kolkhoz dictatorship”, “kolkhoz Bonapartism”, “red-brown style of governing”, and others. However, such definitions reveal the authors’ striving to show that the Lukashenko regime is bad just because it is bad, rather than their wish to analyse it from a scientific point of view. That is why very often the Belarusian regime is analysed by considering certain psychological aspects of the personality of Lukashenko, whereas the remaining elements and functions of the regime as a whole are not taken into account. One of the most popular definitions of the regime among independent Belarusian analysts is the concept of “Lukashism”.

This attitude towards the study of the regime may be called a psycho-political attitude. This means that the regime is nothing but a reflection of the psychological attributes and political will of Alexander Lukashenko. The supporters of this concept emphasise the fact that the Belarusian regime is a “per-

sonality-based regime of the ‘left-wing’ conservative-populist orientation,¹³ built by Lukashenko himself and reflecting his “maniacal thirst for power.”¹⁴ As a rule, conclusions of this type of analyses include making parallels between the Belarusian regime, fascism, and Stalinism. For instance, former Belarusian Parliament speaker S. Sharetsky states the following: “Lukashism is a relapse of dictatorship in modern European conditions; it is a mix of fascism and Stalinism overloaded with populism.”¹⁵

Furthermore, some Western political scientists believe that the grounds for the formation of the current Belarusian regime were the strong patrimonial and personalistic traditions in policy implementation. Taking that into account, analysts S. Eke and T. Kuzio, using the terminology of J. Linz, define the Belarusian political regime as a sultanistic regime. The authors list the following seven characteristics typical of sultanism, which in their opinion are distinct in the Belarusian regime: 1) extreme patrimonialism, where the destiny of the state is closely related to the destiny of the leader, which manifests itself in the active promotion of the cult of the leader in Belarus; 2) fusion of private and public property, which in its turn leads to corruption in Belarus; 3) lack of any ruling ideology; although Pan-Slavism was defined as the state ideology in Belarus; 4) a low level of institutionalisation and lawmaking, which enables the leader to act at his own discretion; 5) political plurality being frowned upon; 6) access to power, political and social benefits is ensured exclusively by the regime; and 7) sultanistic regimes are weak and can be destroyed by overthrowing the regime, because they are unable to accept any political change in a peaceful way. In the current situation the Belarusian regime will be overthrown by force.¹⁶

It’s hard to deny the fact that Lukashenko played a major role in the creation of the current political regime in Belarus. However, we should also remember

¹³ Чернов, В. «Трансформация или консервация»? (Chernov, V. “Transformation or conservation?”), *Наше мнение*, <<http://www.nmnbby.org/pub/0709/21m.html>>, May 14, 2008.

¹⁴ Potupa, A. “Lukashism has the potential to spread beyond Belarus”, *The Jamestown Foundation Prism, a Biweekly on the Post-Soviet States*, volume III, No. 6, part 2, May 2, 1997, <<http://potupa.iatp.by/articles/1997/e/lukashismpotential.htm>>, May 5, 2008.

¹⁵ Кишиани В. «Оппозиционеры на чужбине. Зенон Позняк и Семен Шарецкий о лукашизме и российском шовинизме» (Kipiani, V. “Oppositionists abroad. Zenon Pozniak and Semyon Sharetsky on Lukashism and Russian chauvinism”), *Киевские Ведомости*, <<http://kipiani.org/plain.cgi?311>>, August 5, 2008.

¹⁶ Eke M. Steven, Kuzio Taras, “Sultanism in Eastern Europe: The Socio-Political Roots of Authoritarian Populism in Belarus”, *Europe-Asia Studies*, vol. 52, No. 3, March 2000, p. 543.

the objective socio-economic and political factors, which provided favourable conditions for the formation and consolidation of the regime. Moreover, in the functioning of the Belarusian regime we can easily find aspects which enable us to apply the concept of sultanism, which is above all demonstrated by the concentration of power in the hands of the president and his decisive vote on a number of issues. Nevertheless, some of the statements bring some doubts, such as the statements that the political regime is unstable and can be easily overthrown.¹⁷ When analysing the aforementioned opinion and the concept of sultanism, it should be borne in mind that the article was written by Eke and Kuzio in 2000, shortly before the Belarusian presidential election. The election inspired some hopes that the political situation was going to change, first of all by means of a revolution, as the opposition believed that the Lukashenko regime was weak. However, the events and the 2001 election demonstrated that the regime had quite successfully managed the potential inner threats and had become even more consolidated and started an attack on civil rights and freedoms.

Furthermore, the supporters of the concept of sultanism fail to consider one significant aspect, which distinguishes the Belarusian regime from a purely sultanistic one. The inefficiency of socio-economic policies of the sultanistic regime leads to the regime losing its popularity with the population. Linz viewed this fact as one of the key aspects in the formation and functioning of sultanistic regimes. "Very often sultanistic rulers come to power with the support of a significant part of the population. As the regime becomes sultanistic, however, they lose much of their initial social support and begin to rely increasingly on a mixture of fear and rewards."¹⁸ In other words, when starting to lose their legitimacy in the eyes of the population as a result of their inefficient policies and usurpation of power, sultanistic regimes start relying only on force aimed at the preservation of power.

If we consider the Lukashenko regime, its social foundation has remained unchanged for many years and now is more or less stable. Furthermore, a considerable portion of the population has a positive attitude not only towards the figure of the president, but also towards the political regime and its internal

¹⁷ *Ibid.*, p. 543.

¹⁸ Chechabi H. Juan J. Linz., eds., *Sultanistic regimes: A Theory of Sultanism Sultanistic Regimes*, Baltimore and London (3): The Johns Hopkins University Press, p. 17.

socio-economic policies as a whole. According to the data of sociological surveys conducted by the Independent Institute of Socio-Economic and Political Studies (IISEPS), as of May 2007, 56.9 percent of the population trusted the president, 50.9 percent trusted the government, 60.4 percent trusted the army, and 45.5 percent trusted the courts.¹⁹ In the beginning of 2008, 50.2 percent of the Belarusian population believed that the country was developing in the right direction, whereas 34.5 percent expressed the opposite opinion.²⁰ If we compare the situation to that of the previous years based on the data provided by the Institute, we can see that any negative dynamics of change in the population's attitude towards the regime was basically absent, regardless of certain unpopular decisions taken by the country's authorities. For instance, as of September 2005, 53.3 percent of the population considered the country's direction as the right one, whereas 30.2 percent – as the wrong one.²¹

Thus, on the one hand, the regime has considerable social support, allowing it to function in a stable manner, whereas the ability to maintain social support demonstrates its mobility opportunities, which is what guarantees the maintaining of this support and, consequently, the legitimacy of the regime.

It should also be noted that inner structure and mechanisms of functioning of the Belarusian political regime are undergoing serious internal changes, which also impact its stability. A number of new elements have been introduced in the regime over the past eight years. We can see rapid drawing up and implementation of state ideology, active mobilisation and politicisation of the society, expansion of political control, and increasing pressure on the civil society. Political opposition has lost any opportunities to counteract the authorities and to have any impact in the society, and they have few chances to hold large-scale social protest actions.

Some Belarusian authors, considering the new condition of the political regime and the specific functioning of the Belarusian political system, have started using concepts such as “totalitarian dictatorship”,²² “totalitarianism”, and “neo-

¹⁹ *НИСЭПИ* (IISEPS), «Национальный опрос, май 2007 г.» (“National survey, May 2007”), <<http://www.iiseps.org/data07-02.html>>, May 11, 2008.

²⁰ *НИСЭПИ* (IISEPS), «Национальный опрос, в марте 2008 г.» (“National survey, March 2008”), <<http://www.iiseps.org/data07-03-91.html>>, May 11, 2008.

²¹ *НИСЭПИ* (IISEPS), «Национальный опрос, в сентябре 2005 г.» (“National survey, September 2005”), <<http://www.iiseps.org/data05-03-9.html>>, May 11, 2008.

²² Потупа, (note 14).

communism”. For instance, A. Sannikov, analysing changes in the structure of the regime and its strengthening pressure on the society in his article “The Belarusian regime: the reality”, states as follows: “If we analyse the situation in Belarus considering the form of rulership, we can note that it demonstrates virtually all widely-named signs of totalitarianism, except for the presence of one large political party... However, the trends visible in recent years, which lead to stringent control of the society on the part of the authorities, allow us to conclude that a transition from authoritarianism to totalitarianism has taken place in Belarus... Lukashenko has successfully used the ‘grey zone’ that appeared as a result of the dissolution of the USSR in the entire post-soviet zone to recreate a totalitarian system in Belarus.”²³

This point of view is also supported by S. Shushkevich, who defines the Belarusian regime as “neo-communist”. Regardless of the fact that the communist ideology and total control over the society do not exist in Belarus, Shushkevich states that “Belarus has once again taken the road of communist dictatorship.”²⁴

However, when discussing totalitarianism or neo-communism in Belarus, we should not forget about one key attribute typical of this type of regime – that is, mass terror directed not only towards adversaries of the regime, but also towards the population, as well as the overall control and ideologisation of the society. If we consider the Belarusian political regime, regardless of the repressions and large-scope state control over the society, it still allows the existence of the opposition and even some public actions of it, whereas in totalitarianism “there is no space for organised democratic opposition and for intermediaries of the regime.”²⁵

Therefore, the Belarusian regime is quite far away from what can be classified as a totalitarian or communist regime, even though one might want to use these names by adding “neo-” to them.

Although, on the one hand, consideration and identification of the regime with extreme forms of non-democratic rule is an exaggeration, on the other

²³ Санников А. «Белорусский тоталитаризм – реальность» (Sannikov, A. “Belarusian totalitarianism: the reality”), <<http://www.charter97.org/rus/news/2003/07/25/sannikov>>, May 1, 2008.

²⁴ Шушкевич С. *Нео-коммунизм в Беларуси* (Shushkevich, S. “Neo-communism in Belarus”), Смоленск: СКИФ, 2002, p. 31.

²⁵ Linz J., Stefan A. *Problems of Democratic Transition and Consolidation. Southern Europe, South America, and Post-Communist Europe*, Baltimore and London: The Johns Hopkins University press, 1996, p. 56.

hand it underlies the need to study the current political situation in depth, and to look for new methods and concepts in the analysis thereof.

2. Authoritarianism, sultanism and neo-authoritarianism: the essence of the Belarusian non-democratic regime

The formation and functioning of the Belarusian political regime is unique, thus allowing the application of any political science theory or concept from sultanism to totalitarianism. However, theoretical consideration of the regimes and comparison of the characteristics thereof to the Belarusian regime allows stating that a different type of regime has formed in this country.

This regime is considerably “softer” compared to totalitarianism, at the same time differing from political regimes that might be classified as sultanistic. Compared to sultanistic regimes, the Belarusian regime is more consolidated, more bureaucratic, and has wide social support. The Belarusian regime lies in the area between sultanism and (neo-) totalitarianism. This “area” belongs to the authoritarian regime.

Unfortunately, the concept of authoritarianism became a universal and generalised characteristic of all non-democratic regimes. A number of political scientists consider sultanism as a type of authoritarianism, which is characterised by the dominant role of the personal power,²⁶ or simply equate the two concepts.²⁷ However, regardless of certain similarities of authoritarianism and sultanism, which can be identified due to the non-democratic nature of both types of regimes and due to the fact that they use the same political tools in order to maintain political power,²⁸ certain differences between the two types of regimes do exist.

