
GENERAL PERFORMANCE OF THE POLISH PRESIDENCY

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The Treaty of Lisbon has made the rotating Council Presidency politically irrelevant. Before December 2009, national leaders controlled the activities of the Council, and the relationship between the Council and the Parliament favoured the Council much more than after December 2009. On the one hand, under the new rules the Council has lost political weight and is now balanced in almost all its activities by the European Parliament. The European Council, on the other hand, has largely taken political clout over from the Council Presidency, as it now has its own permanent president, and there is no special role left for the rotating Presidency. On top of these things, not only have the Council powers regarding other institutions been limited, but also within the Council the rotating Presidency has been limited by the permanent chair of the Foreign Affairs Council and many of the subsidiary working parties and committees.

Because of all these limitations, the rotating Presidency is no longer a Union Presidency. If this concept was not yet fully visible before the Polish Presidency of the Council of the European Union in the second semester of 2011, then the Polish experience was very telling. Poland is a larger EU member state; it was committed to the preparations for the Presidency for a number of years and had a dedicated political and administrative leadership. The Polish officials executed the Presidency effectively although they were doing it for the first time. And still, they fell short with political weight. Their leverage over the European Council was similar to every other country's leverage over the European Council. Their leverage over the Euro group was non-existent and an initiative to participate in the Euro group meeting was denied. The Poles were soldiers in the war on the crisis in the Eurozone (i.e., work they performed on the Six-Pack on economic governance), but they were not among the generals who met on 21 July 2011 at a summit of the heads of state or government of the Euro area member states.

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If the political functions of the Council Presidency have largely evaporated, the Lisbon rotating Council Presidency is in the business of law making. The legislative and administrative functions of the Council Presidency should not be underestimated. Every Council Presidency is required to deliver those public goods to the European Union. At this time of economic and political crises, ongoing dedication to difficult legislative issues is probably more important than the political ambitions of individual politicians. For those reasons, the Polish Council Presidency of the second half of 2011 needs to be considered successful.

Legislatively successful and politically marginalised, the Polish entry, however, was spectacular. There were many cultural activities all around Europe, including masterpiece exhibitions in Madrid and London and an exhibition in Brussels, 'the Power of Fantasy', called the best contemporary art exhibition of the year by the *Financial Times*. This wave of activities symbolised the arrival of a new actor on the European political scene. First-time Council Presidencies, after all, are for countries *maturity tests* of their presence in the European Union. The Polish Council Presidency of 2011 was such a test for Poland, and the country can be considered to have passed very well. After the Presidency, therefore, one should expect more Polish initiatives across economic, cultural, sports and political sectors.

The context

Statistically, this was the fourth Presidency from the ten countries that joined the Union seven years before. After Slovenia's (2008, first six months) largely insignificant Presidency, the Czech Republic's (2009, first six months) very uneven and turbulent Presidency, and the Hungarian (2011, first six months) Presidency, the Polish half-year came when the *novelty* of the newer states was no longer relevant. The older members have now experienced Presidencies managed by states 'in the East'; there is enough experience in the region to share with the first-timers (after Poland, in 2012 Cyprus, in 2013 Lithuania, etc.), and the most important question is no longer 'can they manage' the Presidency business, but 'how can they help' to solve the multiple on-going crises. This question was particularly visible in the Polish case, as the previous Presidencies of the newer states were all low-profile ones (with the partial exception of the first two months of the Czech Presidency), and the Poles' ambitions were high. They did not even hide that the Presidency was the country's entrance on the scene as an EU heavyweight. Their successes or failures, or in real life the limits to their objectives, were therefore important lessons for the country to improve its position in the EU in the years ahead.

This was also the fourth Presidency under the Treaty of Lisbon rules. The treaty has politically decapitated the rotating Presidencies with the arrival of permanent chairs of the European Council and the Foreign Affairs Council.

The Poles started ambitiously and with high expectations. Critical assessment, however, needs to include the double jeopardy situation of the 2011 Polish Council Presidency. The first limitation was brought about by the Treaty of Lisbon that has effectively decapitated all the Presidencies politically. A while back, Swedish diplomats were asking what the role of their prime minister was when it looked as if the new treaty was to enter into force ahead of the Swedish term in 2009. The Poles faced the situation in reality.

The second limitation was related to Poland being outside the Eurozone. None of the non-Eurozone countries can execute the ECOFIN Presidency fully, least of all at a time of profound crisis in the Eurozone. Not even if the *Financial Times* puts your national finance minister among the best in Europe, as was the case with Poland.

In this chapter, we analyse the running of the Council Presidency in the following order. First we look at the experiences of the Presidency. Then we explore the various opportunities used and success stories of the Presidency. Finally we consider the impact of the anticipated and unforeseen problems.

A kick off

The beginning of every Presidency is crucial at least from a public affairs perspective, as public attention focuses on the 'country in the main chair' for only a few weeks prior to the Presidency and a few weeks after the Presidency has begun. After the low-profile Hungarian Presidency, the Poles started with a tremendous cultural and political offensive with widely praised exhibitions across Europe and very well received speech given in the European Parliament by Prime Minister Tusk on the EU's challenges. The first institutional setback was also indicative of the country's high political ambitions. Despite not being a member of the Eurozone, the Polish finance minister was first asked to participate and then denied a seat at the meetings of the Eurogroup. Two arguments were equally solid. On the one hand, why would a Polish minister be present if Poland is outside the Eurozone? On the other hand, how can ECOFIN be effectively run and rubber stamp the Eurogroup decisions if its chairman is not in the room? For the system's swifter operational running, it would be welcomed if all rotating ECOFIN chairs

were present at Eurogroup meetings. The issue of presence at Eurogroup meetings returned like a boomerang towards the end of the Polish term (see below).

Importantly, domestic political commitment was also fully confirmed. Some Czech (2009) and Hungarian (2011) pre-Presidency experiences were negative in this respect. The lesson from Prague and Budapest seemed to be: if the partners do not know you well in advance, they will not allow you to chair meetings effectively. In order not to face the same reality, preparations for the Polish Presidency included a wide-ranging consultation programme, including a visit by the entire Polish cabinet to Brussels twelve months before the Presidency. The budget of the Presidency was not affected by austerity measures adopted in 2009 and 2010. There were more Presidency staffers than under the preceding Presidency. Also, the Presidency hired one of Brussels' top PR companies to look after expressed opinion, and Prime Minister Tusk completed a tour of European capitals before 1 July. In short, the Polish Presidency had plenty of financial and human resources to use. All of those activities aimed at overcoming the shortcomings of holding the Presidency for the first time. It turned very well since there was no criticism about the Presidency throughout the Presidency. Quite to the contrary, some expectations that were difficult to meet effectively arose.

Despite not chairing the European Council and the Foreign Affairs Council, the rotating Presidency still chairs nine other Council formations. The Polish representatives were as follows:

- The Competitiveness Council mainly by Vice-PM and Minister of Economy Waldemar Pawlak;
- The Economic and Financial Affairs Council mainly by Finance Minister Jacek Rostowski;
- Justice and Home Affairs Council mainly by Justice Minister Krzysztof Kwiatkowski (*) and Interior Minister Jerzy Miller (*);
- Agriculture and Fisheries Council mainly by Agriculture Minister Marek Sawicki;
- Transport, Telecommunications and Energy Council mainly by Infrastructure Minister Cezary Grabarczyk (*) and Vice-PM Pawlak (on energy, but he was replaced by one of his deputies);
- Environment Council mainly by Environment Minister Andrzej Kraszewski (*);
- Education, Youth, Culture and Sport Council, depending on the specific issue, by Education Minister Katarzyna Hall (*), Higher Education

Minister Barbara Kudrycka, Culture Minister Bogdan Zdrojewski or Sport Minister Adam Giersz (*);

- Employment, Social Policy, Health and Consumer Affairs Council, depending on the specific issue, by Labour Minister Jolanta Fedak, Health Minister Ewa Kopacz or Vice-PM Pawlak (on consumer affairs); and
- the horizontal General Affairs Council mainly by State Secretary Mikołaj Dowgielewicz.

[The (*) ministers were replaced following the October elections and the establishment of the second Tusk cabinet in November 2011.]

The Presidency also presided over the very influential COREPER meetings (by Ambassador Jan Tombiński at COREPER II and Karolina Ostrzyńska at COREPER I) and over 150 other lower-ranking working parties and committees. Outside the Council, the Presidency also had a parliamentary dimension. Cooperation among national parliaments of the European Union was also chaired by Poland in the second half of 2011. Within this dimension of the Presidency, there were 11 inter-parliamentary meetings of various parliamentary committees (including COSAC, energy, finance, agriculture, defence CODACC, and foreign affairs COFACC). Among the topics covered (but unsolved) was the issue of the involvement of national parliaments in the pan-European debate on European foreign policy.

General results

The official priorities for the Council proceedings were described on 38 pages of its programme. The three main headlines were economy, security and openness. Life, however, strongly redefined the priority list. The most important dossier during these six months (or, at least during its first half) turned out to be the economic governance's Six-Pack. Its successful adoption in early autumn was an important step in the EU's fight with the crisis, but it was equally important for the Presidency to show its ability to be effective. Other difficult yet important issues were the 30-year-old story of negotiating the status of European patents, the debate on the Schengen rules and the Schengen enlargement to Romania and Bulgaria, the beginning of the debate on the Multi-Annual Financial Framework, the successful adoption of the annual 2012 budget, and the horizontal issue of correlation tables.

The correlation tables aim at improving the transposition of European laws into national laws and make the process more transparent. However, for a number of years the Council and the Parliament did not agree on the shape of the correlation tables; the stalemate put on hold work on at least two other directives (on child pornography and on fruit juices). The compromise on correlation tables was finally adopted in October.

The context of each of the rotating Council Presidencies has been central for their relative successes. The same rule applied to Poland. The dire economic situation made the life of the Presidency more difficult. For that reason, when asked to mid-assess the Presidency, Europe Minister Dowgielewicz identified trust as the main challenge.¹ The on-going economic crisis has strongly challenged European integrity. However, the system is not operational if the partners (states, institutions) do not trust one another. Trust and its consequence, solidarity between EU members, are a pre-condition for any form of European integration. 'Trust is the European currency; it is the socio-political glue for the European project.'

Two other events marked the Presidency's fate. First, the emergence of the Eurozone summits as the decisive moments when the key decisions were taken on the Euro crisis overshadowed the Poles twofold. It was not only that the Presidency no longer chaired the European Council meetings, but also that the Poles were not even around the table on 21 July or 26 October, when the most important decisions were discussed. The last European Council meeting in December 2011 showed clearly that the Poles not only were unable to lead but also were equally unable to prevent the idea of a fiscal compact treaty from emerging. The proposed treaty was marginalising Poland and other non-Eurozone countries in the European Union.

The second event bounced Poland back into the leading stream of the European debate. In his speech in Berlin on 28 November 2011, the foreign minister outlined his European convictions in the following way: 'What, as Poland's foreign minister, do I regard as the biggest threat to the security and prosperity of Poland today...? It's not terrorism, it's not the Taliban, and it's certainly not German tanks. It's not even the Russian missiles that President Medvedev has just threatened to deploy on the EU's border. The biggest threat to the security and prosperity of Poland would be the collapse of the Euro zone'.² This speech has had some impact on the European debate on the future of the continent, but at the same time it had

¹ Mikołaj Dowgielewicz lecture at the Centre for European Policy Studies (CEPS) 'The Polish Presidency: A Mid-Term Assessment', 20 September 2011.

² Radosław Sikorski's speech 'Poland and the Future of the European Union' delivered at the German Council on Foreign Relations (DGAP) in Berlin on 28 November 2011.

a major impact on the perception of Poland among the German political elite. The speech was somewhat a culmination of the Poles' aspirations to voice their uncompromising pro-European feelings coupled with their emerging economy and political activity.

The opportunities used

A number of circumstances have helped Polish ambitions. First, there was a clear void in the leadership despite the appearance of a permanent chair on the European Council. In the on-going pan-European debate, the voices advocating increased integration have been limited. The strong pro-EU position of the Polish government at large and Prime Minister Tusk in particular raised the profile of Poland, and they were also important voices in the pan-European debate on the future of integration. His opening speech in the European Parliament was strongly pro-European: 'The response to the crisis is more of Europe and more of integration',³ he said. Mr. Tusk's closing speech was also well received. The highlight speech, however, was delivered by Foreign Minister Sikorski in Berlin (see above). From the beginning of the Presidency, it was widely perceived as unquestionably pro-European, which allowed it to secure a more trusting relationship with the European Parliament.

Polish pro-European sentiment is not purely idealistic, however, but deeply operational and strategic. This is widely nurtured by special ties between Poland and the EU's largest of strongholds, Germany. Warsaw-Berlin relations were so close that some officials of other EU countries informally complained that the Poles were investing too much in Germany at the expense of other states. Prime Minister Tusk and Chancellor Merkel enjoy particularly good relations and mutual trust. Prior to the Presidency, the chancellor was coming to Poland at least once a month. However, this did not change German policy that France is its main European partner. Beginning in the autumn, the Poles therefore started to invest strongly in the Weimar cooperation (Polish-French-German), especially in defence cooperation. Initially, the Presidency learned a lot from the experiences of the German Presidency. It was important for the Presidency not to be undermined by Germany when exercising the Presidency, and additional backing made life easier. This relationship, however, evolved. Beginning mid-Presidency, the Poles conveyed the message of the unity of the EU-27 in the context of the new debate

³ Donald Tusk's speech in the European Parliament, 6 July 2011.

on treaty changes and strengthening of integration. Their objective was for Berlin to include Polish views as much as possible. Results were, however, mixed. On many occasions German support was important (i.e. to lead the MAFF negotiations smoothly, to start free trade talks with Georgia, etc.), but on the key issue of the autumn of 2011 — the unity of the EU-27 — Germans remained undecided. On the one hand, without them non-Eurozone countries could probably not become parties to the fiscal compact treaty. On the other hand however, their presence was secondary.

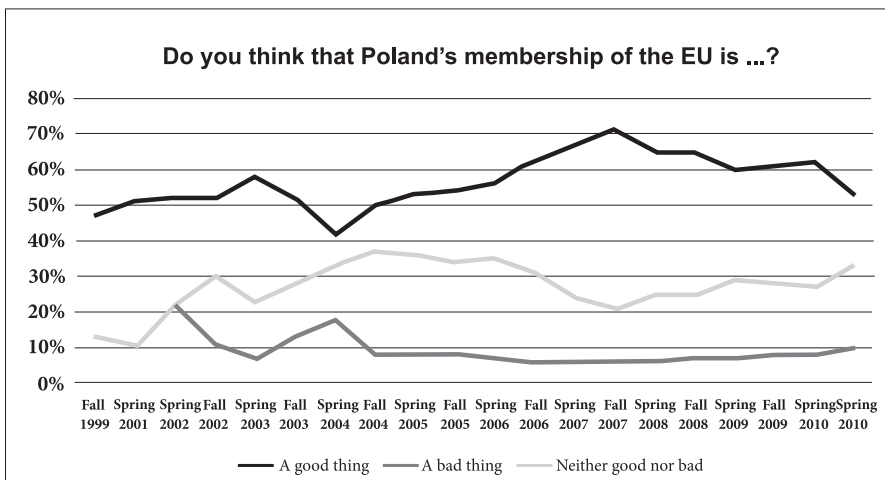
Ties were exceptionally close with Berlin, but Warsaw also enjoyed good relations with many other actors. The mostly passive Central and Eastern European nations did not follow Poland as a regional leader (as in some corners in Warsaw people like to think about Poland), but they were learning more and more to at least recognise Warsaw's regional leadership on specific issues. They rarely challenged Poland unless the Poles proved to be arrogant (see below). Additionally, the Czechs, Slovaks and Hungarians were contacted in advance on many occasions. These nations together with Poland form the Visegrad Group (V4), a political forum for exchange of ideas, and at times political cooperation. Importantly, the V4 leaders usually meet ahead of the European Council meetings. Since the main role of the rotating Presidency is to be the honest broker, most Presidencies often share their national interests with their most trusted allies, so that those states will *de facto* represent the Presidency's national position at Council proceedings. In the Polish case, at least some of the V4 states received lists of issues about which Poland asked for informal representation.

Apart from Germany and the V4 group, the Poles also enjoyed good working relations with countries like Sweden (a very good relationship especially between the foreign ministers) and Denmark (within the Trio) in the Baltic Sea area and with France (as strategic partners and cooperation with the Weimar Triangle with Germany). France, however, was among the most difficult partners for Poland in running the Presidency. A strong pro-EU voice gained further support in states like Finland, Belgium and Luxembourg, traditionally supportive of the deepening of EU integration. Cooperation with Finland seemed to be effective on two accounts: in the second half of 2011 the country was emerging as a potential middle-ground broker in the area of the Multi-Annual Financial Framework, and, second, in November it dropped its veto on Schengen enlargement to Romania and Bulgaria.

The Polish dedication to European issues had been exceptional. This was the third positive development that helped them in running the Council. A great majority of the population is pro-EU (Graph 1), and the government is firmly pro-EU and supportive of EU institutions. Twelve months before the Presidency,

the entire Polish government met with the College of European Commissioners in Brussels, an event without precedent in recent history. In the first days of July, the Commission paid a return visit to Warsaw. The strong pro-European Parliament position was confirmed when Prime Minister Tusk addressed the chamber in July. The legislature’s president was a fellow Pole, Jerzy Buzek, a politician from the same party as the Polish leader. At least formally, cooperation of the two co-legislators (for most laws in the EU are decided jointly by the Council and the Parliament) was very close. An important point differentiating the European institutions from the national ones, however, is that neither President has full political control of the institutions they chair.

Graph 1. Support for European integration in Poland 1999–2010



Source: Eurobarometer

The long-standing dedication also meant that the administrative preparations for the Presidency were organised as early as two years before the event. Of some 1,200 people working for the Presidency in Brussels and Warsaw, the Polish Permanent Representation in Brussels employed up to 300 persons (Hungarian staff in the first half year numbered about 200 persons), and the budget of the Presidency was not subject to austerity cuts. In short, the Presidency was not short of staff, resources or commitment, and the question was actually about its management and effective organisation.

Another opportunity was linked to the very fact that Poles were... ambitious. Larger member states' Presidencies have usually been more ambitious and could therefore accomplish more than those of smaller nations (on the other hand, the smaller nations usually have their advantages, such as better organisational and management preparations as well as a higher degree of political commitment). Poland is a larger EU member state; by the size of its population and by the size of its economy it ranks number 6 among the 27 EU nations. However, Poland is the smallest and poorest of the larger EU nations. This meant that in order to be effective Poles could not keep preferential relations only with other larger nations and had to complement their activities with much greater engagement of mid-sized and smaller nations. The European decision-making culture means that the Presidency needs to include everybody in the room (hence, all EU states and the Commission), and the post-Lisbon focus of activities has shifted towards informal deal making with the European Parliament (since 2009 some 90% of all European laws are decided jointly with the EP and the Council).

Since the preparations were well organised and the political dedication was secured, the expectations of the Polish Presidency (as from a relatively large country) were considerably higher. The Poles did not hide their ambitions either. In effect, a positive ambience arose ahead of the Presidency. The 6 July debate in the European Parliament clearly demonstrated the opportunities and challenges ahead. For the first time in years, all major EP political groups warmly welcomed the incoming rotating Council Presidency. The European People's Party and the Socialist & Democrats Group, as well as the Liberals and the Greens, all indicated that they were pro-Council. The reason for the positive approach lies in the clearly pro-European position of the Polish government. The criticism of the prime minister came from the sidelines of European political life. Although sidelined in the European Parliament, those extreme voices became more and more influential and vocal on the local and national scenes. These developments already showed the limits of Polish aspirations, as well as equally high expectations from its partners.

The limits of ambitions

1. The Euro crisis

Positive constellations in the European sky for Poland were not, however, the only ones in the cloudy European firmament. The biggest set of risks for the Presidency was in the crisis in the Eurozone. It largely overshadowed the

Presidency, which did not use the Euro as its currency. The Presidency was not at the centre of the public debate and was not even invited to the extraordinary summit of the heads of states or governments of the Eurozone members of 21 July 2011. Surprisingly, there was a reference to the Polish Presidency in this document. At first sight it reads as a reference to an actor who should follow the summit's conclusions: 'Euro area members will fully support the Polish Presidency in order to reach agreement with the European Parliament on voting rules in the preventive arm of the [Stability and Growth] Pact'.⁴ However, another explanation is that this paragraph was illustrating not the Polish irrelevance in the Eurozone debates, but a softening of the French position on the Six-Pack. France was the main 'troublemaker' (together with some members of the European Parliament on the other side of the argument) in the timely adoption of the so-called Six-Pack. Moreover, France was causing more headaches for the Polish decision makers than any other state. This explains Poland's attempt at a greater focus on Paris from mid-Presidency well into 2012: Paris vetoed the participation of Poland's finance minister in the Eurogroup meetings, and the French delayed the Six-Pack and were the main protagonists of closer political integration within the Eurozone (without Poland).

As a consequence, since the Presidency was significantly sidelined, Poland was not among the main actors addressing the most important issues of the crisis. Their role, however, was as supportive as possible. They showed that being outside the Eurozone would not keep them silent. For example, the Euro Pact Plus adopted earlier in 2011 was initially considered a pact for the Eurozone states, and only at the request of Poland in February 2011 was the project opened up to the non-Eurozone countries. In the 2011/2012 negotiations of the fiscal compact, the Polish team also advocated openness of the document to non-Eurozone countries, tried to limit the competence of the Eurozone summits, and fought (unsuccessfully) for a seat at the table during the Eurozone summits. Both cases illustrated the political commitment of Warsaw to actively pursue solutions to the on-going and developing situations.

2. The Schengen debates

The political climate in Europe in 2011 was grim; hence there was a risk that the Polish message of optimism was not being taken seriously. Next to the difficult

⁴ Statement by the Heads of State or Government of the Euro Area and the EU Institutions, 21 July 2011, para. 13.

financial and economic situation, the future of the Schengen zone was also at stake. The EU passport-free travel area of most of the EU nations was supposed to be enlarged to include Bulgaria and Romania. While the Poles would in fact have preferred to keep the zone untouched, other nations (i.e., France, Italy and Denmark) were at times aggressively pursuing revisionist policies in the first half of the year. Hence the European debate was marked by many controversies and national popular or populist voices. The Presidency's role (in the position of chair, this time) was to maintain the Schengen rules as untouched as possible. This was achieved thanks to timing rather than active negotiations. In Denmark elections took place and since then the issue has been largely dropped. The situation somewhat normalised in Italy and France. Malta continued to be in need of assistance, but this did not require changing of the rules. On the other hand, the Schengen enlargement continued to cause problems. As happened with previous Presidencies, this issue has put the Presidency on a collision course with some other member states. There were particularly difficult relations with the Netherlands, which vetoed the Schengen enlargement together with Finland in September (the Finns later removed their veto). Polish-Dutch bilateral relations were also challenged earlier in 2011 by unfortunate developments in the Netherlands (Polish migrants ridiculed by Dutch extremists) and The Hague government's limited political flexibility, since it is dependent on the support of populist parties in the national parliament. Before the Presidency, relations with Lithuania worsened over the situation of the Polish minority in the country. Also, with the UK, the ties became strained mainly due to diverging views on annual EU budgets, EU cohesion funds, and the MAFF negotiations. During the Presidency, cooperation with both the Lithuanians and the British (on future treaty revisions) improved significantly.

3. The national elections

The difficult pan-European climate was matched by domestic affairs. Despite strong domestic support for EU membership, there was no consensus among political parties about how to run the EU Council Presidency. In recent years, two main parties have dominated Polish politics: the liberal-conservative Civic Platform (PO) of Donald Tusk (about 40% of support), which is a member of the European People's Party (EPP), and the conservative-nationalist Law and Justice (PiS) party of Jaroslaw Kaczyński (about 30% of support), which is a member

of the European Conservatives and Reformers (ECR). Two smaller parties are the Democratic Left Alliance (SLD), a social democratic party that a decade ago had about 40% of support but in recent years has been largely marginalised to about 10% of public support, and the Polish People's Party (PSL), an agrarian junior ruling coalition party with about 8% of support, also a member of the EPP. The coalition parties and SLD agreed that the government running the Council Presidency should enjoy national support; hence they refrained from public criticism of the government over the Presidency. The main opposition party, PiS, was however critical of government preparations before July 2011 and presented their own vision of the Presidency's priorities.

The risks related to elections were prominent. Polish elections were scheduled for 9 October 2011, and it was constitutionally impossible to postpone them until after the Presidency. The political parties considered holding early elections in the spring of 2011, but the decision was never taken. The electoral turbulence was minimised with the electoral results. The PO won with 39.1% of public support, while the PiS result of 29.9% placed it as the main opposition party. The new Sejm created a very comfortable situation for the prime minister, whose party could choose with whom to form a new government. The PO chose its previous partner, the PSL, and in November the new government was sworn in. Some of the ministers involved in the Presidency were changed, but not the Europe minister, the foreign minister, the finance minister or the prime minister. The electoral results brought to the Sejm for the first time a new pro-European socio-liberal party, the Palikot Movement, which was supported by 10% of voters.

Apart from the risk of changing the government in the middle of the Presidency, there were two other risks related to the elections. First, there was the risk of domestic politicisation of the Presidency during the electoral campaign. This materialised only partially when the PO issued a TV advertisement arguing that only they had the best people in the country to secure Polish interests in the European Union. Hence a side effect of this ad might be that the Council Presidency was organised for the purpose of promoting national interests (as opposed to being an honest broker).

The second risk related to elections concerned the marginalisation of topics related to the Presidency from the public debate in Poland. In fact, the campaign replaced the interest of the national media in the affairs of the Presidency. The focus was on the domestic political campaign and, following the elections, on the process of government formation. The news from the European Union was as often about the Polish Presidency as about new developments in the crisis, the Eurozone

Summits, or the European Council. It can justifiably be argued that the Presidency did not attract much attention either outside the country or inside Poland.

4. National public administration

Another potential risk was linked to the obvious fact that this was the first Council Presidency of Poland. There were no national experts in public administration who knew how to run it. Hence all of the 1,200 persons employed, to some extent — despite a long preparatory phase — had to learn on the job. The ability to constantly re-adjust on an on-going basis was required. On the one hand, there is an old tradition of limited consensus seeking in Polish public administration and a limited number of experienced negotiators. On the other hand, there is a strong tradition of hierarchical decision making. All of these elements could potentially have been detrimental for the Presidency: Presidency staff involved in negotiations needed to remain as flexible as possible as an honest broker, and in order for them to succeed, the level of autonomy from their supervisors also needed to be high.

Academically, there are two ways of managing the Presidencies: from the national capital or largely managed by the permanent representation in Brussels. Usually the higher the degree of autonomy of the permanent representation is, the higher the degree of effectiveness of the Presidency is. Yet in the past the Presidencies that were more political than administrative (i.e., those of larger member states) were usually managed with tighter control from the national capital. This limited their administrative effectiveness, but in exchange they may have compensated with greater political effectiveness. The French Presidency in 2008 ran a Presidency based in Paris, but as the French national capital is only 1 hour 22 minutes away by train from Brussels and the trains go every hour, during the French semester in 2008 Paris and Brussels (the French Permanent Representation) functionally (almost) merged. The Poles were in a different situation and the relative trust between various branches of the government (especially between the Warsaw-based ministries and the Polish Permanent Representation) was not fully tested ahead of the Presidency. The reason why the permanent representations needed more trust was linked with the fact that these people were in direct continuous contact with their partners from fellow member states, the Commission, and the Parliament. When engaging in negotiations, they usually had the best understanding of what compromises were feasible, and delayed acceptance of these agreements by supervisors in the national

capital was occasionally detrimental to the delicate process of seeking a consensus. Overall, however, in the long preparatory phase the typical shortcomings of Polish public administration were mostly overcome. Two examples were successful UN climate negotiations in Durban in December, where the Polish Presidency was part of the negotiating team with the European Commission, and the European patent negotiations, which substantially moved forward in the second half of 2011.

5. Relations with Lisbon EU actors

The three previous examples clearly indicated that there is a post-Lisbon functional model for the smooth running of the rotating Presidency: the activities of the prime minister and the foreign minister support those of Mr. Van Rompuy and Lady Ashton. The Polish Presidency was a test for both of these EU leaders because the Polish ministers, Prime Minister Tusk and Foreign Minister Sikorski chose not to lower their profile. Quite the contrary, they chose to work in tandem with their European counterparts. Their model was the following: not to challenge the EU leaders, but to strengthen and motivate them to be more ambitious about what was possible. They were moderately successful, more in the area of foreign policy than the European Council, though.

Both the prime minister and the foreign minister, who on the one hand were the two figures not chairing any of the Council formations and on the other hand were probably the most visible (alongside the finance minister, and at a lower level the Europe minister and the permanent representative) as faces of the Presidency. In the pre-Treaty of Lisbon situation, Prime Minister Tusk would have chaired the European Council and Foreign Minister Sikorski the foreign affairs body. Since they chose not to withdraw completely and give space to the EU leaders, the pending question ahead of the Presidency was how to organise their role in the Presidency. Clearly they preferred to have a visible role, which was important at least because of the national elections. Their relationship with the formal leaders of both Councils (European and Foreign Affairs) became central. The relations between Prime Minister Tusk and President Van Rompuy were mostly smooth. The two leaders were known to be conciliators and to accommodate others' perspectives. Hence, there was no real competition between the two; Herman Van Rompuy's main task was the situation in the Eurozone, while Prime Minister Tusk focused on all other elements. One situation, however, was important, and without a clear solution by the end of the Presidency. Following the Dutch and Finnish veto over Schengen

enlargement to Romania and Bulgaria at the September 2011 JHA Council, Prime Minister Tusk aimed at having the issue addressed at the European Council. Since the agenda of the European Council is set by its president, the two leaders met. The Poles tried to upload the issue of their concern to the European Council. The outcome was only partially successful. The issue was addressed during the November European Council meeting, but there was no agreement.

The relationship between Minister Sikorski and Lady Ashton remained more challenging. The high representative did not enjoy good press as a foreign policy chief of the European Union. Her position was weakened politically by member states and their foreign ministers, her agenda was driven by external events, and her public administration (the European External Action Service) was still under construction. In that specific situation, Minister Sikorski came into the Presidency as one of the longest-serving ministers of foreign affairs in the EU, as one of the most vocal ministers, and as someone who does not hesitate to take the initiative. In the absence of effective European foreign policy led by Brussels, there was a risk that he might take the lead on some issues. Ahead of the Presidency, there was a pending question whether Minister Sikorski would or would not challenge the leadership of High Representative Ashton. And if not, what sort of relationship would the two enjoy? The Hungarian Minister of Foreign Affairs Janos Martonyi replaced the high representative on 14 different occasions at international meetings when she was not able to participate. Would the Pole follow the model of his Hungarian and Belgian predecessors?

In reality, ahead of the Presidency, Radosław Sikorski publicly pledged loyalty to Catherine Ashton and did not undermine her position. They agreed that he would represent the Union not only at official meetings, but also on official trips. Minister Sikorski was on a policy trip to Afghanistan and Pakistan in that capacity and on another occasion also in Libya. On the ground, he was accompanied by EU diplomats. The activities related to the establishment of the European Endowment for Democracy were not challenging, but nevertheless policy defining. For that purpose both leaders, Ashton and Sikorski, wrote a letter in November to their partners asking for support. The Polish minister also represented the high representative in the European Parliament. In short, the Ashton-Sikorski cooperation was in fact more fruitful than expected.

During the Eastern Partnership summit in Warsaw in September, the Poles had clearly defined objectives, even if they were not the representatives of the Union, but hosts. They were seeking tangible results from the summit especially in relation to the association agreement and the Deep and Comprehensive Free Trade Agreement (DCFTA) between the EU and Ukraine. The Poles were very

active in preparing for the summit. For months they were promoting the idea of opening up the European Union to Eastern Europe, pushing all actors to achieve more tangible results. However the general impression of the summit results were, at best, mixed. The DCFTA was finally negotiated, and the promise of opening DCFTA talks with Georgia and Moldova was adopted, too (they were opened later in December). At the same time, however, the summit's public image was largely hijacked by the political situation in Belarus, which boycotted the meeting (and fellow EaP nations rejected the idea of condemning Lukashenka's totalitarian regime). The main reason for mixed opinions, however, was the political situation in Ukraine after the imprisonment of former Prime Minister Yulia Tymoshenko. Polish and European diplomacy did a lot to secure positive outcomes, but the results were largely disappointing due to the situation in the partner countries in Eastern Europe.

Before and after the Eastern Partnership Summit, the Poles seemed to face a hardening wall in Eastern Europe. The political situation was in most places deteriorating, not improving, and the Poles failed to change the trend. Polish President Bronisław Komorowski's engagement with Ukrainian might have been noble, but was fruitless. The foreign minister focused extensively on Belarus, but also with few successes. Among the most important tangible results in Eastern Europe during the Presidency was, however, the agreement to include the Kaliningrad Oblast (Russian enclave surrounded by Lithuania and Poland) in the visa-free movement regime.

