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# Six selected Master's theses by College of Europe students

## Guest Editor

Georges Mink, Titulaire de la Chaire de Civilisation européenne  
Collège d'Europe à Natolin  
Directeur de Recherche émérite au C.N.R.S. (ISP)



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# **Six selected Master's theses by College of Europe students**

**Guest Editor**

**Georges Mink**, *Titulaire de la Chaire  
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# Introduction

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Le Collège d'Europe est une institution unique, composée de deux campus, à Bruges et à Natolin. Elle fait partie d'un petit nombre d'institutions universitaires qui ont produit et continuent de produire un si grand nombre de spécialistes de l'Europe, autant de cadres européens. Ses tâches principales sont d'enseigner les affaires européennes mais plus largement le rôle de l'Europe dans le monde. Pour ce qui est du campus de Natolin, ses marques de fabrique et d'excellence sont :

- s'appuyer sur une riche interdisciplinarité destinée à développer tous les angles des études européennes,
- créer une culture et un savoir sur l'Europe,
- former les futurs cadres européens, citoyens imprégnés des valeurs fondatrices européennes et fins connaisseurs de l'histoire européenne et de sa civilisation.

Les mémoires de fin d'études, dont nous proposons ici une sélection, sont une forme de *couronnement* des efforts consacrés à l'obtention du *Master avancé en Études européennes interdisciplinaires* au Collège d'Europe à Natolin.

Ces travaux ont une visée académique, mais aussi pratique, en ce qu'ils proposent des solutions et des recommandations, lorsque cela est possible. En cela ces travaux sont une claire manifestation de l'*ethos* citoyen européen. Les critères auxquels ils obéissent correspondent à des normes de qualité communément admises, théoriques et empiriques. Ils se conforment aussi à une série d'exigences méthodologiques, déontologiques et épistémologiques. Ces exigences sont consignées dans une sorte de code de bonne conduite, mais elles font également partie d'un important bloc d'enseignement appelé « Séminaire de Recherche », où sont enseignées toutes les facettes de la bonne conduite déontologique (notamment en politique d'anti-plagiat) et de rigueur épistémologique (prévention devant des erreurs logiques et des évidences ou des idées fixes). Il est important ici de préciser le cadre de ces travaux ainsi que le format que ce cadre impose.

Les cours, les ateliers thématiques, les *masterclass*, les jeux de simulation, sont enseignés par plusieurs dizaines d'enseignants ou de praticiens de premier choix, réputés sur le plan international et venant du monde entier. Les abondantes activités extracurriculaires, comme les conférences internationales, les exposés par des personnalités invitées, les débats thématiques, les sorties de terrain, complètent le contenu du programme interdisciplinaire. Chaque année, ce programme est mis à jour et réadapté aux évolutions contemporaines.

Deux voies se dessinent devant les diplômés du campus de Natolin, car ce sont surtout des études professionnalisantes qu'ils suivent ; mais un petit nombre des meilleur(e)s étudiant(e)s choisiront de poursuivre leurs études supérieures en

s'inscrivant dans des cycles de doctorat. Ils poursuivront ainsi pour la plupart une carrière académique.

La structure du programme fait que le format du mémoire de fin d'études dépend du temps réduit pouvant être consacré à l'exercice de la rédaction. Cependant, prévenus dès le début de l'année de ce défi, les étudiants choisissent leur sujet dès le premier semestre, puis, pour les plus sages, commencent à définir leur objet de recherche, lisent les travaux se rapportant au sujet à traiter, puis passent à la phase empirique. Cette dernière, forcément, ne peut être trop complexe car le temps pour la recherche empirique est relativement court. Cela n'empêche pas un recours fréquent à des entretiens préparés selon les canons des règles méthodologiques. On ne s'étonnera pas qu'il s'agisse, dans la plupart de cas, d'entretiens qualitatifs, semi-directifs. Le temps consacré à la vérification empirique des hypothèses de travail impose une méthodologie restreinte et bien contrôlée. Cela n'empêche pas non plus la conformité aux règles et l'excellence des résultats. L'écriture finale intervient pendant les deux à trois mois de la fin du deuxième semestre, souvent en parallèle avec des activités incessantes et les cours du deuxième semestre. Et pourtant, malgré ces contraintes, un grand nombre de mémoires comportent des thèses innovantes, originales et prenant part à des débats intellectuels en cours.

L'échantillon de meilleurs mémoires que nous avons sélectionnés donne une très bonne mesure et une riche représentation de la diversité des sujets choisis par nos étudiants, les objectifs ambitieux poursuivis, l'élégance de l'écriture, le respect des normes et des règles en vigueur dans le monde académique, mais surtout le foisonnement d'idées inspirées par la qualité de nos enseignements. C'est une vraie gageure de bâtir une recherche qui n'a rien à envier par sa qualité aux travaux des étudiants qui consacrent dans le cadre d'un Master 2 bien plus de temps à leur mémoire.

Le choix de ces mémoires n'est guidé que par leur excellence. Au lieu de constituer un corpus thématique lié par un thème commun, ou une problématique analogue, ce corpus montre la liberté de choix de sujets dans leur grande diversité thématique.

Ainsi va du mémoire de Gabrielle Bernoville qui s'est penchée sur la politique culturelle de l'UE à travers un programme de financement et d'impulsion de Maisons de la Culture très ambitieux, de par le monde entier. Les exemples de réalisation de ces projets culturels liés à l'action de la DG Culture et Éducation montrent les défis, les forces et les faiblesses du *soft power* européen. Au croisement de la géopolitique européenne et de la diplomatie culturelle, ce travail ouvre des pistes à la fois théoriques (qu'est vraiment la puissance européenne ?) et pratiques (comment faire transmettre les valeurs européennes via la culture ?).

Le mémoire de Dafni Argyraki est un excellent exemple de la combinaison du test des concepts ayant un statut confirmé dans les sciences sociales, ici celui inspiré par les travaux de Michel Foucault de « norme-diffusion », avec l'observation des missions de l'UE adoptées aux pays voisins, mais pas forcément englobées dans la Politique

européenne de Voisinage (PEV). Ainsi apparaît une fine analyse des dynamiques des acteurs de ces missions, les « experts », mais aussi les « receveurs ». On voit aussi clairement l'illustration du vieux théorème « les actions intentionnelles produisent des effets imprévisibles ».