Linz, who developed the concept of sultanism in order to define some of the non-democratic regimes in Latin America and South-East Asia which in his opinion differ from authoritarian regimes, distinguished the following four

²⁶Цыганков А. *Современные политические режимы: структура, типология, динамика* (Tsygankov, A. “Modern political regimes: structure, typology, and dynamics”), Москва: Интерпракс, 1995, p. 174.

²⁷Роўда Ў. “Слабасць сучасных аўтэкратый (параўнальны аналіз палітычных рэжымаў Кучмы і Лукашэнкі”, *Палітолагічны та сацыялагічны студыі*. Том V. Чернівці-Вільнус: Выдавничій дзім “Букрек”, 2007, p. 190.

²⁸Chechabi, Linz, (note 18) p. 5.

types of non-democratic regimes: authoritarianism, totalitarianism, post-totalitarianism, and sultanism.²⁹ “The ideal type of sultanistic regime can be identified as follows. It relies on personal rule, yet loyalty to the ruler is not motivated by the fact that he expresses or articulates some ideology or that he represents a certain mission, or by his charismatic characteristics, but rather by means of varied use of fear and rewards on those who cooperate with the ruler.”³⁰

Unlike sultanistic regimes, authoritarian regimes are characterised by the presence of legal norms, more or less developed state institutions of governing, a bureaucratic system, and restricted functioning of a political opposition. “An authoritarian regime is a political system with a restricted, unreliable political pluralism, without any developed leading ideology yet with distinguishable mentality, without any intensive or extensive political mobilisation, except in certain moments in the process of development thereof, in which the leader or a small political group realises power within insufficiently clearly defined formal boundaries, which are nevertheless more or less predictable.”³¹

The fact that an authoritarian state has formed in Belarus³² was pointed out by Belarusian political scientists in the 90s. For instance, V. Chernov wrote: “The current political regime in Belarus is authoritarian, which underwent a rapid evolution from the oligarch system of ruling to an open presidential dictatorship with highly restricted opportunities for any reform.”³³

It is clear that the ideal definition of authoritarianism does not suit the existing Belarusian political model either, especially when we consider the appearance of new elements in the structure of the regime, the state ideology, politicisation of the social sphere, the increasing state control over political and social processes, etc. Furthermore, the Belarusian political regime is actively applying democratic mechanisms and methods for the purposes of ruling the society and self-legitimation.

²⁹ Linz, Stefan, (note 25) p. 40.

³⁰ Chechabi, Linz, (note 18) p. 7.

³¹ Linz J. *Totalitarian and Authoritarian Regimes*, in the Handbook of Political Science, vol. 3, ed. Nelson Polsby and Fred: Greenstein, 1975, p. 36.

³² Карбалевиц В. «Приватизированное государство» (Karbalevich, V. “A privatised state”), *Открытое общество*, 1998, N5(107) <<http://www.data.minsk.by/opensociety/107/2.html>>, May 12, 2008.

³³ Чернов В. «Авторитарный режим в Беларуси: характер, запас прочности, варианты трансформации» (Chernov, V. “Authoritarian regime in Belarus: nature, durability, and variants of transformation”), *Открытое общество*, 1998, No.4(106), <<http://www.data.minsk.by/opensociety/106/2.html>> May 12, 2008.

Analysing the Belarusian political regime we should take into account the overall historical and political factors and conditions, in which the regime has formed. The Belarusian regime has managed to quickly adapt to the new political and economic, external and internal conditions and challenges, and has successfully used the authoritarian mechanisms of domination in order to form a stable system of power. Undoubtedly, a qualitatively new model of a non-democratic political regime has formed in Belarus. We can consider it a sort of *modernised non-democratic authoritarian* regime, because in present-day political and economic conditions a conservative non-democratic regime would not be able to function effectively.

In order to classify the Belarusian regime, we will carry out an overall comparative analysis of the structural characteristics and mechanisms of functioning of non-democratic regimes based on studies conducted by Linz and Stefan:³⁴³⁴

³⁴ Linz, Stefan, (note 25) pp. – 43, 44, 57 – 60.

Table 1. A comparative analysis of the structural characteristics and mechanisms of functioning of non-democratic regimes

Structural characteristics and mechanisms of functioning of political regimes	Totalitarian regime	Authoritarian regime	Sultanistic regime	Belarusian regime
Ideology	Well-developed and all-covering in nature.	The ideology is not developed, yet a certain mentality is expressed clearly.	Active manipulations with symbols and glorification of the leader. There is no developed ideology.	There is a state ideology targeted at a rational explanation of the processes taking place in the country.
Mobilisation and politicisation	Extensive mobilisation thanks to the mass organisations created by the state.	There is no extensive and intensive mobilisation, except at certain moments in the course of development.	Low level of mobilisation, which is of accidental nature of the ceremonial type and does not have any constant organisation.	Organised and constant mobilisation, including mobilisation by the pro-state organisations.
Social support	Universal and unconditional support for the regime.	The population on the whole is apolitical, which enables the regime to ensure the required social basis for itself.	The social basis of the regime is very narrow, and support is ensured thanks to “fear and rewards” policies and activity of paramilitary groups.	The regime manages to maintain a stable social basis and support on the part of the society thanks to mobilisation and effective socio-economic policies.
State control	Complete, total state control over all spheres of life of the society.	Strong political control with the society being autonomous from the social and economic interference.	State control is unstable, the regime is unable to control all aspects of social and political life	State control is stable in both the political and economic spheres; where needed, the state can expand or narrow the limits of the society’s autonomy.
Political pluralism and opposition	There is no opposition.	Opposition functions in the formal boundaries set by the regime.	The regime is unable to suppress protest expressions in the society. There is a strong oppositional resistance, including armed resistance.	Opposition exists within the boundaries set by the regime, and is unable to organise any mass resistance.

Political leadership	Activity of the totalitarian leader is not limited by any formal boundaries.	The leader acts within poorly defined yet fairly stable formal boundaries.	Highly personalised; there are no rational or legal checks. Strong dynastical traditions.	The leader has a major role in the life of the society. The leader relies on the administrative and bureaucratic structures.
Social and economic policies	Planned economy with state-performed distribution of social benefits.	Economical and competitive economy, with a weak social welfare system.	An egoistic regime aiming at satisfaction of tangible-asset related interests of the ruling group and their supporters.	Use of mixed economy mechanisms, with stable assurance of the necessary social guarantee and benefits for the population.

Unlike other non-democratic regimes, the structure and functions of the Belarusian regime are multidimensional. Its stability and effectiveness are ensured by the use of a number of various resources, including ideological, socio-political, economic, and administrative-bureaucratic resources, as well as by the application of a long-term strategy of political development aimed at the establishment and elimination of potential threats to the regime.

We should consider in detail some of the key elements of the Belarusian political regime, which make it unique among the present-day non-democratic regimes.

State ideology. Since 2003, elaboration and implementation of the so-called “state ideology of the Republic of Belarus” was started in the country. The Belarusian ideology does not constitute an integral value-based philosophical system of belief, which is typical of totalitarian ideologies constituting “secular socio-political religions”³⁵ that attract faithful admirers and believers³⁶ and are aimed at the creation of “like-mindedness” in the society. It is not a “creation” of the leader as is the case with pseudo-ideologies of sultanistic regimes whose leaders are engaged in self-praising. It may be defined as an ideology of the “own way”, one of the objectives of which is a rational explanation of the advantages of the Belarusian political and economic model. For the purposes of creation of this doctrine, representatives of academic science, political scientists, historians, philosophers from the Belarusian Academy of Sciences, Belarusian State Uni-

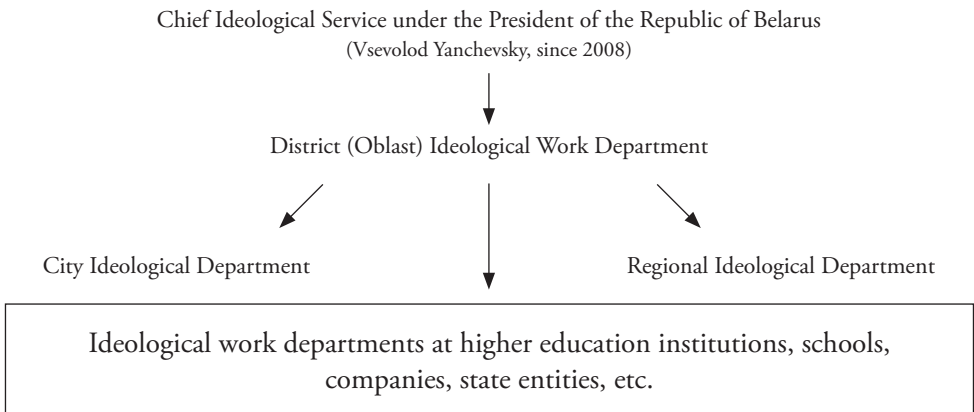
³⁵ Gurian W. *Totalitarianism as Political Religion*, in C. Friedrich, ed. *Totalitarianism*, New York: Grosset and Dunlap, 1964, p. 122.

³⁶ Piekalkiewicz J., Wayne Penn A. *Politics of Ideocracy*, New York: New York Press, 1995, p. 22.

versity, Academy of Management under the Administration of the Republic of Belarus President, etc. were invited.

Their task was to comprehensively substantiate the need to develop and analyse the Belarusian ideology, and to create some sort of academic and scientific course to be introduced into the educational process in Belarus from the year 2003. The development and implementation of the state ideology is functional rather than visionary in nature. Its functionalism lies in the objective of making intellectuals work for the benefit of the regime, making them serve the regime and strengthen it. “Absence of any clear and content-rich ideas and the eclectic and contradictory nature are evidence that the main reason for the current ideological campaign is not the “ideology” itself, but some sort of “ideological work.”³⁷ In addition to the creation of the ideology, the creation of the so-called “ideological vertical” was implemented, which today permeates not only the state and administration framework, but all state institutions.

Picture 1. **The structure of the Belarusian ideological framework**



³⁷ Бобрович В. «Государственная идеология: pro et contra» (Bobrovich, V. “State ideology: pro et contra”), *Наше Мнение*, September 22, 2003, <<http://www.nmnb.org/articles/220903/procontra.html>>, May 15, 2008.

The servicing of the ideology involves a number of full-time employees who attend special training at the Academy of Management under the Administration of the President of the Republic of Belarus. The key functions of ideological workers include ideological substantiation of elections, establishment of dissenters in companies and educational establishments, and holding of “preventive” discussions with those who do not approve of the authorities’ position.³⁸

State ideology also constitutes an important mechanism used in the process of mobilisation and politicisation of the society, although the main load in the implementation of these tasks lies on the pro-state mass organisations such as the Belarusian Patriotic Youth Union (355 thousand members), the Pioneer Organisation (482 thousand members, mainly school-age youth), and – in perspective – the pseudo-party organisation White Rus’. The creation of such organisations is evidence of systematic long-term political work with the population and individual social groups.

Today, the structures of the Belarusian Republican Youth Union are found in all state institutions. They perform ideological, control, and mobilisation functions. Although membership in organisations of this type is not obligatory, the authorities seek maximum involvement, especially of young people. The key objective of activity of pro-state youth organisations is the ideological and political conditioning of youth, “diminished political extremism among youth, increased electoral activity of youth, and consolidation of the social youth movement aimed at the creation of a strong and prosperous Belarus.”³⁹

Among other things, one of the significant tools of the Belarusian regime used for political mobilisation and politicisation of the society is the Orthodox Church. This aspect is fairly important, yet usually it is not considered when analysing the Belarusian regime. In the Lukashenko regime, the Orthodox Church occupies a privileged position,⁴⁰ which is not the case with other types of non-democratic regimes when we consider the relationship between the state and the church. In totalitarian regimes, the church is completely excluded from the social system, whereas in sultanistic regimes the church usually constitutes

³⁸ Usau P. “Ideology of Belarusian State. Propaganda Mechanisms”, *Belarusian society 2007, hopes, illusions, perspectives*, Warsaw- Minsk: EEDC, p. 48.