In its discourse on the south Mediterranean's Arab spring, Polish leaders usually underlined Poland's own experience with transition to democracy. Most visible was the Polish engagement in Tunisia, with a number of new contacts made (visits of Poles in Tunisia sharing experience of transformation, training of Tunisian civil society activists, exchanges of study trips, etc.). Foreign Minister Sikorski was also among the first Western leaders to visit Libya after the domestic conflict has ceased. This diplomatic engagement in Libya came after the Polish refusal to contribute to the NATO military intervention in the country six months earlier. The European Endowment for Democracy promoted by Poland is also supposed to be active in the southern Mediterranean region.

Last on this list, but the first during the Presidency, was the issue of European defence. This was also under the authority of the high representative, but a topic that was dear to the rotating Polish Presidency. In July, the British vetoed the creation of operational European military headquarters. What first looked like a setback for the Presidency resurfaced in early September. The Polish, French, German, Italian and Spanish foreign ministers sent a letter to Lady Ashton arguing

for establishing operational headquarters and bypassing the British veto by using the Lisbon Treaty provision on structured cooperation in the area of defence. More detrimental, however, were the internal EU divisions over the intervention in Libya. Most of the European nations, including Poland and Germany, did not engage militarily. These divisions were difficult to overcome in order to move European defence cooperation a step closer, as was the initial Polish priority.

CHINESE STATE POLICIES TOWARDS TIBET AND XINJIANG: WHY NOT THE HONG KONG SCENARIO?

Lina Kutkauskaitė*

Abstract

This article investigates what influences a state's choice of methods to resolve its territorial integrity issues and China's strategies towards Tibet, Xinjiang and Hong Kong in particular (or, to be more specific, what causes the differences between these strategies). Chinese state policies in four areas — political, economic, cultural and foreign policy — are compared to reveal what the differences between the Chinese approaches towards the three regions are, and a framework of analysis based on a modification of Milton Esman's theory is developed and applied to define how the selected factors influence China's policies towards the three regions and which of them were the ones determining the PRC's choice of different methods.

Introduction

The People's Republic of China (PRC), a multi-ethnic state with strong regional and even global aspirations, has been (and still is) facing both internal and external challenges to its sovereignty. Since 1949 China has participated in 23 territorial disputes with its neighbours only,¹ yet it was capable of resolving most of its land border issues and regaining some territories from former colonial powers. Meanwhile, the Taiwan question and, most notably, inner challenges to its sovereignty remain unsettled, and the latter may become one of the main obstacles on its way to the top of the international system since 'a state cannot

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¹ M. Taylor Fravel, *Strong Borders, Secure Nation: Cooperation and Conflict in China's Territorial Disputes*, Princeton: Princeton University Press, 2008, p. 1.

vie for global power if its legitimacy is in question domestically'.² After communistic ideology was pushed aside by Deng Xiaoping's reforms, Han nationalism and economic development became the two basic pillars of the contemporary Chinese system, thus preserving territorial integrity is essential for the Chinese central government if it wants to stay legitimate in the eyes of the Chinese nation and prevent the entire system from collapsing.

There are a number of methods to settle sovereignty and territorial integrity issues, from coercive to cooperative, autonomy being one of them. In the PRC, officially two types of autonomy exist: the one that is granted to the Hong Kong and Macao special administrative regions under the 'one country, two systems' principle and the regional autonomy that is provided to minority regions by the Law on Regional National Autonomy (LRNA).

The 'one country, two systems' principle means that 'while PRC retains its sovereignty over a contested territory, it nevertheless tolerates non-communistic systems of governance and economy to co-exist within the boundaries of Communist China'.³ Hong Kong and Macao, former colonies of Britain and Portugal respectively, have been allowed to preserve their capitalist economies, quasi-democratic political systems, and mostly independent judiciary for at least 50 years after the handover, at the same time transferring foreign policy and defence matters into the hands of the central PRC government.

The second type of autonomy, regional autonomy, is given to those regions that have a higher population of a particular officially recognised minority ethnic group (*shaoshu minzu*). According to the law, these regions enjoy a certain degree of autonomy over cultural and religious matters, the local economy, and education and have broader legislative powers than the regular provinces of the PRC. However, in real life none of this works since all decisions made by the local government are subject to revision by the central government. Beijing tightly controls almost every aspect of life in autonomous regions and all demands for greater autonomy are rejected and silenced, often by force.

Currently there are currently five autonomous minority regions in China — Xinjiang, Tibet, Inner Mongolia, Ningxia and Guangxi — but only in Xinjiang and Tibet are ethnic unrest and separatist activities intense enough to pose a threat

² Jessica Koch, 'Economic Development and Ethnic Separatism in Western China: A New Model of Peripheral Nationalism', *Asia Research Center Working Paper No. 134*, Perth: Murdoch University, August 2006, p. 19.

³ Dawa Norbu, *China's Tibet Policy*, Richmond: Curzon Press, 2001, p. 208.

to the Chinese state (or at least to challenge the legitimacy of its government's rule).

The Xinjiang Uyghur Autonomous Region (XUAR) is China's largest province, comprising one-sixteenth of the PRC's territory. Since it is located in the north-west of the country and borders eight states (Russia, Kazakhstan, Tajikistan, Kyrgyzstan, Uzbekistan, Mongolia, Pakistan and Afghanistan), it has always been of extreme strategic importance for China. It is rich in natural resources and holds some of the China's largest deposits of oil, gas, coal and uranium. Moreover, it also provides access to the even more plentiful energy resources in Central Asia, which are crucial for the developing Chinese economy. Out of Xinjiang's 21.81 million (2010)⁴ inhabitants from 47 ethnic groups, the biggest one is the Uyghurs, a Muslim Turkic ethnic group making up about 47% of the population of the XUAR, Han Chinese being the second biggest. Historically, Xinjiang was under Chinese influence since 200 BC, and in 1884 it was fully incorporated into the Chinese Empire.⁵ During the Chinese civil war, the independent East Turkestan Islamic Republic was declared twice (in 1933 and 1944), but in 1949 it was occupied by the Chinese Communists. Despite the centuries of Chinese control, the region has a continuous history of nationalist struggle, Uyghur riots against Chinese rule occurring from time to time. The collapse of the Soviet Union, which resulted in the independence of the neighbouring Muslim countries, and the growth of radical Islamism in the world, fostered the Uyghur push for independence, and a number of nationalist organisations fighting for Uyghur ethnic rights and/or seeking Xinjiang's secession appeared, the most radical ones resorting to nationalist terrorism.

The Tibet Autonomous Region (TAR) neighbours Xinjiang and is the second biggest but least densely populated province of the PRC. The region is rich in different minerals (at least 16 major deposits of copper, iron, lead, zinc and other minerals have been found⁶) and its windy climate and vast water resources make it a perfect place to develop alternative energy projects. Unlike Xinjiang, Tibet has a long history of independent statehood; a Tibetan empire existed since

⁴ 'Xinjiang Renaissance'. <http://www.bjreview.com.cn/Cover_Stories_Series_2011/node_55661.htm> [2011-12-02]

⁵ Davide Giglio, 'Separatism and the War on Terror in China's Xinjiang Uighur Autonomous Region'. Thesis for the partial completion of the requirements of the Certificate-of-Training at United Nations Peace Support Operations, Williamsburg: Peace Operations Training Institute, p. 7

⁶ 'China and Britain ready to exploit Tibet's natural resources'. <<http://www.telegraph.co.uk/finance/newsbysector/energy/2793852/China-and-Britain-ready-to-exploit-Tibets-natural-resources.html>> [2011-12-08]

the 7th century. Although during some periods of time it was subordinated to other countries, it has always preserved a high degree of autonomy and its own government. In 1951 the state was occupied by Chinese Communists and in 1959, after a suppressed uprising, the Dalai Lama and his government went into exile in India. Unlike Uyghurs, Tibetans tend to use peaceful conventional means in voicing their demands for independence.

Despite a number of differences between these regions, such as cohesiveness of leadership, history of statehood, or international support for their cause, they also share a lot of similarities — economic backwardness, deposits of natural resources, distinct religion, etc. — so there is no surprise that they are both subjects of similar Chinese state policies.

Meanwhile, the type of autonomy that exists in Hong Kong and Macao represents a genuine autonomy that is lacking in Tibet and Xinjiang. Political accommodation in Hong Kong⁷ is a result of negotiations between the United Kingdom and the PRC. Hong Kong, a territory on the PRC's southern coast, is more than 1000 times smaller than the regions described above and with its population of 7 million people is among the most densely populated areas in the world. It became a colony of Britain in 1842, handed over to the UK by a treaty with China. In 1898 another treaty was signed, transferring the territory north of Hong Kong, known as Kowloon and the New Territories, into British hands for 99 years. As the expiry date for the lease was approaching, the PRC made it clear that it expected to restore its sovereignty not only over the New Territories, but also Hong Kong. After complicated negotiations between the UK and PRC, an agreement was reached in 1984. The Hong Kong Special Administrative Region (HKSAR) was established, and a system known as 'one country, two systems' was launched in 1997.

Throughout its 15 years of existence, the 'one country, two systems' solution has appeared to be highly effective and proved that extensive autonomy is possible under authoritarian Chinese rule. When it comes to minority regions however, the PRC is more than unwilling to give them any autonomy. Why has China chosen different methods to solve its territorial issues? Why are some regions granted autonomy while others are tightly controlled and suppressed with coercive measures?

⁷ Macao is not included in this analysis because 1) it is much smaller and less populous than Hong Kong and economically as well as politically not significant enough to be placed next to Xinjiang or Tibet and 2) unlike Britain, Portugal was not legally obliged to return Macao to China and voluntarily decided to do so as a result of its de-colonisation process. Thus it did not try to challenge the PRC's sovereignty.

From a broader perspective, what influences a state's choice of conflict management methods? And how is it possible that different strategies are applied to different regions by the same state? The main question raised in this article is what factors determine the differences in Chinese state policies towards Tibet, Xinjiang and Hong Kong. To answer it, a framework for analysis based on a modification of Milton J. Esman's theory of ethnic mobilisation is developed, because even though separatism, ethnic conflicts, and other types of sovereignty issues cannot complain of a lack of attention from scholars, there is no coherent theory dedicated to explain a state's choice of methods in dealing with separatist issues. Although these are different types of territorial integrity issues (Tibet and Xinjiang are cases of ethnic separatism, while Hong Kong is a former British colony reclaimed by China), I believe that these regions can be compared and the same methods can be used to analyse these cases since 1) all of them are administrative units of the same state, 2) special rules, different from those in regular administrative units of the PRC, are applied to them, and 3) all of them pose (or have posed) a challenge to Chinese sovereignty and its nationalist aspirations; whether the challenges are internal or external, on an ethnic, legal or any other basis, from the state's standpoint the essence of the issue in all cases remains the same: it is perceived as a threat that has to be eliminated.

1. Framework for analysis: factors influencing a state's choice of solutions for territorial integrity issues

Territorial disputes are most often analysed in the context of the inter-state disputes over the definition of borders, i.e. they concentrate on *external* challenges to sovereignty. Meanwhile scholars interested in *internal* challenges — separatism and ethnic conflicts (these two terms are used as synonyms in this article) — can be divided into two main categories: 1) those trying to explain the sources of separatism and to define the conditions under which it is likely to occur and/or to be successful and 2) those interested in intrastate conflict management as well as strategies and methods used in such conflicts. Among the latter are academic works (relatively few unfortunately) that focus on the strategies central authorities employ to deal with the separatist issue, such as studies of John McGarry and Brendan O'Leary⁸ and the aforementioned Milton Esman. They all name a number

⁸ John McGarry, Brendan O'Leary, 'Introduction: the Macro-political Regulations of Ethnic Conflict'

of different strategies a state employs and categorise them according to the main goal a state pursues (elimination *vs.* management of ethnic differences), but they do not provide any explanation *why* the specific methods are chosen.

To understand why a state prefers some strategies and methods to others is to answer the question of what influences a government's decisions on this issue. As a basis for my model, I will use Milton Esman's works on the process of the mobilisation of ethnic groups and state strategies for management of ethnic conflicts.

Esman names a number of different strategies a state may employ — genocide, forced and induced assimilation, exclusion, power sharing, etc. — and classifies them according to the goal the state pursues (homogenisation *vs.* acceptance of pluralism) and type of methods it employs (coercive *vs.* conventional).⁹ He states that a 'government's goals and how it implements them are affected by the factors akin to those that facilitate or constrain the very ethnic movements that challenge them'.¹⁰ Unfortunately, he himself does not elaborate on the factors limiting the states, but he extensively analyses the factors influencing ethnic movements. These are political opportunity structure, leadership, ideology, organisation, goals, resources, and strategies and tactics.

As not all the factors make sense in the context of the actions of a state, this list has to be modified and adapted to the specifics of a state, and for the PRC in particular.

- *Political opportunity structure* is a factor external to the ethnic movement; it is the environment that is set by the state and in which the ethnic movement has to act. Meanwhile, *organisation* indicates the movement's internal organisational structure, which depends on its own decisions, i.e. it is an internal factor. Thus in the state context these two can be merged into one, as they both are internal factors for the state, holding almost the same meaning.
- Because China's political system has recently been depersonalised — since Deng Xiaoping, the personalities of political leaders have not affected state politics significantly — it would be more relevant to analyse the coherence of attitudes inside the ruling Chinese Communist Party (CCP) instead of the *leadership* factor. Due to the closed Chinese political sys-

in John McGarry, Brendan O'Leary (ed.), *The Politics of Ethnic Conflict Regulation*, New York: Routledge, 1993, pp. 1–41.

⁹ Milton J. Esman, *Ethnic Politics*, New York: Cornell University Press, 1994.

¹⁰ *Ibid.*, p. 45.

tem and its lack of transparency, however, such data is not accessible. This factor will therefore not be included in the analysis.

- State *goals* may be understood in the way they are defined by Esman: ethnic homogenisation or acceptance of pluralism.
- The notion of *resources* here, first of all, means the political, military and economic assets accessible to the *state*. Yet I believe that the resources *owned by the disputed territory* also matter since gaining/preserving access to these resources not only motivates the state, but also may define the approach it chooses in order to acquire and use these resources in the best possible way.
- *Strategies and tactics* in this case mean the strategies of those challenging a state's territorial integrity (not the strategies of the state itself, since the latter is a dependent variable of the research).
- *International factors* are added because they are considered to be one of the most important determinants in a number of academic works on the separatist issue. This includes not only international support for the state and the ethnic group in the struggle, but also international status (prestige) of the regime overall¹¹ and indirect international influences such as the collapse of the Soviet Union or Kosovo independence.
- Finally, since this analysis involves both ethnic and non-ethnic conflicts, an additional factor, *type of conflict*, has to be included not to overlook the role played by the ethnic element.

Thus the final list of factors that influence the PRC's decisions towards Tibet, Xinjiang and Hong Kong and that will be analysed in this article is the following:

1. state political structure and organisation,
2. type of conflict,
3. ideology,
4. state goals,
5. resources (both those of the state and the disputed territory),
6. strategies and tactics of the (ethnic) group(s),
7. international factors.

¹¹ Gurr, Harff, p. 86.

2. Chinese state policies towards Tibet, Xinjiang and Hong Kong

2.1. Chinese policies towards Tibet and Xinjiang

2.1.1. Political and military measures

National minorities in China officially enjoy autonomy and are subject to various types of preferential treatment. Tibet and Xinjiang, being regions dominated by national minorities, were granted the status of autonomous regions, which gives the locals broader rights in the areas of language, education, political representation, administrative appointments, local economic and financial policies, and the use of local natural resources. However, the system, officially described as autonomy, in fact ‘enacts heteronomy, or rule by others’.¹² All autonomous government organs are under the leadership of the State Council and must obey it.¹³ All decisions made by the local government are subject to revision by the central government: any regulations related to the exercise of autonomy (local legislation) ‘shall be submitted to the Standing Committee of the National People’s Congress (NPC) for approval before they go into effect’.¹⁴ Due to this double-check system, adoption of any law in the autonomous region is even more complicated than it is in a regular province.¹⁵ Even the right of organs of autonomy to ‘alter or suspend’ policies or orders promulgated by higher-level government units is made a subject to approval by those superior units.¹⁶ Beijing retains veto power over decisions of the local People’s Congress, and the Supreme Court retains supervisory power over local courts.¹⁷

Chinese autonomy law specifies *shaoshu minzu* representation in local and national government (at least 12% of the NPC’s members have to be minorities).¹⁸

¹² Gardner Bovington, *Autonomy in Xinjiang: Han Nationalist Imperatives and Uyghur Discontent*, Washington, D.C.: East-West Center Washington, 2004, p. 1.

¹³ *Ibid.*, p. 15.

¹⁴ Constitution of the People’s Republic of China, 1982 <<http://www.hkhrm.org.hk/english/law/const02.html>> [2012-03-30].

¹⁵ Michael C. Davis, ‘Autonomy and Ethnic Conflict: The Case of Tibet’. Panel on ‘Local Resistance and External Influence’, ISA Annual Meeting, March 26–29, 2008, San Francisco, p. 4.

¹⁶ Bovington, *Autonomy in Xinjiang*, pp. 15–16.

¹⁷ *Ibid.*

¹⁸ Barry Sautman, ‘Preferential Policies for Ethnic Minorities in China: The Case of Xinjiang’. *Working Papers in the Social Sciences*, No. 32, Clear Water Bay: Hong Kong University of Science and Technology, 1997, p. 25.

There are also many minority cadres at 'village and township levels, yet an extremely small number advance to positions in the central administration'¹⁹ or in the CCP, where the vast majority of state power is vested.²⁰

Administrative division of the autonomous regions is used as a political tool to reduce the power of the dominant ethnic community. The TAR comprises only half of historical Tibet; the rest of it is divided and assigned to the provinces of Yunnan, Qinghai and Sichuan.²¹ Meanwhile Xinjiang was divided into constituencies in such a manner that other ethnic groups would gain a disproportionately large amount of power in comparison to the size of their population in the region. Twenty-seven 'subautonomies' were established, in 15 of which the titular *shaoshu minzu* comprised less than 50% of the population (in some even less than 15%).²²

Another element of Chinese strategy is political indoctrination. Cadres are regularly sent to monitor the situation and 'improve grassroots party organizations'²³ in rural areas, where most minority people live. Despite that, the participation of minorities in the activities of the Communist Party remains low because 1) being an atheist is a precondition for becoming a CCP member²⁴ and people are unwilling to give up their religion and 2) they do not see any prospects for gaining any real power there. 'Government institutions have been heavily colonized by Hans, and have been subordinated at all levels to the Han party structure'.²⁵ All the significant positions in the ruling apparatus, both at the state and autonomous region levels, including the local party secretary, are occupied by Han; not a single party secretary of a national autonomous region was ever actually of that nationality.²⁶ The position of the chief executive belongs to minorities according to law, but he is appointed by the central government. The central government uses

¹⁹ Koch, p. 8.

²⁰ *Ibid*, p. 7.

²¹ Michael Davis, p. 2.

²² Gardner Bovington, 'Heteronomy and Its Discontents: "Minzu Regional Autonomy" in Xinjiang', Book: Morris Rossabi (ed.), *Governing China's Multiethnic Frontiers*, Seattle: University of Washington Press, 2004, p. 118.

²³ June Teufel Dreyer, 'Economic Development in Tibet Under the People's Republic of China'. Book: Barry Sautman, June Teufel Dreyer (eds.), *Contemporary Tibet: Politics, Development, and Society in a Disputed Region*, New York: M. E. Sharpe, Inc., 2006, p. 149.

²⁴ Koch, p. 7.

²⁵ Bovington, *Autonomy in Xinjiang*, p. 4.

²⁶ Li Datong, 'China's Tibet: Question With No Answer', 23 April 2009 <<http://www.opendemocracy.net/article/chinas-tibet-question-with-no-answer>> [20012-04-29].

chief executives to announce unpopular political decisions and implement them, with no real power given to them.²⁷

Chinese military presence and security measures are high in both regions, but in Tibet it serves mainly to deter India while in Xinjiang these are used to fight ‘terrorism, separatism and religious extremism’²⁸ inside the region. The Chinese government began the crack down in Xinjiang in 1996, shortly after the first meeting of the Shanghai Five,²⁹ and the grip was tightened after 9/11 when the ‘Global War on Terror’ was announced. This security policy consists of several elements: anti-terrorism operations, demonstration of military capacities and forceful suppression of Uyghur demonstrations that often results in the deaths of protesters. Yearly anti-terrorism ‘Strike Hard’ campaigns aim to capture large numbers of suspected criminals in massive dragnets and prosecute them according to an accelerated schedule. Tens of thousands of people are arrested annually for terrorism-related activities, which can involve anything, including communication with foreign journalists,³⁰ and many are executed.

According to Hannum and Lillich, legal autonomy requires an independent local legislature not subject to central veto power, a locally chosen executive, an independent judiciary, local decision-making not compromised by the centre’s ‘reservation ... of general discretionary powers’, and binding power-sharing arrangements.³¹ It is obvious that ‘autonomy’ in Xinjiang and Tibet fails to satisfy any of these criteria. The current system based on autonomy laws and official rhetoric creates an illusion of autonomy, but it is used to control and subordinate those regions. They are politically under the strict control of the central state, and extensive security measures are applied to suppress any turmoil in the region, the preservation of political stability being a top priority for the government.

²⁷ Bovington, *Autonomy in Xinjiang*, p. 4.

²⁸ Sharon LaFraniere, ‘China Starts Two-Month Security Crackdown in Western Region’, 16 August 2011, <<http://www.nytimes.com/2011/08/17/world/asia/17china.html>> [2012-04-29].

²⁹ Elizabeth Van Wie Davis, ‘Uyghur Muslim Ethnic Separatism in Xinjiang, China’, Honolulu: Asia-Pacific Center for Security Studies, January 2008 <<http://www.apcss.org/apcss-library/publications/uyghur-muslim-ethnic-separatism-in-xinjiang-china/>> [2012-05-01].

³⁰ Chien-peng Chung, ‘Confronting Terrorism and Other Evils in China: All Quiet on the Western Front?’ *China and Eurasia Forum Quarterly*, 4(2), 2006, p. 75.

³¹ Hurst Hannum, Richard B. Lillich. 1980. ‘The Concept of Autonomy in International Law’. *American Journal of International Law* 74(4), p. 886–887.

2.1.2. Socio-economic policies

Tibet and Xinjiang are economically backward regions with poorly developed commercial capacities, yet rich in raw materials. For a long time, they suffered from the central state's unequal economic development policies, which favoured coastal areas. Tibetans are in the worst position, ranking in last place among all Chinese regions in almost every single indicator.

China recently changed its position and started putting efforts into improving the economic situation in these regions, trying to eliminate one of the major sources of tensions and unrest. In 1999 the PRC launched the 'Go West' campaign that promotes business and encourages investment in the two western provinces. The programme includes elements such as favourable rates for lease of land, tax breaks, and large-scale infrastructure projects. Since then average income has been rising constantly, mostly because of extensive governmental subsidies and a number of state-funded infrastructure projects.

Extraction of natural resources and production of raw materials remain the main driving forces of the economies of Tibet and Xinjiang, especially the latter. 'Most of the region's resources are exported unprocessed to China proper, and are re-imported as manufactured goods at higher prices.'³² In Xinjiang it is mainly extraction of oil, coal and aluminium, as well as production of wool and cotton, and in Tibet this involves the mining industries, timber, and electricity, since due to its climate Tibet is a perfect spot for wind and hydro-electric projects. Tourism, followed by growing Tibetan involvement in handicrafts, textile production, and other traditional crafts have recently become other features of the Tibetan economy.

The two regions rely heavily on state subsidies, which make up more than half of their budgets. According to the PRC, the subsidies these regions receive exceed the value of natural resources transported to the heartland.³³ Local business is disproportionately dominated by state enterprises: 'four-fifths of the provinces' industrial assets remain in state hands, in contrast to prosperous southern provinces such as Guangdong',³⁴ and therefore the local economy is not self-sufficient and entirely depends on state subsidies, investment and poverty reduction measures.

Beijing also uses preferential policies and affirmative action programmes, hoping to create an 'ethnic middle-class that is, if not pro-Chinese, at least not

³² Giglio, p. 7.

³³ Sautman, 'Preferential Policies', p. 34.

³⁴ Matthew Moneyhon, 'Controlling Xinjiang: Autonomy on China's "New Frontier"', *Asian-Pacific Law and Policy Journal*, 3(1), Winter 2002, p. 147,

willing to tolerate instability in the region'.³⁵ There are job quotas reflecting the ethnic composition in the state sector.³⁶ Minority people can enter college with lower examination scores, find jobs in state-owned enterprises with fewer qualifications, and join some governmental bodies more easily than their Han counterparts.³⁷ Minority students in Xinjiang boarding schools do not have to pay for tuition and books, and they get free food, clothing, lodging and study materials.³⁸ Large numbers of minority students with the best grades are sent to Han schools in the heartland under the banner 'intellectual aid scheme'³⁹ and later given first priority for good jobs, thus encouraging them to adapt to Han culture.

When it comes to higher education, the situation is slightly different, because many minority people live in poverty, and despite the discounts, higher education is beyond their capacities. Most minority students study in minority universities, which are less prestigious than other higher education institutions in China. They have limited possibilities to enrol in the key state universities; *shaoshu minzu* students go there as part of the so-called minority cohorts and have to sign a contract obliging them to go back to their regions after graduation.⁴⁰

In addition, an exception from the one-child policy is made for minorities, allowing *shaoshu minzu* in urban areas to have two children, and in rural areas, where there is a bigger need for a labour force, three. (Meanwhile Han can have one in urban areas and two in rural ones.) However, minorities are dissatisfied with any kind of family planning regulations, which are considered incompatible with religious beliefs and an attempt to expand the one-child policy to *shaoshu minzu* in 1985 caused major protests in Urumqi.

The underlying idea of the PRC's economic approach 'is that if the western regions have sufficient development, then the minorities will prosper, be less restive, give less support for separatist activities, and be more integrated into China'.⁴¹ However, current policies are not bringing the expected effect; on the contrary, they are just deepening the cleavages in society.

³⁵ Chung, p. 80.

³⁶ Sautman, 'Preferential policies', p. 23.

³⁷ Bovington, *Autonomy in Xinjiang*, p. 37.

³⁸ Sautman, 'Preferential policies', p. 23.

³⁹ Kalsang Wangdu, 'Making Tibetans in China — Dislocated Secondary Education'. 18 September 2011 <<http://www.merabsarpa.com/education/making-tibetans-in-china-dislocated-secondary-education>> [2012-05-03].

⁴⁰ Sautman, 'Preferential policies', p. 11.

⁴¹ Elizabeth Van Wie Davis.

First of all, Tibetans and Uyghurs feel like they are being exploited by Beijing, which is taking away resources without adequate compensation. For example, the petroleum industry contributes to over 60% of Xinjiang's economy, yet the petrol price in Urumqi is higher than it is in Shanghai.⁴² Moreover, the companies working in this profitable business are almost exclusively Han and 'import' Han workers instead of employing local minority people. Cotton and textile production, the second most important industry of Xinjiang (Xinjiang is the biggest producer of cotton in China)⁴³ is monopolised by the Production and Construction Corps (PCC), another exclusively Han institution. These paramilitary farms, introduced in 1949, serve to induce Han immigration and to ensure security and stability in the troubled regions. Spread throughout the main strategic points and employing about 2.5 million Han immigrants, the PCCs constitute a separate system operating under their own rules and are accountable to Beijing only. This network prevents Uyghur mobilisation as well as illegal emigration to neighbouring countries and ensures continuous growth in the Han population in the region.⁴⁴

Han immigration, always an issue, was additionally boosted by the economic development policies. Han are coming to the western provinces to start small businesses under favourable conditions and to work on infrastructure projects managed exclusively by Han companies. Although locals receive a set percentage of profits from the extracted natural resources,⁴⁵ the ones who profit the most from these industries and the massive infrastructure projects are ethnic Han.

Locals also question the need of certain infrastructure projects since they are mostly conducted for military projects or resource extraction⁴⁶ and not for the needs of locals, especially in Xinjiang, where roads, rails and pipelines to Kazakhstan, Kyrgyzstan, and Tajikistan are built for the PRC to get access to the Central Asian energy resources.⁴⁷ Such projects, together with the intensive extraction of natural resources, are also believed to have negative impact on the local environment.

⁴² Ji Da, 'China's Crises in Tibet and Xinjiang: Beijing Believes Investment Is the Way Out', *New Epoch Weekly*, 20 February 2010 <<http://www.theepochtimes.com/n2/china-news/chinas-crises-in-tibet-and-xinjiang-30091.html>> [2012-05-02].

⁴³ James A. Millward, *Eurasian Crossroads: A History of Xinjiang*, 2nd ed., New York: Columbia University Press, 2007, p. 299.

⁴⁴ Bovington, *Autonomy in Xinjiang*, p. 27.

⁴⁵ Barry Sautman, 'Ethnic Law and Minority Rights in China: Progress and Constraints', *Law & Policy*, Vol. 21, Issue 3, July 1999, p. 294

⁴⁶ Sautman, Dreyer, p. 6.

⁴⁷ Elizabeth Van Wie Davis.

Overall it is obvious that the policies originally designed to eliminate the socio-economic grievances of the local populations produce the opposite effect. The impressive economic growth of the regions is much less impressive than it seems in pure numbers. Development rates are high because of the extensiveness, not the intensity, of the development,⁴⁸ and the benefits of this growth are not divided equally either: ‘while the standard of living of the Hans has risen manifold, the living standards of the native people remain static’.⁴⁹ In short, state economic policies can be characterised as ‘non-engaging’, meaning that they ‘have been imposed rather than negotiated, and are designed to benefit the center rather than the region’.⁵⁰

2.1.3. Cultural policies

Although during the Cultural Revolution minority people and their cultures suffered even more than the rest of the population, after the death of Mao Zedong Tibet and Xinjiang experienced a period of liberalisation and revival of national culture and religion. However, the grip was tightened once again after the unrest in the 1990s, such as the series of street protests in Lhasa in 1987 and the armed Uyghur uprising in Baren in 1990. The teaching of Tibetan was curtailed in schools, many monastic schools were closed, the number of monks and nuns was restricted, and forced re-education of the remaining clergy was imposed. Tibetan bureaucrats unable to write in Chinese, as well as those educated in India, were fired, and some were sent to inner China to be re-educated.⁵¹ In Xinjiang, some mosques were closed and the construction of the new ones was halted. ‘Inconvenient’ clerics were fired and new regular political examinations for imams imposed, along with the stipulation that all new clerics have to be trained at Xinjiang’s sole religious institute in Urumqi.⁵² Only religious material published by the state Religious Affairs Bureau is allowed and *Haj* pilgrimages for Muslims are limited to participants over 50 years of age.⁵³

⁴⁸ Dreyer, ‘Economic Development in Tibet’, p. 137.

⁴⁹ Daniel Tan Kuan Wei, ‘Investigating the Dynamics of Separatism’, *Pointer*, 28(4), October–December 2002 <http://www.mindef.gov.sg/safti/pointer/back/journals/2002/Vol28_4/4.htm> [2012-03-20].

⁵⁰ Koch, p. 6.

⁵¹ Dreyer, ‘Economic Development in Tibet’, p. 138.

⁵² Bovington, *Autonomy in Xinjiang*, p. 33.

⁵³ Giglio, p. 22.

In 1994 the PRC significantly intervened in Buddhist religious processes for the first time. The central government replaced the Dalai Lama's choice of a new reincarnation of Panchen Lama, one of the most important religious figures in Buddhism, with its own, and soon the former one mysteriously disappeared. This was followed by the radical decision of the CCP Secretary for Tibet to prohibit any public expression of support for the Dalai Lama, and even his image became illegal in Tibet.⁵⁴ Another recent attempt to control Buddhist religious matters was the so-called 'Reincarnation Law', launched in 2011, requiring Tibetan monks to get permission to reincarnate from the Chinese authorities.⁵⁵

As mentioned, party members, as well as underage people and students, are not allowed to practice religion, and atheism is a compulsory subject at all levels of education. 'There are party committees in monasteries, and sermons are well-attended by informers and plain clothes policemen.'⁵⁶

Some cultural rights are preserved in order to maintain the appearance of cultural autonomy. Secondary education is available in minority languages, and they are used in newspapers, broadcasts, and government documents. However, in order to take advantage of any educational and economic opportunities, the native populations are obliged to learn Chinese.