Deux mémoires proposés ici exposent des problématiques analogues, comme la place des jeux mémoriels mettant en scène des passés douloureux et criminels des guerres de purification ethnique et génocidaire. Il y est question de la repentance, du rôle de la mémoire collective, de la justice transitionnelle et de ses Tribunaux. Le passé douloureux de la Deuxième Guerre Mondiale est présent dans le mémoire de Federica Woelk, comparé à celui de la dernière guerre inter-yougoslave. Chez Teun Janssen, la recherche consiste en une plongée sémantico-historique pour tracer l'évolution de ce qu'il appelle « les politiques de regret ». Conjugués avec les « politiques de pardon », ces éléments éclairent l'évolution d'une sorte de grammaire de la réconciliation au sein de l'Union Européenne, pour laquelle le préalable serait l'expression de la reconnaissance de ses torts, et l'octroi de pardon réciproque.

Deux autres mémoires nous amènent au domaine des relations internationales. Celui d'Alexandru Demianenco explore les enjeux des compétitions territoriales autour de l'Arctique, dans le contexte de la rivalité sino-russe. Ce travail de recherche comporte un constat original : d'évidence une coopération entre les deux puissances géopolitiques devrait profiter aux deux, néanmoins l'hypothèse de la rivalité en raison des intérêts économiques asymétriques suggère que ces puissances risquent de choisir la compétition voire l'affrontement plutôt que la coopération. Ce mémoire illustre bien un genre prisé par les étudiants du Collège d'Europe à Natolin, qui est de proposer une expertise praticienne à travers une analyse des faits.

Nous avons aussi choisi le mémoire rédigé par Robert Smith en ce qu'il exemplifie parfaitement une exploration des dessous diplomatiques de la relation entre les bouleversements sociaux de la Pologne communiste (notamment autour du mouvement syndical *Solidarność*) et les hésitations du poste diplomatique de la Grande Bretagne, sa part de conservatisme et ses velléités à ne pas être en retard d'une évolution vers la rupture du régime. Cette très belle étude montre combien fructueuse est l'approche interdisciplinaire où s'entremêlent l'étude des relations internationales avec l'observation du jeu des acteurs de la diplomatie et la géopolitique bilatérale, voire multilatérale.

Nous sommes heureux d'offrir aux lecteurs cet échantillon d'excellents travaux de six étudiants de la Promotion Hannah Arendt 2019-2020 du Collège d'Europe à Natolin.

Bonne lecture,  
Professeur Dr. Georges Mink



# Theses

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## **Roots and Perspectives of the European Union's Soft Power. A comparative study of the 'European Spaces of Culture' project and its influence on the 'idea of Europe'**

Gabrielle Bernoville

### **Introduction**

Our work on culture shows who we really are, and what we believe in. It shows our values, and our vision of the world. It is our identity card (...) This is the first reason why I believe being here makes a lot of sense. The second reason why it makes a lot of sense for me to be here is that culture is an integral part of our European foreign policy. (...) We are by definition, as Europeans, a soft power.

Federica Mogherini, Ceremony of the Frankfurt Book Fair 2018

This statement of the High Representative for Foreign Affairs and Vice President of the Junker Commission (HRVP), Federica Mogherini, given at the 2018 Frankfurt Book Fair, underlines an aspiration and an imperative.

It conveys the European Commission's willingness to redefine Europe's global actorness and legitimacy through culture and the HRVP's wish to integrate this potent national competition into the European narrative and external action framework.

The study of the European Union's (EU) external cultural actions induces thorough investigations into its framework, its actors and their means. It also requires from us that we distance ourselves from a utopian-mawkish and teleological reading of the European political project. Intending to grasp the power of the EU on the International Cultural Relations (ICR) stages, we will display our research beyond partisan postures and journalist's diversion.

Hence, this enquiry seeks to dig into the concept of European Civilization and its developments within the frame of the EU's external cultural strategies. Our aim is to combine an analysis of the modern European History with a comparative study of the *European Spaces of Culture* project.

Looking at Europe through Culture will encourage a more in-depth analysis of EU narratives and European identity paradigms.

On the international stage, the European Union has often been perceived as an unorthodox political order. Observers argue that the EU External Action has been very Eurocentric, and hindered by the colonial past of several Member States. Nevertheless, the EU is more than a cold monster. Built by the successive treaties of Paris, Rome, Brussel, the Single European Act, Maastricht, the revisions of Amsterdam and Nice and finally the treaties of Lisbon (Treaty Consolidated versions of the Treaty

on European Union and the Treaty on the Functioning of the European Union, 2007), this 'community of laws' exercises and projects its normative power in traditionally state-ruled arenas and competences, playing an essential role of consensus in the decision-making in an ever-growing sphere of influence.

From 1989 onwards, the European approaches to external cultural domination or attraction have significantly evolved, and nowadays, culture plays a key role in the EU external relations strategy.

However, the prevalence of economic and trade interests over democratic ones, EU's values-driven normative power, as well as its lack of common political strategic thinking patterns have prevented this institutionalised integration project to fit under the criteria of realist geopolitics. The actions undertaken by its officials are perceived as less tangible and impactful than the ones of their national counterparts. In the last decade, the EU's multifaceted crisis, internal disunion and growing contestation forces have been tantamount to the external pressures, hindering the development of this third millennium's Europe. These trends may counter the spread of an influential and positive image of Europe and Europeans. By defining Europe as *content* rather than a *space*, we are hoping to view Europe as a multiple set of links between peoples.

Although culture is a rising policy area in the EU policies, it is constrained by a three-folded obstacle: the lack of direct competence of the European Commission in the field of culture, competition with similar national interests, driven agencies and projects and finally a fragile external perception on the international cultural stage.

Hence by, this paper seeks to contribute to the existing literature on the interplay between culture in the European Union's global agency, reinvestigating the aforementioned assumptions of the former HRVP, that culture offers an opportunity to refresh European international actorness.

In a similar fashion, Liza Tsaliki's works of research on European narratives abroad (Tsaliki, 2017), describe culture as the combination between "the shared system of cultural and artistic production" (Tsaliki, 2017), and its anthropological appreciation, the symbolic meanings of " 'Culture with a capital C'" (Tsaliki, 2017).