³⁹ *Республиканская программа «Молодежь Беларуси» на 2006–2010 гг* (Republican programme “Belarusian Youth” for 2006-2010). <<http://www.president.gov.by/press28322.print.html>>, May 16, 2008.

⁴⁰ Uladamirski A. “Religious diversity in Belarus”, *Belarusian society 2007, hopes, illusions, perspectives*, Warsaw- Minsk: EEDC, p. 24.

one of the forces opposing the regime. The Orthodox Church in Belarus is one of the institutions on which state authorities not only rely upon but also which they use as a mechanism for self-establishment in the mind of the population. According to the data of the IISEPS, as of December 2007, 68.1 percent of the population trusted the Orthodox Church.⁴¹ In 2003, state authorities and the Orthodox Church signed an Agreement on Cooperation Between the Republic of Belarus and the Belarusian Orthodox Church,⁴² which strengthened the position of the church in the country and the position of the political regime in the society. The importance of the Orthodox Church in the structure of the state system and politics was more than once emphasised by Lukashenko. For instance, during the Christmas service at the Cathedral of the Holy Spirit in Minsk he said: “Yet the most important feature of our Church is its patriotism. The Church has always been patriotic. The Church is the most patriotic structure in our country. This above all concerns the Orthodox Church, because it has always been with the people and defended the Homeland. That’s why I would like to, once again, at the end of another year after which we became wiser, thank you Lord and all churchmen of our country serving at the smallest wooden churches and in large cathedrals for their loyalty to our Homeland.”⁴³

State control and repressions. Unlike sultanistic and classic authoritarian regimes, the Belarusian non-democratic regime is implementing extensive control over all areas of social life. The essence of this control lies in the fact that the state controls not only the political sphere, but also regulates the citizens’ economic activity.

If we consider the economy, state control expands not only to the large state-owned companies by means of the so-called “golden share” (abolished in 2008) but also to medium and small private businesses. However, the aim of control over private businesses is not the liquidation thereof as an economic phenomenon, which was done in the times of the totalitarian communist regime (as

⁴¹ ИИС.ЭПС (IISEPS), «Национальный опрос, декабрь 2007 года» (National survey, December 2007). <<http://www.iiseps.org/data07-04-12.html>>, May 15, 2008.

⁴² Соглашение о сотрудничестве между Республикой Беларусь и Белорусской Православной Церковью (Agreement on Cooperation Between the Republic of Belarus and the Belarusian Orthodox Church), *Официальный сайт Белорусской Православной Церкви* (Official website of the Belarusian Orthodox Church), <<http://www.church.by/resource/Dir0009/Dir0015/index.html>>, May 16, 2008.

⁴³ *Ibid.*

of 2006, there were 37,660 private companies in Belarus),⁴⁴ but rather supplementation of the national budget with additional financial resources by imposing various types of fines. Control is exercised thanks to various state control services (such as the State Control Committee, fire brigades, sanitary and epidemiological services, etc.). The presence of an entire system of requirements, rules, and orders on how to conduct business enables the control institutions to impose fines on virtually any entrepreneur. “Excessive powers of inspectors and the absence of any clear checks procedure are the major problems for businesses in the case of checks. It’s easier for the entrepreneur to pay a fine than to comply with the requirements, because the compliance therewith often leads to losses.”⁴⁵

Furthermore, recent years have seen repressions on the representatives of the democratic opposition movement become more active. However, the regime does not aim at complete elimination of the opposition but strives to weaken it to the maximum possible extent in order to prevent any potential threats to the power stability. For that purpose, various methods of pressure on the opposition activists are applied, including long-term imprisonment. Yet the regime has moved away from the practice of physical elimination of the opposition leaders, as was the case in the late 1990s, which was probable dependant on the perceived potential threats to the then-weak power of Lukashenko.⁴⁶ The present-day regime is fairly stable, whereas the opposition does not constitute any serious threat and continues to exist because the regime allows so, rather than due to the regime’s weakness. Moreover, the factor of international pressure on the Belarusian authorities which they are bound to consider must be taken into account as well. We may assume that in the absence of the aforementioned factor the Belarusian opposition as a political phenomenon would cease to exist.

⁴⁴ Алексеев Б. «На пути от торговли к производству» (Alekseev, B. “From trade to production”), *Республика*, No. 43 (4466), March 5, 2008.

⁴⁵ Ермак Д. «Малый и средний бизнес Беларуси — под тотальным контролем государства» (Ermaк, D. “Small and medium businesses in Belarus are under total control of the state”), *Белорусские новости*, April 11, 2008, <http://naviny.by/rubrics/economic/2008/04/11/ic_articles_113_156539/>, May 16, 2008.

⁴⁶ Коктыш М. «Олег Алкаев: существует видеозапись убийств Захаренко, Гончара и Красовского» (Koktysh, M. “Oleg Alkaev: video recordings of the murder of Zakharenko, Gonchar and Krasovsky do exist”), January 21, 2003, *Народная воля*, <<http://www.charter97.org/rus/news/2003/01/21/nv>>, May 16, 2008.

At the present stage of development, the authorities apply preventive measures for the elimination of any potential threats on the part of the opposition, especially during elections. The main task of the repression services (mainly the KGB) is the destruction of the oppositional structures, and discrediting representatives of the opposition and maximum isolation from the population. In addition, the regime uses the legal basis for persecution of the opposition.

For instance, on the eve of the 2006 presidential elections, amendments to the Republic of Belarus Criminal Proceedings Code were passed in an urgent manner. For instance, article 193-1 “Illegal organisation of activity of a public union, fund, or participation in the activity thereof” provides for imprisonment for a term of up to two years, whereas article 369-1 “Discrediting of the Republic of Belarus”, i.e. provision to a foreign state, foreign or international organisation of knowingly false information on the political, economic, social, military or international status of the Republic of Belarus, legal status of citizens in the Republic of Belarus, which discredits the Republic of Belarus or its authorities, provides for imprisonment for a term of up to five years.⁴⁷

Thus the regime, with the help of well-organised repressive mechanisms, is implementing systematic and extended control over the spheres of life of the society, which might pose potential threats to the regime in the future.

However, it would be wrong to believe that the stability of the Belarusian political regime is ensured only by repressions, suppression of civil protests, and ideological and propagandistic “brainwashing”. The Lukashenko regime could not have survived for such a long period of time had it relied only on repressions. The stability of the entire political system is ensured by the activity of all institutions of the state bureaucratic apparatus and by effective state policies guaranteeing a fairly high standard of living of the population. Some Belarusian political scientists and analysts already in the period of formation of the Belarusian regime mistakenly stated that “the socio-economic model of the country

⁴⁷ Комиссия по национальной Безопасности Палаты Представителей Республики Беларусь, *О внесении дополнений и изменений в некоторые законодательные акты Республики Беларусь по вопросу усиления ответственности за деяния, направленные против человека и общественной безопасности*, официальный сайт Палаты Представителей РБ (State Security Commission of the Republic of Belarus House of Representatives. “Regarding introduction of supplements and amendments to some legal acts of the Republic of Belarus on the raising of liability for acts directed against the person and public security”. Official website of the Republic of Belarus House of Representative), <<http://house.gov.by/preview.php?fn=http://house.gov.by/index.php/4489,10427,5,,0,0,0.html>>, July 16, 2008.

is unable to function in a normal regime, i.e. it is unable to self-develop and self-regulate in a natural manner,”⁴⁸ and that “the present-day political regime is an unviable regime from the historical point of view, which has no future. The changing of this regime is just a question of time.”⁴⁹ Nevertheless, the Lukashenko regime has not only lasted but also demonstrated certain success in its socio-economic policies.

The standard of living in Belarus, although considerably lower than that in the democratic states, is much higher than in most post-soviet states. According to the UN Development Programme report, by the human development index for 2007 Belarus was 64th among 177 states of the world, whereas Kazakhstan was 73rd, Ukraine – 76th, Armenia – 83rd, Georgia – 96th, Azerbaijan – 98th, Turkmenistan – 109th, Moldova – 111th, Uzbekistan – 113th, Kyrgyzstan – 116th, and Tajikistan – 122nd.⁵⁰

If we consider economic indicators, according to the data of the Statistical Committee of the Commonwealth of Independent States, Belarus is the first among all CIS countries as regards growth of industrial production, which is 13.6 percent higher than in January-March of the prior year. Azerbaijan is second with 12.9 percent, whereas Ukraine is third with 7.8 percent. The growth of industrial production in Moldova equalled 7.7 percent, and in Russia – 6.2 percent. They are followed by Kyrgyzstan (4.1 percent), Kazakhstan (3.7 percent), and Armenia (0.2 percent). Tajikistan documented a 10.1 percent decrease of industrial production in the 1st quarter.⁵¹

Furthermore, as mentioned before, the Belarusian regime is able to quickly react to certain economic threats, and to concentrate and distribute the re-

⁴⁸ Карбалевич В. «Приватизированное государство» (Karbalevich V. “A privatised state”), *Открытое общество*, 1998, No.5(107), <<http://www.data.minsk.by/opensociety/107/2.html>>, May 16, 2008.

⁴⁹ Чернов В. «Авторитарный режим в Беларуси: характер, запас прочности, варианты трансформации» (Chernov, V. “Authoritarian regime in Belarus: nature, durability, and variants of transformation”), *Гражданское общество*, 1998, No.4(106), <<http://www.data.minsk.by/opensociety/106/2.html>>, May 13, 2008.

⁵⁰ «Беларусь признана экспертами ООН страной с высоким уровнем индекса развития человеческого потенциала», *официальный Интернет портал президент Республики Беларусь* (“Belarus was acknowledged by UN experts as a country with a high index of human potential development”, official website of the President of the Republic of Belarus), <<http://www.president.gov.by/press10662.html>>, May 17, 2008.

⁵¹ «Беларусь лидирует в СНГ по производству» (“Belarus is the leader of industrial production among the CIS countries”), *БЕЛТА* (Belarusian Telegraph Agency BELTA), <http://www.belta.by/ru/main_news_other?id=218037>, May 7, 2008.

quired resources in order to ensure stability of the entire socio-economic system, which is also typical of authoritarian regimes. An example of these policies is the reaction of the Belarusian authorities to the rising energy resource prices, which impacted the entire Belarusian economy. Many independent and foreign observers forecasted a collapse of the socio-economic system, which in their opinion developed thanks to low prices for gas and oil.⁵² However, this was not the case, and the regime started looking for new forms of economic management such as privatisation of some state-owned companies, while at the same time maintaining the monopoly over the companies which had strategic importance for Belarus.⁵³

Thus, considering the structure and functioning of the political regime in Belarus, and taking into account specific characteristics of the Belarusian regime, we may identify it as a *neo-authoritarian regime*.