The main element of the PRC's cultural strategy is Sinification through immigration. During the times of Mao Zedong, Han immigration was forced, but now it is encouraged through favourable conditions for business, job opportunities in Han companies, looser application of the one-child policy,⁵⁷ subsidies for college graduates willing to move, temporary swaps of cadres, etc. At the same time, minority people are transferred to inner China: Xinjiang exported 1.87 million 'surplus agricultural labourers' in 2008; those unwilling to move face a fine of up to six months' income.⁵⁸ Xinjiang experienced a dramatic shift in its demographic structure as the number of Han inhabitants increased from 6.7%

⁵⁴ Robert Barnett, 'Beyond the Collaborator-Martyr Model: Strategies of Compliance, Opportunism and Opposition Within Tibet', Book: Barry Sautman, June Teufel Dreyer (eds.), *Contemporary Tibet: Politics, Development, and Society in a Disputed Region*, New York: M. E. Sharpe, Inc., 2006, p. 44.

⁵⁵ Naresh Kumar Sharma, 'New Chinese Law Aimed at Wiping out Tibetan Identity', 14 February 2011 <http://articles.timesofindia.indiatimes.com/2011-02-14/india/28542221_1_tibetan-issue-pan-chen-lama-tibetan-government> [2012-05-04].

⁵⁶ Chung, p. 80.

⁵⁷ Giglio, p. 6.

⁵⁸ John Chan, 'China's Police-State Crackdown in Xinjiang Creates International Tensions', 17 July 2009 <<http://www.wsws.org/articles/2009/jul2009/chin-j17.shtml>> [2012-05-03].

in 1947 to the present 40%,⁵⁹ making the Han the second biggest ethnic group in Xinjiang. Meanwhile the data on Tibet is contradictory. According to official statistics, 90% of TAR inhabitants are ethnic Tibetans (Hans — 8.17%),⁶⁰ but the Tibetans say they are already outnumbered by the Han. These differences occur because soldiers of the People's Liberation Army (PLA) and 'short-term' (up to 10 years) Han workers with no residence permit are not counted.⁶¹ The Han are mostly concentrated in the urban areas and make up the majority of inhabitants in both capitals. Uyghurs and Tibetans are afraid of the scenario of Inner Mongolia, where ethnic Mongolians now comprise only 17% of the population, compared to almost 80% Han.

To sum up, 'long-term Chinese policy is founded on the principle that giving minority areas a degree of autonomy pacifies them by sustaining their own customs, religion, language, and limited self-government until the immigration of Han Chinese slowly changes the makeup of the population'.⁶² The degree of autonomy is very low, religious matters are under strict control, and in order to get any educational or career opportunities, people have to become Sinicized. Meanwhile, a constant inflow of Han from other parts of China makes the possibility of Uyghurs and Tibetans becoming minorities in their own regions highly realistic.

2.1.4. Foreign policy measures

The PRC's foreign policy in relation to Tibet and Xinjiang consists of two main elements: 1) preventing the creation of an international precedent that could encourage Tibet and Xinjiang to seek independence and 2) discouraging other countries from supporting these separatist movements.

The PRC has always been consistent in its support for the principle of territorial integrity. It has refused to extend diplomatic recognition to not only Kosovo, but also the Russian 'protégés' Abkhazia and South Ossetia. Its position leaves no doubt that China would use its veto right to block the discussion of similar questions in the UN Security Council as well.

⁵⁹ Anthony Howell, C. Cindy Fan, "Migration and Inequality in Xinjiang: A Survey of Han and Uyghur Migrants in Urumqi." *Eurasian Geography and Economics*, 52(1), 2011, p. 119.

⁶⁰ 'Tibet's population tops 3 million; 90% are Tibetans', <http://english.peopledaily.com.cn/90001/90776/90882/7369781.html> [2011-12-08].

⁶¹ Dreyer, 'Economic Development in Tibet', p.131.

⁶² Moneyhon, 'Controlling Xinjiang', p. 133.

At the same time, the PRC does everything to keep its separatist regions isolated. Borders are closely monitored, cross-border migration is limited, and Internet access is restricted.⁶³ In the face of any disturbances, borders are instantly closed and foreigners, especially journalists, prohibited to enter the regions.⁶⁴

Even more important than physical isolation is international isolation, which the PRC achieves mainly by using its economic power. 'Economic incentives such as free-trade zones, purchases of a country's exports, and promises of investment [are used] to help ensure [other states'] compliance with its wishes.'⁶⁵ Trade with Nepal and India is intensified in order to discourage their governments from supporting Tibetan refugee communities in those countries.⁶⁶ China contributes a lot to the development of the Shanghai Cooperation Organisation (SCO), the primary goal of which is to fight the 'three evils': terrorism, separatism, and religious fundamentalism. The PRC demands that other SCO states suppress Uyghur activities, pledging massive loans to them and making concessions in border disagreements in exchange.⁶⁷ These efforts have not been in vain: Uyghur activities in these countries are closely monitored, extradition treaties have been signed, and the PRC is even allowed to cross borders to fight Uyghur guerrilla groups if necessary.⁶⁸

At the same time, the PRC punishes other states for acting against China's interests. For example, some Pakistani traders were expelled from Xinjiang and visas for Pakistanis wanting to travel to Xinjiang were restricted when the PRC suspected that Muslim groups in Pakistan were providing arms to Uyghur fundamentalists.⁶⁹ It is also very sensitive about the Dalai Lama question and often threatens that a high-level political leader's reception of the Dalai Lama would have a negative impact on bilateral trade. It was estimated that such a meeting

⁶³ Dibyesh Anand, 'Sovereignty and Separatism in China and India: The Myth of Difference', 20 October 2010 <<http://www.eastasiaforum.org/2010/10/20/sovereignty-and-separatism-in-china-and-india-the-myth-of-difference/>> [2012-05-04].

⁶⁴ Alex Neill, 'Xinjiang: the Hidden Dimension to China's Separatist Problem', London: Royal United Services Institute. <<http://www.rusi.org/analysis/commentary/ref:C47FE3D1B2E2B3/>> [2012-05-03].

⁶⁵ Dreyer, 'China's Vulnerability to Minority Separatism', p. 78.

⁶⁶ Dreyer, 'Economic Development in Tibet', p. 133.

⁶⁷ Bovington, p. 23.

⁶⁸ David Bachman, 'Making Xinjing Safe for the Han? Contradictions and Ironies of Chinese Governance in Chinese Northwest', Book: Book: Morris Rossabi (ed.), *Governing China's Multiethnic Frontiers*, Seattle: University of Washington Press, 2004, p. 160.

⁶⁹ Giglio, p. 20.

causes the so-called ‘Dalai Lama effect’, decreasing exports to China by 8.1–16.9% for about two years.⁷⁰

Not only economic measures are used by the PRC; Chinese involvement in the global war on terror became one more carrot for other states. After 9/11, the PRC used its chance to highlight the Xinjiang conflict internationally as based on the activities of Islamic fundamentalist terrorist groups linked with Al-Qaeda to justify its hard-line policies in the region. To join the war on terror, the PRC voted for Resolution 1368 in the UN Security Council, which gave permission to invade Afghanistan and marked the first time China has voted in favour of authorising the international use of force. These efforts were not in vain; the little-known Eastern Turkestan Islamic Movement (ETIM) was declared a terrorist organisation by the USA and UN in 2002, and international society became much less supportive of the Uyghurs.

To sum up, China’s international strategy based on a carrot and stick approach, its support for the principle of territorial integrity in the international arena, and participation in the global war on terror are designed to achieve two main goals: to cut Tibet and Xinjiang off from outside support and to ensure the PRC wide freedom of action inside its borders.

2.2. China’s Hong Kong policies

2.2.1. Political accommodation

Hong Kong’s political system operates according to the provisions of the Basic Law — Hong Kong’s *de facto* constitution: it is headed by a chief executive, who is monitored by the parliament, the Legislative Council (LegCo), and adjudicated by a relatively autonomous judicial system that is based on British common law. Hong Kong is mostly independent on the international level as well (economic and cultural spheres, not political), has its own representations (Hong Kong Economic and Trade Offices) around the world, and even enjoys a separate membership in various international organisations such as the World Trade Organization, Asia-Pacific Economic Cooperation, and International Olympic Committee.

Despite its multi-party system and free elections however, the HKSAR has only limited democracy, which provides China with multiple channels for influence.

⁷⁰ Andreas Fuchs, Nils-Hendrik Klann, ‘Paying a Visit: The Dalai Lama Effect on International Trade’, *Discussion Paper 113*, Goettingen: University of Goettingen, 2010, p. 22.

Only half of the 60 LegCo members are elected directly. Another half comes from 'functional constituencies': professional or interest groups where both natural and legal persons can be voters. Since these representatives are not accountable to the public and mostly pro-Chinese, the PRC uses them to influence the decisions made in the LegCo.⁷¹ The number of directly elected LegCo members is high enough to maintain a democratic façade, yet not enough to oppose China's interests. The chief executive, the most important political figure in Hong Kong, is elected by the 1,200 member Election Committee consisting of individuals and entities from functional constituencies and later has to be appointed by the central authorities. In addition, all principal official positions are occupied by Beijing's political appointees, not civil servants. Judicial independence, although broad, is limited as well. Under the Basic Law, Hong Kong's Court of Final Appeal is supposed to ask the Standing Committee of the NPC to interpret provisions of the Basic Law concerning the relationship between Beijing and Hong Kong in adjudicating cases.⁷² In 1999 the PRC interfered in Hong Kong's judicial process when the Standing Committee overturned Hong Kong court's decision concerning the right of abode in the HKSAR.

This limited democracy is the main source of dissatisfaction among Hong Kongers, and a number of protests concerning this issue have taken place (unlike Mainland China, Hong Kong enjoys freedom of speech and press, as well as other civil liberties). After years of persistent refusal, the PRC's government finally stepped back and promised direct presidential elections in 2017 and parliamentary elections in 2020.⁷³

To sum up, Beijing manipulates Hong Kong's political system, which was from the very beginning designed to serve this purpose. Civil liberties, free elections, a mostly independent judiciary, and the rule of law are preserved, at the same time ensuring that no decisions against the PRC's interests are made.

2.2.2. Economic accommodation

Being a British colony, Hong Kong developed a highly competitive capitalist economy, the preservation of which was the main stimulus for the introduction

⁷¹ Zaijun Yuan, 'One Country, Two Systems Is Dying in Hong Kong', 4 September 2011 <<http://www.taipetimes.com/News/editorials/archives/2011/09/04/2003512398>> [2012-05-04]

⁷² Frank Ching, 'One Country, Two Systems?' 25 June 2011 <<http://the-diplomat.com/2011/06/25/one-country-two-systems/2/>> [2012-05-04].

⁷³ *Ibid.*

of one country, two systems. It has an independent economic system based on capitalist principles and an independent financial system: its own taxation system, currency and budget and full discretion over that budget.

However, Hong Kong's economy is becoming increasingly integrated with Mainland China. After the opening of China, Hong Kong companies were quick to move their manufacturing assets to southern China⁷⁴, transforming Hong Kong into a service-oriented economy. At the same time, many Chinese companies and government entities moved their offices to Hong Kong 'to gain international exposure and market opportunities'.⁷⁵ Hong Kong remains China's most important international trade channel and foreign currency financing centre, and the range and scope of cross-border business activities is expanding. In addition, during the Asian financial crisis in 1997 the PRC provided a financial injection to stabilise the currency in Hong Kong. This process of integration has both positive and negative sides for Hong Kong: having a strong Chinese back-up gives it an advantage over the other Asian Tigers and makes its economy more resistant to global and regional economic turbulences, but it may erode the economic separation necessary to preserve Hong Kong's economic autonomy.⁷⁶

To sum up, the PRC gives Hong Kong independence over its economic and financial matters to preserve its status as an international trade centre, at the same time intervening when necessary to prevent the system from crashing. Expansion of economic cross-border ties is encouraged since this decreases the likelihood of radical actions in Hong Kong, as the Hong Kongers are unwilling to damage economic ties and risk losing their assets on the mainland.

2.2.3. Cultural aspects of the Hong Kong settlement

Hong Kongers are not ethnically distinct from the mainlanders; 96% are Han, although they speak the Cantonese dialect instead of Mandarin, which prevails on the mainland. The question of Hong Kong's identity is extremely complicated because during British rule Hong Kong moved far from its ethnic roots in Mainland

⁷⁴ Tao Wang, Hong Liang, 'Economic integration between SAR and Mainland China', Book: Eswar Prasad (ed.), *Hong Kong SAR: Meeting the Challenges of Integration with the Mainland*, Washington, DC: International Monetary Fund, 2004, p. 3.

⁷⁵ *Ibid.*, p. 5.

⁷⁶ Michael F. Martin, 'A Changing Hong Kong and U.S. Policy', *Hong Kong Journal*, No. 20, 2011 <http://www.hkjourn.org/archive/2011_spring/1.htm> [2012-04-30].

China, but it did not relate with the British either. The lack of statehood also prevented it from developing a full-fledged identity. Instead of national features, capitalist thinking became the basis for the identity of Hong Kong.

Since the handover, efforts have been made to link Hong Kong's identity with China through official rhetoric and various 'national identity' education programmes in schools and kindergartens.⁷⁷ Moreover, the language of instruction was switched from English to Cantonese in 75% of secondary schools, which caused major public dissatisfaction.

Han immigration is also a problem in Hong Kong, just in a different way than it is in Xinjiang and Tibet, since most mainlanders go to the island for a short period and not to settle permanently. Twenty-eight million Mainland Chinese visited Hong Kong last year — four times the population of the city — 'many flush with cash and on the hunt for everything from baby formula to hospital beds and luxury brands to high-end apartments'.⁷⁸ Chinese women coming to Hong Kong to give birth (not only for the better quality services, but also Hong Kong citizenship for their children) overcrowd local hospitals, not leaving spots for the local women. Wealthy Chinese buying real estate in Hong Kong are driving property prices beyond the reach of the locals. In 2011 Mainland Chinese snapped up about a third of Hong Kong's new residential flats, and home prices had risen about 70% since 2009.⁷⁹ Dissatisfaction of the locals about the negative economic effects of this migration and disrespectful behaviour of the mainlanders resulted in a burst of cross-border conflict marked with offensive rhetoric from the public on both sides.⁸⁰

In short, the PRC's strategy is to use the influence it has on the Hong Kong government for it to adopt rhetoric and policies that would help the people of Hong Kong to develop a Chinese identity. At the same time, cross-border migration, which should foster Hong Kong's psychological integration with the mainland, actually brings the opposite effect, creating tensions between the locals and mainlanders.

⁷⁷ Mathews, Ma, p. 84.

⁷⁸ Pomfret, Tung.

⁷⁹ *Ibid.*

⁸⁰ David Eimer, 'Hong Kong rails against invasion of Chinese "locusts"', 2 February 2012 <<http://www.telegraph.co.uk/news/worldnews/asia/hongkong/9056268/Hong-Kong-rails-against-invasion-of-Chinese-locusts.html>> [2012-05-07].

2.3. Similarities and differences between the PRC's approaches towards Tibet, Xinjiang and Hong Kong

The political dimension is the most important one for the PRC because its main goal — recognition of its sovereignty over a certain territory — is a political action. It is therefore not surprising that the central government's involvement and/or control is felt the most in relation to political processes, while economic, cultural and foreign policy measures have a supporting role.

In all three cases, the PRC relies on local executive power to ensure proper control over a region's political life; chief executive officers are appointed and instructed by Beijing, although the level of dependence differs. In Xinjiang and Tibet, these are puppet figures acting as apologists for state policies, whereas Hong Kong's leader is more of an autonomous figure under the influence of the PRC. Yet the biggest difference lies in the degree of democracy and civil liberties. Hong Kong's democracy, although limited, is still a democracy with free elections, and the possibility to make independent decisions exists. It has an almost entirely independent judiciary and enjoys political freedom that enables an open expression of dissatisfaction, whereas their counterparts in Xinjiang and Tibet do not have any democracy, cannot influence political decisions, and any anti-PRC opinions are suppressed with force. Overall, the PRC's strategy towards Hong Kong is to give it enough space without letting it drift too far away; meanwhile Tibet and Xinjiang are strictly controlled.

The economic approaches towards these regions are completely different. Most economic decisions for Tibet and Xinjiang are taken in Beijing. The PRC exploits the resources of the regions and subsidises them heavily in return to raise the living standards of locals without enabling them, i.e. making them dependent on the funding from the centre. Preferential policies and investment programmes do not achieve the initial purpose of overcoming ethnic resistance by satisfying their economic needs since they mainly benefit Han; they create the appearance that the state is making efforts to help the backward regions and serve as a Trojan horse to attract more Han to those regions. Meanwhile Hong Kong has a separate economic and financial system and independent budget and handles its economic matters without an outside intervention. The PRC becomes involved only in the face of crisis and economic integration is achieved by encouraging cross-border business ties instead.

The PRC's cultural strategies also differ significantly. In Tibet and Xinjiang, all aspects of ethnic and religious identity are tightly controlled and various means (coercive as well) are used to erase the distinctiveness of ethnic groups, although

some cultural rights are preserved for the maintenance of *de jure* cultural autonomy. In Hong Kong, there is no need for measures against national identity because there is none. Instead, a Chinese national identity is being built. While all three regions face big inflows of Han Chinese from the mainland, in Xinjiang and Tibet this is an intentional process to assimilate local minorities, whereas in Hong Kong this is more of a side effect of Hong Kong's status and the opportunities it offers.

Overall, although formally Tibet and Xinjiang are autonomous, *de facto* they are under the direct rule of the central authorities. Hong Kong on the other hand is basically autonomous, acting independently in all dimensions except the political one, and the PRC instead uses indirect measures to influence politics in Hong Kong.

3. What influences China's choice of methods in solving its issues of territorial integrity?

The effects seven factors have on the state's choice of methods can be briefly summarised in the following table.

Table 1. Factors influencing the state's decisions and their effects

Effect Factor	Limiting/enabling	Causing differences
Political structure	Full-fledged democracy and complete political autonomy — impossible; reliance on executive power; homogenisation as the ultimate goal; inclination to use coercive measures; ignorance of domestic legal agreements; unlimited access to state resources for the central authorities.	

Type of conflict		<p>Interstate dispute = parties more willing to negotiate.</p> <p>Non-ethnic dispute = concessions more likely.</p> <p>Distinct ethnicity = measures to erase ethnic identity; no ethnic differences = identity-building measures.</p>
Strategies		<p>State acts in responsive manner: various elements of the strategies of locals are either being suppressed/prevented from success or used against the locals themselves.</p>
Resources	<p>The state's resources are used to ensure support or/and non-interference of external actors and to implement policies inside the state.</p>	<p>Different resources determine the way the regions are treated: political and economic systems are designed to better exploit their resources.</p>
International factors	<p>The more influential internationally the state is, the more reluctant other international actors are to confront it; yet the more concerned it is about its international prestige.</p>	<p>Wide external support and presence of foreign actors in a region = state unwilling to use coercive measures, and vice versa. Some other relevant international factors (e.g. the Taiwan issue) and events may also contribute to the differences between policies.</p>
Goals	<p>Only policies aimed at achieving the main goal are implemented (i.e. if homogenisation is an ultimate goal, policies encouraging pluralism are excluded).</p>	<p>The more advanced the state is in the achievement of its goals, the less compromising it is.</p>
Ideology	<p>Ideology is a catalyst: by defining what methods are acceptable and which differences between the cases matter, it turns those differences into the different state policies.</p>	

This table reflects that all these factors influence the state's choice of methods, although in two different ways. Some of them merely define the state's capabilities and its field of action by enabling or restricting it, i.e. they work as a filter to define

which of all the possible measures a certain state *could* use. Once the spectrum of tools available for the state is set, to understand why one measure or another from that spectrum is chosen in a particular situation, one has to look at the second group of factors. There are also factors that fall in between these categories, because some elements of that factor determine a state's possibilities whereas other elements result in differences in state policies.

Political structure is a limiting/enabling factor. The PRC is an authoritarian communistic state with a *de facto* single-party system. According to the constitution, the PRC is a 'unitary multinational state', and operates according to the principle of 'democratic centralism', key elements of that being total obedience to the CCP, nominations from above, and the notion that the higher levels are not accountable to the lower levels.⁸¹ The CCP enjoys unchallenged authority since no other rival political or social organisation is permitted. The party is present at every level of the state, and every local organ or institution is shadowed by a CCP committee or 'leading group' that is *de facto* in control of it.⁸² This system does not permit plurality of attitudes, and there are no channels to express them. The public sphere is censored and there are no conditions for civil society to function. The only channels to voice any political opinions are inside the party. However, due to the top-down approach embodied in the principle of democratic centralism, bottom-up communication is very limited. Moreover, since the CCP is reluctant to allow minorities to attain high positions in the party structure⁸³ (due to nationalistic reasons), there are no channels for dialogue between the state and minorities.

This system results, firstly, in China's uncompromising stance over political matters such as sovereignty or democracy. Full-fledged democracy is not acceptable even in Hong Kong (not to speak of Tibet and Xinjiang): the HKSAR political system ensures that the autonomy it exercises will not undermine the interests of the PRC and that the level of democracy will not become high enough to pose a threat to the PRC's own political system. Second, the state chooses not to respond to separatist demands and is even inclined to use coercive measures as a solution in Xinjiang and Tibet because granting autonomy to those regions might start a precedent causing other regions and even the public in general to demand more rights, thus threatening the basis

⁸¹ Monte R. Bullard, *Strait Talk: Avoiding a Nuclear War Between U.S. And China Over Taiwan*, Monterey: Monterey Institute of International Studies, 2004, p. 41.

⁸² Koch, p. 7.

⁸³ *Ibid.*

of the current system. Third, the PRC's political system enables it by relaxing its legal commitments to domestic society: as the rule of law is subordinate to the rule of the CCP, the PRC is not a legal state, and any regulation can be interpreted in any convenient way or even ignored, which is the case in Xinjiang and Tibet. After the handover, the Hong Kong agreements also became a domestic matter and compliance with those agreements totally depends on the goodwill of China. Finally, the PRC's authoritarian nature provides the central authorities with unlimited access to the state's political, economic and military resources; in addition, the CCP's deep penetration into every aspect of life in the state gives it tools to detect and eliminate those challenging the state's sovereignty (and authority of the ruling party), not only in Xinjiang and Tibet, but also in Hong Kong (the necessary level of control in the latter is ensured through the system of political appointments).

Type of conflict belongs to the second category — who is challenging the PRC's authority and on what basis it is challenged affect its perception of how the situation should be handled. Tibet, Xinjiang and Hong Kong constitute two different types of territorial disputes, the first two being ethnic conflicts and the latter one being an intrastate dispute of legal origin. The main differences between them lie in the status of the parties and the origin of the dispute.

Ethnic conflicts challenge a state's sovereignty from the inside, the ethnic movement being an inferior party in of the dispute both in legal terms and in terms of power. Meanwhile in the Hong Kong case, the state's sovereignty was being challenged from the outside, by another state, i.e. the parties of this dispute were (at least legally) equal. The Hong Kong question was an inter-state dispute between the PRC and Britain, with no involvement of the territory itself. The PRC categorically rejected any kind of Hong Kong participation in the negotiation process, thinking it would give an advantage to Britain, whereas Britain, treating its colony in a paternalistic manner, saw Hong Kong's involvement as preferable, yet not necessary. Moreover, both sides were driven by pragmatism. After the PRC announced it would resort to unilateral actions⁸⁴ if no legal agreement were reached, Britain's main aim was to ensure the best possible conditions for the handover, conditions that would not undermine British interests and would save its citizens and companies from tremendous financial losses. At the same time, the PRC was willing to make many concessions as long as its sovereignty over the territory was restored. In cases like this, compromise is more likely because the costs of failure to come up with one would be too high, especially if both sides are

⁸⁴ Tsang, p. 104.

similar in terms of power. Moreover, the equal status of the parties provides a basis for negotiation, whereas in the case of internal conflict, the government (especially in an authoritarian state) is unwilling to negotiate, not eager to legitimise the ethnic movement and its claims. Being the more powerful party and not willing to negotiate, the state is likely to choose to suppress the conflict instead.

Another difference between these types of conflict lies in their origin. Ethnicity was never a factor in the Hong Kong issue; Hong Kongers differ from the mainlanders in their values, not ethnicity. Even the recent sparks between them, caused by Han immigration, are socio-economic rather than nationalistic. Such disagreements are seen as more rational, easier to solve, and thus less threatening to the state. Meanwhile, ethnic differences are harder to overcome and ethnic groups tend to seek independence even if it is not rational. After the Tibetan occupation in 1951, a system, technically and functionally similar to one country, two systems, was introduced,⁸⁵ but a massive armed uprising nevertheless took place in 1959. The PRC took it as a lesson that the satisfaction of an ethnic group's demands could not guarantee it would not seek more in the future, and therefore the best way to eliminate the risk of separatism is to discourage any active actions with coercive measures until the group is totally assimilated.

The strategies of the people in the troubled regions is another factor producing differences and can best explain the peculiarities of Chinese strategies designed specifically for every region: depending on what strategy the region uses, the PRC chooses tools that prevent these strategies from success or uses those strategies against the regions themselves. These tools differ in every case, because Hong Kongers, Tibetans and Uyghurs differ significantly in their degree of mobilisation, strategies, and patterns of action.

The main features of the Uyghur strategy are 1) the plurality of actors, 2) the relatively high number of domestic protests and demonstrations, and 3) terrorist activities. There are a number of different groups acting in the name of the Uyghurs which have separate and sometimes even contradicting visions for Xinjiang's future. New groups and organisations both inside and outside the region appear while old ones dissolve, and at least 30 different active groups operate at the same time.⁸⁶ Lack of coordination and consensus among these groups prevent them from building a single strategy and ensuring support for their cause. This has become even harder since some Uyghurs turned to radical Islamism and terrorism because ruthless suppression of all Uyghur demonstrations in Xinjiang left no room for

⁸⁵ Norbu, p. 208.

⁸⁶ Giglio, p. 14.

overt political action. A number of terrorist acts conducted by different groups appeared inside and outside the region in the 1990s, not only against the Han and the government, but also against the clerics ‘collaborating’ with the Chinese government and the leaders of rival Uyghur movements. Even though there are a lot of peaceful Uyghur groups operating around the world (Uyghur American Association, Uyghur World Congress, etc.), and only a few terrorist activities have taken place over the past decade, China managed to use this to project a negative image of the Uyghurs to the world and to justify its heavy-handed policies against them.

Meanwhile, the main elements of the Tibetan strategy are 1) reliance on a charismatic leader, 2) peaceful means, and 3) the appeal for international support. ‘Since his 1959 flight into exile, the Dalai Lama has become a global celebrity, welcomed and respected as a great spiritual leader by popes, kings, publics, and presidents.’⁸⁷ Although in March 2011 the Dalai Lama completely resigned from his political functions in the democratically elected Tibetan government in exile, Tibetan unity still rests mostly on his authority. He promotes the so-called ‘middle way’, ‘genuine autonomy’ in the Chinese state instead of complete independence. Due to the popularity of Buddhism, the Dalai Lama’s personality, and his peaceful programme, Tibetans enjoy broad international support: numerous Tibet support groups operate around the world, and the Dalai Lama is frequently accepted at the highest political level by world leaders. However, some Tibetans, especially the younger generation, see his approach as ineffective and are inclined towards more radical measures, riots in Lhasa in 2008 being the best example. The Dalai Lama’s authority is still high enough to make Tibetans comply with his strategy, but it means that Tibetan unity rests on one person. The PRC’s anti-Tibetan strategy therefore consists of efforts to undermine the Dalai Lama’s authority and restrict his influence. Domestically China tries to prevent any contact between the exiled community and local Tibetans and disrupt religious ties between them by closing or tightly controlling Buddhist monasteries and interfering in religious matters. To diminish international support for the Tibetan cause, China mostly relies on economic measures to effect other states’ decisions. The PRC expects that after the Dalai Lama’s death, with no one equally charismatic to step up, Tibetans will lose their unity and international support, this way becoming easier to deal with.

Finally, Hong Kongers mostly use conventional means and existing political channels because, unlike Tibetans and Uyghurs, they *can* do this: 1) demonstrations are not forbidden and the press is not censored; 2) the LegCo, although politically

⁸⁷ Richard Madsen, ‘The Upsurge of Religion in China’, *Journal of Democracy*, 21(4), 2010, p. 13.

weak, serves as the main channel for the Hong Kong public to express their demands through democratically elected representatives; 3) Hong Kong is not internationally isolated; 4) there is a separate institution in the PRC for Hong Kong matters, the Hong Kong and Macao Affairs Office, which serves as a political channel to communicate with the PRC's authorities; and, most importantly, 5) the PRC does not entirely ignore Hong Kong's demands. Although Hong Kongers were passive and silent during the Sino-British talks, their dissatisfaction that their opinion had been ignored came to the surface after the handover. Democratic parties have always been highly successful in elections (in geographical constituencies where LegCo members are elected directly), forcing the government in the HKSAR and Beijing to deal with perpetual electoral opposition, and protests and demonstrations became a regular phenomenon in the HKSAR, the peak of which was an annual 1 July march in 2003, when a demonstration against a new anti-subversion law that would have provided a basis for restricting civil rights attracted about half a million participants.⁸⁸ However, Hong Kongers, being rational and pragmatic, seek only limited goals (universal direct elections, not full independence). Thus the PRC, not perceiving their actions as a real threat and understanding that keeping Hong Kong isolated would be against its pragmatic interests, chooses to respond partially to their demands by using various symbolic concessions and postponing important decisions at the same time. In 2003 it forced the unpopular Chief Executive Tung Chee-hwa to resign, favouring preservation of the system over certain personalities, allowed limited political reforms towards greater democratisation (e.g. raising the number of Election Committee members), and promised universal suffrage in 2017 for the LegCo and for the chief executive in 2020. However, this was not the first time a similar promise had been made: the government of the PRC has continually pushed the deadline for universal suffrage back for years, and most recently the 'consultative process' was infringed again due to the economic crisis.⁸⁹ Yet the strategy of concessions and promises, accompanied by economic inducements, seems to have worked quite well so far, because since 2005 the political activity of the Hong Kong public has decreased: democratic forces, being very fragmented, manage to mobilise only on very concrete issues (like the anti-subversion laws in 2003), but dissolves once the PRC acts in a more cooperative manner.

Among the factors that both enable/restrict the state and cause differences at the same time, probably the most notable is **resources**. The resources of the

⁸⁸ John Chan, 'Huge Rally in Hong Kong against Anti-subversion Laws', 8 July 2003 <<http://www.wsws.org/articles/2003/jul2003/hoko-j08.shtml>> [2012-05-10].

⁸⁹ *Ibid.*

state enable it, since being the world's second largest economy with annual military spending of \$100 billion, China can use these resources 1) to ensure non-interference of *external* actors by bribing, punishing or discouraging other states, and 2) to implement certain policies *inside* the state. To gain the support of other states, the PRC uses the expansion of economic ties, investment, aid (mainly in the neighbouring states, the cooperation of which is crucial for solving territorial issues), and the restriction of trade (e.g. the 'Dalai Lama effect') to punish them. At the same time, extensive military power and a permanent seat on the UN Security Council make any outside intervention into Chinese internal conflicts extremely unlikely. Resources are also used to legitimate Communist rule and reduce tensions *inside* the state: financial resources are used to subsidise Tibet and Xinjiang, the cheap labour force and scope of Chinese exports are used to fortify economic ties with Hong Kong, and the well developed military and security structures are used to suppress and deter potential separatists. The difference between the PRC's policies towards the three regions is however mostly determined by the type of resource these territories own: the pragmatism that prevails in the PRC's policies inclines it to take up policies guaranteeing that these resources are exploited for the biggest advantage of the central government.

Xinjiang and Tibet are economically backward, yet extremely rich in natural resources. The current system gives local governments only minimal control over their resources: there are some power-sharing agreements allowing them to sell the surplus of extracted resources⁹⁰ and transferring a set percentage of the income from the resources to local budgets,⁹¹ but all the major decisions over extraction, use and management of resources are made in Beijing. Real autonomy in these regions, enabling them to decide how to use their own resources, would likely not allow the central government to have access to these resources at such favourable conditions. Moreover, since Xinjiang is essential for the PRC to gain access to Central Asian energy resources, this determines the strict security measures the PRC uses in the region as it tries to ensure stability in Xinjiang and protect highly vulnerable pipelines that are being built to link oil and gas fields in the Central Asian republics to industrial areas in eastern China.⁹²

Meanwhile, even though Hong Kong is a small, overpopulated territory with no significant resources, it has extreme economic importance for China. For many years, Hong Kong has been the PRC's main *entrepôt*, and even now about 40% of

⁹⁰ Moneyhon, 'Controlling Xinjiang', p. 143.

⁹¹ Sautman, 'Ethnic Law and Minority Rights in China', p. 288.

⁹² Giglio, p. 7.