In this regard, it is worth looking at the EU's cultural diplomacy not exclusively as the sum of its member states' external cultural policies. Acknowledgement of the EU's cultural diplomacy's stance encourages looking at Europe as a regional block in relation to other cultural superpowers. In a similar fashion, Damien Helly defined European culture as an everyday comprehensive celebration "with the rest of the world, including immensely powerful powers, on the basis of what we believe our core values to be". (Helly, 2012a).

Henceforth, with the 2016 Joint-Communication *Towards an EU strategy for international cultural relations* (Figuiera, 2017) the Juncker Commission paved the way towards the formulation of a specific and more strategic EU agenda on international cultural relations.

Notwithstanding, turning the EU into a fully fledged actor, as noted earlier, by Frederica Mogherini European Commission (2016b), consisted of enshrining culture at the core of the EU's external action framework and lines of reasoning.

Henceforth, the endeavours for building an assumed engagement by Europe in Culture are strategic, pragmatic, and norms-driven, idealistic. The European External cultural actions are motivated by the agency of the European Union and its perception around the world. Culture, Laurent Gaudé wrote, is a multiplier, and a finality, of the European normative power. It allows to “replace at the heart of the European narrative the conviction and the impetus without which nothing can be done” (Gaudé, 2019).

Nonetheless, this willingness to emphasise a cultural specification to all European nations in the international arena has been analysed differently by the academic world.

Indeed, historians have relied upon monographs and comparative surveys to narrate European cultural outreach, as those carried out by C. Charles, M. Fumaroli (Fumaroli, 1991), or E. Loyer (2017). Political sociology addressed the question of EU’s policies, and the ‘national digestion’ of a European imperium. Geopolitical and foreign analyses on the European Union have, for their part, been reliable instruments of measure in understanding the strategies.

According to Christophe Charle, sketching the comparative and analytical history of the European soft power could be an actual “Danaide’s barrel” (Charle, 2009), a strictly inaccessible task, because of its diversity. Furthermore, Camille de Toledo’s works shed a new light on the impacts of the absence of Culture and of Europe’s positive narrative on the EU’s international project.

This paper strives to analyse the institutional, legislative and political frameworks of EUNIC’s commissioned project: *European Spaces of Culture*.

De Toledo indeed considered the series of citizen-led revolutions that occurred in 1989 and carried out the fall of the USSR as a turning point in the history of Europe, the embodiment of “European Sadness” (Toledo, 2009). This feeling that would be the origin of the cultural crisis of the Europe of the Third Millennium: “The Fall of the Wall, the triumph of freedom, but European sadness survives from the endurance of the past”. (Toledo, 2009).

Taking De Toledo’s analysis into account, we will begin our enquiry from 1989 onwards, with “The sadness of the Berlin Wall and the simultaneous disappearance of two elsewhere has undermined the conditions for hope”. (Toledo, 2009). Although 1989 meant the creation of a European society, through the disappearance of “The Other-We”, it has also emptied the European myth of its driving force: “It is on the lack, the loss that the temples of elsewhere draw up maps of better worlds”, and would have plunged the European myth into the age of disenchantment, especially after the accession of these democracies in the European Union in 2004.

In response to these first pitfalls, this paper offers the notion of “European Spaces of Culture” as a framework to analyse these phenomena of external dissemination of European culture.

The EU’s cultural diplomacy, hitherto a subordinated sector of integration, needs to be affirmed. The joint-funded EUNIC-EU project “European Spaces of Culture” embodies this dynamic. Pointing out main guidelines for EU cultural diplomacy actions abroad, *European Spaces of Culture* aims at reshaping EU’s general cultural diplomacy framework, as well as bridging together the institutions and the Member States.

In contrast, the Network of the European Union National Institutes for Culture – EUNIC – is an intergovernmental consortium. Composed of the national institutes responsible for cultural diplomacy and cultural relations, EUNIC's network is present in more than one hundred and fifty countries. It brings together thirty-six national institutes from different European countries through a Brussels-based office. The latter "EUNIC Global", coordinates and supports the actions of their clusters all around the world, forming a web of local-based European agencies advocating for more visible European cultural actions.

Launched in Brussels on 12 December 2018, the *European Spaces of Culture* (ESC), formerly entitled "*European Spaces of Culture*", ambitions to make up the backbone of the promotion of 'Europe' overseas. Piloted jointly by EUNIC Global and the European Commission, this initiative, funded by the latter, "Embodies the materialisation and execution of the EU strategy in the field of international cultural relation". (European Commission, 2016b).

It promotes a deeper understanding of Europe-wide cultural values. The project championed the EUNIC cluster's relationships with EU delegations and local stakeholders, through the creation of spaces for showcasing European cultures, exchanging ideas and establishing commons. The ESC, is moreover, a cornerstone project of the 2016 Joint Communication (European Commission, 2016b). This research will also highlight the specificities of these cultural junctions and the interactions between cultural actors at the roots of this project. It will finally reject the disciplinary confinement of previous projects in this field. This includes not only the voices of institutions and researchers, but also those of cultural practitioners and artists. Alongside a clear historical scholarship, our query investigated resources and tools from the fields of sociology and political science. Additionally, it also drew references from legal texts and policy documents. Its approach remains faithful to a cross-fertilised, interdisciplinary research method.

The interviews and deskwork investigations conducted sought to avoid the comparative overview. We have preferred instead an exploration of the potential of the EU's ICR centred on specific examples, following therefore an interactionist and constructivist reading of European cultural relations.

This research aims to analyse the roots and perspectives of European cultural diplomacy and it will investigate thereupon three main questions:

1. What have been the main objectives and aims of EU cultural diplomacy from 1989 onwards?
  - The first part will dive into the patterns and features of the European narrative and 'essence' that have been reflected in the EU approaches to cultural policies.
2. To what extent does the *European Spaces of Culture* project represents a cornerstone in the European historical approach to culture?
  - Returning to the European integration process, European cultural diplomacy no longer appears as a utopian or surrealistic policy field. It has been gradually integrated by the treaties and is now fully part of the European institutional framework.

- Several stakeholders and various competitive approaches can be identified, as our second part will underline.
3. To what extent are the 'idea of Europe' and its narrative tailored through the implementation of the *European Spaces of Culture*?
- European external cultural relations are still in-the-making: definitions and concepts continue to be discussed. Our third part will delve into the *European Spaces of Culture* project.
  - The latter appears as the first concrete expression of an assumed EU coordinated external cultural policy.