On the one hand, neo-authoritarianism is a type of a non-democratic regime, which formed in present-day conditions and is therefore different from the classic authoritarian regimes, yet, on the other hand, neo-authoritarianism is a result of certain historical and political processes that were taking place in Belarus in the 90s. Neo-authoritarianism may be viewed as a natural stage in the process of development of non-democratic regimes, the origins of which come from the soviet authoritarianism that provoked certain political trends which some nations were unable to overcome (the Belarusians are not an exception here). L. Zaiko calls this phenomenon the waves of authoritarianism opposing the waves of democratisation. When describing the events that took place in the post-soviet zone, he states the following: “The process of formation of new authoritarian systems in the territory of the former USSR has started. This process does not have the same scope everywhere and is not happening everywhere, yet it has started. By 1996, authoritarianism had become a political structure in Belarus as well. Authoritarian systems of various levels of intensity

⁵² «Приватизация в Беларуси: законодательные и реальные контуры» (“Privatisation in Belarus: legal and actual contours”), *BISS*, <<http://www.belinstitute.eu/images/stories/documents/priv1ru.pdf> - 30.04.2008>, May 11, 2008.

⁵³ *Ibid.*

were forming in Turkmenistan, Uzbekistan, Kazakhstan, Georgia, Ukraine, and other countries.”⁵⁴

Thus neo-authoritarianism can form as a result of certain historical or political evolution of an authoritarian regime, or as a result of winding-up of democratic processes and establishment of authoritarian methods of ruling applying new methods of power among other things combined with democratic ones.

If we consider the process of formation of the Belarusian neo-authoritarian regime, we can state that it combines a return to the previous model of authoritarianism and the refusal to follow a democratic road of development.

The historical foundation and example for the appearance and development of a neo-authoritarian regime in Belarus was the soviet political model. The authorities’ striving to revive the soviet political system in Belarus is so obvious that it allowed some political observers to characterise the regime as a “reactionary, militant soviet conservatism,”⁵⁵ and “an authoritarianism of neo-soviet modification.”⁵⁶

The Belarusian neo-authoritarian system first of all took from the old system the administrative-commandment elements of ruling of the society, political sphere and economy, the levers of which are concentrated in the central state apparatus, thus enabling the authorities to unilaterally administer and distribute social and economic benefits within the society. This type of system does not provide for any social self-organisation and political pluralism. However, the Belarusian model is not just a copy of the soviet system. The political, economic and social tradition enrooted in the socialist past were considerably modified and adapted to present-day conditions. This was facilitated by the process of transformation and liberalisation of the soviet system itself in the 80s and 90s, as well as by the formation of democratic institutions in the independent Belarusian state.

For that reason, Belarusian neo-authoritarianism is closely related to the process of democratisation which took place in Belarus in 1991-1994. It was due to the de-transformation and winding-up of democratic process and return

⁵⁴ Заико Л. «Девятый вал социализма, тоталитаризма и авторитаризма» (Zaiko, L. “The tenth wave of socialism, totalitarianism, and authoritarianism”), *Наше мнение*, December 30, 2005 <<http://www.nmnbby.org/pub/261205/cycle.html>>, May 15, 2008.

⁵⁵ Чернов (Chernov), (note 48).

⁵⁶ Недокус И. «Еволюція політичного режиму в Республіці Білорусь» (Nedokus, I. “Evolution of the political regime in the Republic of Belarus”). The author’s abstract, Чернівці: «Рута», 2007, p. 16.

to authoritarian methods of ruling that the neo-authoritarian political regime formed.⁵⁷

The process of political de-transformation and revival of some elements of the soviet system occurred after two referendums held on the initiative of the president in 1995 and 1996. The 1996 referendum was the key event in the formation of the neo-authoritarian regime, because it granted the executive authorities led by the president to extend its power, and to submit of other powers to them, due to which a new non-democratic regime was established. Consolidation and institutionalisation of the neo-authoritarian regime took place in 1997-2001, round up by the presidential election won by Lukashenko, which demonstrated the inability of the civil society to withstand the regime.

In addition to that, the short period of democratisation impacted the institutional structure of the Belarusian neo-authoritarian regime. In the course of democratic transformations, new elements in the system of political rule were established in Belarus: adoption of the Constitution, introduction of the principle of separation of judicial, executive and legislative powers, starting of activity of the Constitutional Court, political parties and non-governmental organisations, etc. Virtually all of the named institutions and democratic elements were later included in the new political system, thus granting it an external pseudo-democratic form.

One of the key elements effectively used by the neo-authoritarian regime is political elections. Regardless of the formal meaning of elections in general, due to the absence of any democratic procedure of elections, the authorities pay great attention to the organisation and implementation of elections. This happens for the following reasons:

1. In the situation where there are no other forms of legitimisation of the political regime (e.g. ideology or tradition), political elections become the only mechanism that legitimise one group or another being in power. By means of elections, the Belarusian elite led by Lukashenko demonstrate that the existing regime is supported by the majority of Belarusians.

⁵⁷ Ровдо В., Чернов В. *Введение в общую теорию политики* (Rovdo, V., Chernov V. "An introduction to the general political theory"), Грамадская адукацыя для настаўнікаў, <<http://www.cetbel.info/?orgID=main&catID=theory&langID=BEL>>, May 14, 2008.

2. Elections constitute a key element of political mobilisation. The regime seeks to make people not only vote in large numbers but also to persuade them to vote *for* the current president or *for* a pro-president candidate during parliamentary elections.⁵⁸ Therefore, regardless of the fact that all elections are characterised by falsifications, according to sociological surveys, the actual percentage of votes cast for the president always exceeds 50 percent. For instance, according to the studies conducted by the IISEPS in 2006 prior to and after the elections, the respondents' answers were as follows: a) 52 percent voted *for* amendment of the Constitution during the 2004 referendum, which enabled Lukashenko to run for subsequent terms of office; b) during the elections of March 19, 2006, 55.4 percent voted *for* Lukashenko; c) during the subsequent elections, 54.3 percent were ready to vote Lukashenko.⁵⁹

The need to persuade the population to voluntarily support the current regime is also a reflection of the seeking to narrow the potential protest group among the population, which might protest against the regime.

3. By means of elections, the political opposition is marginalised and eliminated from the political arena. By participating in elections, the opposition formally confirms the legitimacy and democratic nature of elections,⁶⁰ yet by losing elections it shows itself as an outsider unable to oppose the authorities.

Thus, elections become an important instrument not only for legitimisation of the regime, but also for ruling the society, which also reflects the nature of neo-authoritarianism.

The neo-authoritarian regime in Belarus is an example of how democratic instruments are used not only for the purpose of winding-up democracy but also for the purpose of consolidation of the regime in the situation of universal democratisation in the neighbouring countries.

⁵⁸ ИИСЭПИС (IISEPS) «НАЦИОНАЛЬНЫЙ ОПРОС, 12 – 22 ИЮНЯ 2006 Г.» (National survey, June 12-22, 2006), <<http://www.iiseps.org/data06-03-8.html>>, May 14, 2008.

⁵⁹ Ibid

In other words, neo-authoritarianism is a political regime which is a result of the process of political de-transformation while maintaining democratic institutions and mechanisms in the structure of the state which perform formal functions, including the process of recruitment of political elites which are also used for the purpose to control the society.

Thus, the Belarusian neo-authoritarian regime is a special form of organisation of state authority characterised by extended mobilisation opportunities, widely supported by the population, and aiming at ensuring control over the society by using various means and mechanisms of influence (informational, ideological, and repressive in nature), while at the same time maintaining political and social institutions typical of democratic states.

Conclusions

The neo-authoritarian regime that is established in Belarus is an example of a successful de-transformation, moving away from democratic changes, and establishment of a consolidated non-democratic regime. Unlike other non-democratic regimes that formed in the post-soviet zone, the Belarusian regime has wide mobilisation potential and is supported by the majority of the population. This is also dependant on the implementation of successful socio-economic policies in the country, which ensured stabilisation of social and economic relations and improved the feeling of security and safety among the population. At the same time, thanks to state ideology and propaganda, the population is persuaded that any radical changes in the system and authorities might lead to the loss of stability and economic well-being. However, the regime is not static and maintains the right to implement certain socio-economic reforms and state-managed transformation of the economic sector. One of the indicators of the dynamics of the political regime is partial liberalisation. In March 2008, the “golden share” was abolished by a presidential decree, which earlier enabled the state to control virtually all industrial sectors of the Belarusian economy. These actions of the ruling elite were the result of a worsened economic condition, which was first of all dependent on Russia’s raising the prices for energy resources. However, liberalisation has not impacted the political processes in the

country, and has not become a basis for democratisation. Quite the contrary, the pressure of the state on the society has increased.

The Belarusian neo-authoritarian regime is highly consolidated, which allows stating that today it does not have any real political threats coming from within the society which might lead to changes in the regime in Belarus and to democratic transformations.

LITHUANIA'S NATIONAL INTERESTS IN THE FORMATION OF THE EU COMMON COMMERCIAL POLICY

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Abstract

This article pays major attention to the substantiation and identification of Lithuania's national interests in the formation of the EU common commercial policy, and an analysis of the EU institutional trade policy formation system is carried out. Furthermore, special attention is paid to the analysis of Lithuania's foreign trade policy organisation, with a view to establishing what opportunities are provided not only to state institutions, but also to business and consumer organisations to present their interests and participate in the process of formation of stances on foreign trade policy.

Finally, the article presents some theoretical considerations on Lithuania's trade policy-related interests and objectives in the near future. The article concludes by Lithuania's current foreign trade policy analysis and evaluation of the compliance of the policy with the country's national interests.

Introduction

Due to its size in terms of economy, trade, and finance, the European Union occupies an important position in the global system: the EU is gradually becoming the main power forming global events. The EU implements policies of the following two types in relation to the rest of the world: economic policy through trade agreements and development; foreign and security policy by means of the Common Foreign and Security Policy (CFSP), as well as the European Security and Defence Policy (ESDP).¹

The EU is the world's largest trader, which, thanks to its Common Commercial Policy (CCP), realises its economic potential on the global arena much bet-

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¹ Hix S., *Europos Sąjungos politinė sistema (Political System of the European Union)*, Vilnius: Eugrimas, 2006, p. 432.

ter than it does in the political or security sectors. By using its economic power, the EU promotes global free trade by taking an active part in the activities of the World Trade Organisation (WTO) and defending the legitimacy of its norms.

However, regardless of the fact that the CCP is considered as one of the most successful policies being implemented by the EU, its formation is a fairly difficult and complex process, which sometimes lacks transparency. As discussed further on in this article, though formation of the trade policy is in the competence of the EU (the supranational level), EU Member States exert considerable influence not only of the formation of the CCP objectives, but also of implementation of the policy. Although they might agree on the overall principles of the trade policy (such as further liberalisation of the global trade policy), each state participates in the process of formation of the CCP based on its own interests and implementing its own set objective implementation agenda.

Having become a member of the EU in 2004, Lithuania has transferred its competence of the foreign trade sector to the European Commission; however, just as other EU Member States, it can attempt to defend its own interests in the process of formation of the CCP, although, often competing with the other 27 Member States.

Globalisation processes are becoming more active and competitive pressures (which are often unfair) on the part of the growing Asian and South American countries are increasing, which negatively impacts the sensitive industrial sectors, influences other industrial sectors, and gives rise to competition. Therefore, it's clear that in the process of formation of the CCP Lithuania seeks decisions which would support the competitiveness of Lithuanian companies on the international level, prevent one-sided or uneven opening of the EU market and trade liberalisation, and eradicate unfair competition.

Thus, the main objective of this article is two-fold: to identify and evaluate Lithuania's national interests defended in the process of development of the EU's foreign trade policy and to analyse the formal opportunities to realise the aforementioned interests. With a view to achieving the latter objective, a comprehensive analysis of the EU CCP institutional structure will be undertaken, by identifying the formal (and other) opportunities of the EU institutions, Member States and the general public, as well as the influence exerted by the aforementioned actors in the process of definition of the CCP goals.