China's external trade is still conducted through Hong Kong.⁹³ As a British colony, Hong Kong established itself as one of the most active trade and financial centres in the world, and after Deng Xiaoping launched the Four Modernisations campaign in 1978, Hong Kong with its capacities was seen as a way to contribute to Chinese modernisation. Since Hong Kong already had the status of an international trading centre, all the PRC had to do was to take over it without interrupting its economic processes. To achieve this, the handover had to be carried out in a delicate manner, with only minimal changes to the previous system being made, since Hong Kong's success rests on the highly volatile financial markets and sensitive investors. Foreign businessmen are drawn to Hong Kong by the ability to access China's markets without operating in its authoritarian environment.⁹⁴ Without its autonomy, Hong Kong would therefore be useless to China. Instead of complete integration with the PRC system, indirect measures such as encouragement of economic ties between the region and the mainland are used to make sure Hong Kong will not separate from China. These conventional measures are less worrisome for international investors, yet effective: almost all Hong Kong's re-exports go to or come from China, and, after all its manufacturing and industrial assets were moved to the mainland, Hong Kong's economy completely rests on its *entrepôt* related services, and separation from the PRC would be a suicidal step for Hong Kong.

International factors also have a double effect. The international status of the state both enables and restricts it. On one hand, the PRC's economic power, military capacities, and, especially, a permanent seat on the UN Security Council provide it with a certain level of freedom to act, making other states unwilling to confront China or even desirous to gratify it in order to receive benefits. (Many believe that the US included ETIM on the list of terrorist organisations in exchange for getting the Chinese vote in the UN Security Council for the mandate to launch war in Afghanistan.)⁹⁵ However, due to its international status, China, striving for global leadership, is concerned about its international prestige and cannot totally ignore the opinion of international society. Autonomy law, preferential policies, and affirmative action programmes provide the basis for the official rhetoric that minorities in the PRC enjoy cultural autonomy and preferential treatment, while at the same time coercive actions are presented as necessary to ensure public security.

The international factor that already results in differences between Chinese policies is the level of external support for the separatist movements. Tibet enjoys

⁹³ Wang, Liang, p. 3.

⁹⁴ *Ibid*, p. 9.

⁹⁵ Neill.

broad international support from both governmental and non-governmental actors, from the US Congress to various Tibet support groups and organisations of Tibetan diaspora, and this became especially true after Buddhism became so popular in the West. These supporters are constantly escalating the question of Tibetan rights, launching protests in different countries against the PRC government, and monitoring the situation in Tibet (as much as it is possible). This restrains the Chinese government, since any more obvious mistreatment of Tibetans would be hard to hide and widely publicised around the world. Not having the tools to affect non-governmental actors, the PRC tries to diminish support for Tibetans at least from other states (by appealing to their pragmatism).

Meanwhile Uyghurs have almost no international support, although they used to have some. The collapse of the USSR provided them with support from the newly established Muslim states bordering China, and Turkey for a long time was their strongest supporter outside the region. The PRC managed to cut Uyghurs off from this support, however. It established ties with the governments of Central Asian states, mainly through the SCO, which proved to be highly successful, especially since these states, and those with authoritarian secular governments and/or sizeable Uyghur minorities in particular, are concerned about Muslim radicalisation themselves.⁹⁶ Meanwhile Turkey, which ‘has ideologically inspired Uyghur nationalism, offered sanctuary for Uyghur refugees and provided moral and material support for Eastern Turkestan movements, organisations and activities’,⁹⁷ soon realised it could not compete with Chinese and Russian influence in Central Asia and decided to take a pragmatic stance instead by expanding economic and military cooperation with China. The Uyghur chances of gaining any international support decreased even more after 9/11, which provided China with a convenient justification for its actions against the Uyghurs: although not many terrorist activities have been visible since the 1990s, the PRC has used the past events and ties of some Uyghurs with Al-Qaeda to present them as a part of the international terrorist network.

In Hong Kong, international factors probably play the biggest role, but in a different way than in the other two. First of all, the UK contributed a lot to the current exceptional status of Hong Kong; the backup from another state was the main advantage Hong Kong had over Tibet and Xinjiang in the initial stage of the PRC’s choice of approaches. Foreign companies that came to Hong Kong during

⁹⁶ Elizabeth Van Wie Davis.

⁹⁷ Yitzhak Shichor, *Ethno-Diplomacy: The Uyghur Hitch in Sino-Turkish Relations*, Honolulu: East-West Center, 2009, p. 10.

British rule also played their part, making the PRC hesitant to take any actions that might drive them from the region or harm the PRC's international image. From the very beginning, the PRC's actions and decisions concerning Hong Kong were mostly driven by the need to ensure the continuous presence of foreign investors in the region, this way preserving its profitability, and it still remains the main motivation to continue the exceptional treatment of Hong Kong.

Another international factor contributing to Hong Kong's exceptional treatment is the Taiwan issue. Reunification with this *de facto* independent yet diplomatically unrecognised state is enshrined in the PRC constitution, but due to the US support for Taiwan, unilateral actions are excluded. The PRC therefore came up with the one country, two systems solution for Taiwan, and saw Hong Kong as an opportunity to show a working example of this system. Not to compromise its efforts to convince Taiwan to join the PRC under one country, two systems and to overcome the distrust of the US on this issue, the PRC has to make sure that the Hong Kong experiment does not fail.

The role a **state's goals** play in its choice of policies depends on how they are defined. If they are understood the way Esman defines them — homogenisation vs. acceptance of pluralism — then it is a limiting factor; the PRC is clearly inclined to the former and thus uses homogenising policies such as forced and induced assimilation with all three regions (i.e. pluralising policies are excluded from the spectrum of available measures). Yet to understand why it uses coercive measures in one case and conventional in another, one has to look at a higher goal, the one that produces the need for homogenisation, and how close the state is to achieving it. In this case, it is the ultimate Chinese nationalist goal, reunification of Great China and restoration of its proper position in the world. To achieve this, the state has 1) to regain lost territories and 2) to preserve them once they are regained. Thus once the first task is fulfilled, the state switches to the second one. Although in all three cases the PRC has already switched to preservation, in Tibet and Xinjiang it happened almost 50 years earlier, and this causes the difference. In order to gain the territory, the state is willing to make many concessions. For example, while still trying to consolidate their power during the Chinese Civil War, the Communists promised political autonomy and self-determination⁹⁸ to most minorities, including Tibetans and Uyghurs. Once the state gains the territory, it establishes itself there through investment, infrastructure, migration, etc. and thus gains more rights to that territory.⁹⁹ The more time passes, the more legitimate the

⁹⁸ Matthew D. Moneyhon, 'Taming China's "Wild West": Ethnic Conflict in Xinjiang', *Peace, Conflict and Development: An Interdisciplinary Journal*, Vol. 5, p. 7.

⁹⁹ Jeff McMahan, 'Just Cause for War', *Ethics and International Affairs* 19 (3), 2005, p. 12.

state's rule becomes and the more likely international actors are to support the state over the separatist movement, and thus the less compromising the central state is likely to be. After 60 years in Tibet and Xinjiang, the PRC feels it can treat those as internal matters and use harsh methods if needed. Meanwhile in Hong Kong, not enough time has passed since the handover for China to feel confident enough to resort to more drastic measures, so it chooses a more compromising stance. After more time passes, the PRC may become less willing to make concessions, but that does not mean Hong Kong will follow the path of Xinjiang and Tibet, because other factors also play a role.

Finally, **ideology** occupies a special place in this process: it is not just an enabling/restricting factor, nor does it produce differences between the cases on its own. Instead, it works as a catalyst transforming differences between the cases in the realms of other factors into differences between state policies by determining a state's preferences, how it interprets those differences, what are considered to be acceptable methods, etc. Current Chinese ideology consists of three elements — communism, nationalism and pragmatism — that are closely interlinked and make up a single ideological drive behind the Chinese state; the Maoist version of Communism contains a strong element of Chinese nationalism, and economic development, in its turn, is mostly subordinated to nationalist aims. Communism/Maoism is the official ideology of the state, yet Han nationalism and pragmatism (dedication to economic growth) stepped up as *de facto* ideologies after Deng Xiaoping's reforms when it became too difficult to justify the state's decisions with communistic ideology. Han nationalism as a prevailing way of thinking in China emerged at the very end of the 19th century with the anti-foreign Boxer Uprising¹⁰⁰ and has not lost its significance since then. During the colonial period, China was a playground for the external powers, and since the overthrow of the Qing Dynasty, the Chinese therefore saw the restoration of their rightful place in the world as their major goal, territorial expansion, restitution of former territories, and economic modernisation being the main means of achieving this goal. When the latter was set as a primary goal for the state, pragmatism emerged as one more element of Chinese ideology. Democracy, as opposed to political stability, was presented as an obstacle for the rapid development of China¹⁰¹ and infringed for the sake of economic achievements.

¹⁰⁰ Tsang, p. 12.

¹⁰¹ Suisheng Zhao, *A Nation-State by Construction: Dynamics of Modern Chinese Nationalism*, Stanford: Stanford University Press, 2004, p. 29.

All these ideologies in their own way affect Chinese decisions when dealing with territorial integrity issues. Communism 'calls for the achievement of a common proletarian culture based on the blending of all nationalities',¹⁰² and Maoism, being a *nationalist* form of Communism, favours *Sinification* over the total rejection of ethnicity, since Han are perceived as superior and further along the road of progress. Other ethnic groups therefore have to 'follow the "more advanced and civilized" Han example'.¹⁰³ It results in policies of Sinification and restrictions on the cultural aspects of life in Xinjiang and Tibet. In Hong Kong such harsh policies are not needed because it does not have a clear national identity, and positive means to build Chinese identity are used instead.

However, as the significance of Communism is sharply decreasing, when communistic and nationalistic interests collide, nationalism is placed higher, and this is reflected in the one country, two systems solution for Hong Kong. From the nationalist standpoint, since the main goal is to reunite Great China at any cost, any means to return Hong Kong were acceptable, even if it meant having to agree with conditions that do not correspond with communistic ideology. Nationalism can also explain why the minority people in Xinjiang and Tibet are politically under-represented and not allowed to enter higher levels of the party system, even though it is against egalitarian communistic ideology: they are taken as inferior and untrustworthy and viewed with suspicion.

Finally, if nationalism can explain why the one country, two systems solution was acceptable in the very beginning, pragmatism explains why this system is being preserved; Hong Kong can contribute the most to the economic growth of the PRC by preserving its current status, which requires an open capitalist economy and a certain degree of democracy. The Hong Kong system is possible in the PRC framework because it is seen as subordinated to China's authoritarian communistic system, contributing to its economic modernisation and thus helping it to achieve its pragmatic nationalistic goals.

4. Why different solutions?

After an analysis of the role the seven factors play in the PRC's decisions concerning its issues of territorial integrity, it becomes evident that although all

¹⁰² Moneyhon, 'Controlling Xinjiang', p. 128.

¹⁰³ Moneyhon, p. 134.

of them affect the PRC's strategies in their own way, the ones that resulted in different policies towards Tibet, Xinjiang and Hong Kong are ideology, state goals, type of conflict, resources of the disputed territories, international factors, and most importantly, their interaction with ideology, which works as a catalyst that transforms certain differences between the cases into different policies towards them. To be more specific, the reasons why the policies applied to Hong Kong differ from those in Tibet and Xinjiang are the following:

- Hong Kong's profitability depends on its capitalist system and market economy and requires a certain level of democracy to ensure the proper implementation of legal agreements and a receptive atmosphere for foreign investors. Without autonomy, Hong Kong would lose most of its value to China. Meanwhile, Xinjiang's and Tibet's natural resources can best be exploited through direct rule.
- The inter-state status of the Hong Kong dispute made the PRC more willing to negotiate and seek a compromise since it dealt with Britain and not Hong Kong itself. The highly internationalised environment in Hong Kong continues to contribute to the special status of the region because it prevents China, reluctant to harm its international image, from using coercive measures or harsh policies towards it.
- Lack of ethnic differences between the Hong Kongers and mainlanders makes the actions and demands of people in Hong Kong seem less threatening to the PRC government than the ethnic grievances of Tibetans and Uyghurs.
- The PRC's determination to preserve a working example of one country, two systems for Taiwan remains one of the driving forces behind Hong Kong's exceptional status.
- The strategies of the groups in the problematic regions may explain those aspects of the Chinese strategies that are unique for every separate case.

Conclusions

The cases analysed in this article constitute two different approaches the PRC takes to cope with challenges to its sovereignty. The socio-economic, cultural and foreign policy measures used with Hong Kong differ significantly from those used with Xinjiang and Tibet. Only in the **political** realm can some similarities be seen: in all cases the PRC excludes the possibility of full-fledged democracy and

relies on strong executives controlled from Beijing. However, Hong Kong enjoys a certain level of democracy, although limited, and civil rights and liberties are protected there. Conversely, Tibet and Xinjiang are fully integrated into China's authoritarian single-party system and coercive measures are used to suppress any opposition in those regions.

In other areas there are even less similarities between the PRC's approaches. **Economic** decisions for Xinjiang and Tibet are taken in Beijing, the regions are totally dependent on state subsidies, and the overall economic structure benefits the Han instead of the local minorities. Hong Kong meanwhile has a separate budget and economic and financial system and handles its economic matters independently, with China intervening only in the face of major crises. Economic integration is achieved by strengthening economic ties between the region and the mainland. **Cultural** and religious matters in Xinjiang and Tibet are tightly controlled and ethnic identity is suppressed, the main feature of the PRC's cultural policy being intensive Sinification based on Han immigration. In Hong Kong, the PRC is attempting to build a new Chinese identity for Hong Kongers through positive means: official rhetoric and education. Finally, **foreign policies** differ radically, too: while the PRC puts extensive effort into isolating Uyghurs and Tibetans internationally, Hong Kong performs mostly independently on the international level, has its own representations around the world, and even enjoys separate membership in various international organisations.

To understand why these differences occur, a framework for analysis consisting of seven variables was applied for all three cases. Analysis revealed that all the factors have an impact on state policies, yet in two different ways: some of them define the spectrum of tools and measures available for the state by enabling or restricting it and others explain how the choice inside that spectrum is made. *Political structure* belongs to the first group, and *type of conflict* and *strategies of the people* in the disputed regions belong to the second. There are also some factors (*resources*, *international factors* and *state goals*) that may be assigned to both groups since some aspects of these factors define the state's capabilities, whereas other elements result in differences in state policies. The resources of the central government are an enabling factor, expanding the spectrum of tools it can use to solve its sovereignty issues, and at the same time the resources located in the territories in question determine the way these territories are treated. Similarly, the state's international status works as an enabling/restricting factor, while international factors such as the Taiwan issue and presence of foreign actors in the region have an impact on the differences between Chinese policies. And the effects of *state goals* depend on how the goals are understood: if perceived as defined by Esman (homogenisation vs.

acceptance of pluralism), then they perform as a restricting factor, but if understood in a broader sense, as the main goal of the state, then the stage at which the state appears to be in achieving its goals influences its position towards a certain region. *Ideology* occupies a special place in this process by being a catalyst that transforms the differences between the other factors into the differences between the different approaches.

Coming back to Xinjiang, Tibet and Hong Kong in particular, the conclusion can be made that the differences are caused by the interaction of China's ideology, pragmatic nationalism, with the different types of resources the territories own, internationalisation of the Hong Kong issue, lack of ethnic differences between the Hong Kongers and mainlanders, and different strategies all three groups use. The unsettled Taiwan issue also contributes to the exceptional status of Hong Kong because the PRC wants to preserve a working example of one country, two systems.

The framework for analysis developed in this article proved to be helpful in understanding a state's decisions in dealing with its territorial integrity issues, and why the different strategies are chosen. Unfortunately, a major multi-case analysis that would increase the explanatory power of this model and provide a basis for broader generalisations was beyond the scope of this article. I believe however that this model could also be used to explain other cases and may become a starting point for the development of a coherent theory or model to explain why a state chooses certain policies to deal with separatism or issues of territorial integrity.

EXPIRED FRIENDSHIP? SOME ASPECTS OF TREATY VALIDITY

Rytis Satkauskas*

Abstract

In 2012, Lithuania and Russia commemorated the 20th anniversary of bilateral relations established by the entry into force of the Treaty between the Republic of Lithuania and the Russian Soviet Federated Socialist Republic on the Foundations of Inter-State Relations signed in Moscow on 29 July 1991. It therefore seems appropriate at this time to look closer at the contents of the treaty and the controversies concerning its significance, and even validity, that have occurred during its time in force. Finally, questions concerning the interpretation of some of its provisions must be answered to ensure the continued application of the treaty.

Introduction

Friendship and good neighbour treaties, in line with peace treaties, are the essential documents establishing the political and legal basis for interstate relations following a historic change in one of their parties and their attitudes towards each other, usually resulting from a change in a political regime or territorial settlement.

In 1991, a treaty between the Republic of Lithuania and the Russian Federation created the basis for the bilateral¹ relations of the two independent countries at the moment of the dissolution of the Soviet Union. The historic value of this document is hard to overestimate; it was one of the first international documents of the newly independent Russian Federation,² followed by the unsuccessful coup in Moscow, and influenced in many ways the decentralisation processes in the empire as it

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¹ Treaty between the Republic of Lithuania and the Russian Soviet Federated Socialist Republic on the foundations of inter-state relations. Signed at Moscow on 29 July 1991 and entered into force on 4 May 1992. 1787 *United Nations Treaty Series*, (1994), at 20–26.

² See on the negotiations: Česlovas Vytautas Stankevičius, 'Lithuanian-Russian negotiations in 1990–1993', *Lithuanian Foreign Policy Review*, 2004, Vol. 13, pp. 82–94.

was breaking up.³ However, looking back at the political declarations from both sides over the 20 years of their peaceful neighbourly coexistence, one may wonder whether the polemics surrounding this document are causing a deepening divide between the two governments rather than building bridges. It seems somehow assumed that the provisions of the treaty are unbalanced and more favourable to Lithuanian aspirations and are therefore fiercely rejected by Russian officials. The culmination in the divergence over the interpretation of the treaty was reached on 29 January 2010, when an official representative of the Ministry of Foreign Affairs of the Russian Federation declared that at the time it was signed this document was an 'agreement between the two members of a federation' and therefore not able to create international legal consequences.⁴

It is not the intention of this paper to consider this opinion of that official of the Russian Foreign Ministry. It is understood that a treaty, concluded by two subjects of international law, will remain in force until its termination or until it is considered expired in accordance with the applicable rules of the law of treaties. The following thoughts are intended instead to provide more details on the contents and validity clauses of this very important document.

1. Content of the treaty

The contracting parties declared in the treaty, as in every other international agreement of this kind, the mutual recognition of each other's independence, their compliance with the principles of friendship, good neighbourliness, and equality and mutual benefit in bilateral relations in accordance with the universally recognised rules of international law and more specifically the goals and principles of the Charter of the United Nations and the Conference of Security and Cooperation in Europe. More originally and much more importantly, the preamble of the

³ See Michael Mendelbaum, *Coup De Grace: The End of the Soviet Union*, *Foreign Affairs*, 1992, Vol. 71, No. 1, p. 168. The republics declared independence in the period from April through December 1991. See Chronology 1991 (Patricia Lee Dorff ed.), *Foreign Affairs*, 1992, Vol. 71, No. 1, pp. 195–206.

⁴ 'Under international law, aggression can only be a wrongful use of armed force by one state against another, and the UN Security Council gives a legally significant act of aggression qualification, but as of January 1991, an independent Republic of Lithuania did not exist because it was not recognized by any state.' Russian Foreign Ministry's weekly briefing 29 January 2010. 'Briefing by Russian MFA Spokesman Andrey Nesterenko, 29 January 2010' in English by Russian Ministry of Foreign Affairs website on 31 January; <<http://www.accessmylibrary.com/article-1G1-218021593/russian-foreign-ministry-weekly.html>>.

treaty assigns to the past events and actions that hindered each party from fully enforcing its sovereignty and also confirms that the Soviet Union has to annul the consequences of the 1940 annexation of Lithuania, which impaired the sovereignty of Lithuania, to create additional conditions for mutual trust between the parties.⁵

One of the less invoked provisions of the treaty establishes guarantees for inhabitants to freely choose and acquire the citizenship of their respective country of residence, exempt from any residential or language qualifications or other conditions. In addition, the parties agreed to negotiate an additional agreement to address the issues of citizenship, minority rights, and migration. This important aspect has been fully implemented by Lithuania, which has granted its Russian-speaking population equal rights and protection.⁶

The treaty also contains obligations to create favourable conditions for cultural, educational, scientific and economic cooperation and joint efforts to protect and preserve the environment, establish favourable transit conditions, and foster mutual cooperation in each of the most basic and crucial aspects of the two countries. Importantly, Lithuania undertook to contribute to the preservation and further economic and national-cultural development of the enclave of Kaliningrad.

It was stipulated that the parties would base their subsequent international agreements on the principles formulated in the treaty. Many of the agreements mentioned in the treaty have been concluded; others, not.⁷

According to Article 17, bilateral consultations of the parties should be held not less than once a year in matters relating to the implementation of the treaty. On 28 August 1997, a joint commission on trade, economic, scientific, technical, social and cultural cooperation was established, and it was agreed to meet annually.

The treaty between the Republic of Lithuania and the Russian Federation on the foundations of interstate relations of 29 July 1991 contains important and mutually beneficial obligations of the contracting parties, implemented subsequently through other international agreements and thus creating the legal framework for the cooperation between the signatories. It would appear obvious,

⁵ '[High Contracting Parties] [b]eing convinced that once the Union of Soviet Socialist Republics annuls the consequences of the 1940 annexation violating Lithuania's sovereignty, created will be additional conditions for mutual trust between the High Contracting Parties and their peoples.'

⁶ See more in John Quigley, 'Baltic Russians: Entitled Inhabitants or Unlawful Settlers?' in *International and National Law in Russia and Eastern Europe: Essays in Honour of George Ginsburgs*, Springer, 2001, pp. 319–337; see also *Ineta Ziemele, State Continuity and Nationality: Past, Present and Future as Defined by International Law*, Brill, 2005.

⁷ A list of bilateral treaties can be found at the Lithuanian MFA webpage <<http://www.urm.lt/index.php?928643081>>.

by reading the entirety of the provisions of the treaty, that nothing in it could be interpreted as biased and contrary to the interests of either contracting party.

2. Significance of the treaty

Good neighbourhood and friendship treaties usually define the principles of cooperation between states, set down the legal basis for interstate relations, and define the main spheres of cooperation. These treaties usually recognise the territorial sovereignty of both state parties, refer to the rule of law, and impose obligations to settle disputes amicably. The Treaty of 1991, together with the Peace Treaty between the Republic of Lithuania and Russian Soviet Socialist Republic of 12 July 1920⁸ create the basis for the bilateral interstate relations between Russia and Lithuania. Curiously enough, the Treaty of 1991 in structure is almost identical to the Treaty of 1920, which raises questions about the further validity of the latter in accordance with the provisions of the Article 59 of the Vienna Convention on the Law of Treaties.⁹

2.1. State recognition

By the Treaties of 12 July 1920 and of 29 July 1991, the two countries recognised each other's sovereignty after important changes in their interdependent history. Article 1 of the 1991 Treaty reads:

The High Contracting Parties recognise one another as fully fledged subjects of international law and as sovereign states according to their state status as established by the fundamental acts adopted by the Republic of Lithuania on 11 March 1990 and by the Russian Soviet Federated Socialist Republic on 12 June 1991.

⁸ *Vyriausybės žinios*, 1921, Nr. 53-509. *League of Nations Treaty Series*, vol. 3, pp. 106–137

⁹ The Vienna Convention on the Law of Treaties of 23 May 1969, *United Nations Treaty Series*, Vol. 1155, 1969, p. 331. Article 59 establishes that a treaty is considered terminated if all the parties to it conclude a later treaty relating to the same subject matter and the matter should be governed by that treaty or if the provisions of the later treaty are so far incompatible with those of the earlier one that the two treaties are not capable of being applied at the same time. It can be noted in respect to the continued validity of the 1920 treaty that according to Article 60 of the convention the parties have the right to invoke the breach by one of the parties as grounds for terminating the treaty or suspending its operation in whole or in part.

The parties also recognised each other's right to independence and to full sovereignty of legislative, executive and judicial power and undertook to refrain from the use of force or threat thereof and interference in internal affairs and to respect the inviolability of state borders. Even before the treaty was drafted, the adherence to the principles of democracy and peaceful settlement of disputes and the assurance of mutual assistance in case of threat to sovereignty had been established by a joint declaration of 13 January 1991 of the heads of states of Russia (then a part of the USSR itself), Estonia, Latvia and Lithuania, which also condemned the Soviets for the use of force in Lithuania and the other Baltic States.¹⁰

The continuity of the Lithuanian state, reaffirmed in the Act on the Reestablishment of State Independence of 11 March 1990,¹¹ is considered a basis for the existence of the Republic of Lithuania in January 1991. In Article 1 of the 1991 Treaty, Russia recognised the status of Lithuania as described in the basic acts of 11 March 1990, which include the Declaration of the Supreme Council of the Republic of Lithuania on the Recognition of the Powers of the Delegates of the Supreme Council of the Lithuanian SSR,¹² Law on the State Name and Coat of Arms,¹³ Act On the Re-establishment of the State of Lithuania,¹⁴ Law on the Reestablishment of the Application of the Constitution of 12 May 1938,¹⁵ and the Provisional Basic Law of the Republic of Lithuania.¹⁶

These documents contain all the elements of the international and constitutional legal status of today's Lithuania. They confirm the Soviet aggression against the

¹⁰ A Chronicle of the Events of January 1991 and Later Months. Information Analysis Department of the Office of the Seimas of the Republic of Lithuania, http://www3.lrs.lt/pls/inter/sausio_13?p_r=4111&p_k=2&p_d=62825.

¹¹ 'The Supreme Council of the Republic of Lithuania, expressing the will of the nation, decrees and solemnly proclaims that the execution of the sovereign powers of the State of Lithuania abolished by foreign forces in 1940, is re-established, and henceforth Lithuania is again an independent state.' The Act of Independence of 16 February 1918 of the Council of Lithuania and the Constituent Assembly decree of 15 May 1920 on the re-established democratic State of Lithuania never lost their legal effect and constitute the constitutional foundation of the State of Lithuania."

¹² О признании полномочий депутатов Верховного Совета Литовской ССР, <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=73755>.

¹³ О наименовании и гербе государства, <http://www3.lrs.lt/pls/inter3/dokpaieska.susije_l?p_id=13&p_rys_id=14>.

¹⁴ Act On the Re-establishment of the State of Lithuania <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=50850>.

¹⁵ О восстановлении действия Конституции Литвы от 12 мая 1938 года <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=73782>.

¹⁶ The Provisional Basic Law of the Republic of Lithuania <http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=21108>.

Republic of Lithuania in 1940, the continuity of statehood during the occupation, the identity of the re-established republic of the state that had been created in 1918, independence as of 11 March 1990, with no transition or conditions, and the constitutional powers of the Supreme Council of the Lithuanian SSR. Accepting this status of the Republic of Lithuania makes it difficult to affirm that in 1991 the state was not a subject of international law.¹⁷

2.2. Recognition of occupation

Lithuania consistently relies on the treaty confirming the illegality of Soviet occupation.¹⁸ Russia, in turn, rejects this interpretation or argues that the annexation, mentioned in the preamble, could not amount to occupation. It appeared clear in 2005 that Russian officials do not question the annexation of Lithuania mentioned in the treaty; according to Russia's deputy foreign minister, 'Russia does not question the 1940 Soviet annexation of Lithuania, but refuses to see its subsequent incorporation into the Soviet Union as occupation'.¹⁹ As the Russian State Duma international affairs committee deputy chairperson explained in this regard, 'One could not speak about occupation regime during Soviet times because Russians and Balts had equal rights in the Soviet Union'.²⁰

Unlawful action under international law that aims to change the status of territories continues to be a subject to further study.²¹ However, both doctrine and state practice seem to accept the illegality of the forceful incorporation of the Baltic States into the Soviet Union.²² Lauri Mälksoo established the unlawfulness

¹⁷ See the reasoning of Dainius Žalimas in D. Žalimas. SSRS okupacijos žalos atlyginimo įstatymas ir Rusijos Federacijos atsakomybės tarptautiniai teisiniai pagrindai, *Politologija*, 2006/4 (44), pp. 3–53, <http://www.leidykla.eu/fileadmin/Politologija/44/Dainius_Zalimas.pdf> ; D. Žalimas. Rusijos URM: Back To The USSR? 2 February 2010 <<http://www.delfi.lt/news/ringas/lit/article.php?id=28515391>>, D. Žalimas: Rusijos URM pareiškimas šiuurkščiai pažeidžia dvišalę sutartį, 29 January 2010, <<http://www.delfi.lt/news/daily/lithuania/dzalimas-rusijos-urm-pareiskimas-siurksčiai-pazeidžia-dvisale-sutarti.d?id=28389557>>.

¹⁸ See correspondents' reports on Lithuania, *Yearbook of International Humanitarian Law*, as from 2001.

¹⁹ Russia's deputy foreign minister interview of 18 July 2005, 'Russia appeals to Baltic countries to make difference between annexation and occupation', *Baltic News Service*, 18 July 2005, 'Russia admits annexation, denies occupation — Russia's deputy foreign minister'. *Baltic News Service*, 19 July 2005.

²⁰ 'Russian MP denies Soviet occupation regime in Baltic States', *Baltic News Service*, 19 July 2005.

²¹ Eyal Benvenisti, *The International Law of Occupation*, Princeton: Princeton University Press, 1993. 241 p.

²² Lauri Mälksoo, *Illegal Annexation and State continuity: The Case of the Incorporation of the Baltic States by the USSR, a Study of the Tension between Normativity and Power in International Law*. Leiden: The

of the Soviet annexation, finding that it actually constituted occupation under the laws of war. A similar evaluation of the events in 1940 can be found in the interpretations of Lithuanian scholars.²³ One way or another, the treaty declares that the Union of Soviet Socialist Republics is responsible for the consequences of the 1940 annexation and that this annexation violated Lithuania's sovereignty. This declaration is applicable directly to the Russian Federation, successor to the rights and obligations of the USSR.²⁴

As referred to above, endorsement of the Act on the Re-establishment of the State, which in turn relies on the fact that the occupation occurred, amounts to the endorsement of the latter qualification itself.

2.3. Validity of the treaty

In order to be implemented in accordance with international law, any agreement must be concluded in written form between states and governed by international law. The manner and date that a treaty enters into force may be specified in the treaty or as the negotiating states may agree in any case upon the expression of the consent of its parties to be bound by it.²⁵ Every treaty that enters into force is binding upon the parties to it and must be performed by them in good faith until it has been terminated or expired.

The treaty signed at Moscow on 29 July 1991 between the Republic of Lithuania and the Russian Soviet Federated Socialist Republic on the creation of bilateral relations came into force on 4 May 1992 and continues to be valid.

Erik Castrén Institute of International Law and Human Rights, Martinus Nijhoff Publishers, 373 p.; Rytis Satkauskas, *Etats baltes : succession ou identité*, Mémoire DEA Paris 1 – Pantheon Sorbonne, 2000, < http://edi.univ-paris1.fr/travaux/00Satkauskas_M.pdf>.

²³ Dainius Žalimas, 'Legal Issues on the Continuity of the Republic of Lithuania', *Lithuanian Foreign Policy Review*, Hawaiian Journal of Law and Politics, 2006, Vol. 2, pp. 73–96.

²⁴ Letter to the Secretary General of the United Nations from the President of the Russian Federation, Moscow, 24 December 1991, UN.Doc S/RUSSIA. Subsequent practice of the world community and doctrine take the view that the Russian Federation continues the legal personality of the former Soviet Union, and this status has never been questioned by Russia.

Yehuda Z. Blum, 'Russia Takes over the Soviet Union's Seat at the United Nations', *European Journal of International Law*, 1992, Vol. 3, pp. 354–361.; The Union of Soviet Socialist Republics was formally dissolved on 26 December 1991 by declaration № 142-H of the Soviet of the Republics of the Supreme Soviet of the Soviet Union. See more in Brigitte Stern, *Dissolution, continuation, and succession in Eastern Europe*, The Hague: M. Nijhoff. 1998.

²⁵ Article 24 of the Vienna Convention on the Law of Treaties.

2.3.1. Status of the treaty

A treaty by which two countries declare recognition of each other's independence leaves little space for interpretation concerning its status. In the case of the Lithuanian-Russian treaty of 1991, its status has been expressly confirmed by subsequent procedures.

Article 20 of the treaty provides for its ratification by the contracting parties and establishes its entry into force on the day of the exchange of the instruments of ratification. The Supreme Council of the Republic of Lithuania ratified the treaty on 19 August 1991 (Resolution No. I-1683), and the Supreme Council of the Russian Federation ratified it on 17 January 1992 (Resolution No. 2201-01); the exchange of the instruments of ratification took place in Vilnius on 4 May 1992.