This project addresses the role of a missing feature of the European external cultural action: a world-scale strategic cultural project.

These spaces are expected to establish non-polarising spaces for dialogues, trust building and of commons around the arts and the European values, becoming: a "Homes" for all. (European Commission, 2016b).

## 1. The 'Idea of Europe' from 1989 onwards: modern history of the European civilization.

### 1.1 The search for European Cultural 'Commons': γνωθι σεαυτόν.

This is what constitutes the basis of the European cultural identity: and enduring dialogue between the literature, philosophies, musical and theatrical works. Nothing that a war can wipe away. And it is this identity that is the foundation of a community that resists the biggest barriers, that of language (Eco, 2013).

Umberto Eco while looking at the question of the European Civilization, did not aim at crystallising it around a certain number of items, objects nor standards or values but rather to point out the similar dynamics and the cross-pollination and shared inspirations at the roots of all the European cultures. Henceforth, it could seem risky to begin our analysis by opening the Pandora's box of European civilisation, either because it could reduce European cultures to a set of discriminatory attributes or instrumentalised them as historical justifications.

Nevertheless, diving into the question of the European Cultural diplomacy and external projection encourages us to pull our attention beyond the EU's regulatory framework (Roy, 2019). Our research will firstly span over the articulation and mutual influence of the European culture, in order to shed a new light on the EU's leverages and rooms of manoeuvres in this field.

As underlined by Olivier Roy (2019), the EU's challenge remains to regain legitimacy on the international stage, and thereupon to "re-culture" and "re-socialise" the "systems of standards" (2019).

In *The Way of Rome*, Remy Brague (1999) attempts to seize the essence of the European peninsula by defining it as the outcome of the series of geographical divisions which would have created a self-centred and untied "We" and several



"others" (1999), summarising Europe through the formula: "European philosophy, Roman law and Christendom" (1999).

Another reading of modern European civilisation is, however, nested in this edification of the "Europe of the Nations", which prevails to this day: "Born of an assumption and an invention, nations could firstly be defined as the abnegation of the administrative and political forms of the Ancient Regime". (Thiesse, 1999).

Nations' identities are embedded in a two-fold contradiction. They were neither the outcome of a collective, mass movement nor were they islands entire to themselves. Each national identity received legal values and principles, but also the strategies coined in the Western salons (Thiesse, 1999). Unifying the European people around common roots and common references therefore relied on an explicit strategy conducted by a handful of polyglots, cosmopolitan intellectuals, and decision makers.

Anne-Marie Thiesse argued that these endeavours have fostered the creation of a nation-building "IKEA kit", a replicable model aimed at provoking national awakenings: "A series of declination of the "national spirit" and a set of instructions, necessary to its development" (Thiesse, 1999). Historians like Fumaroli (1991), have argued on the central role of Culture in these efforts, common to several European nations. In the same vein, Minnaert (2012) pointed out a list of five different elements used by governments to create a shared level of community. First of all, the nation's common and epic narrative.

Thiesse underlined that the nation is more a performative process than a static territorial entity. In the 19<sup>e</sup> century nationalist undertakings as the creation of a 'national language' served as both a unifier and a differentiator. According to Herder, the soul of the nation dwells in its vernacular languages (Thiesse, 1999). Intending to unify the polyglot and fragmented societies of the 19<sup>e</sup> century national entrepreneurs promoted the publication of epic, unifying narratives. These Aeneid-like novels written in the vernacular, language testify of the golden-age syndrome of the European societies.

Secondly, Minnaert's works (2012) stressed the invention of tradition and the use of traditions as a unifying element in a nation – ensured by cultural dissemination "nodes" and spaces, such as literary salons, coffee houses, theatres or opera. 'Invented' emphasises that their tradition served a purpose and an origin. Nations were also granted national symbols: they formed new flags, currency, colours, anthems, mottos, great men and add national days.

Thirdly, a nation needs an origin myth to justify and legitimise its endeavours, through the romantic attempts of "National Heroes". (Gaudé, 2019). Equally, the promotion of the pure original population, people – could be understood as "a more controversial element, because it can also be used to exclude people, depicting them as different from the original". (Minnaert, 2012). The historian Christopher Charle (2010) called attention to the role of the cultural elite and reaffirmed once more the common aspects of European cultures, as a set of shared patterns and interactions and exchanges rather than some identical characteristics. In a similar fashion, Anne-Marie Thiesse reminded us of the "Cosmopolitization of the national" (Christophe, 2010), of the influence and direct interference of foreign powers into nationalist undertakings.

This IKEA-like model being mainly the work of these “passeurs d’Europe”, intellectuals, artists, and crowned heads (Christophe, 2010), was circulating among the European courts and induced a relative standardisation of the national outcomes. Transnational interactions and public assertiveness, magnified by attractive and thriving urban centres created the backbone of the blossoming Europe of the Nations (2012) Albeit, culture, enshrined at the core of the nationalist project, were celebrated as a new “State’s Religion”, responsible for the secular unity and prosperity of the newly born political entity. Marc Fumaroli testified of this political instrumentalisation lamenting this symbolic galore (Fumaroli, 1991).

Convinced by the Andersonian or Herderian traditions, European nationalist endeavours blossomed by competing and interacting with one another.

Anne-Marie Thiesse’s and Benedict Anderson’s (1983), researches have acknowledged the tenacious and prolonged efforts carried out by nationalist groups to trigger feelings of belonging to previously fragmented societies and foster this feeling of “common destiny among them (Thiesse, 1999).

Yet, despite the gradual phenomenon of isomorphism and standardisation, forgotten deep-rooted antagonism divide European states.

Breaking away from the peaceable sketch of European unity, Emmanuel Loyer (Loyer, 2017), identified the increasing divergences and gaps, crystallised during the 20th century. Instead of a self-aware entity, Europe still bears the scars from past divisions, especially along a west-east dichotomy. The divergences between the Western and Eastern models of political development. This dynamic was, furthermore, catalysed through the 1968 Spring of the Peoples and the experience of sovietisation.