In the process of identification of Lithuania's national interests, a detailed analysis of the structure of Lithuanian national economic and foreign trade policy organisation in the context of EU-related issues will be undertaken. This will be done in order to clarify the structure of organisation of Lithuania's trade policy and to establish what kind of interests are represented and why or what institutions participate in the process of formation of the overall position concerning trade policy issues.

Finally, as will be demonstrated later in the article, when forming the EU's foreign trade policy, EU Member States try to achieve certain strategic goals determined by both geopolitical objectives and national economic priorities or other priorities dependant on the unique concept of the state's national interests. Therefore, the last section of the article presents an identification and analysis of Lithuania's national interests that are determined by the national economic structure and represented in the process of formation of the CCP, and a presentation of Lithuania's foreign trade policy.

The article concludes with a summary of the conducted research and a synthesis of Lithuania's objectives, interests, and challenges as it participates in the CCP.

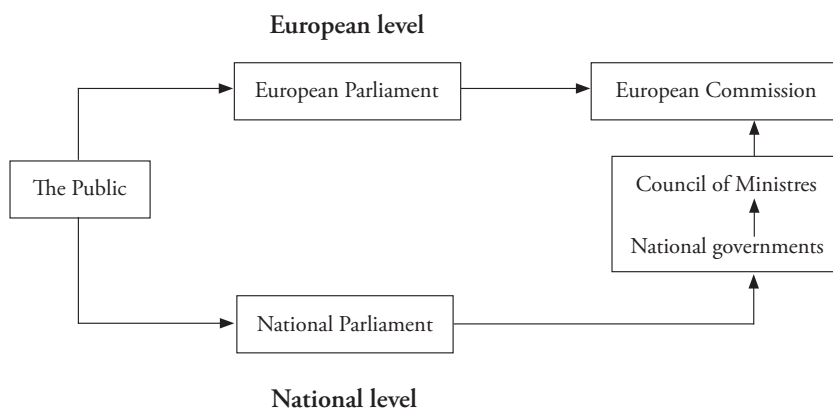
1. The process and institutional structure of the EU Common Commercial Policy formation

Upon Lithuania's accession to the EU in 2004, the right to form and implement the foreign trade policy was transferred to the EU authorities. The EU's Common Commercial Policy (CCP) is formed in a unified manner for all Member States, which means that any and all issues in connection with foreign trade are considered in a centralised manner taking into account the positions of Member States.

Thus, the EU's foreign trade policy is a truly complex process involving the EU people, parliaments and governments of the Member States, as well as the key institutions of the EU – the Council, the European Parliament (EP), the European Commission (EC), and the Court of Justice (CJ). According to M. Shawn Reichert and Bernadette M. E. Jungblut, EU's foreign trade policy is a

multi-level management system with overlapping jurisdiction and numerous access points for public interests, seeking to influence the external trade policy.² Diagram 1 below shows the chain of delegation of powers in the process of formation of the CCP:³

Diagram 1. **Chain of Delegation in the EU External Trade Policy**



The diagram reflects delegation of powers in the process of CCP formation and “Principal-Agent” relations. As we can see, five main types of power delegation-related relations covering both national and European levels are distinguished in the process of formation of the CCP. The following types of relations are distinguished on the national level: a) Member State’s public (the principal) and Member State’s parliament (the agent); b) Member State’s parliament (the principal) and Member State’s government (the agent). The national and European levels intertwine in the relation c) Member State’s public (the principal) and the European Parliament (the agent). The other two types of relations are distinguished on the European level: d) Member State’s government/EU Coun-

² Reichert M. S., Jungblut B. M. E., “European Union External Trade Policy: Multilevel Principal-Agent Relationships.” *The Policy Studies Journal*, Malden: Blackwell Publishing, Vol. 35, No. 3, 2007, pp. 395–418.

³ *Ibid.*, p. 396.

cil (the principal) and the European Commission (the agent) the European Parliament (the principal) and the European Commission (the agent).

Upon establishment of the main relations involved in power delegation, we must emphasise that they are not equally influential and determining in the process of formation of the CCP, which is emphasised especially often when talking about participation of the public in this process. However, when considering the important (and sometimes determining) role of national institutions in the formation of the CCP and the pressure exerted on them by various national interest groups (business, consumer, environmental, etc.), we can state that trade policy is a fairly politicised sector, in which certain personal interests are defended not only by certain EU Member State, but also by public groups, which rely on available national and European level channels .

The opportunities and involvement of Lithuanian national interest groups in the formation of Lithuania's overall position concerning the CCP will be discussed later in this article; however, we will now discuss in brief the role and competence of key EU institutions in the process of formation of the CCP.

As already mentioned, all key EU institutions have a certain role in the process of formation of the CCP, yet it goes without saying that the European Commission and Council have the biggest responsibility for the CCP, as defined in the Treaty of Rome. The European Parliament also has certain authority in the formation of the trade policy, yet its authority is considerably smaller and more restricted in nature (although recently some trends have appeared, which may lead to an increase of the role of the European Parliament in the process of formation of the CCP).

Thus, paragraph 1 of article 113 of the Treaty of Rome (1957) (the consolidated version of the Treaty Establishing the European Community will be quoted hereinafter, in which the aforementioned article is numbered as article 133) states as follows:

1. The common commercial policy shall be based on uniform principles, particularly in regard to changes in tariff rates, the conclusion of tariff and trade agreements, the achievement of uniformity in measures of liberalisation, export policy and measures to protect trade such as those to be taken in the event of dumping or subsidies.⁴

⁴ Consolidated version of the Treaty Establishing the European Community, <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:321E:0001:0331:LT:pdf>>, August 1, 2008.

It should be mentioned though that the roles of the European Commission, Council and European Parliament differ depending on what kind of treaties, concerning trade policies, are negotiated (trade agreements, trade and economic cooperation agreements, or association agreements).

Pursuant to the provisions of paragraphs 2, 3, and 4 of article 133, trade agreements must be concluded in accordance with the following procedure:

2. The Commission shall submit proposals to the Council for implementing the common commercial policy.
3. Where agreements with one or more States or international organisations need to be negotiated, the Commission shall make recommendations to the Council, which shall authorise the Commission to open the necessary negotiations. The Council and the Commission shall be responsible for ensuring that the agreements negotiated are compatible with internal Community policies and rules.

The Commission shall conduct these negotiations in consultation with a special committee appointed by the Council to assist the Commission in this task and within the framework of such directives as the Council may issue to it. The Commission shall report regularly to the special committee on the progress of negotiations.

The relevant provisions of Article 300 shall apply.

4. In exercising the powers conferred upon it by this Article, the Council shall act by a qualified majority.⁵

As we can see, in article 133, powers are delegated to the European Commission and Council, without any obligations for them to carry out any formal consultations with the European Parliament. Paragraph 3 of article 300 shows that the Council is not obligated to consult the European Parliament when concluding trade agreements:

3. The Council comes to agreements after consulting the European Parliament, except for the agreements referred to in Article 133(3), including

⁵ Consolidated version of the Treaty Establishing the European Community, <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:321E:0001:0331:IT:pdf>>, August 1, 2008.

cases when the agreement covers a field for which the procedure referred to in Article 251 [common decision procedure – *the author's note*] or that referred to in Article 252 [cooperation procedure – *the author's note*] is required for the adoption of internal rules. The European Parliament delivers its opinion within a time limit which the Council may lay down according to the urgency of the matter. In the absence of an opinion within that time limit, the Council may take action by its own.

Moving from the previous subparagraph, agreements referred to in Article 310, or other agreements establishing a specific institutional framework by organising cooperation procedures, or agreements having important budgetary implications for the Community, and agreements entailing amendment of an act adopted under the procedure referred to in Article 251 are concluded after the assent of the European Parliament has been obtained.⁶

Thus, in accordance with the CCP decision-making procedure, the Commission has the competence to initiate legal acts; furthermore, it is responsible for the procedure of implementation of the CCP. The Commission negotiates on all of the EU's external trade agreements on behalf of the Council and also has the right to adopt the relevant executive decrees concerning imposition of anti-dumping measures, levelling fees and other import restrictions, which the Council must review after a set period.⁷

The Council, in turn, is the main body passing legal acts. It adopts decisions by the qualified majority, granting the negotiation mandate to the Commission or approving the negotiated agreements (except any association agreements, which must receive unanimous approval). The Council also approves the Commission's legal act-related initiatives and controls the Commission's activity via COREPER (provided for in Article 133), which is called "Article 133 Committee" and comprises high-ranking national trade officials.

Finally, the European Parliament doesn't have any official role in the process of passing legal acts in the field of the CCP. However, pursuant to the aforementioned Article 300, the European Parliament's approval is necessary when pass-

⁶ Ibid.

⁷ Hix S., *Europos Sąjungos politinė sistema (Political System of the European Union)*, Vilnius: Eugrimas, 2006, p. 441.

ing other trade policy-related agreements or when other EU legal acts, which were adopted in accordance with the common decision procedure, must be amended as a result of adopting new agreements. Furthermore, the Committee on External Economic Relations of the European Parliament gives answers to the questions submitted by the Commission officials, receives regular reports from the Commission and the Council, and passes resolutions expressing the European Parliament's position on trade-related issues.⁸

2. Representation of Lithuania's interests in the process of formation of the CCP

In order to analyse representation of Lithuania's national interests in the process of formation of the CCP, the powers and opportunities of the CCP institutional structure enabling a Member State to influence the process of formation of this policy must be clarified.

Diagram 1 discussed previously in this article reflects the formal (institutional) delegation of powers in the process of formation of the CCP. However, it should be emphasised that the powers delegated to the EU institutions from the national level basically represent national interests of a Member State, which in turn are dependant on private and public interest balance.

The EU is a multinational political system, and its process-related structure was deliberately modelled in such a manner to assure its adaptability to a maximum of national priorities, cultures, styles, and traditions.⁹ However, next to the rather clearly institutionalised system of national interest representation, in political process of the EU (including formation and implementation of the CCP) there is a system for representation of transnational interests, which comprises of European-level interest groups made up of national group associations.

When talking about the policy initiation stage, we already mentioned that the Commission has a formal legislative initiative monopoly in most areas of the EU policy, the CCP included. However, when accepting proposals regarding any initiated policies, the Commission always cooperates with the official

⁸ *Ibid.*, p. 441.

⁹ *Ibid.*, p. 266.

representatives of nation states. All this mainly takes place in various working groups, comprising Member States representatives, which are administering the relevant policy-related issues. However, as S. Hix notes, national administrators also include internal interest group representatives so that the latter could represent their views in policy-related processes.¹⁰ As a result of all this, is a continuous process of negotiations between the Commission, governmental, and non-governmental interest advocates.

The activity of European-level (transnational) interest groups, although not determining, often influences the decisions taken in the field of the CCP. The best organised and most influential in the field of formation of trade policy are organisations such as the Confederation of European Business (BusinessEurope, formerly known as UNICE), the Association of European Chambers of Commerce and Industry (EUROCHAMBERS), and the European Round Table of Industrialists (ERT). According to C. Gerlach, the main challenge faced by the aforementioned organisations is to find a common stance between members representing a number of different states and sectors.¹¹ The views presented to the Commission by the aforementioned organisations can strengthen the positions of certain Member States, if their interests coincide: compared to the delegated national experts, European-level association experts often are able to gain a deeper insight in the issues being considered.

Nevertheless, we should acknowledge that the unity of European-level interests disappears (mostly due to the aforementioned difficulties), and national interest groups are bound to realise their objectives by cooperating with national governments and officials involved in the policy formation process. This means that business associations often attempt to realise their interests together with national interests of the state, advocated in the institutionalised CCP formation process.