A treaty is considered concluded on the day when all its parties have expressed their consent to be bound by it.²⁶ At the time of the exchange of the instruments of ratification and the treaty entered into force, the Soviet Union had been officially dissolved, and both the Republic of Lithuania and the Russian Federation were full members of the United Nations. Even though the title of the treaty indicates a different name for one contracting party, on the day of its conclusion it created international rights and obligations for the Russian Federation, the actual party to it.

In accordance with Article 102 of the Charter of the United Nations, the treaty was registered as deposited by Lithuania, including its unofficial translation into English and French.²⁷

2.3.2. Validity and application

The treaty was published in Lithuania and Russia in accordance with the respective constitutional requirements of both countries;²⁸ it entered into force and remains applicable. It is worth mentioning that national legal databases indicate its continuous validity.²⁹ Both parties consistently apply its provisions. Some of them have been transferred into national legal acts, for example, those concerning

²⁶ *Ibid.*

²⁷ Treaty Between the Republic of Lithuania and the Russian Soviet Federated Socialist Republic on the Basis for Relations Between States. Signed at Moscow on 29 July 1991; came into force on 4 May 1992. United Nations Treaty Series, Vol. 1787, 1994, p. 20–26.

²⁸ Бюллетень международных договоров. Издательство “Юридическая литература”, 01 января 1994, N 1, стр. 29-35.

²⁹ <<http://www.law7.ru/base29/part2/d29ru2260.htm>>; <<http://russia.bestpravo.ru/fed1991/data01/tex11398.htm>>.

the acquisition of citizenship (Article 4), the creation of favourable conditions for national minorities (Article 5), and the exchange of diplomatic representations (Article 19). In concluding the subsequent agreements, the parties invoked the principles formulated in the treaty. Direct reference to the treaty may also be found in several agreements, such as the Agreement between the Government of the Republic of Lithuania and the Government of the Russian Federation on Trade and Economic Relations, the Air Services Agreement, the Agreement on Merchant Navigation, the Agreement on International Road Transport, all four signed on 18 November 1993, the Treaty between the Republic of Lithuania and the Russian Federation concerning the State Border between Lithuania and Russia, the Treaty Concerning Delimitation of the Exclusive Economic Zone and the Continental Shelf in the Baltic Sea of 24 October 1997, Agreement on Cooperation in Environmental Issues, Agreement on Long-term Cooperation between the Regions of the Republic of Lithuania and the Kaliningrad Region of the Russian Federation, and the Agreement on the Cooperation in the Field of Fishing of 29 June 1999.

It is worth noting that neither contracting party has taken any measure to terminate the treaty. Consequently, in accordance with international treaty law, the treaty should be considered to be in force despite the repetitive declarations of Russian officials.³⁰ The validity of the treaty is confirmed on the internet page of the Russian Embassy in Lithuania.³¹

It can be assumed therefore that the subjective interpretation of the parties to the treaty supports its continued application.

2.3.3. Issue of expiration

In accordance with Article 20, the treaty is concluded for the duration of 10 years, with the exception of Article 1, which is valid indefinitely. The same article further notes that the validity of the treaty is automatically renewed 'for the same term' in absence of notification to the contrary.³²

³⁰ In a document of 7 November 2011, РОССИЙСКО-ЛИТОВСКИЕ ОТНОШЕНИЯ, the Russian Foreign Ministry bases the relations between the two countries on the 1991 Treaty, <<http://www.mid.ru/bdomp/ns-reuro.nsf/348bd0da1d5a7185432569e700419c7a/58a7f3f65d1aa09ec325758200330e25!OpenDocument>>

³¹ <http://www.lithuania.mid.ru/ros_lit.html>

³² 'The Treaty shall be valid for ten years, with the exception of Article 1 of this Treaty, which shall be valid indefinitely. The validity of this Treaty shall at that time be automatically renewed for same term, if

This provision creates doubt about the possibility of further tacit 10-year periods of validity. The issue of such interpretation grows even stronger if the wording of Article 17, '[e]ach High Contracting Party retains the right, through consultation, to initiate negotiations concerning the suitability of extending the term of validity of this Treaty or any of its individual articles' is taken into account.

It would be logical to argue that if the validity of the treaty (except Article 1) is not limited by the second 10-year period, the foregoing provision of Article 17 is at least partly unnecessary.

In the absence of clarity on this issue, the rules of the interpretation of treaties must be invoked in order to determine the meaning of this provision. The interpretation technique of the legal norm contained in a treaty may require various methods of interpretation:³³

- Grammatical interpretation, referring to a legal standard in interpretation of the rules of grammar on syntax, morphology, and vocabulary in international agreements;

- Systematic interpretation, which involves establishing the content of a provision by its relation to the whole text of the treaty, to the legal institution, or other provisions of international law;

- Historical and teleological interpretation, which consists of clarifying the content of a treaty by taking into account the historical, social and political conditions; the needs that led to the adoption of the document in question; and the purpose pursued by the parties, in particular the preparatory work for drafting the text of the treaty, the debates leading to the adoption of it, exchanges of notes on the interpretation of the treaty, etc.;

- Logical interpretation, a method that leads to the clarification of the content of a treaty by the use of reasoning and arguments of formal logic.

The scope of the paper does not allow for an exhaustive study on the contents of the provisions on the validity of the treaty, but it is nevertheless worth mentioning several aspects of it. First is must be accepted that grammatically it is not clear whether the periods of validity defined in Article 20 are indefinite, as the singular is used in describing them. On the other hand, the interpretation of Article 20

neither of the High Contracting Parties, no later than six months before its expiration, informs the other in writing of its desire to not renew the Treaty or to introduce revisions.'

³³ See M. Fitzmaurice, O. A. Elias and Panos Merkouris (eds), *Treaty Interpretation and the Vienna Convention on the Law of Treaties: 30 Years On* (Martinus Nijhoff Publishers 2010); Richard K. Gardiner, *Treaty Interpretation* (Oxford University Press 2008); Alexander Orakhelashvili, *The Interpretation of Acts and Rules in Public International Law* (Oxford University Press 2008).

of the treaty, which has to do with whether the tacit prolongation of its validity is limited to only one 10-year period, should be linked to similar wording in the treaty practice of the two parties.³⁴ In terms of this, one could note the very similar treaty of 12 January 1991 between the Republic of Estonia and the Russian Soviet Federal Socialist Republic on the creation of bilateral relations; this treaty is listed on the treaty list of the Foreign Ministry of the Russian Federation.

The systematic approach is not without controversy either, when Article 17 mentioned above is taken into account. It can however be asserted that the possibility of the extension of the term of validity of the treaty or any of its individual articles exists even if an unlimited number of periods in force is applied to the whole treaty. In case of such extension, the possibility of unilateral termination of the articles added to Article 1 at the end of the current period of validity is limited. In other words, in such a case, the provisions agreed to under Article 17 could be terminated only by mutual consent of the parties.

Teleological arguments also support the continued prolongation of the treaty. Even if Articles 2 to 19 are not of a declaratory nature but rather a list of priorities, they too contain the main principles of continuous cooperation. It would be illogical to claim that these guidelines alongside other basic engagements have changed or are no longer applicable.³⁵ The references to the treaty in subsequent bilateral agreements would also support this interpretation.

Finally, and without prejudice to what has been mentioned above, in relation to the clearly established indefinite validity of Article 1 of the treaty, it can be argued that in the case of the expiration of the last period of validity of the treaty, only part of it expires, that is the application of Articles 2–19, and the treaty itself continues in force with the remaining provision of Article 1.

2.4. Possibility to terminate

A treaty can be terminated by application of its provisions or at any time by the agreement of all the parties to it. The treaty between Russia and Lithuania concerning bilateral relations provides for the possibility to terminate the application of Articles 2 to 19 at the end of any 10-year period of validity in case

³⁴ Article 31 of Vienna Convention on the Law of Treaties describes means of interpreting treaties.

³⁵ Except, probably, the questions on the acquisition of citizenship, which were addressed promptly after the entry into force of the treaty.

of prior notification to that effect, but the validity of Article 1 is not limited. It can only and certainly be terminated by the mutual consent of the parties.

It should be also noted that Article 1 has a declaratory nature; once established, the official recognition of the legal situation creates international obligations and continues to be valid, whatever the nature of it is or the name of the source in which it has been published and whether its period of validity is mentioned or not.³⁶ In the same light, the recitals of the treaty, the declaratory statements of which would remain valid despite the eventual termination of the document itself, should be interpreted. Of course, in such a case, the last date of a statement so expired would be the last day of the validity of a treaty.

It is symbolic that nowhere else but in Article 1 of the treaty it is established that the contracting parties recognise each other's international legal status as defined in the basic documents adopted by Russian SFSR on 12 June 1990 and by the Republic of Lithuania on 11 March 1990; that is, this article in fact endorses the qualification of the 1940 events as occupation.

Conclusion

A text, legal or otherwise, means what its author or authors intend. If both Lithuania and the Russian Federation agree on the continuous application of the Treaty between the Republic of Lithuania and the Russian Soviet Federated Socialist Republic on the Foundations of Interstate Relations, signed at Moscow on 29 July 1991, no further question about its continued validity should arise.³⁷ Politically it is hard, if not impossible, to deny the application of a basic text of international bilateral relations such as a peace, good neighbour or friendship treaty, or a treaty concerning interstate relations. It is even harder to claim that the heads of two neighbouring states, when signing such a document, intended to place time limits on its application.

³⁶ See Hans Kelsen, Recognition in International Law: Theoretical Observations, *The American Journal of International Law*, Vol. 35, No. 4, Oct., 1941, (pp. 605–617); Iain MacGibbon, 'Estoppel in International Law', *International and Comparative Law Quarterly*, Volume 7 – 03, 1958, pp 468-513.

³⁷ See the congratulation from the president of the Republic of Lithuania on the occasion of the 20-year anniversary of signing the treaty <<http://ria.ru/politics/20110729/408932953.html>>, full text in Russian available at <http://www.president.lt/ru/dejatelnost_prezidenta/pozdravlenija/pozdravlenie_prezidenta_litovskoi_respubliki_dali_gribauskaite_prezidentu_rossiiskoi_federacii_dmitriju_medvedevu_po_slutchaju_jubileja_dvustoronnich_otnosenii.html>.

THE IDEA OF A US-RUSSIAN 'RESET' IN THE RHETORIC OF POLITICAL LEADERS

Evelina Venckutė*

Abstract

This article aims to elucidate the conceptualisation of a 'reset' in US-Russian relations through the analysis of the public rhetoric of political leaders. The analysis is based on the theory of social constructivism, which accentuates the significance of rhetorical analysis in ascertaining the ideas constituting the basis of foreign policy making. A comparison of perceptions is implemented by applying the methods of thematic content analysis and discourse analysis. Four categorical dimensions that focus on the attitudes of political leaders towards the reasons, interests, challenges and expectations of the 'reset' are identified. The conclusions of this research reveal categories and subjects where the main divergences and similarities of perceptions emerge.

Introduction

In recent years, relations between the USA and Russia have been multifaceted. Post-Cold War political dialogue had been quite courteous, but during the tenure of Vladimir Putin and George W. Bush relations between Washington and Moscow plunged to their lowest point since the collapse of the Soviet Union. The first gust of the winds of change blew when newly elected US President Barack Obama in 2009 introduced the idea of *reset*, which was enthusiastically greeted in both states. However, previous experience with failed *detente* fostered dubious opinions and thus academic discussions questioning the intent of such project.

According to political analysts, the announcement of *reset* was just another form of zero-sum game: neither the USA nor Russia desire a partnership based on the principles of equality (Stephen F. Cohen, 2011; Dmitri K. Simes, 2009, T. Graham, 2011, S. LeVine, 2010). American idealism also received harsh criticism:

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the implementation of *reset* cannot be based on sentimental illusions of an altered approach in Russia, but only on cold-blooded calculations of American interests (A. Wood, 2009; S. Blank, 2009; S. Charat, 2011). An unduly vague perception of the idea was identified as a stumbling block as well: instead of setting the main principles of co-operation, Obama merely sketched an indefinite image with strategic armament questions in the epicentre (M. Lagon, 2010; J.E. Keating, 2010; V. Belaeff, 2009).

Hence, the scenarios of US-Russian *reset* have mostly been designed around realistic foreign policy-making motives, whereas political rhetoric analysis focusing on the background of foreign policy formation has been omitted in academic works. The relevance of political rhetoric in international relations is reflected by the theory of social constructivism. According to constructivists, reality is not defined by nature but constructed through social interactions, where language plays a substantial role in generating new meanings.¹ On-going, regular dialogue contributes to the building of a common worldview, which allows each side to more accurately understand the intentions, interpretations and expectations of the other.² In international politics, rhetoric may therefore have causal impact: the ideas it conveys become part of the common understanding of the issue such that policy actors cannot act without addressing its concerns, even if they do not agree with the policy.³

Thus, the exchange of meanings constructs a common view of specific issues, enabling foreign policy goals to be achieved more effectively. In the case of the USA and Russia however, since the *reset* button was initially pushed, it has not been clear how the essence of renewed relations is conceived by each state. Therefore, *the aim* of this research is to compare how the idea of *reset* is conceptualised in the rhetoric of both US and Russian political leaders. Two main *objectives* are formulated to accomplish this goal: 1) to examine in what way political leaders define the reasons, interests, obstacles and expectations of the *reset*; 2) to compare their conceptions, thereby identifying in which categories (reasons, interests, obstacles, expectations) the views coincide the most and in which they diverge the most.

¹ Berger P., T. Luckmann, *Socialinis tikrovės konstravimas: žinojimo sociologijos traktatas [The Social Construction of Reality: a Treatise in the Sociology of Knowledge]* Vilnius: Pradai, 1999, 39.

² Muller H., 'International Relations as Communicative Action', // Karin M. Fierke and Knud Erik Jorgensen (eds) *Constructing International Relations: The Next Generation*, New York: M.E. Sharpe, 2001, pp. 160–78.

³ Schmidt Vivien A & Claudio M Radaelli 'Policy Change and Discourse in Europe: Conceptual and Methodological Issues' // *West European Politics*, 27:2 2004, 183–210.

These objectives are implemented by applying the methods of content and discourse analysis. Thematic perspective of content analysis, which is considered the most appropriate when the target is to ascertain the ideas and views of the speaker, was chosen at the first stage of research for a quantitative comparison of beliefs. Four categories that are analogous to the objectives (*reasons, interests, obstacles, expectations*) were deductively set before carrying out the research. The marking units or themes (e.g. nuclear disarmament, increase in bilateral trade, spread of democracy, etc.) were inductively assigned to the given categories. The calculation of marking units used simple binary coding to identify whether the marking unit exists in the text or not. Discourse analysis was employed at the second stage of analysis for a deeper examination of beliefs: to investigate linguistic instruments prevailing in the rhetoric and political circumstances influencing the speaking manner of political actors.

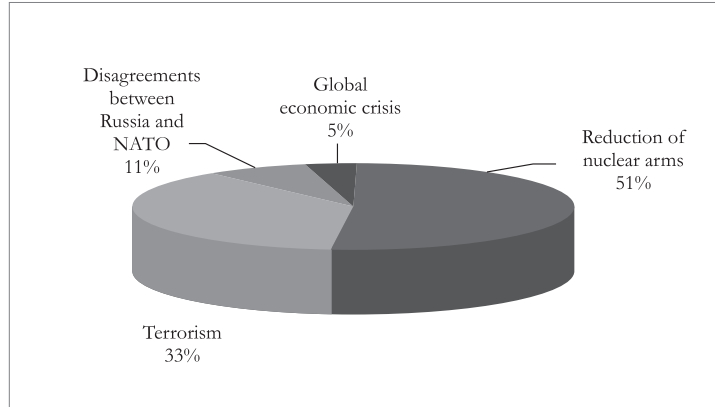
Criteria for text selection: 1) the period: February 2009 – February 2012; 2) the sources: official websites of Russian and US political institutions; 3) the authors of statements: US President *Barack Obama*, Vice President *Joe Biden*, and Secretary of State *Hillary Clinton* and Russian President *Dmitry Medvedev*, Prime Minister *Vladimir Putin*, and Foreign Affairs Minister *Sergey Lavrov*; 4) format of texts: statements at bilateral meetings, press conferences, international conferences, and interviews; 5) texts in English (official translations of Russian texts); 6) the keyword used in the search—*reset*;

Fifty-one texts were selected. Official websites of US institutions contained 32 statements related to *reset*, while the remarks of Russian authorities were included in 19 texts. The majority of statements were made at press conferences and bilateral meetings, with Clinton and Medvedev acting as the most common speakers.

1. The rhetoric of US political leaders

1.1. Reasons

US political leaders exclude security factors as those that most influence the initiation of *reset*. According to Graph 1, the reduction of nuclear arms (51%) and terrorism (33%) are the most prevailing topics, while the effects of the global economic crisis are considered to least affect the renewal of relations.

Graph 1. Reasons

Alongside these factors, US President Obama indicates the improvement of bilateral relations as the prerequisite for altering the perception of a great power: 'In 2009, a great power does not show strength by dominating or demonizing other countries. The days when empires could treat sovereign states as pieces on a chessboard are over.... The pursuit of power is no longer a zero-sum game—progress must be shared'.⁴

Obama contradicts the most common approaches towards US-Russian relations. Although the USA and Russia are still identified in his statement as great powers or even empires, he alludes that the use of instruments of 'hard power', most often belonging to the notion of 'great power', is obsolete. Major powers do not behave with fragile states as they would with chess pieces. They are entrusted with a much greater mission: to allot prosperity they generate to others. The manner of Obama's discourse is not novel: since the beginning of his tenure, Obama has been composing an image of America as a returning international leader. In his inaugural address, he stated, 'America is a friend of each nation, and every man, woman and child who seeks a future of peace and dignity'.⁵ The theme 'we are ready to lead once more'⁶ is eminent in resetting relations with Russia as well.

⁴ Obama B. 'Remarks by the President at the New Economic School Graduation' <http://www.whitehouse.gov/the_press_office/REMARKS-BY-THE-PRESIDENT-AT-THE-NEW-ECONOMIC-SCHOOL-GRADUATION/> 12 08 2012

⁵ Obama B. 'President Barack Obama's Inaugural Address' <<http://www.whitehouse.gov/blog/inaugural-address>> 12 08 2012.

⁶ *Ibid.*

The notion that the great powers are the generators of global sustainability remains when negotiating specific bilateral questions: 'We can and should cooperate to secure loose nuclear weapons and materials to prevent their spread, to renew the verification procedures in the START Treaty ... The United States and Russia have a special obligation to lead the international effort to reduce the number of nuclear weapons in the world'.⁷

US Vice President Biden implies that the reduction of nuclear weaponry is not limited to a bilateral dimension, but is a question of global concern: Russia and the U.S. not only *can*, but indeed *must* cooperate when tackling this issue. Thus, calling the reduction of nuclear weapons 'a special obligation' of the USA and Russia, Biden returns to the concept of two superpowers setting the prevailing *modus operandi* in the international arena.

Obama also calls the renewal of American and Russian relations vital for a safer planet:

A reporter who was there at that time, all those years ago, said, 'If there is a fine, splendid world in the future, it will largely be because the United States and Russia get on well together. If it is in trouble, it will be because they don't get on well. It's as simple as that.' ... But 65 years later, it's still as simple as that. Our countries are more secure and the world is safer when the United States and Russia get on well together.⁸

Obama reveals that nothing has changed since the Cold War; nowadays the prosperity of nations still leans upon the relations between the USA and Russia. It can be noticed that Obama does not refrain from using the term 'world', thereby strengthening the notion of interstate relations as a question of global interest. The USA and Russia are envisaged as the *micro* world, inevitably affecting the *macro* level.

Therefore, the discourse of the US speakers demonstrates that the reasons for the US–Russian *reset* are seen in a context that is wider than merely negotiations on bilateral questions: harmonious partnership is assumed to be an indispensable prerequisite for a more secure global presence. The renewal of bilateral dialogue is also apprehended as the renaissance of great powers in a new epoch and in a modern form.

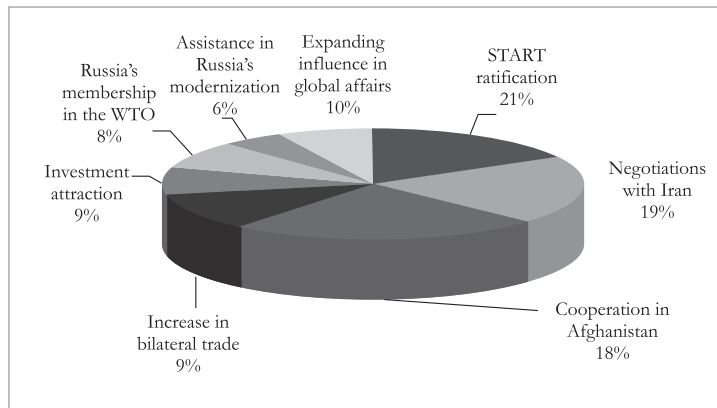
⁷ Biden J. 'Remarks by Vice President Biden at 45th Munich Conference on Security Policy' <http://www.whitehouse.gov/the_press_office/RemarksbyVicePresidentBidenat45thMunichConferenceonSecurityPolicy/> 12 08 2012.

⁸ Obama B. 'Remarks by President Obama and President Medvedev of Russia at Joint Press Conference' <<http://www.whitehouse.gov/the-press-office/remarks-president-obama-and-president-medvedev-russia-joint-press-conference>> 12 08 2012.

1.2. Interests

In the discourse of US political leaders, security interests greatly preponderate over others. START ratification (21%) and issues regarding Iran (19%) and Afghanistan (18%) are the topics that prevail most often, whilst Russia's modernisation is not a predominant American interest in resetting bilateral relations.

Graph 2. Interests



The distribution of data in Graph 2 also shows that one of the most common interests of the USA is the expansion of influence in global affairs. The political leaders of the USA frequently assert the aspiration to return America and Russia to the role of great powers: 'Russia and the United States have not only the largest arsenals in the world, but we have been the stewards of nuclear weapons. Other countries may have them, but people look to us to set the tone and to provide the leadership'.⁹ It is often stressed that the renewal of bilateral co-operation is essential for the development of all countries; foreign policy trends in the USA and Russia directly affect the course of policy in other states.

The US Secretary of State Clinton's allusions to the Cold War once again indicate that the major players in today's world are the same countries: 'There are many people not only in Russia and the United States, but, literally, throughout the world who depend upon the ability of the U.S. and Russia to work together.

⁹ Clinton H. 'Secretary Clinton's Interview With Ekho Moskvoy Radio' <<http://www.state.gov/secretary/rm/2009a/10/130546.htm>> 16 08 2012.

... And many of the challenges facing the world today can only be addressed through greater cooperation between Russia and the United States'.¹⁰

The secretary's frequent use of the third person ('people look to us', 'there are many people not only in Russia and the United States ... who depend upon') consolidates this position: the status of a leader is not *self-constructed*, but acclaimed by *others*. Such acknowledgement gives the USA and Russia additional impetus to take on the mission of 'saving the world' and the mandate of contending with modern challenges.

Economic interests, the increase in the volume of trade and investments (Graph 2), are also noted by state authorities. The full-fledged membership of Russia in the World Trade Organization is jointly declared as one US concern: 'On the WTO, first of all, I emphasized to President Medvedev, I emphasized to his entire delegation, and I now want to emphasize to the Russian people, we think it is not only in the interests of the Russian Federation, but in the interests of the United States and in the interest of the world that Russia joins the WTO'.¹¹

Obama highlights that the USA is positive about the benefits not only at a unilateral or bilateral level but also at a multilateral level. The unfaltering intonation of Obama ('I emphasized', 'now I want to emphasize') reinforces an impression that the USA is tenacious about Russia's membership, also hinting that reset should accelerate Russia's admittance to the WTO.

Unlike Obama, Vice President Biden, talking about other economic matters, is quite stern:

I'm not here to tell Russia what to do. But I know from my experience, almost every country I visit, particularly smaller ones, not great countries like Russia, the first thing they'll tell me is, can you encourage, Mr. Vice President, American businesses to invest here. And there's the same answer: Get your system right. Don't make it a gamble. Have certainty.¹²

Biden makes it perfectly clear that Russia should not expect implicit assistance in emboldening American business to invest to the Russian market. The vice president claims he is not there to preach to Russia about appropriate behaviour, even though his phrases are instructive: 'from my experience', 'there's the same

¹⁰ Clinton H. 'Remarks With Russian Foreign Minister Sergey Lavrov' <<http://www.state.gov/secretary/rm/2010/03/138531.htm>> 16 08 2012.

¹¹ Obama B. 'Remarks by President Obama and President Medvedev of Russia at Joint Press Conference' <<http://www.whitehouse.gov/the-press-office/remarks-president-obama-and-president-medvedev-russia-joint-press-conference>> 16 08 2012.

¹² Biden J. 'Vice President Biden's Remarks at Moscow State University' <<http://www.whitehouse.gov/the-press-office/2011/03/10/vice-president-bidens-remarks-moscow-state-university>> 16 08 2012.

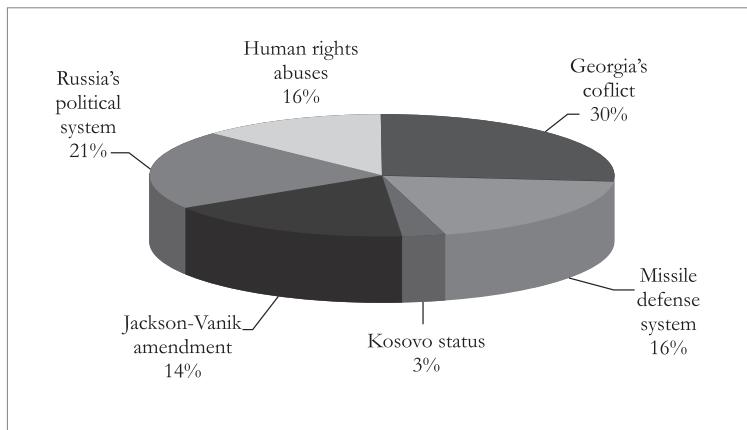
answer'. The same impression is created by the use of the imperative mood and choppy sentences: 'Get your system right. Don't make it a gamble. Have certainty'. A clear message is sent: no changes can be expected until Russia overcomes internal hardships. At the same time, Russians are not distinguished from others; even less powerful actors are being given the same message. Thus, it is implied that despite Russia's new status of 'partner', the USA does not plan to provide special privileges. On the contrary, Russia is encouraged to undertake some internal transformations.

The discourse of US authorities therefore reveals that the assurance of international security is the most significant interest binding the USA and Russia in their new stage of co-operation. The apprehensions concerning common economic interests are unequivocal, but enthusiastic support for Russia's membership in the WTO is tempered by rigid declarations that economic prosperity should be built independently.

1.3. Obstacles

The US speakers consider Russia's position towards Georgia's conflict (30%) and the prevailing political system in Russia (21%) to be the main obstacles for promising *reset* outcomes. As Graph 3 shows, the validity of the Jackson-Vanik amendment and the disagreements on the status of Kosovo are regarded as at least impeding political collaboration between the USA and Russia.

Graph 3. Obstacles



Data distribution demonstrates that prevailing authoritarian features in Russia's political system are perceived as a serious impediment. According to Clinton, the unhealthy political climate and the lack of democratic credentials are one of the major obstacles hindering the development of more constructive bilateral dialogue: 'We are still very opposed to their actions in Georgia. We are very concerned about the imprisonment and even the killing of journalists and human rights activists'.¹³

Although diverging views on missile defence in Europe are also apprehended as a stumbling block (Graph 3), Obama assures that the USA is willing to search for a compromise:

I know Russia opposes the planned configuration for missile defense in Europe. And my administration is reviewing these plans to enhance the security of America, Europe and the world. And I've made it clear that this system is directed at preventing a potential attack from Iran. It has nothing to do with Russia. In fact, I want to work together with Russia on a missile defense architecture that makes us all safer.¹⁴

Still, in light of the fact that the missile defence system in Europe is one of the questions on which the US and Russian opinions diverge the most, such rhetoric seems ostentatious, merely seeking to convince Russia that it is acknowledged as a new ally whose preferences will be taken seriously.

Meanwhile, the words of Vice President Biden are not very favourable. He states that some boundaries where consensus cannot be achieved exist: 'At the same time we set this reset button, we made it clear that there are certain red lines. We do not recognize any nation having a sphere of influence. And it will remain our view that sovereign states have the right to make their own decisions and to choose their own alliances'.¹⁵

Biden, referring to a 'sphere of influence', likely includes Ukraine and Georgia. Although they have declared their willingness to belong to the NATO alliance, these countries are traditionally seen as being in the area of Russia's influence. It should be noted that the 'exceptional interest' of Russia in resetting relations with the USA is the silent demand not to interfere in its sphere of influence in

¹³ Clinton H. 'Remarks, Town Hall at Kyiv Polytechnic Institute', <<http://www.state.gov/secretary/rm/2010/07/143941.htm>> 19 08 2012.

¹⁴ Obama B. 'Remarks by the President at the New Economic School Graduation', <http://www.whitehouse.gov/the_press_office/REMARKS-BY-THE-PRESIDENT-AT-THE-NEW-ECONOMIC-SCHOOL-GRADUATION/> 19 08 2012.

¹⁵ Biden J. 'Remarks by the Vice President at the Atlantic Council's 50th Anniversary Dinner' <<http://www.whitehouse.gov/the-press-office/2011/05/04/remarks-vice-president-atlantic-councils-50th-anniversary-dinner>> 19 08 2012.

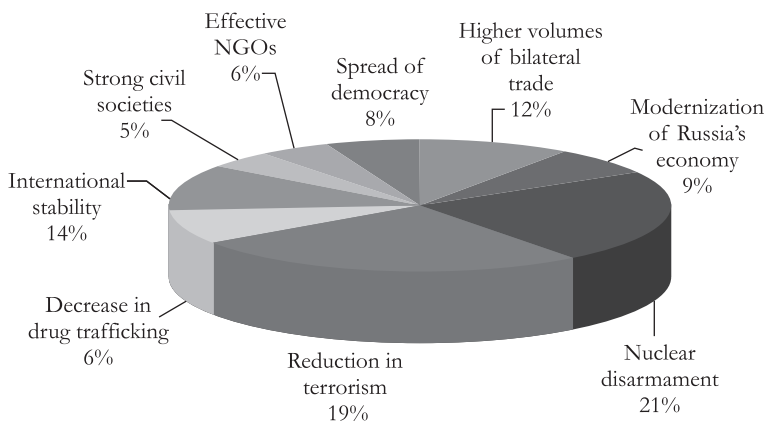
post-Soviet space. Yet, Biden strongly contradicts ‘Medvedev’s doctrine’, which designates the existence of ‘privileged zones of influence’ and identifies this concept as one of the *red lines* where compromises are infeasible.

Therefore, it can be seen that the representatives of the USA are ambiguous about the bilateral disagreements. Clinton and Biden state their position about the situation in Georgia, human rights violations, and the existence of ‘privileged zones’ more acutely, whereas Obama is not inclined to draw strict boundaries on diverging questions with Russia. Nevertheless, the US authorities aim to convey the impression that all disagreements are going to be removed by avoiding assertive actions and seeking a solution that satisfies both sides.

1.4. Expectations

The US leaders mostly associate the future of reset with improvements in the field of security: nuclear disarmament (21%), the reduction in terrorism (19%), and international stability (14%) are the most prevailing subjects in their discourses. Graph 4 indicates that the increase in the volume of trade and progress in modernising the Russian economy are also anticipated.

Graph 4. Expectations



Distribution of data reveals that more efficacious expansion of democratic traditions in Russia is also recognised as a future prospect. The presence of active

civil society as the foundation for closer co-operation is underlined in Clinton's discourse:

We reject the idea that some countries are not ready for democracy. We believe that human rights are universal and that all people, regardless of where they live, thrive in an open society where ideas are exchanged freely. This competition of ideas leads to more accountable governance and a more innovative, prosperous economy, which form a solid foundation for the kind of relationship that we are looking for with Russia and Russians.¹⁶

Clinton implies that the quality of bilateral relations is akin to the level of democracy in Russia. It is emphasised that no borders exist for the spread of democracy; all countries should be guided by democratic ideals. The secretary of state insinuates that only freedom of speech and the dissemination of ideas can produce prosperity at the individual, national and international level. Clinton acutely demonstrates that Russia must modernise not only its economy, but also its political system, lessening governmental interference in civic initiatives, thereby preparing the ground for a diversified and innovative economic structure to develop.

The US leaders in most instances underline their belief in results, based not on the traditional rules of the zero-sum game, but on the principles of equal co-operation producing mutual benefits:

A fundamental change has taken place between my first visit in the seventies and today as we no longer and you no longer view our mutual success as a zero-sum game. We both benefit when the other succeeds.... So it may be, sometimes, we do expect too much progress too quickly. But the expectation is born out of admiration and respect, not out of disrespect.¹⁷

The reference to the seventies highlights that reset will attempt to correct the failures of *détente*. Biden points out that Russia is no longer regarded as a rival, but as equal partner whose words and deeds are respected and require commendation. However, the allusion is also made that expectations must be realistic; the systems are too different to expect immediate results.