Moreover, pertaining to this same dichotomy, Milan Kundera’s works advocate a further subdivision: that of Central Europe. Buffeted between Western and Eastern Europe, the “tragedy” of *Mitteleuropa* is explained in *The Kidnapped West* (Kundera, 1983), in which the writer comments:

Geographical Europe (the one that goes from the Atlantic to the Urals) was always divided into two halves that evolved separately: one linked to ancient Rome and the Catholic Church and the other anchored in Byzantium and the Orthodox Church (a particular sign: Cyrillic alphabet) and some nations that had always considered themselves Western woke up one day and found that they were in the Eastern East and the most complicated part of Europe, geographically in the Centre, culturally in the West and politically in the East (Kundera, 1983).

Subsequently, this issue also mirrors Camille de Toledo’s concerns with the essence of Europe. He argued that

The legitimacy that our European regime draws from the lesson of the 20th century, essentially in the prevention of crimes committed by totalitarians, has gradually risen to the forefront of the reasons why we must validate the construction of a common (Toledo, 2009).

Instead of the golden-age melancholia and romantic glorification of the national layer, the European symbolic landscape is haunted by ghosts and immortal feelings

of memories. Sewed in past feelings of shame, leading to the overall inertia of this integration project. This European sadness entailed the glorification of European memory, the redundant "never again" (Loyer, 2017). Some support the memory policies as being the leverage of the European project, namely "a dynamic agent and the only promise of continuity", "the guarantor of identity", and explaining intellectual undertakings, such as Pierre Nora's on "places of memory" (1984-1992) (Loyer, 2017).

Europe, shaped by the public and commemorative policies described above, became, in the words of Marc Fumaroli, the daughter of Mnemosyne (Fumaroli, 1991).

## 1.2 Culture in the European integration process: an added value on the international stage.

In this fragmented, complex, and intangible environment, Yudhishtir Raj Isar questioned the added value of culture to the European Project. He discussed how culture has been used since the appearance and the evolution of an institutional transitional arena (Isar, 2015).

The Europe of Memory, the daughter of *Mnemosyne*, rather than an *Aeneid*, presents a symbolic and intellectual challenge to the European project. At a time when Brussels' Institutions strive to direct their imperium towards their own territory rather than abroad, seeking to reinforce their legitimacy. Alluding to this paradox, Liza Tsaliki noted that a majority of imperium are often turned towards the outside, towards the symbolic conquest of other spaces. Nevertheless, the European imperium looks at itself, trying to grasp itself, to legitimise itself in the eyes of its inhabitants (Tsaliki, 2017).

Some illustrations of these endeavours lie in the creation of the European Years in 1983, frequently used throughout the years to foster feelings of belonging among European citizens.

Notwithstanding, the Council of Europe managed to establish itself as an organisation, as a true pioneer and a pathfinder in this field, and has been, since its creation, using culture to strengthen the legitimacy and the reach of the transnational European project.

The Council of Europe was the one out of the two post-Second World War Europe to promote an entry through culture, although its outcomes were deprived of any binding elements (Tsaliki, 2017). Early on, the Council stressed the articulation between the cultural emulation and the creativity of a country, on the one hand, and the rule of law on the other. The organisation's initial convention included exceeding the national criteria, teaching modern languages, and intensifying university exchanges. It fostered the creation of a council in 1964 (Denuit, 2017), which was dedicated to the cultural coordination, and allocated 7.5 million euros every year to cultural and citizens projects. More precisely, the Council of Europe repeated this nation-building strategy of using and imagining symbols to enhance and legitimise a political project (Denuit, 2017). Renaud Denuit points to the Council's 1955 choice to create the flag with a circle of



twelve golden stars on a blue background, adopted by the European Union in the 1980s. In a similar fashion, the Council of Europe selected the final movement of Beethoven's *Ninth symphony*, also called *Ode to Joy*, as the European Anthem in 1972 (Denuit, 2017).

Alluding to the historic added value of culture in the European communitarian project, Renaud Denuit (2017), established a division between four different periods. First, a time of frustration, from 1957 onwards. Indeed, the treaty that established an economic European community did not mention culture in its status. Policymakers had to wait until 1973, and the action plan presented by the European Commission after the summit of Copenhagen enshrined culture inside the EEC framework. Later, from 1976 to 1982, came the era of "modesty", characterised by small-budget projects and a series of small-scale steps. In 1982, the Commission included cultural goods, and therefore the culture sector, in its negotiation towards a free trade area and a single market. However, the lack of actions taken in the field of culture reminds us of the 1983 Stuttgart summit. Henceforth, many ambitious European cultural programs were launched in the 1980s, starting with the European Capital of Culture, an initiative kicked off in 1985 and shaped by Melina Mercouri. Another example would be the creation of the Cultural division under the Delors Commission, which later integrated into the Information and Communication Directorate General (DGX) and been renamed "cultural action and audiovisual production". A cornerstone of the Cultural Actions of the Commission was the first multi-annual programs, like MEDIA (audiovisual). Thematic, and later general, cultural programs gained momentum in the 1990s. As a result, the cultural ambition of the European institutional triangle was born. In a similar fashion, Shore's enquiry sought to uncover (Shore, 2004), the communitarian efforts to foster senses of European belonging. He came to the conclusion that the politicisation of culture in the EU arises from the attempt by European elites to solve the EU's chronic problem of legitimacy (Shore, 2004).

The latter echoed the mechanisms of the aforementioned nation buildings. The added-value of Culture in the strategy to legitimise the European integration project was equally underlined in Sassatelli's (Sassatelli, 2009), case studies. The author acknowledged that, despite the amount of pressure and the many forms of resistance, these national pioneer projects paved the way for more assertive cultural actions (Isar, 2015).

The promotion and protection of the European values and way of life gained momentum in recent decades, and was tailored to fit several domestic or external pioneer events and projects (Denuit, 2017).

This is particularly accurate in the case of adhesion: the cultural program *PHARE*, which was brought into action in 2007, mainly targets the Western Balkan countries (Denuit, 2017). The protocols *Ljubljana I* and *II* completed this action (Denuit, 2017).

### 1.3 EU's Culture at the crossroads of nation branding competition.

Nevertheless, these gradually enhanced steps in the cultural field mainly addressed "domestic" challenges, responding to Europe-based interests pertaining

to the single markets or addressing the EU's democratic deficit and identity-building attempts. Quantitative studies and surveys on the foreign perception of culture and the EU (Barcevicius, 2015), stressed the gap between the world-renowned soft powers and the cultural attractiveness of the EU Member States. Equally the fragile recognition of the EU itself in this field which is generally associated with its economic potency: "Culture is highly visible whenever associated with the concept of Europe (not the EU), and often connected to individual Member States". (Barcevicius, 2015). Long-established national branding strategies and national interest competition usually rules the field of international cultural relations and cultural diplomacy.