This is also confirmed in the article written by J. Vilčinskis and D. Vijeikis,¹² who, among other things, analyse the inclusion of organised Lithuanian interest groups in the European policy formation, carried out by Lithuania, and the

¹⁰ Ibid., p. 266.

¹¹ Gerlach C., "Does Business Really Run EU Trade Policy? Observations about EU Trade Policy Lobbying." *POLITICS*, Political Studies Association, 2006, Vol. 26 (3), pp. 176-183.

¹² Vilčinskis J., Vijeikis D., "Lietuvos grupių interesai Briuselyje: kelionėje be interesų grupių?" ("Lithuanian groups' interests in Brussels: on a trip without any interest groups?"). *Politologija* 2007, Vol. 1 (45), pp. 95-143.

impact of such inclusion on the representation of the country's national interests in Europe. Having evaluated the organisational structure, level of europeisation,¹³ experience, and available resources of Lithuanian interest groups, the authors of the aforementioned article summarise that the state will retain the key role in the design of internal groups' and common interests in the process of formation of the European policy, and in this way will represent the national - group interests in the EU.¹⁴

The authors of the research confirmed once again that the multi-stage institutional and procedural arena of EU interests and the group access resources evaluated by it, contrast with experience of Lithuanian interest groups as well as with the characteristics of interest arena..¹⁵ Therefore, the "national way" (the influence on the national EU-related policy process) in the near future is most likely to remain the most effective and acceptable way to represent Lithuania's interests in the process of formation of the EU trade policy.

Thus, we can state that at present Lithuania's trade policy-related interests are best (and probably in the most effective manner) defended in the strictly institutionalised formal system of national interest representation forming the CCP.

3. Organisation of Lithuania's foreign trade policy in the context of coordination of EU-related issues

Further on in this article a more comprehensive analysis of the Lithuanian system of coordination of EU-related issues will be presented, with a view to clarifying the structure of organisation of Lithuania's trade policy, and identifying what interests and institutions are involved in the process of formation of the common position on trade policy-related issues.

The main and largest Lithuanian business associations (such as the Lithuanian Confederation of Industrialists, International Chamber of Commerce

¹³ Europeisation of interest groups means the acquisition from other Member States and organised interests defended on the EU level of the values and knowledge on the EU policy style, content and views on public policy formation.

¹⁴ Vilčinskis J., Vijeikis D., "Lietuvos grupių interesai Briuselyje: kelionėje be interesų grupių?" ("Lithuanian groups' interests in Brussels: on a trip without any interest groups?"). *Politologija* 2007, Vol. 1 (45), p. 135.

¹⁵ *Ibid.*, p. 125.

Lithuania (ICC Lietuva), and Lithuanian Business Employers' Confederation) are represented in the aforementioned European-level organisations, yet also have their own role in the formation of Lithuania's official position on specific issues of the CCP as one of the areas of European policy. As we will see, for that purpose constant contacts are maintained between the responsible Lithuanian institutions and business structures, and close cooperation in the process of preparation of the position and arguments is undertaken.

It should be mentioned though that when formulating Lithuania's position on various CCP-related issues, the executive institutions take into account not only Lithuanian business interests, but also consumer interests, and adhere to the guidelines set out in the general priority documents and approve resolutions complying with the international trade rules.

As already mentioned, trade policy is in the exclusive competence of the EU; therefore, at international trade forums, first of all in the WTO, the interests of EU Member States are represented by the European Commission, which negotiates on liberalisation of multilateral trade, accession of new members to the WTO, trade-related disputes with other WTO members, compensations and privileges upon introduction of changes in trade rules after EU enlargement, etc. Therefore, the main task of Lithuanian officials is active participation in the formation of the common EU position in specific foreign trade areas with a view to ensuring the best possible representation of Lithuania's economic interests.

The regulations of the Republic of Lithuania Foreign Ministry stipulate that the Foreign Ministry "coordinates the formation of Lithuania's foreign trade policy and, together with other state institutions, participates in the implementation thereof, participates in the formation of the European Union foreign trade policy, and within the scope of its competence represents the Republic of Lithuania in the European Union process of taking decisions on the said issues".¹⁶

Lithuania's foreign trade policy constitutes an integral part of the country's foreign policy, and Lithuania aims at active participation in the formation of the Common Commercial Policy of the EU. Sub-paragraph 17.7 of Government of the Republic of Lithuania Programme (foreign policy) provides for "The expansion of international economic cooperation and an increase in the stability of the international economic environment. Encouragement of Lithuania's in-

¹⁶ Republic of Lithuania Foreign Ministry regulations, version of Government of the Republic of Lithuania April 9, 2008 resolution No. 375.

volvement in the European transport and energy infrastructure network. Active participation in the regulation of the trade policy of the European Union, and use of the benefits offered by it. Strengthening of the role of economic diplomacy, and seeking for trade and investment conditions favourable for Lithuanian business, as well as for foreign investment.”¹⁷

Strategic goals, tasks, implementation directions, and organisational tools of Lithuania's foreign trade policy are enumerated in the Republic of Lithuania Foreign Trade Policy Guidelines approved by Republic of Lithuania Foreign Minister February 1, 2007 Order.

The Guidelines set out the following three strategic goals of Lithuania's foreign trade policy:¹⁸

1. Use of trade measures for increasing export and external industrial competitiveness, and improvement of Lithuania's economic well-being;
2. Strengthening trade and economic relations with neighbouring countries and other trade partners by diminishing the ambiguity of bilateral trade relations, liberalising mutual trade, and applying clearer measures to regulate trade and trade-related areas;
3. Promotion of harmonious development of global trade by continuing the development and improvement of rules of trade liberalisation and international trade.

Implementation of the aforementioned goals above all means consistent participation in the formation of the EU's trade policy and voicing and defending Lithuania's position, i.e. representation thereof at the meetings of the Council and Commission committees and working groups, strengthening bilateral contacts with the Commission and Member States, and creation of alliances. Another organisational measure is the involvement of social partners, by identifying Lithuania's foreign trade policy-related interests, formulating positions, and coordinating implementation-related activities.¹⁹

¹⁷ Republic of Lithuania Seimas Resolution Regarding Republic of Lithuania Government Programme, July 18, 2006, No. X-767.

¹⁸ Republic of Lithuania Foreign Ministry Order Regarding Approval of the Republic of Lithuania Foreign Trade Policy Guidelines, February 1, 2007, No. V-11.

¹⁹ *Ibid.*

Because formation of Lithuania's foreign trade policy is included in the aforementioned EU-related issue coordination competence, the Rules of Coordination of EU Affairs approved by the Government of the Republic of Lithuania in 2004 set out the relevant provisions regarding regulation of Lithuania's foreign trade policy formation.²⁰

The Rules of Coordination of EU Affairs approved by the Government of the Republic of Lithuania provide for the setting up a EU affairs external economic relations working group, the organisation of the work of which is the responsibility of the Foreign Ministry. Thus, the EU external economic relations working group was formed pursuant to the Foreign Minister May 7, 2004 Order, and the regulations for the working group were approved as well.²¹ The aforementioned regulations provide that the purpose of the working group is the coordination of formulation and implementation of Lithuania's position on the CCP, development policy, and other issues considered by the EU institutions. Another task is the transfer of the EU legislation provisions in the area of economic relations to Lithuanian legislation and coordination of implementation of the aforementioned provisions.²²

The functions of the working group listed in the regulations provide that the working group helps the Foreign Ministry to prepare and agree upon Lithuania's position on the issues in connection with EU external economic relations. The working group must also help to ensure exchange of information on the issues in connection with EU external economic relations between state institutions and entities, concerned associated business structures, and companies. Furthermore, the working group submits proposals regarding the strategy and tactics of consideration of the issues in connection with the EU external economic relations and obtains advice from Lithuanian business representatives on a regular basis.

Therefore, when organising the activity of the work group, the nature of the issues being considered and the business needs in connection with the issues being considered are taken into account, and representatives of the Lithuanian

²⁰ Rules of Coordination of EU Affairs, Government of the Republic of Lithuania January 9, 2004 Resolution No. 21, Government of the Republic of Lithuania April 29, 2005 No. 478 version.

²¹ Republic of Lithuania Foreign Minister Order, May 7, 2004, No. V-66.

²² EU affairs external economic relations working group work regulations approved by Republic of Lithuania Foreign Minister May 7, 2004 Order No. V-66.

Confederation of Industrialists, Association of Lithuanian Chambers of Commerce, Industry and Crafts, Lithuanian Business Employers' Confederation and ICC Lietuva are usually invited to the meetings on the advisory vote right. The regulations stipulate that the head of the working group may invite to the meetings representatives of other state institutions and entities, interest groups, public organisations, scientific and educational institutions, non-governmental organisations, companies, and other persons on the advisory vote right. In this case, representatives of organisations engaged in the protection of consumer rights are usually invited, although their contribution might be much more significant had they participated more actively and submitted their proposals and comments regarding the decisions being taken.

It should also be noted that the involvement of social and economic partners in the activities of the EU affairs working group can take different forms, and includes not only attending meetings, but also consultations by phone, e-mail, etc. This is especially the case when an issue is relevant only for a narrow group of social and economic partners.

According to the survey conducted by the Chancellery of the Government of the Republic of Lithuania in 2005 among the institutions responsible for the activities of the working groups in the field of EU affairs, foreign trade, transport, environmental, and social policy sectors were the most open to the participation of social and economic partners. This conclusion can be drawn considering the answers given by ministries to the presented questions on the activities of EU affairs working groups.²³ In the review of the activity of the Government of the Republic of Lithuania in the field of EU integration in 2004 (the first year of membership in the EU) drawn up in 2005, it is emphasised that "Associated business structures participate in the activity of the external economic relations working group and actively submit their proposals."²⁴ From that time on, the cooperation of the responsible institutions and social and economic partners in the formulation of Lithuania's position regarding trade policy has strengthened, and their contribution in the task of identification of national interests remains considerable.

²³ Government of the Republic of Lithuania, *A review of the activity of the Government of the Republic of Lithuania in the field of EU integration in 2004*, Vilnius, February 14, 2005.

²⁴ *Ibid.*, p. 18.

In summary, we may state that the Government has provided sufficiently good conditions for social and economic partners to participate in the process of development of EU legislation. However, in order for the cooperation to be successful, the ability of social and economic partners to actively use the provided opportunities to participate in the process of formulation of Lithuania's position on the CCP is also of key importance.

4. Peculiarities of Lithuania's economic structure and the impact thereof on the development of external trade policy

4.1 Factors influencing the economic national interests. Peculiarities of the structure of national economy

As we mentioned in previous sections of the article, EU Member States have delegated the right of implementation of the trade policy to the supranational level: in trade-related negotiations, the Council transfers the negotiation mandate to the Commission, which in its turns "speaks in one voice" and represents the common position of the EU.

According to S. Meunier, the common position of the EU, which in various negotiations is defended by the Commission and formulated after long and complex negotiations among the EU Member States, is determined by several key factors.²⁵ Firstly, it is "the common denominator" of the interests and preferences of EU Member States, determined by their ideological and political views, ideas, social and economic structure, interest group activities, etc. Secondly, certain institutional norms enabling Member States to influence the CCP formation process. Finally, it is the informal influence and political weight of the vote: some countries have considerably more influence when forming the common position of the EU.