Therefore, the discourse of the US representatives demonstrates that the prospects of reset are perceived positively but nonetheless with a sense of realism. It is realised that one should not expect immediate results. The implications of

¹⁶ Clinton H. 'Interview with Yevgenia Albats, The New Times' <<http://www.state.gov/secretary/rm/2010/03/138354.htm>> 19 08 2012.

¹⁷ Biden J. 'Meeting with Vice President of the United States of America Joseph Biden' <<http://eng.kremlin.ru/news/1873>> 22 08 2012.

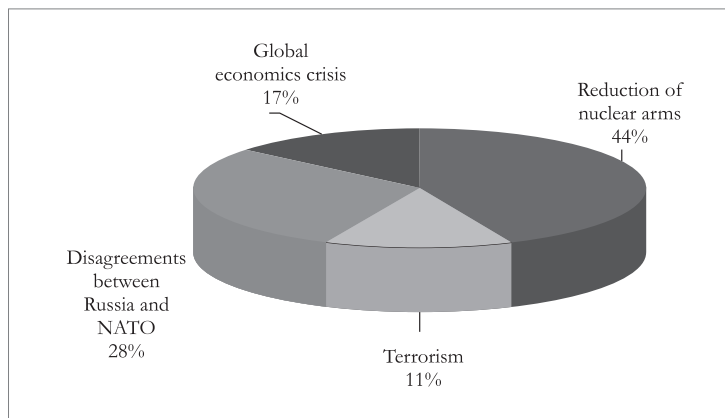
reset in Russia's democratisation are also stressed: the role model of the USA is anticipated to boost domestic reforms, potentially bringing economic profit and upgrading Russia's image in the eyes of international community.

2. The rhetoric of Russia's political leaders

2.1. Reasons

Russian leaders exclude security factors as those that most influence the initiation of *reset*. The reduction of nuclear arms (44%) and an urgency to solve the contradictions between Russia and NATO (28%) are considered to be the most significant motives. According to Graph 5, the effects of the economic crisis and the spread of terrorism are not regarded as a sufficient basis for improvements in bilateral relations.

Graph 5. Reasons



'Russia and the United States, as the two largest nuclear powers, stand ready to head up this work, to set an example and engage other countries in collective collaboration. We ought to normalize these relations, to free them from the negative legacy of the past and to elevate them to a new level'.¹⁸ Lavrov indicates

¹⁸ Lavrov S. 'Transcript of Remarks and Response to Media Questions by Russian Minister of Foreign Affairs Sergey Lavrov at Joint Press Conference Following Talks with US Secretary of State Hilary

that the status of the largest nuclear powers obliges the USA and Russia to initiate the mission of ensuring nuclear security. However, to indicate the right path and encourage other states to engage in this process, the normalisation of relations and disposal of the unpleasant past legacy is crucial. Reset here is perceived as a purifying diplomatic tool, eliminating both the material (nuclear weapons) and non-material (rivalry for dominance) legacy of the past and transferring co-operation to a new level.

President Medvedev also underlines the extraordinary role of the USA and Russia: 'Even in the past, the situation and the world depended on us. It is all the more important now since there are no longer the old ideological barriers, and now we try to friendly and constructively resolve issues we face together'.¹⁹ The parallels between the Second World War and the present endue America and Russia with the role of 'saviours of the world' again. The significance of co-operation is enhanced as ideological discrepancies vanish: contradictions between communism and Western liberal democracy have been eliminated, and the USA and Russia are anticipated to cope with international challenges more efficiently.

Meanwhile, Lavrov mentions the ancient myth of Sisyphus as an allegorical context for reset:

Today, our agenda is a full one, but do not compare us with the stone that Sisyphus was trying to get up the hill. And anyway, we will always manage to get that stone up the hill. Together with Hillary, we did press that button, as you've seen. It is a very, very large red button, and I do hope that both Russia and the United States and all other countries would never, ever push any other buttons associated with the initiation of destructive facilities. We will keep pushing the reset button of constructive interaction.²⁰

According to the myth, the gods condemned Sisyphus to roll a huge stone up a steep hill. Every time he approached the top, the massive boulder would roll back down, forcing him to begin again. However, Lavrov strictly rejects considering reset as one more futile attempt to roll the stone of Sisyphus up a hill ('do not compare us with the stone'). He makes it clear that even if the reset idea had not been realised on the first attempt, an effort to improve relations would be still

Clinton', <http://www.mid.ru/bdomp/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/dce6078711b9d628c32575b0004f6580!OpenDocument> 22 08 2012.

¹⁹ Medvedev D. 'Statements By President Obama and President Medvedev of Russia After Bilateral Meeting' <<http://www.whitehouse.gov/the-press-office/statements-president-obama-and-president-medvedev-russia-after-bilateral-meeting>> 22 08 2012.

²⁰ Lavrov S. 'Remarks With Russian Foreign Minister Sergey Lavrov', <<http://www.state.gov/secretary/rm/2009a/03/120124.htm>> 22 08 2012.

worthwhile and prominent ('and anyway, we will always manage to get that stone up the hill'). The importance of maintaining steady relations is highlighted by mentioning other 'buttons' that would if pressed foreshadow not a symbolic act of beginning, but total destruction. The juxtaposition stresses that unlike the case of Sisyphus, resetting relations is not senseless; on the contrary, it is essential in asserting that other countries will never take the opportunity to hit the buttons activating nuclear facilities.

Meanwhile, Putin, contrary to his counterparts, calls reset a process put forward only by the whim of the new US administration: 'We do not talk about "resetting" our relations. It is the US Administration that has proposed to "reset" them. We agree with that and, of course, we would like to give a new positive impetus to Russian-US relations'.²¹

It is evident that Putin's approach to "reset" lacks enthusiasm. He asserts that Russia merely accepted Obama's proposal without giving undue prominence to it. Such an utterance is not surprising, retaining the anti-American tendencies of Putin's rhetoric and previous foreign policy vectors. Still, in this excerpt Putin's use of the plural pronoun 'we' is of particular interest. Though this pronoun is also employed by other Russian officials, 'we' in their discourse is most often applied while talking about the USA and Russia as allies and looking at reset as a bilateral action, whereas Putin, when he uses 'we', appears to be speaking in the name of Russia. When it is considered that Putin, even after the temporary pass of the presidential baton to Medvedev, has remained the main architect of foreign policy in Russia, this statement could reflect Russia's actual approach towards bilateral relations: 'we are in as long as our interests are fulfilled'.

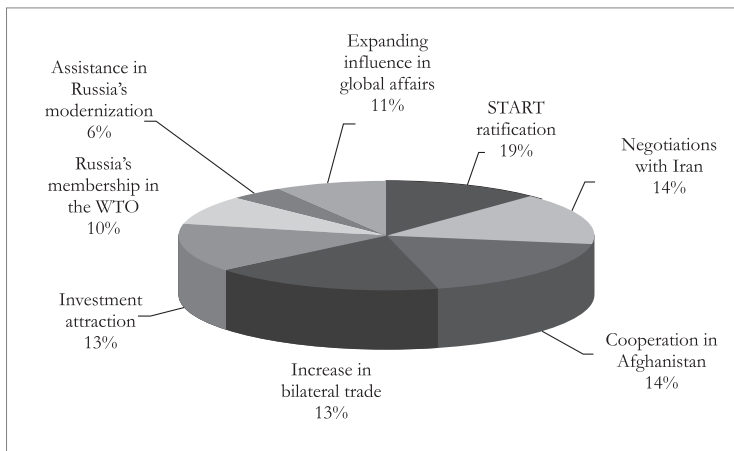
It could therefore be noticed that reset in the discourse of Russia's leaders is mostly perceived as a prerequisite for the assurance of global nuclear security. Even though both Medvedev and Lavrov describe reset as a process driven by mutual effort, Putin reveals a contrasting official approach, defining *reset* as merely a unilateral move of the US administration, wherein Russia agrees to engage as long as it is advantageous to national interests.

²¹ Putin V. 'Prime Minister Vladimir Putin's interview to Japan's Kyodo Tsushin News Agency, the NHK Japan Broadcasting Corporation, and the Nihon Keizai Shimbun newspaper (The Nikkei)' <<http://premier.gov.ru/eng/events/news/4094/>> 25 08 2012.

2.2. Interests

Russian political leaders in their discourse primarily emphasise security interests. According to Graph 6, the ratification of the START Treaty (19%), negotiations with Iran (14%), and co-operation in Afghanistan (14%) are the most dominant subjects. The distribution of data also exposes that economic interests (increase in trade volumes and investments, membership in the WTO, modernisation) together make up almost half of all the interests mentioned in the statements.

Graph 6. Interests



Russian leaders constantly stress deeper economic collaboration as a prerequisite for fruitful partnership: 'But at the same time, we have bilateral issues that are also very important for our states ... I think that our economic relations lag significantly behind our political relations. In this sense, of course, the issue is also hampered by Russia's lack of membership in the World Trade Organization'.²² While asserting that the political dialogue is going more smoothly than the economic one, Medvedev alludes that there exist specific circumstances that may influence the outcomes of reset. As was mentioned earlier, Putin defined *reset* as a process that was put forward unilaterally by the USA and in which Russia had agreed to participate without particular eagerness. Hence, it is once again suggested that if the

²² Medvedev D. 'Meeting with Vice President of the United States of America Joseph Biden' <<http://eng.kremlin.ru/news/1873>> 25 08 2012.

USA aims to implement the 'reset project' and desires Russia's active engagement, the USA should consider specific demands such as providing assistance to Russia in its arduous accession to the WTO. The argument of global benefits is not avoided in this matter. A strong conviction exists: what is beneficial for Russia and the USA is beneficial for other countries: 'As has been recognized just now, Russia's accession is good not only for Russia itself or for the USA or other countries, but for the entire system of trade relations in the world'.²³

Lavrov regards more constructive dialogue on economic questions as the basis for complete co-operation of the USA and Russia: 'In our bilateral relations we need more successful investment projects, joint research ... This would strengthen the material foundation of our partnership and make it much less vulnerable to the temptations to play the old geopolitical zero-sum games which nowadays have nothing to do with the fundamental national interests of our two great nations'.²⁴ The development of common economic projects is perceived as the premise of healthy and equal bilateral co-operation. Robust economic partnership is identified as a measure preventing the return to 'old geopolitical zero-sum games'. The latter are characterised as 'old temptations', thereby indicating that the probability of deterioration in US-Russia relations is not eliminated. Lavrov hints that the threat of revived confrontation will abate only if the USA demonstrates benevolence towards Russian economic interests and if the advantages brought out by partnership turn out to be noteworthy.

The idea of national interest as the premise of reset emerges in Medvedev's discourse: 'Everything we do (I mean the Russian Federation) is dictated by our understanding of our national interest, exactly as everything that the government of the United States does is dictated by the national interest of the USA'.²⁵ This passage distinctly reveals how Medvedev perceives the essence of renewed relations: it is directly asserted that national interests take priority over all other incentives.

Therefore, the discourse of the Russian speakers shows that the USA is perceived to be the main partner for ensuring security at both the national and international level. It is acutely demonstrated that it is also associated with particular economic benefits: Russian leaders make it clear that Russia's membership in the WTO is

²³ Medvedev D. 'Remarks by President Obama and President Medvedev of Russia After Bilateral Meeting' <<http://www.whitehouse.gov/photos-and-video/video/2011/11/12/president-obamas-bilateral-meeting-president-medvedev-russia#transcript>> 25 08 2012.

²⁴ Lavrov S. 'Opening Remarks by Russian Minister of Foreign Affairs Sergey Lavrov in the Carnegie Foundation' <http://www.mid.ru/bdomp/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/999eb3d43b813435c32575b200460875!OpenDocument> 28 08 2012.

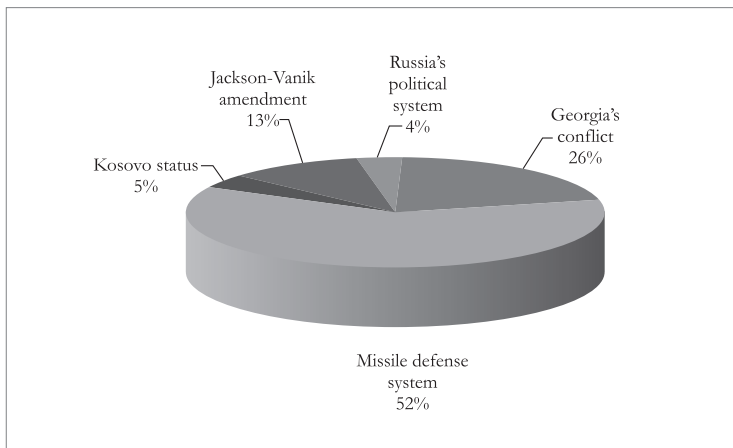
²⁵ Medvedev D., 'Interview with CNN' <<http://eng.kremlin.ru/news/1622>> 28 08 2012.

not only unilaterally or bilaterally useful but also in the global interest. Economic co-operation is in general acknowledged to be fundamental in pursuing a more constructive partnership. Nevertheless, the USA is admonished to concede that the national interests of Russia will always stand above collective interests.

2.3. Obstacles

As Graph 7 shows, the main obstacles for resetting relations are seen in the field of security: more than a half of the disagreements emerge due to the US plans for a missile defence system in Europe. The clashes over Georgia's conflict (26%) and the validity of the Jackson-Vanik amendment (13%) are also perceived as impediments, while the issues of human rights violations are altogether ignored.

Graph 7. Obstacles



Lavrov briefly indicates that though the positions of the USA and Russia towards South Ossetia and Abkhazia are totally incompatible, Russia is not going to alter its view: 'As to the situation in the Caucasus, especially in the South Caucasus, which we discussed today, we do have some obvious differences of opinion and we do not try to conceal them'.²⁶

²⁶ Lavrov S. 'Transcript of Remarks and Response to Media Questions by Russian Minister of Foreign Affairs Sergey Lavrov at Joint Press Conference Following Talks with US Secretary of State Hilary Clinton', <http://www.mid.ru/bdomp/brp_4.nsf/e78a48070f128a7b43256999005bcb3/dce6078711b9d628c32575b0004f6580!OpenDocument> 28 08 2012.

Meanwhile, the stance on the missile defence system is more deliberate: 'Well, now the construction has not yet started. We have today stated that the Obama Administration's strategic review is continuing and encompasses MD problems. Our US partners have confirmed that the proposals by Russia had also been considered within this review.'²⁷

Lavrov insinuates that though the disagreements on the missile defence system still exist, they, unlike the case of Georgia, are not unresolved. Nevertheless, concessions are expected only from the USA. It is not a secret that in Russia's rhetoric the US prospects of missile defence have always been perceived as a threat to national security. Proclamations such as 'the construction has not yet started' and 'strategic review is continuing' therefore imply that even in the status of resetting Russia is not apt to alter its approach and anticipates a decision advantageous to its interests. Reset is again perceived as a process driven by unilateral effort, where Russia takes the role of recipient, rejecting the idea of giving something in return.

President Medvedev sustains the position that unanimous agreement on all questions is inconceivable: 'It does not mean that we now have identical views on all the topics. It's impossible, and I believe that it's not even worth trying. Each and every country is sure to always have its own national priorities and interests, but a lot depends on our relations too'.²⁸

Negations such as 'it does not mean', 'it's impossible', and 'it's not even worth trying' consolidate the position that divergence of views is inevitable. Medvedev once again stresses that the protection of national interests is more essential than ideal consensus on all matters; bilateral relations should develop so as not to undermine the national priorities of each state:

I can say the same of foreign policy. Each president pursues his own foreign policy. Our foreign policy today differs somewhat from earlier policy, but this does not mean that we have changed our priorities.... It is very important when your dialogue partner, even if he heads as big an economy and powerful a country as the United States, listens to your arguments and reflects on them. I think this is extremely important.²⁹

Medvedev highlights that every country, Russia included, has a unique conception of foreign policy. It differs from the times of the Cold War, though it is

²⁷ *Ibid.*

²⁸ Medvedev D. 'Meeting with President of the United States Barack Obama' <<http://eng.kremlin.ru/news/2279>> 28 08 2012.

²⁹ Medvedev D. 'Transcript of meeting with participants of Munich Conference on Security Policy' <<http://eng.kremlin.ru/transcripts/1175>> 28 08 2012.

explicitly indicated that the new era in US–Russian relations will not alter Russia’s foreign policy prerogatives.

In addition to that, Medvedev underlines the necessity of equal co-operation based on attentiveness and respect for each other’s interests. The importance of leaders pursuing relations is also mentioned (‘It is very important when your dialogue partner ... listens to your arguments and reflects on them’). It should be noted that unlike G. W. Bush and Putin, who frankly criticised each other’s policies, Medvedev and Obama since the beginning of their tenures have demonstrated personal sympathies, thus publicly declaring that the course of bilateral relations is also directly related with leading personalities and their mutual relationship.

Lavrov also considers bilateral disagreements as an inevitable part in interstate relations:

No one is talking in terms of removing in a single stroke the differences and contradictions which are inevitable in the development of relations between any two major powers. This would be just the very idealism we want to get rid of. But one must know how to respect a partner, recognize his legitimate interests and not to take actions which are consciously aimed at undermining these interests.³⁰

The emergence of antagonisms is explained by the status of cooperating states. It is reiterated that the subject matter is not any state but ‘great powers’: in other words, greater power presupposes a greater extent of disagreements. Moreover, the absence of conflicts is understood as blatant idealism, which is generally seen as a hurdle to be removed, thereby retaining the notion of partnership based on purely realistic grounds. An example of non-idealised co-operation is also adduced: the foundation of dialogue, according to Lavrov, should be absolute respect for interests, which should not be infringed upon. Such a reference may be a warning for the USA about its intentions to develop a missile defence system in Europe, hinting that Russia is not going to give up her zone of privileged interests in post-Soviet territory. It is insinuated that the partnership will be fruitful only if America recognises the sanctity of these interests. In other words, reset will continue as long as the USA respects Russia’s privileged aims in foreign policy.

Disagreements in Russia’s discourse are acutely perceived as a natural and inevitable part of bilateral relations. They are explained by the status of ‘great powers’, which carries the obligation of avoiding idealism and instead focusing on the protection of national interests. Such attributes as mutual respect, silent

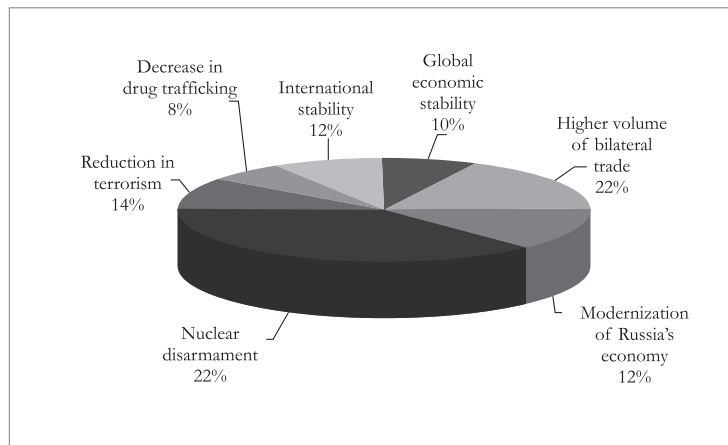
³⁰ Lavrov S. ‘Opening Remarks by Russian Minister of Foreign Affairs Sergey Lavrov in the Carnegie Foundation’, <http://www.mid.ru/bdomp/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/999eb3d43b813435c32575b200460875!OpenDocument> 28 08 2012.

agreement on zones of influence, and one-sided concessions from the USA are conceived as mandatory while climbing the ladder of success in bilateral co-operation.

2.3. Expectations

Russian leaders mostly stress expectations related with improvements in security and the economy. According to Graph 8, nuclear disarmament (22%) and vibrant bilateral trade (22%) are the most prevailing topics, whereas the prospects of civil society, the spread of democracy, and effectively operating non-governmental organisations are absolutely ignored.

Graph 8. Expectations



We all have become wiser. Look — both us in the period of the Soviet Union and you in the United States over the past twenty or thirty years — have conducted experiments with social and economic development according to the models taken in their pure and extreme form: socialism and liberal capitalism. Having been, in terms of their ideological purity, reduced to absurdity, both of them, each in its time, proved their insolvency. It is clear now that what we need is something in between, something well balanced, something not so categorical and uncompromising.³¹

³¹ Lavrov S. 'Opening Remarks by Russian Minister of Foreign Affairs Sergey Lavrov in the Carnegie Foundation' <http://www.mid.ru/bdomb/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/999eb3d43b813435c32575b200460875!OpenDocument> 29 08 2012.

In this excerpt, the models of liberal capitalism and socialism are labelled 'extreme', 'absurd' and 'insolvent', and thus the damage made by both ideologies is equated. Lavrov states that such failed ideological projects should be replaced by 'something in between, something well balanced, something not so categorical and uncompromising'. Hence, the US and Russian reset is supposed to operate as a political vehicle leading to the implementation of more balanced and flexible policy.

According to Graph 8, Russian leaders also formulate the aspiration of international stability. The achievement of this goal requires adjustments in international leadership, however:

In brief, the terms of debate on the ways of the future world development have changed. This creates brilliant conditions for those who want to demonstrate intellectual and other kinds of leadership in international affairs in order to help the world community to work out a common vision of the contemporary historic era. It would be a pity to miss such an opportunity and thus to fail to draw an absolutely final line under the period of the 'Cold War' and those misunderstandings which followed in the relations between the USA and Russia.³²

The minister of foreign affairs hints at the distinctive role of the USA and Russia in the international system. It is noted that the current time is more favourable than ever for new leaders to step up. Lavrov asserts that the USA and Russia are exactly those leaders that are capable of turning over a new page in world history and generating a new vision. A stable relationship ('to draw an absolutely final line under the period of the "Cold War"') and the window of opportunity ('it would be a pity to miss such an opportunity') create circumstances to adopt the position of international leaders.

Therefore, Russian representatives perceive reset in a wider perspective than only the assurance of security or economic benefits. The reunion of both great powers is assumed to have the potential to fill the gap in international leadership, mending mistakes made by out-dated ideologies and striking out in new directions in international politics.

³² Lavrov S. 'Opening Remarks by Russian Minister of Foreign Affairs Sergey Lavrov in the Carnegie Foundation' <http://www.mid.ru/bdcomp/brp_4.nsf/e78a48070f128a7b43256999005bcbb3/999eb3d43b813435c32575b200460875!OpenDocument> 29 08 2012.

Conclusions

Comparison of the rhetoric of US and Russian political leaders leads to the following conclusions.

- The US and Russia's views concerning the reasons for reset coincide only partially. Authorities in both states consider reset to have been induced by the exigency to ensure nuclear security; indeed the importance of good relations between the two major nuclear powers is claimed to be vital for global security. Reset is also inspired by the necessity to find a new mode for the great powers to operate in the international arena: the reunion of the major international players is no longer related to the achievement of unilateral or bilateral benefits but to prosperity at the global level.

Nevertheless, US leaders name terrorism as another significant incentive to reset relations, while Russia perceives the abolishment of disagreements with NATO to be a more crucial factor. Such preferences affirm the notion that both states are 'reloading' bilateral relations on national security grounds: in the United States, terrorism has so far remained the biggest threat to national security, while Russia's aspiration to suppress the US plans for a missile defence system in Europe directly interrelates with Russia's priorities in the realm of national security.

- The main interests of the USA and Russia do not diverge. Both states share mutual security interests such as the ratification of the START Treaty, collaboration in Afghanistan, and greater co-operation on sanctions against Iran. However, the eagerness for economic benefits are much more conspicuous in the rhetoric of Russia's political leaders; reset is associated with a higher volume of bilateral trade, attraction of investments, the and US assistance in economic modernisation. Such priorities conform with Russian foreign policy-making approach that was established during Putin's tenure and that associates dominance in the international system with economic capacity. Thus, reset operates as a pragmatic step to lay the groundwork for the new role of Russia as a great power.

Contrary to Russian officials, the US representatives talk about common economic ventures more cautiously. Although Russia is encouraged to modernise and supported in its desire for membership in the WTO, it is stressed that state authorities should first overcome internal hindrances and strive for economic prosperity independently.

- Positions are more distinguished in the category of expectations. The leaders of both states perceive reset as a stepping-stone on the way to the assurance of nuclear security. The US representatives however associate *reset* with a reduction in the spread of terrorism and maintenance of international stability, whereas in Russia the promotion of bilateral trade and modernisation are considered to have higher importance. Such differences once again affirm that in the USA reset is more related to protection of national and international security, whereas Russia expects specific economic benefits. Dynamic economic cooperation is in general perceived as a prerequisite for successful political partnership: the Russian leaders make it clear that the achievements of reset are directly related to the advantages produced by economic collaboration.

Reset in the US rhetoric is also expected to bring positive results in the process of Russia's democratisation. It is anticipated that Russia's government, encouraged by its partnership with America, will undertake domestic reforms: Russia's future is associated with flourishing civil societies, the knowledge-based economy, effectively operating non-governmental organisations, and general alterations in the West's apprehension of Russia. Meanwhile, in Russia's discourse such forecasts are ignored and partnership is more expected to set a new direction for leadership in world politics, with Russia as a great power shining in the global spotlight.

- Fundamental incongruities can be noticed in the category of obstacles. American and Russian political leaders distinctively perceive challenges to reset: in the USA, Russia's position on Georgia's conflict is regarded as the main impediment, whereas Russian authorities consider the US plans for a missile defence system in Europe to be the main barrier to a constructive partnership. The lack of democratic credentials in Russia is also deemed a hardship, whilst Russia itself does not consider this a stumbling block in bilateral relations. Unlike the USA, Russian authorities ignore the issue of human rights abuses. The discrepancies in economic interests and the still valid Jackson-Vanik amendment, which limits bilateral trade, are conceded to be greater obstacles.

In general, contrary to the US authorities, the Russian leaders do not overestimate these differences. Incompatible positions are identified as an inherent and inevitable part of bilateral relations and justified by the extraordinary status of 'great powers'. Unlike the USA, Russia is

not prone to reach a consensus by mutual effort: it is clearly stated that national interests will always stand above mutual concerns and that the USA must make concessions without expecting a similar response from its counterpart.

CROSS-BORDER CO-OPERATION BETWEEN THE KALININGRAD OBLAST AND POLAND IN THE CONTEXT OF POLISH-RUSSIAN RELATIONS IN 2004–2011

Miłosz J. Zieliński*

Abstract

The article analyses the main aspects of relations between Poland and the Kaliningrad Oblast of the Russian Federation in 2004–2011. It takes into account both interstate and regional circumstances and concentrates on 1) Poland's attitude towards Kaliningrad right after the 2004 EU enlargement; 2) ideas/proposals how to improve trans-border co-operation under new (i.e. Poland being an EU member) circumstances; 3) austerities of bilateral contacts (at both the interstate and regional scale); 4) process of negotiating, signing and ratifying the Local Border Traffic Regime; 5) prospects of future co-operation. The article relies on diversified data such as expert analyses, legal documents, press articles, and data collected from various institutions. Its aim is to give a brief picture of eight years of Polish-Kaliningrad relations after Poland joined the European Union. The article goes beyond the aforementioned scope of time only in regard to the process of implementing the LBTR.

Introduction

The period of 2004–2011 brought a new quality to the bilateral relations of Poland and Russia. There were a few major factors that constituted this process, both at the interstate and regional scale. Poland, the largest new European Union member, contributed to redefining the EU's eastern policy, in which Kaliningrad had always played a visible role. As a matter of fact, one might argue that the enlargement was even more important for Russia's westernmost region, which became a semi-exclave surrounded by EU member states Poland and Lithuania, than for Russia as a whole. Additionally, after the 2004 enlargement the Baltic Sea except the Russian shoreline, was transferred into the EU's *mare internum*. Even

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before this, the Baltic Sea Region (BSR) had been subject to intensive institutional, economic and social integration processes that did not entirely encompass Kaliningrad.

The new situation caused the Kaliningrad question to be even more up-to-date than before. The region's two neighbours grew interested in finding a *modus vivendi* that would reflect the need for deepening bilateral co-operation and be acceptable for government circles in Moscow at the same time. The latter groups, as a decisive factor for letting Kaliningrad draw closer to regional integration, were constantly gaining new political and legal instruments mostly because of the centralisation processes being implemented by the Putin administration. Under such circumstances, Kaliningrad remained a militarised, economically weak region. It was noticeable that its dependency on the centre increased rather than decreased.

It is clear that all the above did not lead to solving any of the issues of utmost importance to Poland, especially its north-eastern regions (*voivodeships*). It was thus vital for Warsaw to redefine its policy towards Kaliningrad, keeping in mind that new opportunities were interrelated with the overall level of Polish-Russian relations.

The Baltic Sea as an individual region might be viewed from two perspectives. On the one hand, the high level of institutionalisation at the governmental, municipal and non-governmental scale makes it one of the most advanced integration projects worldwide. This framework has been constantly filled by economic, scientific, cultural and social initiatives. The process rapidly increased its pace after the 2004 EU enlargement when eight out of nine littoral states became members of the organisation. On the other hand, the BSR still has a region-in-the-making status when it comes to the feeling of regional identity among its inhabitants. An assumption might be made that it is closely linked to the Nordic identity with regards to Scandinavia, Finland and, to some extent, Estonia. Interestingly, over the past two decades a few statements have been made by senior Latvian and Lithuanian officials that their countries belonged or would strive to belong to the Nordic community.¹ That does not, however, pertain to Poland and Germany, whose interests are vast, going far beyond the BSR, thus causing the overall significance of the need for creating a Baltic community to

¹ Such a statement was made by Lithuanian Foreign Minister Audronius Ažubalis several times. See, for instance: *Necessary to continue Lithuania's Nordic orientation – Lithuanian forming*, <<http://balticexport.com/?article=necessary-to-continue-lithuanias-nordic-orientation-lithuanian-forming&lang=en>>, 20-08-2012.

diminish. It is also reflected by the point of view of their citizens, who often refer to themselves as Western (in both cases) or Central (in the case of Poland) Europeans.² Simultaneously, the feeling of national identity in the Baltic littoral states is strong, especially in the former Soviet bloc countries.

The question of identity looks slightly different in regards to the populace of Kaliningrad. As Andrey Makarychev noted, ‘a significant part [of the locals] consider themselves “hostages to both Europe and Russia”’.³ The region consists mostly of people whose identity was neither Russian, nor Belarusian or Ukrainian, but Soviet. They migrated into an utterly alien region that was re-populated according to the principles of the Kremlin’s demographic policy after the German population had moved westwards along with geopolitical changes. As the Soviet Union collapsed, they found themselves in new circumstances, separated from mainland Russia. Finally, the difficult economic situation and rapidly changing international environment led to the formulation of the *status quo* described above.

1. The 2004 EU enlargement and its impact on bilateral relations

Before the hitherto largest extension of the European Union, there had been much apprehension regarding the status of the Kaliningrad Oblast in Poland. Of particular interest (for both sides) was the question of visa regime. It provoked a very emotional dispute, followed by threats and spectacular statements made mostly by high-ranking Russian officials, including President Vladimir Putin himself. It even led to the open demand of establishing an extraterritorial highway across the territory either of Lithuania or of Poland. This brought about resentment among Poles, who often associated the proposal with a similar one posited by Adolf Hitler before the outbreak of World War II.

Both sides seemed to decide not to leave the trenches but to draw an impassable line and adhere to their tentative positions. In Poland it created many ‘myths’,

² Poles are generally more eager to consider themselves Europeans than people in other EU states. See for instance: *Eurobarometer. Public opinion in the EU*, <http://ec.europa.eu/public_opinion/archives/eb/eb66/eb66_pl_nat.pdf>, 20-08-2012.

³ A. Makarychev, *Russia – EU: Competing Logic of Region Building (Russland-EU: Konkurrierende Ansätze von Regionenbildung)*, DGAP Analyse, 1 March, 2012, <<https://dgap.org/de/article/getFullPDF/20801>>, 20-08-2012.

as K. Pełczyńska-Nałęcz put it, which impaired the sobriety of the Kaliningrad debate.⁴

Not only did the visa regime and the overall status of Kaliningrad contribute to strife between Poland and Russia. There were also a few other serious matters that had their share in a generally negative atmosphere:

- the shape of Polish-Russian interstate relations along with its short-term and long-term consequences,
- the question of the Strait of Pillau (temporarily blocked to Polish vessels at one point),
- various impediments for Polish exporters related to political tensions,
- the idea of locating US anti-missile shield installations in Poland and the Czech Republic, which was allegedly a threat to Russia's security.