Paschalis's study *Exporting National Culture* (Paschalidis, 2009), and Minnaert's (2012) one noted the reappearance of national cultural institutes as a crucial stream of public diplomacy. National cultural institutes overshadowed the endeavours of the EU in this highly sensitive and competitive area.

Furthermore, Wyszormirski's comparison of nine countries' cultural policies entailed a model of ICR provided the reader with a clearer and more in-depth view on the institutional possibilities and challenges for the European member states (Minnaert, 2012):

There is no standardisation of cultural policy among European Member States.

In the countries where the Foreign Ministry is involved, the ICR framework is more susceptible to induce explicit programs featuring culture as a way to promote trade and exports.

In some cases, the culture policy competency is shared among a range of agencies and task forces and is fragmented thematically. It is sometimes even outsourced to third party agent and companies. These findings are also recognised by a representative of the Instituto Cervantés in Madrid, attesting of the great scope of a national cultural institute.

So far, the Member States have developed strong cultural diplomacy, it varies, it is very different from a country to another, because of the resources, because of the background, because of the identity, because of the management and the policies". (Interview with Mr. Felipe Basabe Llorens, Annex n° 3).

Firstly, dominated by a handful of postcolonial powers, from the UK to Italy or France, the field of international cultural relations is very rich and diverse nowadays. Another finding of this research is the durability and sustainability of these European national cultural institutes in comparison with those found in the USA.

Each period is characterised by new terminology, highlighting the shifting interests at stake and often the degree to which the cultural institutions are independent of the state.

In order to uncover the patterns of the EU external cultural actions, it is therefore important to underline's the difference between these concepts. Rather than differentiated lists of tools and instruments, this terminology takes account of the different interests at stake and the actors involved (Annex n°1). Taking account of the aforementioned concept, G. Paschalidis's (Paschalidis, 2009) typology of national

cultural institutes recognises four main periods in the way state actors interacted and designed their strategies:

- Phase 1: Cultural nationalism (1870s–1914)
- Phase 2: Cultural propaganda (1914–1945)
- Phase 3: Cultural diplomacy (1945–1989)
- Phase 4: Cultural capitalism (1989–)

The author uncovered that the ICR field has from the beginning not been only state-driven.

Even at the end of the 19th century, national cultural institutes were sometimes run by civil society organisations, religious institutions or intellectual cohorts. These organisations were nonetheless projected as assertive, having an ambitious message and a desire to spread the use of their national language or raise awareness of their national culture. By doing so, they are falling entirely under our understanding of public diplomacy, even though they were not only state-driven.

In the aftermath of the Second World War, the structure of propaganda and soft power established during the conflict persisted, bearing new names. Nevertheless, the institutionalisation of culture in the wake of UNESCO's establishment should be noted. The emergence of a whole net of national cultural institutes and agencies also triggered further competition among them. A relevant feature of the 1945-1989 period was the segmentation of the global cultural scene between "zones of influence". The disintegration of colonial empires shifted the interests and the approach of many European countries towards their former colonies. The third period wound up on the predominance of English and Anglo-Saxon culture.

The fourth period saw the scope of stakeholders increasing, and many small countries, in the aftermaths of the USSR implosion, enshrined cultural diplomacy at the core of the foreign policy field. The EU's engagement in these tools only received a mixed impact among member states and partners.

This reading of external cultural action challenges our understanding of the European narrative, impacting and redefining by a set of tools chosen.

It also raises the question to what extent these frames of political actions and decision-making could be the components of the EU foreign affairs strategy. To date, the soft power of the cultural imperium of the EU has been overshadowed by the long tradition of its member states in this field.

It is underlined by Joseph Nye (Joseph,1990), that the EU has a power of actorness that is peculiar to its organisation, and differs from the blend of its member states' soft powers. This EU's cultural power is reflected in the EU approaches to culture and policies. EU's Cultural Actorness, was hitherto a grey zone for European integration: "Monnet said nothing of the kind; nor did any of the EU founding fathers have a vision of culture as a binding force for European unity". (Tsaliki, 2017). Moreover, the diversity of structures, formats and aims of each national cultural institute would have made their collaboration challenging. France, Britain, and Germany strive for linguistic

expansion, while imperial powers like Austria and Portugal renew their ties with their ex-dominions. Equally does Spain rely relying on the strike force of the Latin-American Countries or is focusing on development.

EUNIC is not a EU's organ but a federation of European cultural institutes. It does, however, strive to become the principal interlocutor of the EU in terms of cultural relations and cultural external action. The net of EUNIC clusters are referring to the term "culture diplomacy" and "cultural relations" EUNIC (2019), in their final status.

Nonetheless, given their great internal diversity, "cultural relations approach is treated as the most suitable for the EU's activities" Culture Solutions (2019). The power and impact of EUNIC can be assessed through different means: pooling of resources of each of its 116 clusters, and its successful projects in the field of ICR (Crossroads for Culture) since 2006 (Grafulla, Murray, Schavoir, 2018). The effectiveness of partners and networks aim to "improve and promote cultural diversity and understanding between European societies and to strengthen international dialogue and cooperation". Grafulla, Murray, Schavoir (2018).

Its relations with Brussels and the European Commission also represent a good entry point for consideration. Under Gottfried Wagner, EUNIC's leadership officially recognized the advantages and the importance of "a clear strategy of engagement" with the European Commission (Isar, 2015).

Another reading could be its willingness to act as a pathfinder and address the "age-old problems of inter-European antagonisms" (Paschalidis, 2009), with the final aim of precipitating this transitional cultural momentum. Their partnership with the European Commission, the EEAS is also at the core of their priorities. The autonomy of some clusters, in contradiction to the goals of others, makes the whole undertaking more complex.

In 2016, EUNIC embraced a more enhanced path, advocating for research and training partners of choice for cultural diplomacy and cultural relations at the EU-level by 2025, Culture Solutions (2019). Their endeavours challenged the image of the European Commission outside the EU.