Thus, we can see that the Council, which comprises representatives of Member States, is not as uniform as the Commission. Some time ago, the aforementioned division between the interests of Member States allowed grouping

²⁵ Meunier S., "Managing Globalization? The EU in International Trade Negotiations" in: *Journal of Common Market Studies*, Vol. 45 (4), 2007, pp. 905-926.

countries by their belonging to the North or South: northern EU countries supported liberal trade policy, whereas southern EU countries supported a protectionist trade policy. Today, when the EU comprises 27 Member States and clearer trade-related interests of individual countries in the global trade system are established (especially with regard to the new members of the EU), such a strict grouping doesn't reflect the real situation, first of all due to the fact that liberal ideas dominate in the CCP implementation agenda. Nevertheless, at present a difference in the positions of the "rich" and new EU Member States on some trade policy-related issues can be distinguished.

It's not hard to explain the difficulties of forming a common external trade position (even though we consider the aforementioned framework of liberal economic values). All we have to remember is that the neo(realistic) paradigm, which dominates in international relations, states that countries are unitary actors, and their elites and public have a concept of the national interest. At the same time, the national interest is first of all defined in geopolitical/security terms, and each country acts in a rational manner based on this interest.

Thus, even when forming the common external trade policy of the EU, Member States seek certain strategic goals determined both by geopolitical objectives and national economic structure or other priorities based on the unique concept of the national interest.

Prior to identifying Lithuania's interests and strategic goals in the formation of the CCP, we have to analyse the structure of the country's economy, which is the main factor determining Lithuania's preferences in the field of trade policy.

At present, Lithuania's economic structure is fairly different from that of the old and even some of the new EU countries. This is clearly demonstrated by data presented in the applied research work "Foresight for the Lithuanian Economy in the Light of Regional and Global Tendencies" conducted in 2007, in which the structure of the GDP by various economic activities in different countries is compared (based on the Eurostat data):²⁶

²⁶ Foresight for the Lithuanian Economy in the Light of Regional and Global Tendencies. Social and Economic Development Centre. Vilnius, 2007. <<http://www.izvalga.lt/lt/dokumentai>>, August 21, 2008.

Table 1. The structure of the GDP by various economic activities in different countries in 2004 (%)

Countries	Agriculture, fisheries	Industry	Construction	Trade and transport	Finance and business	Other activities
EU 25	2.1	20.7	5.9	21.5	27.0	22.8
EU 15	2.0	20.3	5.9	21.3	27.6	23.0
Czech Republic	3.3	31.0	6.9	25.4	16.3	17.1
Estonia	4.3	22.2	6.7	28.2	20.7	18.0
Cyprus	3.1	12.1	8.2	28.5	23.9	24.2
Latvia	4.1	16.8	5.8	35.4	18.2	19.7
Lithuania	5.9	25.5	7.2	32.3	12.4	16.8
Hungary	3.8	26.1	5.1	20.5	20.5	24.0
Malta	2.5	18.9	4.8	28.6	17.7	27.3
Poland	5.1	25.4	5.6	27.2	17.5	19.3
Slovenia	2.5	29.5	5.7	21.0	20.3	20.9
Slovakia	3.9	26.5	5.6	25.8	21.3	16.9

The manufacturing industry in Lithuania remains the key economic sector; however, Lithuania is considerably behind other countries as regards the high and averagely high technology-related processing/manufacturing sector.

In 2007, the major portions of Lithuania's export included mineral products (13.7 percent), machinery, and mechanical and electrical devices (12.9 percent), foodstuffs and agricultural products (11.7 percent), vehicles and accessory transport devices (10.6 percent), chemical products (8.1 percent), and textile materials and products (7.6 percent).

The structure of Lithuanian export by individual product groups shows that some Lithuanian sectors still manage to successively compete in foreign markets. However, certain trends which are unfavourable for the development of the Lithuanian economy appeared. As stated by the authors of the study "An analysis of the impact of the main factors influencing the development of Lithuanian export and increasing the effectiveness the said factors" drawn up in 2003, the main problem lies in the fact that the structure of Lithuanian export is typical of developing countries. The comparative weight of modern industrial

sectors that create considerable added value is small; export is dominated by the sectors requiring less qualified labour and more natural and energy resources.²⁷

In the Complex Study of the Sources (Factors) of the Growth and Competitiveness of the Lithuanian Economy²⁸ conducted by order of the Ministry of the Economy, it is concluded that as much as $\frac{3}{4}$ of all industrial products are created in industrial sectors ensuring low added value, and that Lithuania is dominated by traditional industries and industries generating low or average added value.

The percentage of exported high technology products in the overall export in recent years remained almost unchanged and didn't exceed 3 percent (for instance, in 2004, it equalled 2.7 percent, whereas the EU average equalled 18.2 percent). In Lithuania, almost 80 percent of all export of goods and services of Lithuanian origin are ensured by the processing manufacturing sector, where approximately $\frac{2}{3}$ of all costs account for raw materials, fuel, and energy, whereas the trends of the price for the aforementioned going up are more than clear. Thus, the rising prices of raw materials and fuel in global markets increase the costs incurred by the Lithuanian economy (characterised by high energy consumption) and weaken its competitiveness. Therefore, it isn't hard to predict that with the future trade liberalisation trends remaining active, in the long term Lithuanian export will find it hard to compete with cheap export from low-cost countries (China, India, etc.).

For the time being, the structure of the Lithuanian economy is not advanced: Lithuania is now passing from the second economic development stage to the third (from investment to the innovation). The third economic development stage is characterised by an increase of work productivity and economic restructuring to higher added value activities becoming the key factor for economic growth. The Lithuanian economy has no opportunities to "leap" from the second to the third stage, because it doesn't have the required social and infrastructural basis for that, lacks qualified labour, and sufficient funds and investment for development of such businesses.

²⁷ An analysis of the impact of the main factors influencing the development of Lithuanian export, and increasing the effectiveness the said factors. *Ekonominės Konsultacijos ir Tyrimai*. Vilnius, 2003, p. 10.

²⁸ A complex study of the sources (factors) of the growth and competitiveness of the Lithuanian economy. Business Strategy Institute of Kaunas Technological University, 2006. <www.ukmin.lt/lt/strategija/doc/Kompleksine%20studija-2006_03_09-galutine.doc>, August 20, 2008.

Evaluating the current structure of the Lithuanian economy and the global trends, the authors of the aforementioned applied scientific research forecast rapid growth of the Lithuanian economy and potential breakthroughs in the following areas (provided that the country continues to go up the chain of creation of added value):²⁹

- Manufacturing of chemicals and chemistry products;
- Manufacturing of foodstuffs and beverages;
- Manufacturing of wood and wooden products;
- Manufacturing of clothes and textiles;
- Transport and logistics;
- Environmentally friendly production of energy from renewable sources.

Thus, basically agreeing with the conclusions made by the research authors, we should emphasise that the position defended by Lithuania in the process of formation of the CCP should reflect the structure and peculiarities of the country's economy. At the same time, the position defended with regard to further liberalisation of EU external trade must provide for maximum favourable conditions for successful development of the Lithuanian economy.

4.2. Some theoretical observations on the national interests and development of trade policy

Each EU Member State has a different economy comprising different industrial sectors and is influenced by different economic experiences. As is well known, certain industrial sectors have almost disappeared in some EU countries due to transfer of production to other countries ensuring lower labour and energy costs, and having less stringent environmental requirements and social standards. All this has a considerable impact on the positions of individual EU Member States on issues of liberalisation of the EU external trade policy.

Talking in general terms, we can distinguish a difference in the positions of the new and the "rich" EU countries on certain external trade policy issues

²⁹ Foresight for the Lithuanian Economy in the Light of Regional and Global Tendencies: an abstract. Social and Economic Development Centre. Vilnius, 2007. < <http://www.izvalga.lt/lt/dokumentai>>, August 21, 2008.

(especially if we consider issues such as liberalisation of the agricultural product trade policy, reform of trade protection measures, liberalisation of trade with the developed or developing countries, etc.).

The different strategic goals of the former countries are clearly identified in the Guidelines of the Lithuanian European Policy Strategy in the Short and Medium Term that were prepared and presented in 2006. The authors of the study, among other things analysing Lithuania's strategic position on the issue of liberalisation of EU external trade, compare Lithuania's goals with those of most new EU Member States.

Thus, according to the study authors, the new EU Member States seek liberalisation of trade with the states belonging to the eastern dimension of the European Neighbourhood Policy (ENP) and Russia because outside the EU borders they mostly trade with these countries (the CIS countries constitute the main export market for Lithuania after the EU, to which 24.5 percent of all export went in 2007). At the same time, these countries are interested in the processes of europeisation of this region. The economic structure of the new EU Member States is essentially the same as that of the other rapidly developing states; therefore, liberalisation of trade with China or India would increase competitive pressures on the companies of the new EU Member States. On the other hand, liberalisation of trade with other developed countries (such as the USA and Japan) would be useful for the EU countries, because it would lead to a decrease in the prices of the goods produced on the basis of high technology.

At the same time, the "rich" EU countries want to maintain trade barriers with regard to other developed countries characterised by the same relative advantages. Liberalisation of trade with China and India and other countries with a cheap labour force would be useful for these EU countries, because, on the one hand, it would open vast markets for the goods produced by these EU countries, and, on the other hand, would not lead to any major competitive pressure on local manufacturers. Furthermore, liberalisation of trade with post-Soviet countries for richer EU countries would be important in order to support and encourage democratic reforms in this geographically close and strategically significant region.³⁰

³⁰ Guidelines of the Lithuanian European Policy Strategy in the Short and Medium Term: an abstract. Centre for Strategic Studies. Vilnius, 2006. <[http://www.ssc-lietuva.lt/picture/upload/ssc_leps_sant-rauka_20061119\(1\).pdf](http://www.ssc-lietuva.lt/picture/upload/ssc_leps_sant-rauka_20061119(1).pdf)>, August 21, 2008.

Thus, as demonstrated by most of the conducted studies on the topic of economic development, the development of the available traditional sectors will remain the foundation of the Lithuanian economy and of the growth thereof. Also, we may state that the growth of the Lithuanian economy in the near future will continue to be determined by traditional economic sectors, whereas its competitiveness on the global market will increase, if the traditional economic sector companies understand the importance of the latest technologies and are able to use the opportunities offered by them.

Therefore, upon evaluation of the current structure and the possible trends of development of the Lithuanian economy, we may state that the most important issue for Lithuania in the near future is likely to be liberalisation of EU external trade with Russia and the states belonging to the eastern dimension of the European Neighbourhood Policy. We can distinguish the following three motives of this interest: *firstly*, among the non EU states, main Lithuania's trade partners are Russia and the states belonging to the eastern dimension of the ENP; *secondly*, political stability in neighbouring countries is of strategic importance to Lithuania, and liberalisation of trade would constitute an important measure aimed at the support of democratic and market strengthening reforms in this region; *thirdly*, Lithuania could become a "gate" for Eastern and South-Eastern Asian products to the EU and/or EU "bridge" to Eastern Europe, Southern Caucasus, and Russia. At the same time, this would encourage unification of areas of key importance for the development of the Lithuanian economy – the EU energy and transport infrastructure – with the Eastern European infrastructure systems.³¹

³¹ Ibid.

5. Lithuania's national interests and contribution in the formation of the CCP

In the previous section of the article, we discussed the peculiarities of the structure of the Lithuanian economy as one of the key factors determining the country's economic (trade-related) interests. Furthermore, taking into account certain theoretical considerations, we stated that liberalisation of the EU trade policy would be most useful for Lithuania.

In this section we will identify and analyse Lithuania's national interests in connection with external trade, which are represented during the process of formation of the CCP. Major attention will be paid to the establishment of the extent to which the external trade policy implemented by Lithuania recently complies with national economic interests, and of the extent to which this policy encourages development and further growth of the Lithuanian economy.