2. Legal framework of co-operation between Poland and the Kaliningrad Oblast

Most documents that paved the road to post-Cold War interaction between the Polish central government and voivodeships and the Kaliningrad Oblast remained unchanged until May 2004. They included:

- 1) Declaration of good neighbourliness, mutual understanding and co-operation of 10 October 1991.
- 2) Treaty on friendly and neighbourly co-operation of 22 May 1992.
- 3) Agreement on the co-operation of north-eastern Polish voivodeships with the Kaliningrad Oblast of 22 May 1992.
- 4) Agreement on cross-border co-operation of 2 October 1992.

Although only three major documents were signed afterwards, their importance is vast:

- 1) Decree of the president of the Russian Federation on unimpeded sailing of third-party ships across the Strait of Pillau of 15 July 2009.
- 2) Agreement on the sailing on the Vistula Lagoon of 1 September 2009.
- 3) Local Border Traffic Regime of 14 December 2011.

⁴ K. Pełczyńska-Nałęcz, *Seven myths about Kaliningrad*, <<http://www.osw.waw.pl/sites/default/files/punktwidzenia1.pdf>>, 20-08-2012.

Additionally, a Polish consulate general has functioned in the oblast since 1993. Its activity was extended by the establishment of a trade section in 1994,⁵ which was transformed into the Trade and Investment Promotion Section in 2011.

The international legal framework for co-operation at the regional level between the Kaliningrad Oblast and neighbouring Polish regions has been set by the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities signed in Madrid on 21 May 1980. It obliges (article 1) contracting parties to 'facilitate and foster transfrontier co-operation between territorial communities or authorities within its jurisdiction and territorial communities or authorities within the jurisdiction of other Contracting Parties'.⁶ Another document important in this regard is the European Charter of Local government, signed in Strasburg on 18 October 1985.

As to the Polish legal regulations, article 172 of the Constitution of the Republic of Poland states that 'a unit of local government has the right to join international associations of local and regional communities and cooperate with local and regional communities of other states'.⁷ A voivodeship has the right to engage in trans-regional co-operation under the provisions of the Voivodeship Local Government Bill of 5 July 1998.

The Constitution of the Russian Federation does not provide any specific regulation about the trans-regional co-operation of the federation's subjects. The legal framework is therefore more complicated than in the case of Poland. It is divided into a few main acts, such as, but not limited to 'On co-ordination of international and outer economic relations of the subjects of the Russian Federation', 'On international agreements of the Russian Federation', 'On general rules of local government in the Russian Federation', 'On the principles and order of distribution of powers between the state authorities of the Russian Federation and bodies of state power of subjects of the Russian Federation', and 'Concept of border co-operation in the Russian Federation'.⁸

⁵ T. Palmowski, *Współpraca z Obwodem Kaliningradzkim Federacji Rosyjskiej jako czynnik rozwoju regionalnej [Co-operation with Kaliningrad Oblast of the Russian Federation as a regional development factor]*, p. 707, <http://www.mrr.gov.pl/rozwoj_regionalny/poziom_regionalny/strategia_rozwoju_polski_wschodniej_do_2020/dokumenty/Documents/e9c8e43c89544a13ab940a1a192ee58aPalmowski.pdf>, 20-08-2012.

⁶ *European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities*, <<http://prawo.lego.pl/prawo/europejska-konwencja-ramowa-o-wspolpracy-transgranicznej-miedzy-wspolnotami-i-wladzami-terytorialnymi-sporzadzona-w-madrycie-dnia-21-maja-1980-r/>>, 20-08-2012.

⁷ *The Constitution of the Republic of Poland*, <<http://www.sejm.gov.pl/prawo/konst/angielski/kon1.htm>>, 20-08-2012.

⁸ *Konцепция Приграничного Сотрудничества В Российской Федерации [Concept of Border Co-operation in the Russian Federation]*, <http://www.minregion.ru/openfile.ashx/konceptiya_ps_rf.doc?attachid=1290>, 20-08-2012.

3. Political atmosphere

A number of Polish attempts made in the nineties to bring co-operation with Kaliningrad to a higher level turned out to be highly unsuccessful. The main reason for that was that not Kaliningrad, but the normalisation of relations with Russia as a whole was treated as a priority for all the governments that came to power after the collapse of communism in Poland. Kaliningrad was therefore just part of a larger picture. The Russian semi-exclave brought new opportunities but also posed a visible threat mostly due to its military role. The former could not be used as long as neighbourly relations and partnership with Russia were not established. The latter played a significant role at the beginning of the nineties as Soviet troops began to withdraw from the former German Democratic Republic and Poland. Some of them were temporarily stationed in the oblast, causing the number of soldiers there to rise to 100,000, i.e. 10% of the overall population. Additionally, the only Russian military element that did not have its effective strength reduced after 1991 was the Baltic Fleet, with its main base in Baltiysk. Many Polish politicians feared that the military output of the region could be used as means of pressure to impose solutions expedient to Russia. These concerns, at least to some extent, turned out to be true and made regional co-operation more difficult. Not only was it the case of Poland, but also Lithuania, and had a general, but somewhat limited impact on Baltic co-operation until 2004.

As the EU enlargement was getting closer and the question of visa regime for Kaliningrad residents appeared on the agenda, the level of interest in the Russian semi-exclave among Polish authorities began to rise. It resulted in a series of talks and proposals posited by Polish officials, including Prime Minister Leszek Miller and Infrastructure Minister Marek Pol. Miller's government prepared a document having the aim of comprehensively shaping Polish policy towards Kaliningrad. It was formulated in March 2001 as a response to the *Kaliningrad and European Union* study and encompassed the following targets:

- a) maintaining multilateral dialogue about shaping EU policy towards Russia;
- b) economic co-operation;
- c) cross-regional and cross border co-operation;
- d) military co-operation.

As a practical consequence of the policy set in the document, consecutive Polish governments started bringing various proposals forward, including those which had been elaborated earlier, e.g. military co-operation specifically with the

Baltic Fleet in order to build trust.⁹ The most important issue, however, was the development of economic ties and infrastructure. The Polish government proposed a wide range of new initiatives, including building new border crossings and joint exploitation of the seabed. The majority of such proposals remained unfulfilled mostly due to administrative reforms in Russia that strengthened the centre and limited the capacity of regions to engage in trans-border projects. They also led to supporting Kaliningrad's growth with the use of Russian internal resources, not foreign investments or multilateral co-operation. Some ideas thus had to be rethought and some had to be elaborated anew.

Polish-Russian bilateral relations started to deteriorate quickly at the turn of 2004 and 2005. That was the moment when Polish officials were involved in the situation in Ukraine very intensively. They contributed to the so-called Orange Revolution and victory of generally anti-Russian parties with Viktor Yushchenko and Yulia Tymoshenko as their leaders. The Kremlin expressed its dissatisfaction because of this many times.

The case of Ukraine clearly showed that the Polish and Russian interests in the region were contradictory. Poland's strategic goal was to support democratic reforms in Eastern Europe consisting of fully independent countries, whereas Russia aimed at maintaining and extending its zone of influence in the post-Soviet area.

In 2005 it became clear that deterioration in bilateral political dialogue was a matter of fact, not supposition. It resulted in the amount of co-operation being lowered and in an unfavourable atmosphere over Kaliningrad. For instance, Vladimir Putin invited Jacques Chirac and Gerhard Schröder, but not Aleksander Kwaśniewski, to the events commemorating the 750th anniversary of founding Kaliningrad (*Königsberg*).¹⁰ Moreover, in 2005 Russian plans to build a pipeline across the Baltic Sea in order to deliver gas to Germany without transit states were put into motion.¹¹ There were also meaningful minor incidents that had their share in the overall bad status of bilateral relations: placing the Polish president in one of the last rows during the defilade commemorating the 60th anniversary of the end of World War II and the beating and robbing of children of Russian diplomats in

⁹ M. A. Piotrowski, *Obwód kaliningradzki: laboratorium współpracy czy pole konfliktu? [Kaliningrad Oblast: a laboratory of co-operation or a field of conflict?]*, The Polish Foreign Policy Annual 2002, p. 396.

¹⁰ A. Eberhardt, *Stosunki Polski z Rosją [Poland's relations with Russia]*, Polish Foreign Policy Annual 2006, p. 121.

¹¹ *Ibid.*

Poland.¹² As an ‘unofficial response’ to the latter, Polish Embassy personnel were also beaten.

The victory of the right-wing Law and Justice party in both parliamentary and presidential elections in autumn 2005 was perceived as a factor that could further impair bilateral relations. At first, an atmosphere of distrust indeed prevailed over the obvious need for normalisation in the fields of economy and cross border co-operation. The new government formed by Kazimierz Marcinkiewicz stated that relations with Russia should be further developed ‘through EU channels’.¹³ A change in the political situation in Poland coincided with the Russian ban on Polish meat, introduced in October 2005. Russian sanitary inspectorate officials explained that Polish meat products did not meet the necessary standards. The decision was, however, of a purely political nature, as such standards were common for all EU member states. What is interesting is that the ban did not have a significant impact on Polish-Russian economic relations. *Au contraire*, overall trade volume increased to 13.5 billion euro.

The Polish government saw no prospects for solving the ban problem. Moreover, other EU member states grew convinced that Polish meat products met the highest standards. Thus, the discussion was moved from the bilateral level to the EU-Russia level. EU officials started to declare that the problem needed to be treated as a challenge for every member state since phytosanitary matters were subject to EU law. A visible result of this policy was suspending negotiations on the new Partnership and Co-operation Agreement (PCA). Russian authorities therefore complained that Poland was using EU structures to put unacceptable pressure on Russia. Poland also blocked Russia’s negotiations to become a member of the OECD.

Later on, however, some conciliatory steps were taken by both sides, particularly by President Lech Kaczyński. He expressed his conviction that, paradoxically, a right-wing option in Polish foreign policy would be more helpful than the left-wing one in order to settle relations with Russia.¹⁴ At the annual meeting with diplomats accredited in Poland, he stated that he considered Russia a country of special importance to Poland.¹⁵ Nevertheless, it did not create an atmosphere sufficient for constructive talks.

¹² Shortly after this event, a Polish diplomat in Moscow, technical employee of the embassy, a Polish journalist, and a Russian driver working for the embassy were beaten. A. Eberhardt, *Stosunki Polski z Rosją [Poland’s relations with Russia]*, Polish Foreign Policy Annual 2006, p. 122.

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*, p. 133.

Many controversies arose around historical matters, e.g. the case of Katyń, where mass murders of Polish military officers and public officials had taken place. Russian authorities were not eager to declassify files on the case and presented a completely different view on the matter. The Polish government was very sensitive about this issue and principal while discussing it with the Russians, which was widely understood and supported by Polish public opinion. Thus, there were only meagre prospects for reaching a consensus.

This stalemate was not solved even by the lifting of the Polish and Lithuanian veto for negotiations on PCA so that they began in Samara in May 2007. Direct talks between Polish Foreign Minister Anna Fotyga and her counterpart Sergey Lavrov during the meeting of the Council of the Baltic Sea States in Szczecin did not contribute to reaching an agreement.¹⁶

Tension also grew because of the anti-missile shield project that was to be installed in Poland and the Czech Republic. Russian authorities were strictly against it and threatened to deploy additional forces in the Kaliningrad Oblast as an 'adequate response'. This atmosphere of distrust was sometimes exaggerated by politicians from both sides. The situation began to change after parliamentary elections in Poland in October 2007. The Law and Justice government was replaced by a coalition of the Civic Platform and Polish People's (Peasants') Party. The new government declared the will to improve bilateral relations and lifted the veto on OECD negotiations.

Various initiatives were taken to overcome existing obstacles. A bilateral Group for Difficult Issues was formed in order to deal with problematic issues (such as the different perception of recent history). The meat ban was partially lifted by a special memorandum that was signed in Svetlogorsk in December 2007, just a few weeks after the change of government in Poland. The entire matter was concluded three months later, when an agreement between the EU and Russia was signed in Brussels. It prepared the ground for serious and constructive talks on other issues, except the anti-missile shield, since Polish authorities clearly said that this matter would not be subject to 'negotiations with third-party states'.¹⁷

Along with the improvement in relations with Russia, the Polish government strived to intensify Poland's relations with its eastern neighbours, that is, former Soviet republics, particularly Belarus, Ukraine and Moldova (though it does not border Poland directly). This proceeded through both bilateral and EU channels.

¹⁶ A. Eberhardt, *Stosunki Polski z Rosją [Poland's relations with Russia]*, Polish Foreign Policy Annual 2008, p. 150.

¹⁷ *Ibid.*, p. 156.

Together with Sweden, Poland proposed a new initiative, the Eastern Partnership (EaP), the aim of which was to strengthen ties between Eastern European countries and the EU, help build civil society, and support democratic mechanisms. Russia treated the EaP as an almost hostile project that required Russian countermeasures, such as loans for CIS states to mitigate the effects of the economic crisis or new integration projects, in particular the Customs Union/Eurasian Economic Community.

The period of 2008–2011 was marked by three different events: 1) war between Russia and Georgia, which Poland strongly opposed; 2) a plane crash near Smolensk in which the Polish president and many prominent public persons died; 3) the signing of the Local Border Traffic Regime in December 2011. The three years in between the happenings were generally filled with co-operation rather than lack of it, especially regarding Kaliningrad issues. There was a growing certainty in Warsaw that along with improving relations with Russia, the Kaliningrad Oblast could be involved in regional integration more effectively.

A more pragmatic tone was also a matter of personalities to some extent. Radosław Sikorski wanted to build Poland's policy towards Russia on the basis of interests, still having in mind that some historical issues had to be solved in order to open a new chapter in mutual relations. Russia was treated more as a neighbour and a potential partner in regards to whom the 'more for more' rule should apply, which would stress European values. As long as Russia was eager to implement political and legal reforms and would show good will in overcoming obstacles, Poland would continue expanding co-operation.

In terms of the political atmosphere, 2004–2011 witnessed a significant change in the quality of Polish-Russian relations. At first, old problems together with new ones led to their deterioration. Starting from 2007/2008, however, a more pragmatic approach contributed to an improvement in the situation. Both sides could concentrate on realising joint projects and initiatives. This became visible in regards to the Kaliningrad Oblast.

4. Trans-border and local government co-operation

Two Polish voivodeships border the Kaliningrad Oblast: Pomorskie and Warmińsko-Mazurskie. The former is closely interlinked with the Baltic Sea in terms of co-operation with the Nordic countries and, through the harbours of Gdańsk and Gdynia, serves as a significant trade centre for the whole of Poland. The latter is one of the least developed Polish regions, having a high unemployment

rate with its peak at the border counties of Braniewo and Gołdap.¹⁸ The region is tourism-oriented but it is also striving to create space for more extensive co-operation with Kaliningrad since that poses many opportunities to speed up the process of overcoming economic backwardness. Although much has been done regarding this issue in recent years, especially after Poland's accession to the EU, it still remains a problem that needs a comprehensive solution.

Most trans-regional co-operation can be divided into two groups: 1) co-operation closely interlinked with Euroregions, 2) co-operation of local governments and NGOs, which increased noticeably in 2004–2011. This does not mean, however, that other forms of co-operation were not used. Many of them involved voivodships, not only those on the border. For instance, in 1991 the Szczecin Voivodship (in 1999 transformed into Zachodniopomorskie Voivodship) began co-operating with Kaliningrad in diverse fields (economy, culture, science, etc.).¹⁹

Cross border cooperation with regards to the Kaliningrad Oblast also includes environmental protection programmes. They aim at constructing new or reconstructing existing environmental protection facilities, improving public awareness of threats posed by the pollution of the Baltic Sea, etc. It is also worth noting that Poland was among the largest beneficiaries of such initiatives in the nineties when the Polish shoreline was highly polluted because of the devastating effect of industrialisation in communist times. The focal point moved to the Russian shoreline a few years ago.

4.1. Euroregions

In general, there are two Euroregions in which the Kaliningrad Oblast has been actively involved: Baltic and Neman. Others (Łyna-Ława and Šešupė) are relatively young (both were established in 2003) and function at a noticeably smaller scale than the former regions. Nevertheless, they have great potential to serve as a concrete way to enhance cross-border interaction in the future.

Euroregion Baltic was created in 1998 by six Baltic Sea countries. It relied, however, on an already well-developed net of connections, both formal (institutionalised) and informal. It has encompassed Kaliningrad since 2002. The

¹⁸ *Vademecum Statystyczne Samorządowca [Statistical Guide of Local Government Clerks]*, <http://www.stat.gov.pl/vademecum/vademecum_warminsko-mazurskie/portrety_gmin/braniewski/w.braniewo.pdf>, 20-08-2012; *Statystyka [Statistics]*, <<http://www.goldap.pup.gov.pl/kat/id/10>>, 20-08-2012.

¹⁹ *Polsko-rosyjska współpraca regionalna. Stan na 2009 r.*, <<http://www.moskwa.polemb.net/gallery/economy/dokumenty/Regiony.pdf>>, 20-08-2012.

initiative is constantly gaining significance. For instance, the Permanent Secretariat (based in Elbląg) was established in 2004 in order to improve co-ordination of on-going projects.

The main aims of Euroregion Baltic are to facilitate contacts among its inhabitants, to improve living conditions, and to contribute to the sustainable growth of the entire Baltic Sea Region. They have been implemented in three areas: cross border, strategic and political co-operation.²⁰ In order to allow better co-ordination between particular actions, the Joint Development Programme was established as a central instrument of the Euroregion's activity.

Throughout 2004–2011, several joint Polish-Kaliningrad projects were conducted. Partners from other BSR countries were also included. Most of them were micro- and medium-sized projects and tackled the following areas:

- a) enhancing business possibilities in the Kaliningrad Oblast that would involve entrepreneurs from other countries,
- b) improving co-operation and sharing experience in the field of agriculture,
- c) stimulating social initiatives and transferring knowledge and experience to less developed parts of the Euroregion.

Some grants were funded by Polish entities. For instance, the Association of Polish Communes has spent 1.8 million euro for projects involving Kaliningrad, Belarus and Ukraine since 2009.²¹ Most of the joint initiatives within Euroregion Baltic have been realised by the Warmińsko-Mazurskie Voivodeship.

The second Euroregion, Neman, includes Podlaskie Voivodeship, which does not border the Kaliningrad Oblast. Nevertheless, its participation in the project is meaningful since it serves, together with Lithuanian co-partners, as a link between Kaliningrad and Belarus. The Euroregion was established in 1997. Kaliningrad joined it five years later. Its focal point is the place where the borders of four countries meet along the Neman River and its drainage basin. Kaliningrad-Polish co-operation therefore does not play a foreground role as in the case of Euroregion Baltic.

It is worth noting that both Euroregions have taken part in common EU programmes such as the Human Capital Programme or the Infrastructure and Environment Programme. It points to a very important fact: Euroregions that involve Kaliningrad are strongly interconnected with other EU initiatives. One

²⁰ *Background: Euroregion Baltic*, <http://www.euroregionbaltic.eu/index.php?option=com_content&view=article&id=166&Itemid=113>, 20-08-2012.

²¹ *Ibid.*

of its 'pan-European' aims is therefore to bring Kaliningrad closer to highly institutionalised European co-operation at a local scale.

4.2. CBC and BSR programmes

Apart from various initiatives pertaining mostly to environmental protection, two main EU projects have been available for Kaliningrad for the period of 2007–2013: Cross Border Cooperation Lithuania-Poland-Russia (CBC) and the maritime Baltic Sea Region Programme (BSRP).

CBC 'aims at strengthening relations between Poland, Russia and Lithuania through enhanced bilateral and trilateral relationships'.²² It covers the entire Kaliningrad Oblast, Warmińsko-Mazurskie Voivodeship, south-western parts of Lithuania, vast parts of Pomorskie and Podlaskie voivodeships, and the northern part of Mazowieckie Voivodeship. The total budget of the programme amounts to 179 million euro, of which 132 million were assigned by the EU and, additionally, 47 million by Russia. The latter could not be used until 2010 because Russia demanded the same rights as the EU had in the process of distributing the funds in return. Thus, preparation of the programme took over three years.²³

The BSRP was designed as an instrument to improve co-operation in four clusters: energy, water, innovation and transport.²⁴ It became a part of the EU Strategy for the Baltic Sea Region and was endorsed by the European Commission in 2009.²⁵ The priorities of the BSRP are: 1) fostering innovations, 2) internal and external accessibility, 3) the Baltic Sea as a common resource, 4) attractive and competitive cities and regions.²⁶

The budget of the programme is 222.8 million euro, out of which 208 million have been assigned by European Regional Development Fund. Kaliningrad takes part in four programmes (two in the Third and two in the Fourth Priority). Polish regions are involved in none of them. So far, 67.7 million euro have been paid out to beneficiaries.

²² *Legal basis* [of CBC], <<http://www.lt-pl-ru.eu/en,1>>, 20-08-2012.

²³ J. Rogoża, A. Wierzbowska-Miazga, I. Wiśniewska, *A captive island: Kaliningrad between Moscow and the EU*, p. 53.

²⁴ *The Baltic Sea Region Programme 2007–2013*, <http://eu.baltic.net/The_Baltic_Sea_Region_Programme_2007_2013.2.html>.

²⁵ *The EU Strategy for the Baltic Sea Region*, <<http://www.gios.gov.pl/artykuly/783/The-EU-Strategy-for-the-Baltic-Sea-Region>>, 20-08-2012.

²⁶ *BSRP Factsheet*, <<http://eu.baltic.net/redaktion/download.php?type=file&cid=843>>, 20-08-2012.

4.3. Border crossings and transport infrastructure

As a highly militarised area, Kaliningrad Oblast was closed to foreigners, including those from Soviet bloc countries, until the collapse of the Soviet Union. Even for Soviet citizens it was necessary to obtain special permission to enter the region.

Poland strived to establish regular border crossing points as soon as possible. The first road border crossing open for individual traffic was Bezledy-Bagryatyonovsk in 1992. Later on, two additional road border crossings were established: Gołdap-Gusyev in 1995 and Gronowo-Mamonovo in 1997. The former is the only example of the successful lobbying of a local government to establish a Polish-Russian border crossing on its territory.

In 2004 it became apparent that the infrastructure was highly insufficient. It is even more striking if looking at the number of people crossing the border. In 2000 it exceeded 4 million. In 2003 it dropped to 3.1 million, probably because of the introduction of a new visa regime.²⁷ Still, the tendency was clear and significant.

Crossing points lacked special equipment on both sides. Additionally, there was only one crossing (Gołdap-Gusyev) open to pedestrians. On the one hand, this had a negative impact on the development of tourism. On the other hand, restrictions served as a measure against smuggling. Other problems included: long expected time for lorries to cross the border, complicated procedures (especially on the Russian side), and the quality of motorways leading to the crossings.

EU enlargement brought new opportunities to improve the situation. At first, it resulted in increased controls in order to tighten the border, which became the external border of the entire EU. Some border guards were moved to northern and eastern border points from other frontiers of Poland. Even though traffic had dropped, it was clear that it would increase after people got used to the visa regime. It thus became crucial to modernise the existing infrastructure in order to assure that long waiting lines would no longer be a problem.

Traffic obstacles were visible throughout the entire period analysed in the article. For instance, in 2006 Russia implemented new rules of control for vehicles on its borders, including additional fees. This led to extending the time needed

²⁷ T. Palmowski, *Współpraca z Obwodem Kaliningradzkim Federacji Rosyjskiej jako czynnik rozwoju regionalnej [Co-operation with the Kaliningrad Oblast of the Russian Federation as a factor of regional development]*, p. 711, <http://www.mrr.gov.pl/rozwoj_regionalny/poziom_regionalny/strategia_rozwoju_polski_wschodniej_do_2020/dokumenty/Documents/e9c8e43c89544a13ab940a1a192ee58aPalmowski.pdf>, 20-08-2012.

to cross the border. After the intervention of the Polish Foreign Ministry, local authorities in Kaliningrad explained that new regulations had been a surprise to them, too.²⁸ Another example was the 2008 strike that Polish customs officials took part in. It had negative impact on railway cargo.²⁹

Apart from modernising existing border crossings, in particular the one in Gołdap, the priority for both central and local Polish authorities was the construction of a new crossing, Grzechotki-Mamonovo II. Not only did it require building new facilities on the border, but also improving motorway infrastructure. The idea relied on using the old one-lane highway from Elbląg (*Elbing*) to Königsberg that had been constructed back in Nazi times when the region belonged to Germany. The motorway remained mostly unused after the war.

Construction of the Grzechotki-Mamonovo II border crossing had already been mentioned in a bilateral agreement of 1992. The proposal was later reintroduced by the Polish government. Russian authorities initially seemed to be uninterested. They argued that they had to finish reconstructing the border crossing in Bagryatyonovsk first and only afterwards would it be possible to start the project.³⁰

This led to a long delay in realising the project. It started only in 2005 and resulted in the relatively quick creation of the S22 motorway on the Polish side. It was ready at the end of July 2008. Since the border crossing was still not finished, however, one could use the motorway only partially, and it was necessary to cross the border at the old crossing in Braniewo. It took over two more years to bring the case to a successful end. Grzechotki-Mamonovo II was opened in December 2010. Total cost of the project amounted to almost 32 million euro for the crossing, out

²⁸ *Interpelacja w sprawie problemów, jakie napotykają obywatele polscy przy przekraczaniu granicy polsko-rosyjskiej, w kontekście funkcjonowania przejść granicznych między Polską a okresem kaliningradzkim, na przykładzie przejścia granicznego Gołdap-Gusiew [Interpellation in regards to problems that Polish citizens have experienced while crossing the Polish-Russian border in the context of the functioning of the border crossings between Poland and the Kaliningrad Oblast on the basis of the example of the Gołdap-Gusyevo border crossing]*, <<http://www.gover.pl/k5/poslowie/szczegolyInterpelacji/posel/kaczynski-ryszard/interpelacja/interpelacja-w-sprawie-problemow-jakie-napotyka-obywatele-polscy-przy-przekraczaniu-granicy-polsko-rosyjskiej-w-kontekście-fun>>, 20-08-2012.

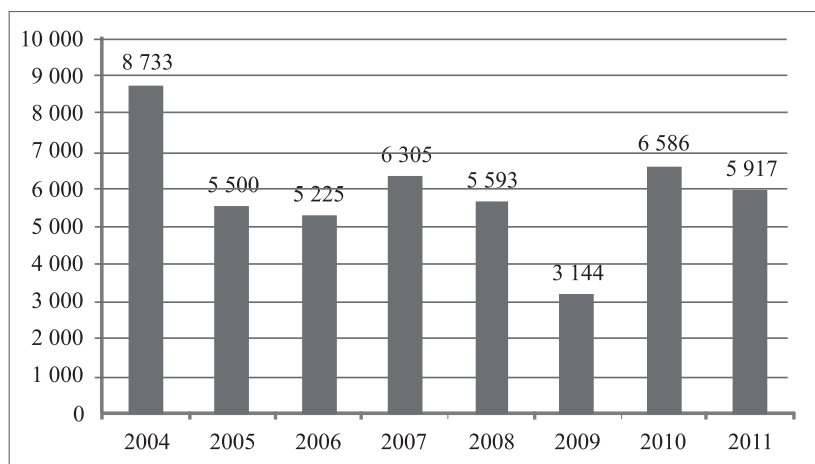
²⁹ *Protest polskich celników utrudnia pracę rosyjskim kolejom [Protest of Polish customs officials impeding the work of Russian railways]*, <<http://wiadomosci.gazeta.pl/wiadomosci/1,114873,4877484.html>>, 20-08-2012.

³⁰ *Odpowiedź podsekretarza stanu w Ministerstwie Spraw Wewnętrznych i Administracji – z upoważnienia ministra – na interpelację nr 6173 w sprawie decyzji o wstrzymaniu odbudowy przejścia granicznego Grzechotki-Mamonowo II [Answer of the undersecretary of state at the Internal Affairs and Administration Ministry, assigned by the minister to interpellation no. 6173 concerning the decision to suspend the rebuilding of the Grzechotki-Mamonovo II border crossing]*, <<http://orka2.sejm.gov.pl/IZ3.nsf/main/733FA3DF>>, 20-08-2012.

of which 13.4 million euro came from the EU Phare Fund, and over 120 million euro for the motorway.

All the delays in this matter were seemingly connected mostly with the lack of interest from the Russian side. This might be surprising because the road leading to the new border crossing on the Russian side was of relatively good quality and did not have to be extensively reconstructed. Thus, only new border facilities were needed. The potential of the crossing could not, however, be fully used. For instance, the phytosanitary control point on the Polish side required an adjacent installation on the Russian one.

Table 1. Value of goods people tried to smuggle through the Polish-Russian border (in thousands of USD)



Source: *The Polish Border Guard*.

Interestingly, speeding up the process coincided with improvement in Polish-Russian relations. Thanks to it, Grzechotki-Mamonovo II has become the largest border crossing between Poland and Russia. It can process up to 5000 cars, 300 buses and 800 lorries a day, which has significantly contributed to easing other crossings and shortening the average waiting time.³¹

³¹ *W Grzechotkach ruszyło największe przejście na granicy z Rosją [The largest border crossing with Russia has been launched in Grzechotki]*, <<http://info.elblog.pl/19,20196,W-Grzechotkach-ruszylo-najwieksze-przejscie-na-granicy-z-Rosja.html>>, 20-08-2012.

Data analysis of the number of people who crossed the border in 2004–2011 shows that it fluctuated vastly. For instance, between 2004 and 2006 it was well above 3.5 million. It later dropped to 1.9 million in 2008 and to only 1.3 million in 2009, however.³² One might assume it was connected with Poland's accession to the Schengen Zone. It took some time to get used to new rules, which is illustrated by growing numbers beginning in 2010. Undoubtedly, the LBTR will contribute to strengthening this trend.

A serious problem was smuggling, which has its roots in the significant price differences of various goods (see Table 1). Of particular importance were fuel, alcohol and cigarettes, which are cheaper in Russia than in Poland. One of the main tasks of the border guard services of both countries was therefore tightening the border. Data show that there was no clear tendency regarding the volume of smuggling. Even though the number of people who crossed the border between 2007 and 2009 dropped substantially, the total value of goods people attempted to smuggle remained similar.

5. Economic co-operation

The disproportion between the economic potential of Poland and the Kaliningrad Oblast is substantial. The region is 20 times smaller in terms of territory and almost 40 times less populated than Poland. The difference between economic development is also vast and has generated opportunities, as well as threats. It was not, however, a decisive factor for the level and quality of economic co-operation throughout the period of 2004–2011.

Poland has played an important role in Kaliningrad's trade mainly because of three reasons. First, since the region is separated from Russia, the costs of shipping goods from the mainland are high. Subsidies from the centre do not mitigate this effect entirely. It is thus sometimes more profitable to import products from neighbouring countries, but it depends, however, on fees and other factors. Second, although the region's industry has been the largest contributor to GRP, it concentrates on particular branches and it is therefore necessary to import other goods. Third, Kaliningrad as an external market located close to the border has posed a great opportunity for entrepreneurs from neighbouring Polish regions,

³² Data obtained from the Polish Border Guard.

in particular from Warmińsko-Mazurskie Voivodeship. It is estimated that approximately 30% of Polish companies present in Kaliningrad come from there.³³

Beginning in the nineties, local authorities showed much interest in encouraging foreign businessmen and investors to come to Kaliningrad. It was relatively easier than it was later on, for the level of control from Moscow over the region was noticeably lower before Vladimir Putin came to power. Starting in 2000, the Kremlin took a series of actions aimed at centralising Russia in order to prevent it from centrifugal tendencies. These were also visible in terms of the economy. For instance, the financial reform of 2001 deprived Kaliningrad of a significant part of tax revenues. Instead, subsidies from the central budget were introduced.³⁴ Moreover, the centre became involved in regulating the region's external economic relations in a comprehensive way. To some extent, it coincided with EU enlargement. The introduction of a visa regime and other EU-related restrictions contributed to Moscow extending its economic influence over the developments in Kaliningrad. Additionally, the new governor appointed in 2005, Georgiy Boos, mostly obeyed orders from the centre and relied on subsidies, not on supporting small and medium-sized local ventures.

The aforementioned points are crucial, taking into account that Kaliningrad is one of the most active regions of Russia in terms of small enterprises. According to data published by the local government, over one-third of GRP was generated by such firms in 2010, which is twice as much as in the case of Russia.³⁵ Their potential could be strengthened by cross-border co-operation with their Polish and Lithuanian counterparts.