## **2. The EU's Approach to External Cultural Action**

We are realising that the current structure and the legal framework are not the one that we are requiring. (Felipe Basabe Llorens, Instituto Cervantés)

### **2.1 Cultural Policy in the Foreign Policy of the EU**

The EU is perceived as a norm-driven political order, a soft power actor and a civilian power, (Nye, 2006). Nevertheless, it has hardly identified as an actor of ICR, and a Cultural Diplomacy competitor. This is largely due to a narrow scope of action and its limited resources.

External cultural action is one of the domains in which the EU has to respect member states' sovereignty (Pire, 2000). The EU does not legislate, but instead, provides its members with general guidelines and non-binding common targets, fostering exchanges of ideas (Radaelli, 2000).

The EU's added value is additionally reduced by the complementarity and subsidiarity principles (Treaty Consolidated versions of the Treaty on European Union and the Treaty on the Functioning of the European Union, 2007), and hindered by the reluctance of member states (Blin, 2001), to share this competence, that is considered "too national", into the EU framework, according to Olivier Poivre d'Arvor (2011).

Renaud Denuit (2017), reminds us of the laborious inclusion of the state's prerogative inside the nomenclature of the EU, and the attempts to navigate within this narrow space to turn the EU into a fully-fledge international actor, an "Enabling power" (Helly, 2017). The Maastricht Treaty appears as a pivotal point for the EU, since culture is enshrined as one of the communitarian competences (Helly, 2017).

Lisbon opened this area of decision to use the qualified majority in a voting process to this field: article 194, TFUE (Denuit, 2017). Culture itself was inserted into article 6 and article 167 and joined the list of competences with regard to which the union can only, support, coordinate or complement Member States endeavours. On the international stage, the external cultural action of the EU, benefited from the framework advocated by the UNESCO and the Council of Europe (Tsaliki, 2017). Principally, the 2005 the *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (European Commission, 2016b), as it acknowledged the advantages of cultural dialogue and exchanges of culture (Denuit, 2017). Although, in a similar vein, Renaud Denuit (2017), lamented the fragmentation of this sector which was scattered between different portfolios of the Commission, further undermining the visibility of its stances.

Therefore, a specific DG Culture was created in 1999, triggering a whole new field of action within the communitarian stakeholders. It eventually became regarded as the investable side of the EU's developmental, social, or even neighbourhood policies. Through the Lisbon Treaty, the strengthening of the European cultural sector is facilitated through the frame of Art. 167 TFEU (Denuit, 2017).

Despite a perceived handicap due to its legislative structure ('culture in external relations', as it is referred to into official EU jargon, has steadily gained impetus among the educators and policy majors, turning into a "central element of the current European 'narrative'", "a buzzword" (Tsaliki, 2017).

There are still some questions, however, regarding the "cultural basis of European culture, European identity, and European values transmit through culture". (European Commission, 2017c).

Actorness and legitimacy would be in this perspective the EU's Achilles' heels. Institutions have evenly taken several steps to bolster the awakening of European citizenry, primarily using education and culture (European Commission, 2016b) and setting up a framework to address current societal challenges through the transformative power of culture (European Commission, 2017c). The new European Agenda for Culture sought to enhance governance and dialogue among key actors at all levels of policy making.

Felipe Basabe Llorens, from the Instituto Cervantés, stated in interview that state sovereignty is the first obstacle towards a more enhanced Union:



The development of an international; cultural external action policy is realistic and it is actually something that we need to create our own narrative. I am sure it could be a global cultural actor. But the main problem is its own legislative and regulatory framework. The Member States are keeping their own structure" (Interview with Mr. Felipe Basabe Llorens, Annex n° 3).

The EU's legitimacy would be therefore hindered by national interest competition. This remains the EU's first hurdle when it comes to projecting itself as a fully fledged international actor. In light of Vivian Schmidt's legitimacy model, opposite views do not only hamper their responsiveness to the citizen's claims, but also the accountability of its decision-making processes (Schmidt, 2013). Culture could indeed act as a facilitator to foster the actorness and legitimacy of the EU:

We are putting together the cultural policies could be one of the elements to reinvent the European Union, to help creating a narrative of the EU, to help create a common identity vis-à-vis third countries. (Interview with Mr. Felipe Basabe Llorens, Annex n° 3).

EUNIC's report on the Sienna Cultural Relations Forum indeed stressed that culture is a narrative for the EU, fragile and porous, nevertheless, given EU's limited reach in the field (Culture Solutions, 2019). The lack of vertical dialogue from Brussels to the stakeholders, and horizontal ties among the different levels of policy, undermine their endeavours. As highlighted in our interviews, there is a need for more self-understanding alliances:

Let's see what we can do. Needless to say that when we finish with the EUNIC people, with the European partners, we explain to them things, they do not really understand what South American culture is (Interview with Mr. Joaquim Benito, Annex n° 4).

Practitioners call for rejuvenated EU methods and mechanism to reinforce this agency worldwide, the

EU strategy in cultural diplomacy, would be to build trust with third countries, through one of the focal points of EU, which is culture. If Europe, the European Union is a very potent actor in some areas, some terms, in cultural management, it should build trust and work more on developing the dialogue with the societies of the 3<sup>rd</sup> countries. (Interview with Mr. Joaquim Benito, Annex n° 4).

EU institutions fostered the creation of brand-new cooperation and dialogue methods. The EC interacts with the Member States through the Council of the European Union's Education, Youth, Culture and Sport Council (EYCS) and "Cultural Affairs Committee" (CAC). In the cultural field, the Commission also relied on the "Open Method of Coordination", or OMC, since 2008. The OMC brings together national experts and uncovers new categories of coordination and action to be taken by member states.

According to the Council's conclusions, the OMC "mobilises expert groups, ad hoc and led by the Commission". (Council of the European Union, 2018). The OMC is

embodied through practices such as “peer learning”, dialogue with civil society, workshops with cultural practitioners. There are still some rooms for improvement regarding the standards used and the inclusivity of the decision-making processes.

In a similar fashion, the *Draft Council Conclusions on an EU Strategic Approach to International Cultural Relations* assesses the positive impacts of “more culture” on the EU’s legitimacy, underlining the intercultural competences and the citizen’s cultural appreciation. It remains quite vague, however, on the EU’s leverage to pursue these objectives. Council of the European Union (2018).

Damien Helly and Greta Galeazzi also questioned the capacity and ability of European institutions and member states to engage in an appropriate manner with cultural actors and sectors (Galeazzi, 2014).