Thus, the national interests declared by Lithuania in the field of trade policy basically reflect the ones stipulated as strategic goals and tasks of the foreign trade policy guidelines.³² On December 18, 2006, Lithuania's Foreign Trade Policy Guidelines were approved at the EU external economic relations working group meeting not only by the state institutions and entities taking part in the formation of trade policy, but also by social and economic partners, which ensured unification of both public and private interests.

Analysing Lithuania's interests in the process of formation of the CCP in more detail further on, we should emphasise that in 2006 Lithuanian representatives were fairly actively involved in the discussions regarding the future of the EU external trade policy, with a view to defending the country's trade-related interests. Lithuania stood for paying more attention to the opening of the market of the third countries and didn't agree with the proposals concerning unilateral opening of the EU market, and emphasised the need to strengthen the fight against non-competitive practices of some other countries and stood for abolition or mitigation of anti-dumping measures. Furthermore, Lithuania proposed to supplement the agenda of negotiations with the issue of application of minimum social and environmental standards, failure to adhere to which increases the competitive power of certain countries.

³² Republic of Lithuania Foreign Minister Order regarding Approval of the Republic of Lithuania Foreign Trade Policy Guidelines, February 1, 2007, No. V-11.

On September 13, 2006, the European Commission announced its communiqué “Global Europe: Competing in the World” based on the aforementioned discussions, the aim of which was the establishment of the main guidelines for increasing the competitiveness of the EU.³³ The said communiqué emphasised an external dimension as one of the key strategies of European growth, and listed specific trade policy principles, which essentially determine the current EU trade agenda.

Upon careful examination of the provisions contained in the said communiqué of the Commission, we see that they basically coincide with the strategic goals and tasks of the Lithuanian foreign trade policy listed in the Republic of Lithuania Foreign Trade Policy Guidelines. The directions of implementation of the goals and tasks of the Lithuanian foreign trade policy comply with the action plan targeted at the increase of external competitiveness formulated in the Commission’s communiqué and supplement the said plan with some new initiatives related to the ENP countries.

Further analysis of the main goals and tasks of Lithuania’s trade policy is among other things based on the speech given on January 16, 2008 at the Presidential Office by Foreign Affairs Secretary Ž. Pavilionis, who presented the key objectives of Lithuania’s trade policy,³⁴ and the relevant provisions of the Foreign Trade Policy Guidelines. Furthermore, the positions expressed by the Lithuanian officials involved in the process of formation of the CCP will be analysed. Thus, Lithuania’s key provisions and defended interests in the field of trade policy will be specified and explained.

In the trade policy-related interests defended by Lithuania, we can see a seeking for an increase in economic security by ensuring liberal and stable conditions of export of Lithuanian goods and services based on international rules. It’s likely that upon Russia’s and Ukraine’s accession to the WTO, the trade regime of the two countries will become stable and predictable. Trade agreements of the new generation (with Ukraine, Russia, MERCOSUR, India, Korea, ASEAN, Canada, Japan, etc.) are among other things aimed at the establish-

³³ Global Europe: Competing in the World: A Contribution to the EU’s Growth and Jobs Strategy. – Commission Staff Working Document, SEC(2006) 1230, Brussels, 2006.

³⁴ Pavilionis Ž., “Objectives and tasks of Lithuania’s trade policy”, a speech given during the round table discussion “Lithuania’s foreign trade policy upon accession to the European Union: are we ready for the globalisation challenge?” held at the Republic of Lithuania Presidential Office, Vilnius, January 16, 2008.

ment of certain rules and guarantees for investment, and provision of a wider and predictable market access to service providers.

Major attention is paid to the creation of new opportunities to export Lithuanian goods and services, and to increase the external competitiveness of businesses (opening of the third countries' markets and abolition of non-tariff barriers). Attempts are made for the future agreements to provide for an ambitious opening of the market – zero customs duties for the industry, considerable opening of the agricultural market, access to the services and public procurement market, and an entire collection of rules (concerning standards, veterinary requirements, intellectual property protection, dispute settlement, etc.).

Provision of new opportunities to Lithuanian consumers by defending the interests of both the Lithuanian population and business consumers can be ensured by implementing a liberal trade policy and seeking that the third countries decrease and abolish export restrictions, which would lead to a decrease in the price of raw materials and end products for Lithuanian consumers.

Considerable attention is paid to the supervision of adherence to the free and fair trade rules in order to protect the interests of Lithuanian consumers, manufacturers, and investors (reduction of the non-competitive influence distorting the market). This includes application of exclusive market protection measures (anti-dumping and compensatory (anti-subsidiary) measures), and supervision of application of such measures in the third countries.

Strengthening of trade and economic relations with neighbouring states is one of the key priorities in the field of trade. Lithuania seeks special trade relations with its neighbours and stands for application of Generalized System of Preferences (GSP) to Belarus, conclusion of a free trade agreement with Ukraine (which would enable reaching a similar level of integration with the EU as in the case with Norway) and application of Autonomous Trade Preferences to Moldova (which essentially means free access to the EU market). Furthermore, Lithuania seeks conclusion of a free trade agreement with Georgia and renewal of trade agreement with Russia upon accession of the latter to the WTO.

Another aspect of key importance to Lithuania is implementation of the objectives of the Development Cooperation Policy, by providing more favourable conditions for less developed countries to develop and enter the global trade system. The development cooperation measures such as the GSP, GSP Plus and

EBA (Everything But Arms) are the privileges unilaterally granted by the EU to the developing countries for EU market access. Trade agreements provide for asymmetrical market opening, depending on the level of development of specific trade partners.

Finally, at the Doha Round of WTO Negotiations that lasted seven years and ended unsuccessfully at the end of July 2008, Lithuania supported the European Commission's seeking for the ambitious DDA (Doha Development Agenda) negotiation results, yet called for the inclusion of the following conditions:

- Assurance of a balance between and within individual negotiation areas (agriculture, liberalisation of trade in industrial goods, liberalisation of trade in services, facilitation of trade, trade rules, etc.);
- The EU must not be the only "payer" in the negotiation round (speaking of privileges). The contribution of all countries in the round must be adequate to their levels of development;
- The negotiation-related limits set for agriculture in 2003 must not be exceeded when reforming the EU Common Agricultural Policy.

Lithuania's main interest at the Doha Round of Negotiations was (and is likely to remain, if the round is renewed) the opening of the third countries' markets for Lithuanian industrial manufacturers and service providers. Lithuania paid special attention to ensure ambitious results in the trade facilitation-related negotiations (making the customs procedure rules more stringent).

Considering the aforementioned key activity directions of Lithuania's trade policy, we can note that both in bilateral (bilateral EU trade agreements) and multilateral (the WTO format) trade policy dimensions Lithuania's objectives are clearly defined and that the country is sufficiently active.

Evaluating the position represented and defended by Lithuania in the field of the EU external trade policy, we can state that it essentially reflects the country's national economic interests determined by the structure of the country's economy. By actively defending its trade and economic interests (increase of the external competitiveness and provision of favourable international trade conditions to the country's manufacturers and exporters), Lithuania also ensures protection of the rights of its consumers.

It should be emphasised that Lithuania's national interests are not always defended successfully (for instance, in the field of liberalisation of EU trade in the clothing and textile sector), often due to the relatively small influence made by Lithuania in the process of decision-taking or due to the fact that different provisions dominate in different EU countries. However, in those areas where Lithuania's interests are close to those of large EU Member States (France, Germany or Spain) and/or of the most new EU countries, national interests are defended quite successfully. This especially concerns the issue of application of market protection measures, relations with the third countries, or trade-related aspects of the ENP.

Thus, taking into account the current peculiarities of the Lithuanian economy and the country's opportunity to influence the CCP, we can summarise that for the time being Lithuania has been fairly successful when identifying its national interests and defending them in the EU external trade policy.

Conclusions

Although both formal and informal structures of representing country's interests exist, for the time being, Lithuania's trade policy-related interests are most effectively defended in a strictly institutionalised formal national interest representation system of formation of the CCP. It's likely that the "national way" of representing Lithuania's interests will remain the most effective and acceptable manner in the near future in the field of EU trade policy.

However, this doesn't mean that in this way private or other interests will be distanced from the process of formation of Lithuania's foreign trade policy. As we concluded before, the Lithuanian Government has provided sufficiently good conditions for social and economic partners to be involved in the EU legislative process.

It should be noted that the process of formation of Lithuania's foreign trade policy especially needs more active participation of the institutions and organisations defending consumer rights and interests. At present, the voice of business structure organisations is mostly heard during forums where trade policy issues are considered, due to the passivity of the organisations representing other types of interests. It is clear that business interests are organised and institutionalised in the best way; however, the coordination system of EU affairs, as we could see, is open to all interested structures.

Thus, in order to ensure successful and effective cooperation, social and economic partners should have enough desire and ability to actively use opportunities to be involved in the process of formulation of Lithuania's position regarding the CCP.

Upon evaluation of the structure of the Lithuanian economy, we can see that it isn't advanced: compared to most of the old, as well as some new EU countries, most added value is created in the agricultural sector and traditional industrial and trade activities. Lithuanian export is dominated by traditional goods, the production of which is based on cheap labour force and natural resources. None of these goods can be classified as high technology and other types of modern goods.

We can state that the growth of the Lithuanian economy in the near future will continue to be determined by traditional sectors of the economy, and its

competitiveness on the global market will increase only if the companies working in traditional sectors are able to understand the importance of the latest technologies and learn to benefit from the opportunities provided by them. Therefore, it is important to ensure that further liberalisation of EU external trade doesn't harm any economic sectors, and doesn't lead to economic and social instability, and to provide for maximum favourable conditions for successful development and growth of the Lithuanian economy.

However, it must be acknowledged that with the continuation of liberalisation of the CCP, Lithuanian export will face some increasing difficulties when competing in both the EU and the third countries' markets. Because Lithuania doesn't have the comparative advantages provided by the environment (natural resources, abundance of capital, or cheap labour force), it will need to acquire them, if it wants to successfully compete in various markets in the future, which first of all depends on the country's economic policy and to a great extent on the country's trade policy.

From a theoretical point of view, the most important issue for Lithuania in the medium term is likely to be the liberalisation of trade with Russia and the states belonging to the eastern dimension of the European Neighbourhood Policy (ENP). At the same time, in order to better protect consumer rights, Lithuania should selectively support liberalisation of trade with the rapidly developing countries (India, China, etc.) in areas in which its industries don't specialise. Thus, the support of balanced liberalism (especially in trade with the third countries) by uniting the EU Member States for the defence of the same position may ensure sufficient conditions for further development and proper transformation of Lithuanian economic sectors, and for facing the challenges presented by the global market.

Upon analysis of Lithuania's main stances in the process of formation of the CCP, it's clear that they fairly faithfully reflect the needs determined by the structure of the Lithuanian economy. One of the key objectives of Lithuania is to ensure that its industry could benefit from the current international trade rules and the newly appearing opportunities in the third countries. Another clearly visible objective is to ensure that the competitive pressure on the part of the third countries be based on real competitive advantages rather than unfair trade tactics, and be managed taking into account the interests of local industries.

In any case, Lithuania should remain among the most active supporters of the liberal EU trade policy, and preference must be given to the “attacking” interests, i.e. opening of the third countries’ markets and improvement of trade rules promoting trade.

This position would help to further implement Lithuania’s national interests in the field of trade policy, which are generated taking into account the essential needs of the Lithuanian economic entities and consumers in the near future.