Poland intensively supported economic co-operation with Kaliningrad throughout 2004–2011. At first, co-operation began to develop spontaneously. Some actions promoting the Polish economic presence in Kaliningrad were taken by the Trade Section of the Consulate General, established in 1994. It helped a number of Polish enterprises function within the framework of the Special Economic Zone of 1996. The next zone of 2006, however, contributed to lowering the number of Polish companies being active in Kaliningrad. The reason was, first

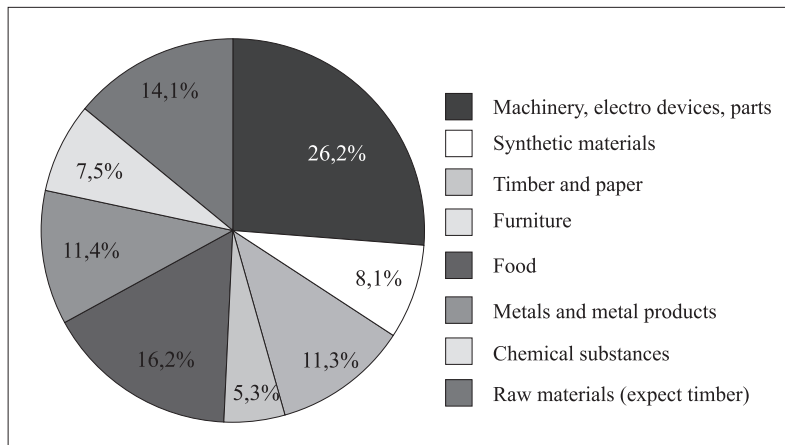
³³ T. Palmowski, K. Kondratowicz, *Cross-border Economic Cooperation between Poland and the Kaliningrad Oblast of the Russian Federation*, <http://www.bcz.apsl.edu.pl/13_II_BCZ/005_014_Palmowski.pdf>, 20-08-2012.

³⁴ J. Rogoża, A. Wierzbowska-Miazga, I. Wiśniewska, *A captive island: Kaliningrad between Moscow and the EU*, <<http://www.osw.waw.pl/en/publikacje/osw-studies/2012-07-25/a-captive-island-kaliningrad-between-moscow-and-eu>>, 20-08-2012.

³⁵ *Ibid.*, p. 17.

of all, the legal basis of the zone. It was designed for large enterprises that would invest a minimum of approximately 5 million euro.³⁶ Since Polish businesses in Kaliningrad are mostly small and medium-sized, some of the over 500 companies decided to withdraw from the local market. In 2011, only 373 Polish enterprises functioned in the region.³⁷

Table 2. Structure of Polish exports to the Kaliningrad Oblast in 2011



Source: *Trade and Investment Promotion Section in Kaliningrad.*

Polish exports to the region grew almost constantly in 2004–2011 (see Table 3). The only exception was a 46% drop in 2009 that was caused by the economic crisis. It struck Kaliningrad more than the rest of Russia (see Table 4) due to the region's specific situation. This fact points to another important observation: Kaliningrad is developing faster than Russia, but economic turbulences strike it harder than the whole country. It poses opportunities as well as threats for Polish business.

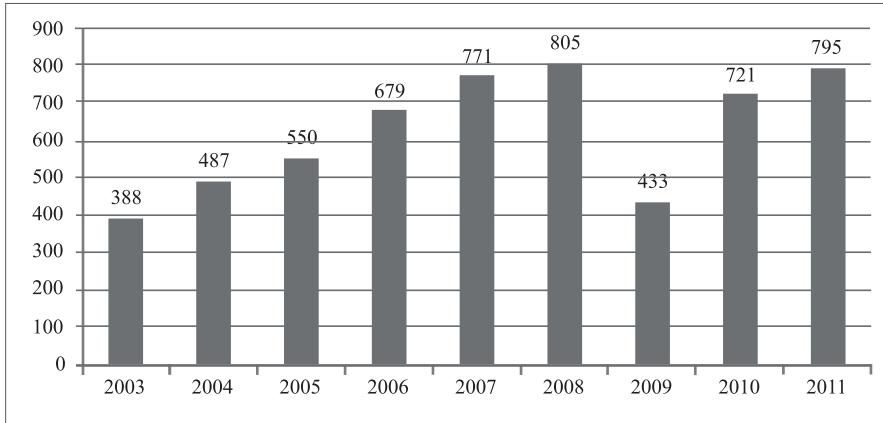
In general, Polish enterprises largely met the oblast's demand in areas not well developed in the region. Moreover, Polish and other foreign goods are competitive

³⁶ The law that introduced the SEZ entered into force in April 2006. It replaced the law of 1996 without overruling the privileges for those entrepreneurs who had started their ventures under the auspices of the previous law.

³⁷ Information obtained from the Trade and Investment Promotion Section in Kaliningrad.

with the ones from mainland Russia, since it is sometimes cheaper to bring them from abroad. The structure of Polish exports is shown in Table 2.

Table 3. Polish exports to the Kaliningrad Oblast (millions of USD)

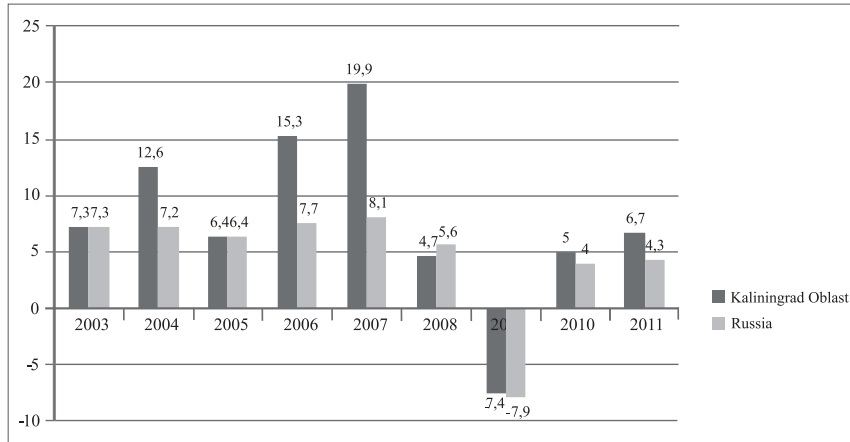


Source: T. Palmowski, K. Kondratowicz, *Cross-border Economic Cooperation between Poland and the Kaliningrad Oblast of the Russian Federation*, <http://www.bcz.apsl.edu.pl/13_II_BCZ/005_014_Palmowski.pdf>, 20-08-2012.

Most enterprises tried to find ways of accessing the Kaliningrad market not only on their own but also with the help of the Trade and Investment Promotion Section of the Polish Consulate General, business associations, or local government institutions. For example, in March 2011 the Business Co-operation Forum was held in Olsztyn. Over 220 enterprises from Kaliningrad and Poland attended the event, which was strongly supported by Nikolai Tsukanov, governor of Kaliningrad since 2010, and Warmińsko-Mazurskie authorities. The forum resulted in agreements being signed in various areas and facilitated further contacts between businessmen from both sides.

It seems to be a fact that mutual will to develop bilateral economic ties has existed. New local government structures in Kaliningrad are eager to encourage foreign partners to do business in the Russian semi-exclave. Additionally, because the LBTR has entered into force, trade exchange might gain new momentum. There are, however, at least a few factors that have had a negative impact on developing economic ties with the Kaliningrad Oblast. They include:

Table 4. Growth of GDP of Russia and GDP of the Kaliningrad Oblast (in %)



Source: *Trade and Investment Promotion Section of the Polish Consulate General*, <<http://www.parp.gov.pl/files/74/107/510/12505.pdf>>, 20-08-2012.

- 1) the reluctance of the Kremlin to open the region for closer interaction with its closest partners; an important obstacle in this regard is limited access for foreign investors to purchase land; in theory, a long lease (for 49 years) is possible, but in practice only short leases are granted by the authorities; this problem has been raised many times by Polish entrepreneurs;³⁸ furthermore, on the territory of the oblast there have been various areas of limited access, mostly because of its long land border and military importance; approximately one-third of region's total territory is subject to access restrictions.³⁹
- 2) technicalities — despite creating a new border crossing at Grzechotki-Mamonovo, the potential of border facilities is still not fully or even sufficiently used; for instance, phytosanitary checks cannot be performed even though the appropriate system has been implemented by the Polish side; additionally, complications on the Russian side such as long border queues or the necessity to give bribes to jump the queue have not been resolved;
- 3) Polish transport enterprises have raised the question of Russian authorities limiting the number of permits required to operate in Kaliningrad;

³⁸ Information obtained from the Trade and Investment Promotion Section in Kaliningrad.

³⁹ J. Rogoża, A. Wierzbowska-Miazga, I. Wiśniewska, *op. cit.*, p. 45.

it has a serious impact on the end prices of certain goods in the region, making them as much as 20-30% higher than they could be.⁴⁰

If the aforementioned obstacles are overcome and Russian central authorities remain interested in enhancing the economic activity of Kaliningrad in the neighbouring area, there is a chance to develop its economic co-operation with Poland more dynamically.

6. Areas of discord

Close links between Warsaw-Moscow relations and the prospects of co-operation with Kaliningrad was well reflected by issues that became a serious reason for Polish-Russian discord. Most of them had their roots in the period of democratic transition in Central Europe and the collapse of the Soviet Union. One obstacle, namely the Strait of Pillau, had not been properly solved soon after World War II and the change of borders in the region. It appeared on the agenda precisely because of the dissolution of the Soviet bloc and new geopolitical situation in the region.

Tensions were both regional (i.e. directly connected with Kaliningrad) and inter-state. The prospects for finding a solution to them were highly dependent on the will of the Kremlin. The authorities there, beginning in the nineties, shared various visions of Russia's role in post-Cold War international relations.

The main topics on the Polish-Russian agenda connected with the Kaliningrad Oblast were:

- a) the Strait of Pillau,
- b) anti-missile shield,
- c) the question of visa regime and local border traffic,
- d) trans-regional co-operation, including infrastructural projects,
- e) development of economic co-operation.

6.1. The Strait of Pillau

The strait allows vessels to sail from the Vistula Lagoon to the Baltic Sea and connects the Polish harbours of Elbląg, Tolkmicko and Frombork with the open sea. The strait is 860 meters wide, 400 of which is the shipping route, and 2 km long.

⁴⁰ Information obtained from the Trade and Investment Promotion Section in Kaliningrad.

The lagoon has been divided between Poland and the USSR (Russia) since the end of World War II. Despite several bilateral agreements in which the right of innocent passage had been guaranteed, the Strait of Pillau was blocked to Polish vessels due to the arbitrary decision of Soviet and, later on, Russian authorities, mostly due to the militarisation of the Kaliningrad Oblast and its strategic importance. What is important in this matter is that most Polish democratic governments remained inactive and did not try to solve this issue.

The Russian government unilaterally closed the maritime border with Poland in May 2006. This decision led to significant losses for the region surrounding the Polish part of the Vistula Lagoon. The city of Elbląg in particular suffered a major setback in its development as a trade centre.⁴¹ Its harbour, re-established after the war in 1952, prospered until 2006. After the strait was closed, it served only as a meagre facility with few prospects of thriving. This was even more striking as certain hopes connected with a 'new opening' between Poland and Russia followed by the treaty of 1992 influenced the municipal authorities of Elbląg to extensively rebuild the city harbour. It resulted in significant increase in shipments with its peak in 1997 (641,300 tonnes). Only in August 2006 did Russian authorities allow Polish ships to sail, but they blocked access to the lagoon to third-party ships.⁴² The following years saw Elbląg downgraded to a mini-scale harbour.

The Russian government claimed that the 1945 Polish-Soviet agreement on allowing the sailing of Polish vessels had expired after Poland's accession to the EU.⁴³ Because there was no bilateral document regulating this question in a different manner, the strait became inaccessible to ships other than Russian ones. From a legal point of view, however, Polish and international ships should have been granted the right of innocent passage a long time ago since the strait was the only way to sail into the Polish part of the basin. No additional agreement, including the one of 1945, was needed. This question was not even raised during negotiations about the neighbourhood treaty, which was eventually signed in May 1992.

It is worth noting that the unilateral decision to close the strait to Polish vessels was taken during a period of significant deterioration in Polish-Russian relations. To some extent, it was related with reshuffling in the Polish political scene. The

⁴¹ In 1936, the port shipped half a million tonnes of cargo, while in 2007 the amount of cargo dropped to 3500 tonnes. <*The Elbląg Port official website*, <<http://www.port.elblag.pl/page/show/5/przeladunki?lang=pl>>, 20-08-2012.

⁴² A. Eberhardt, *Stosunki Polski z Rosją [Poland's relations with Russia]*, Polish Foreign Policy Annual 2007, p. 137.

⁴³ *Ibid.*

Law and Justice party, which came to power in 2005, changed the rhetoric towards Russia. It was based upon articulating Polish postulates and interests in a strict and uncompromising way. Thus, it had its share in generating new tensions or raking through old areas of tension. One of these disputes was the Strait of Pillau.

The stalemate was overcome in part by another shift. Law and Justice's government was replaced by the Civic Platform party. The latter declared a new opening in relations with Russia and wanted to manifest a pragmatic approach towards Kaliningrad. After a series of conciliatory steps from both sides, on 15 July 2007, President Vladimir Putin signed a decree that allowed third-party ships to sail through the Strait of Pillau. An adequate agreement between the Polish and Russian governments was signed a month and a half later. Even though the strait was re-opened for Polish and third-party vessels, some restrictions regarding traffic were made by Russia anyway. The strait could be closed at any time due to security and defence reasons, which was the case in 2010 when the Three Marshalls' Regatta took place simultaneously with the Baltic Fleet manoeuvres. Polish yachts were detained at the border while going to Baltiysk to attend the regatta.⁴⁴

The case of the Strait of Pillau is interesting also because of the attitude of consecutive Polish governments towards it. None of them rejected the Soviet/Russian interpretation of bilateral and international treaties since the democratic transition in 1989. What is more, they did not even seem to try to raise the question of Russian obligations connected with the United Nations Convention on the Law of the Sea (signed in Montego Bay), which had straightened out the hitherto existing regulations and had allowed Poland to re-open the case of the strait. Undoubtedly, it could not have happened at the time of Soviet domination over Central Europe. Later on, however, there were no reasons for acting likewise.

The question of the strait did not raise substantial concerns among Polish political circles either. For instance, there were few interpellations in three parliamentary terms. Polish politicians and experts, to a large extent, were obviously not aware of the problem. Thus, they had not tried to negotiate a suitable agreement earlier. A positive change in Polish-Russian relations at an interstate level, however, allowed for a new opening in the Strait of Pillau question and led to an agreement being reached very quickly.

⁴⁴ J. Rogoża, A. Wierzbowska-Miazga, I. Wiśniewska, *A captive island: Kaliningrad between Moscow and the EU*, <<http://www.osw.waw.pl/en/publikacje/osw-studies/2012-07-25/a-captive-island-kaliningrad-between-moscow-and-eu>>, 20-08-2012.

6.2. Anti-missile shield

The US proposal to install a missile shield in Poland and Czech Republic pertained to Polish-Russian relations in general and also to the Kaliningrad Oblast, as it was used as a bargaining chip in talks. Polish-US negotiations began in 2005 and as early as 2006 specific proposals were put on the table. These proposals were a part of a larger US plan to deploy a number of missiles to prevent rogue states from performing a successful attack on US territory.

Poland, as a generally pro-American country, responded positively to the proposal. It met with vehement opposition from the Russian side. Russian authorities considered the US initiative a direct threat to national security. According to the Kremlin, the missile shield aimed at impairing the strategic position of Russia in Europe. Moscow therefore threatened to deploy its own missiles (the Iskander type) on the territory of Kaliningrad. Russian reactions were very trenchant, especially after the initial agreement was signed in August 2008. President Medvedev said, 'One should not tell fairytales that this [the anti-missile shield] aims at containing other states [i.e. not Russia]'.⁴⁵

The emotional roots of the matter were obvious. When the change of government took place in Poland in 2007 and Barack Obama won the US election in 2008, shadows were cast over the project since the new governments of both countries had a different opinion about the issue than their predecessors. Finally, on 17 September 2009, the US administration announced that it would withdraw from the anti-missile defence system as a solely American concept. This seemed to have been a significant part of resetting relations with Russia. The decision was striking for Poland and the Poles since it was announced on the 70th anniversary of the Soviet attack on Poland. Russia, on the other hand, considered this change of plans as a success of its policy but did withdraw from deploying Iskander missiles in the Kaliningrad Oblast.

The USA later decided to involve NATO in the project, which did not change the prospect of locating missiles in Poland. This led to a similar reaction in Russia in 2011. President Medvedev 'accused the United States and other NATO member states of a lack of readiness to consider Russian proposals regarding the missile defence'.⁴⁶

⁴⁵ W. Konończuk, *Rosyjskie reakcje na podpisanie polsko-amerykańskiej umowy o tarczy antyrakietowej* [*Russian reaction at signing of the Polish-American missile shield agreement*], <<http://www.osw.waw.pl/pl/publikacje/tydzien-na-wschodzie/2008-08-20/rosyjskie-reakcje-na-podpisanie-polsko-amerykanskiej-umowy>>, 20-08-2012.

⁴⁶ M. Kaczmarek, *Russia threatening to respond to US missile shield in Europe*, <<http://www.osw.waw.pl/en/publikacje/eastweek/2011-11-23/russia-threatening-to-respond-to-us-missile-shield-europe>>, 20-08-2012.

It is important to note that the Russian plan for modernising its armed forces included deployment of new Iskander missiles with a range of 500 km in Kaliningrad anyway.⁴⁷ The older generation of missiles, namely the Tochka, was in Kaliningrad already. Its range was either 70 km (SS-21) or 120 km (SS-21B).⁴⁸ This shows that Moscow considered the special location of its westernmost region mostly in geostrategic terms. In many regards, it could serve as a pilot region (environmental protection, municipal co-operation, etc.), but when it came to military issues, the old rhetoric was still very useful. In addition, this was not the only case of such thinking. Since one-third of the territory of the oblast has been subject to various restrictions and the Baltic Fleet facilities are still one of the most crucial state secrets, the anti-missile shield question was just a factor that contributed to the contradictory, at least at a first glance, logic of Russian central authorities towards Kaliningrad, because they very often declared the will to co-operate.

6.3. Local Border Traffic Regime

Poland's accession to the EU was not the only obstacle in terms of accessibility of visas for the inhabitants of the Kaliningrad Oblast. The next one was the Schengen Area. Poland became a member in December 2007 (three months later in the case of maritime and air border crossings). Technically, visa fees should have been raised to 70 euro. The EU and Russia, however, signed an agreement in 2006 that allowed for reduced fees (35 euro). It was still a great deal of money for the inhabitants of both Poland and Kaliningrad, especially since the local population was the majority of the border traffic. Because the level of economic development of the bordering areas (the entire region of Kaliningrad, to be precise) was low, it became vital to negotiate a local border traffic regime. According to European Commission Regulation No. 1931 of 2006, such an agreement would have to cover an area on both sides of the border, from 30 to 50 km long.⁴⁹ Its inhabitants would be entitled to cross the border without visas and they would only have to go through a truncated procedure.

⁴⁷ A. Wilk, P. Żochowski, *The Iskander missiles — Russia's apparent concessions*, <<http://www.osw.waw.pl/en/publikacje/eastweek/2009-02-04/iskander-missiles-russias-apparent-concessions>>, 20-08-2012.

⁴⁸ *Russia Tests Tochka (SS-21) Missile*, <<http://www.missilethreat.com/archives/id.4169/detail.asp>>, 20-08-2012.

⁴⁹ *Regulation (EC) No 1931/2006 of The European Parliament and of The Council*, <<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:405:0001:0022:EN:PDF>>, 20-08-2012.

The LBTR talks began in Moscow in January 2008.⁵⁰ A few challenges stood before both sides:

- a) agreeing upon a joint text of the agreement; at first, there were two proposals on the table;
- b) setting the area covered by the agreement; initially, the Polish government wished to include the entire territory of Warmińsko-Mazurskie and Pomorskie voivodeships; it was, however, unacceptable for EU institutions, since such a vast area would be disproportionate in comparison with the adjacent Russian territory;⁵¹ Poland thus concentrated on including the so called Tricity district (Gdańsk, Sopot and Gdynia), together with as much of Warmińsko-Mazurskie Voivodeship as possible;
- c) convincing EU member states to treat the agreement between Poland and Kaliningrad as a derogation to the general rule without regarding it as a precedent for the future; this was achieved only in October 2010 at a meeting of foreign ministers in Luxembourg and was soon approved by the European Parliament;⁵² if the consensus had not been reached and the LBTR had been signed anyway (but limited to 30–50 kilometres), citizens of the semi-exclaves would have been divided into four groups: those allowed to cross the border 1) either with Poland or 2) with Lithuania or 3) with both countries and 4) those being subject to no liberalisation whatsoever;⁵³ some actions were jointly taken by Poland and Russia,

⁵⁰ *Odpowiedź sekretarza stanu w Ministerstwie Spraw Zagranicznych - z upoważnienia ministra - na interpelację nr 3950 w sprawie terminów wprowadzenia małego ruchu granicznego na granicy Rzeczypospolitej Polskiej z Republikami: Białorusi, Ukrainy i Rosji [Answer of the undersecretary of state at the Foreign Affairs Ministry, entitled by the minister to the interpellation no. 3950 concerning the terms of introducing local border traffic at the border of the Republic of Poland with Belarus, Ukraine and Russia],* <<http://orka2.sejm.gov.pl/IZ6.nsf/main/42A84F00>>, 20-08-2012.

⁵¹ *Ratyfikacja przez Polskę Umowy o małym ruchu granicznym z Federacją Rosyjską [Poland's ratification of the Local Border Traffic Regime with the Russian Federation],* <http://emn.gov.pl/portal/esm/704/9181/Ratyfikacja_przez_Polske_Umowy_o_malym_ruchu_granicznym_z_Federacja_Rosyjska.html>, 20-08-2012.

⁵² *Unia zgadza się na bezwizowy ruch z Kaliningradem [EU agrees on non-visa traffic with Kaliningrad],* <http://wyborcza.pl/1,76842,10549359,Unia_zgadza_sie_na_bezwizowy_ruch_z_Kaliningradem.html#ixzz208OZKxka>, 20-08-2012.

⁵³ J. Fomina, *Local border traffic agreement for the Kaliningrad region: a success story of the Polish presidency and a trust-building exercise for Poland and Russia*, p. 1, <http://www.batory.org.pl/upload/files/ANG/Publikacje/Open%20Europe/Local_border_traffic_agreement_for_the_Kaliningrad_region_a_success_story_of_the_Polish_presidency_and_a_trustbuilding_exercise_for_Poland%20and_Russia.pdf>, 20-08-2012.

for example a letter to Catherine Ashton to convince her to support the project.⁵⁴

The Polish side was generally in favour of introducing the LBTR. The only concerns raised were those of its impact on the crime rate and border security. Polish and Russian public administration and security services established regular co-operation on these matters. For instance, one of the areas of interest of the working group on fighting international organised crime was border security and prevention of possible negative effects of the LBTR.⁵⁵

Russian authorities, however, were initially negative towards the idea of the LBTR. The Kremlin lobbied for a visa-free regime with the EU as a whole. Only after EU institutions rejected the proposal did it change its attitude and showed interest in the LBTR with Poland.

Substantial concerns were raised by Lithuania. At first Lithuanian state officials were against the LBTR between Poland and Kaliningrad and thus blocked the initiative at the EU level. Their arguments were mostly of a security nature. Lithuania wanted to be completely sure that the LBTR would not pose any threat to the Lithuanian borders. Additionally, Vilnius was concerned about contraband, which would encompass smuggling goods significantly cheaper in Russia via Poland to Lithuania. This concern grew after Vygaudas Ušackas was replaced by Audronius Ažubalis as Lithuanian foreign minister in February 2010.⁵⁶ After some time, however, Lithuania stated that it would not oppose the idea if the European Commission performed a thorough analysis of the steps taken by the Kaliningrad Oblast and its level of preparation putting the LBTR idea into motion.

Negotiations were intensive and somewhat problematic. The process of reaching an agreement was often linked with the wider question of the liberalisation of the visa regime for all Russian citizens. When that turned out to be impossible, Russia and Poland lobbied EU institutions to include the entire territory of the Kaliningrad Oblast into the LBTR. To put pressure on the European Commission, Vladimir Putin even said that Russia was not interested in any facilitation for Kaliningrad exclusively. It was either the question of Russia in general or no question at all.⁵⁷

⁵⁴ *Ibid.*, p. 3.

⁵⁵ *Ibid.*

⁵⁶ *Vilnius does not want the lifting of visas for all the Kaliningrad Oblast*, <<http://www.osw.waw.pl/pl/publikacje/best/2010-08-18/wilno-nie-chce-likwidacji-wiz-dla-calego-obwodu-kaliningradzkiego>>, 20-08-2012.

⁵⁷ *Vladimir Putin opposes visa facilitation for the Kaliningrad Oblast*, <<http://www.osw.waw.pl/en/publikacje/eastweek/2011-06-08/vladimir-putin-opposes-visa-facilitation-kaliningrad-oblast>>, 20-08-2012.

Finally, the need for establishing an extended border zone (without changing its definition) was noticed in Brussels and the green light for concluding the issue was given.

Since consent had been reached among Poland, Russia, and the EU institutions, the agreement was signed on 14 December 2011 by Radosław Sikorski and Sergey Lavrov in Moscow. It is worth noting that the signing took place during the Polish presidency of the European Council, which, together with the intensive efforts of Polish diplomacy, contributed a lot to convincing EU institutions about the need for the LBTR.

The document was ratified by the Polish parliament in April and signed by President Bronisław Komorowski on 4 May.⁵⁸ As for Russia, the ratification procedure was ended in the middle of June. The LBTR started working on 27 July.⁵⁹ It covers the entire Kaliningrad Oblast and large parts of Warmińsko-Mazurskie and Pomorskie voivodeships with the cities of Elbląg, Olsztyn, Gdańsk and Gdynia. The total number of Polish residents being granted the possibility of travelling to Kaliningrad without visas exceeds the number of inhabitants of the entire oblast (see Table 5).

Table 5. Number of Polish and Russian residents covered by the LBTR

Territorial unit	Number of inhabitants (thousands)
Kaliningrad Oblast	941.5
City of Kaliningrad	431.5
Part of Poland covered by LBTR	1,891.7
Pomorskie Voivodeship	1,014.7
Gdańsk	457
Gdynia	247.3
Warmińsko-Mazurskie Voivodeship	876.9
Olsztyn	176.5
Elbląg	126

Source: http://www.stat.gov.pl/cps/rde/xbcr/gus/L_powierzchnia_ludnosc_teryt_2011.pdf

⁵⁸ *Rządowy projekt ustawy o ratyfikacji Umowy między Rządem Rzeczypospolitej Polskiej a Rządem Federacji Rosyjskiej o zasadach małego ruchu granicznego, podpisanej w Moskwie dnia 14 grudnia 2011 r.*, <<http://www.sejm.gov.pl/Sejm7.nsf/PrzebiegProc.xsp?nr=199>>, 20-08-2012.

⁵⁹ *Border traffic with Kaliningrad Oblast free of charge from 27 July*, <http://logistyka.wnp.pl/od-27-lipca-maly-ruch-graniczny-z-obwodem-kaliningradzkim,173403_1_0_0.html>, 20-08-2012.

Some experts claim that the LBTR will only serve as a tool for Russia to negotiate further exceptions and derogations in crucial areas. It is worth noting that for several years Moscow seemed not to be interested in any form of liberalising the visa regime for Kaliningrad citizens despite initiatives undertaken by local politicians and NGOs.

Even though the LBTR could serve as an instrument to bring the inhabitants of the border area together and facilitate business contacts, many by-projects need to be carried out in order to use the full potential of the agreement. They include, most of all, assuring sufficient capacity of border crossings, smooth issuing of permits, and thorough border control to eliminate any attempts to smuggle or overstep the LBTR area.

Conclusions

Poland's attitude towards Kaliningrad in 2004–2011 can be viewed from two perspectives. Even though they are interrelated to some extent, they need to be treated separately in order to fully understand what the role of the region was for Poland in the aforementioned scope of time.

The first one is connected with the region's place in the overall policy towards Russia. Mutual relations went through different stages: from a period of many tensions right after Poland's accession to the European Union when the process of integrating a vast part of Central Europe with Western structures had come to an end and Kaliningrad was surrounded by EU states, through significant deterioration when the Law and Justice party came to power and negotiations with the USA on the anti-missile shield began, to noticeable *détente* followed by step-by-step solving of many of the issues that had been on the table for many years. At the end of 2011, it became quite visible, that — despite much discord in many areas — Polish-Russian relations were getting closer to pragmatic partnership than frozen hostility. New opportunities were also brought by the change in how other EU member states perceived Poland's attitude towards Russia. Poland is more and more treated not as a Russophobic country, but as a valuable expert having experience that should be included in EU foreign policy making.

This does not mean, of course, that trust had replaced distrust, but the level of understanding undoubtedly rose. Simultaneously, Russia did not stop putting pressure on the region to withdraw from initiatives considered a threat to Russia's security and its strategic position. It shows that alongside the warmer atmosphere and the will to discuss difficult matters there are still many obstacles to overcome.

For instance, Poland's strategic goal has been to build a strong, democratic and prosperous zone of Eastern European states, including Belarus, Moldova and Ukraine, whereas Moscow aims at re-establishing old ties and building new ones with its former vassals, making them increasingly dependent, both politically and economically.

This pertains to the Kaliningrad Oblast and constitutes the second perspective. Russian authorities have been doing everything not to let centrifugal tendencies prevail over Russian territorial integrity. Kaliningrad, as a strategically crucial part of Russia, was a top priority on the Russian security agenda. It has been the Baltic Fleet base and has played an important role in military doctrine. Additionally, as the European integration processes gained momentum, the economic gap between Kaliningrad, Poland and Lithuania started to rise. The threat of Kaliningrad becoming isolated not only politically and geographically but also economically became significant. Russian authorities had to bear this in mind, as well as remember initiatives from previous years with results that had been rather modest. Despite re-establishing the Special Economic Zone in 2006 and dynamic GRP growth, Kaliningrad did not reach a level of development comparable to Poland or Lithuania. Additionally, the new policy towards regions consequently implemented by the Kremlin led to Kaliningrad's level of dependency being increased. Thus, Poland, whether the central or local authorities, had limited room to manoeuvre. There were many attempts to intensify trans-border co-operation but most of them required the Kremlin's approval. As soon as it had been granted, institutions involved in joint projects did their best to use the opportunity as much as possible. A prime example of this was the Euroregions. They allowed for multilateral and effective co-operation in many areas.

Consecutive Polish governments seemed to pay more and more attention to Kaliningrad. Their level of interest increased mostly because of two factors: 1) growing awareness of the importance of Kaliningrad for successful Baltic co-operation and 2) the will to go beyond classical thinking about the oblast as a military base.

The instruments used to develop closer ties with Poland's northern neighbour were various. They included: providing a legal argument (the case of the Strait of Pillau), involving EU institutions (LBTR) and programmes (Phare, Interreg III A, CBC), local initiatives (all levels of local government: voivodeships, districts, communities), and Baltic integration institutions (e.g. Council of Baltic Sea States, Union of Baltic Cities). The economic factor played a significant role, too. The will to enter the Kaliningrad market was expressed by many Polish entrepreneurs

from different branches. Facilitation was provided by the Russian government, but mostly to large companies. Many Polish small and medium-sized enterprises could therefore not enjoy the benefits of the Special Economic Zone. This partially explains why the volume of trade is still insufficient and has great potential for the future.

The feeling of a ‘new European push towards the East’, strongly supported by Poland, also had an impact on Kaliningrad. The Kremlin was constantly increasing financial support to stimulate the development of the economy and growth of GRP in order to maintain as large an influence as possible there and to protect the local market from foreign investments. This was done in conjunction with Georgiy Boos, who became governor of Kaliningrad in 2005. He replaced Vladimir Yegorov and was regarded as a loyal executor of Moscow’s policy. It was visible through initiatives such as strengthening the Russianness of the region by encouraging Russians from the Baltic and CIS to settle in Kaliningrad. This action began in 2010 but its results were rather meagre. Even though the governor planned to resettle over one million people, only 6,800 decided to migrate, and some decided to leave the oblast because of economic reasons.⁶⁰ Additionally, Boos promised that the living standards of Poland and Lithuania would be reached by the end of 2008, which was obviously impossible to achieve. This shows, however, that Russia observed the course of events with growing concern. Together with the warming of the atmosphere at the interstate scale, it might well contribute to changes in regards to Kaliningrad.

The Kremlin seemed to give a green light for its westernmost region to take part in a larger number of local initiatives and began negotiations on the LBTR. One has to bear in mind that citizens of the oblast were the first to start protests over the economic crisis and some unpopular decisions Russian authorities had taken. Moscow could not underestimate this fact and had to grant the region more freedom of choice. This was utilised by Poland by pushing forward frozen and developing new projects such as the completion of the Grzechotki-Mamonovo II border crossing or involving Kaliningrad in trans-border co-operation.

⁶⁰ Из Калининграда уехали 44 переселенца [Forty-four new settlers have left Kaliningrad], <<http://www.newkaliningrad.ru/news/community/k1017898.html>>, 20-08-2012.