Including artists, cultural and creative practitioners within the EU decision-making processes have always been a claim of the CCS, Culture Solutions (2019). Harnessing their voices has remained a prominent aim of the EC to ensure an adequate public answer. To facilitate their communications and bring them at the core of the EU’s cultural policy making, the European Commission has launched a structured dialogue with 35 representatives from civil society: *Voices of Culture*. Since 2015, *Voices of Culture* has aimed at discussing and brainstorming the actions the EU should adopt on a particular matter, where the role of culture and creative sectors can be enhanced. These professionals act as witnesses of the growing cultural trends and gatekeepers of the EU’s cultural relations values in this globalised digital world. Artists can provide rightful and innovate perspectives and support the EU Institutions’ work in this area. *Voices of Culture* therefore balanced the state-centred approach on the EU cultural actions and the OMC processes.

To answer these concerns, DG DEVCO has recently established a platform, *Culture4Change*, aimed at using the cultural sector to promote the sustainable development objectives of the global stage, (Galeazzi, 2014), and ensuring the horizontal ties between practitioners. Yet, as underlined by Gottfried Wagner, times are calling for more visionary and changing-gear project: “the EU, however, missed several opportunities to invest more in culture in the last few years” (Culture Solutions, 2019). This rebirth of the European cultural presence is even more significant considering the numerous threats to the European project:

For two reasons – first of all for the general crisis of the European Union. If the EU has to reinvent itself after Brexit, after the financial crisis, and because it has a new team at the EC a new Parliament, the timing is perfect” (Interview with Mr.Felipe Basabe Llorens, Annex n°3).

Nevertheless, according to our interviewee from the Instituto Cervantés,

the EU is more aware than ever of its declining, its decline, its loss of relevance on the international stage” (Interview with Mr.Felipe Basabe Llorens, page 87). In this dynamic, EUNIC appears as an inevitable actor: “The creation of EUNIC was necessary, (...) because the EU Institutions needed (Interview with Mr.Felipe Basabe Llorens, Annex n°3).

### **2.1.1 The 2016 Joint Communication: cornerstone of EU international cultural policy.**

The pinnacle of the Juncker Commission's actions in favour of external cultural actions, namely the 2016 Joint-Communication (European Commission, 2016b), restated the institutions' commitments to a holistic and interconnected approach (European Commission, 2016b), and the EU's willingness to support the European cultural and creative sectors (European Commission, 2016b).

In her declaration on 8 June 2016, Vice-President Mogherini expressed her ambitions to build a European cultural diplomacy. In a world facing increasing geopolitical tussle, Culture has potential to overcome divisions, to strengthen threatened societies and foster dialogue:

Culture has to be part and parcel of our foreign policy. Culture is a powerful tool to build bridges between people, notably the young, and reinforce mutual understanding. It can also be an engine for economic and social development. As we face common challenges, culture can help all of us, (...) This is why cultural diplomacy must be at the core of our relationship with today's world.

Through this publication the EU cultural diplomacy moved beyond the total of its member states' strategies: "the cultural diplomacy of a regional block negotiating the terms of global cultural affairs with other blocks". (Culture Solutions, 2019).

Moreover, Tibor Navracsics, European Commissioner for Education, Culture, Youth and Sport, argued:

Culture is the hidden gem of our foreign policy. It helps to promote dialogue and mutual understanding. (...) It has a great role to play in making the EU a stronger global actor" (European Commission, 2016f).

The role of the European Parliament is not to be forgotten, our interviews with cultural practitioners remind us:

ESC was an initiative of the EP - it was the way that the EP wanted to develop a strategic policy in the field of international cultural relations, and it was directly adopted but the EEAS. They really wanted to write a new chapter of the history of the European external cultural actions. (Interview with Mr. Felipe Basabe Llorens, Annex n°3).

This framework remained in line with the UNESCO Protection and Promotion of the Diversity of Cultural Expressions (Denuit, 2017).

The Joint Communication paved the way to the New European Agenda for Culture (European Commission, 2018e), and a comprehensive partnership between EUNIC, EEAS and EC. Ratified in 2019, the latter offered a more strategic framework – projecting more ambitious guidelines for cultural relations with partner countries. This framework primarily strove to respond to the seeming complexity of the EU financial and administrative machine, and reinforce the support to local, small-scale actors. The JC, in accordance with the Council's conclusion (Council of the European Union, 2013a), endorsed a bottom-up approach to cultural cooperation, and promoted a clear vision for financing models.



It also sought to re-engage with stakeholders and set up more consultation platforms (European Commission, 2019b). Thus, when it comes to increasing inclusivity within its project, this objective is mainly understood through the people-to-people dialogue: “New Agenda enables culture to be promoted more effectively as a vector of identity and cohesion, [...]through the people-to-people” (European Commission, 2018e), which took the shape of education and youth projects. Alluding to financing models, the 2019 partnership signed with EUNIC platforms (European Commission, 2019b), has put forward four models of granting process, relying on three EUNIC members (British Council, AECID, and Camões), or conceived in synergies with others cultural programmes as CapacityXchange (European Commission, 2019c), (the EC’s knowledge-sharing platform for development cooperation).

Evaluating the advantages and first results of this ICR strategy remains challenging (Grafulla, Andrew, Schavoir, 2018). Especially since the EU’s cross-cutting promotion of culture encompasses tourism, education, research, technologies of communication, and handicrafts. Observers noted that, despite its ambitions, the framework still showcased a classic diplomatic approach (Culture Solutions, 2019), rather than implementing a program that would have engaged with civil society and prioritised the EU’s influence. Many questions stayed unanswered: What should be the priorities investments for EU strategic relations?

And would its actions be based on “principled pragmatism”:

At the heart of ‘Western’ culture we may find a set of substantive, shared values (...) The problem however is less with the virtue of these values but that we invariably disagree about the norms-as-practices that will ensure their delivery (Higgott Richard, Van langenhove Luk, 2016).

### 2.1.2 Foreign soft powers and influence: Is Europe up to the challenge?

Culture can help us fight and prevent radicalisation. It can strengthen diplomatic relations and mutual understanding. It can help us stand together to common threats and build partnerships and alliances (European Commission, 2016b).

The Joint Communication established several geographic priorities; firstly, renewing the enlargement and neighbourhood policies: the Eastern Partnership Culture programme was completed with a new fund aimed at boosting culture in Enlargement countries, whereas MED-CULTURE programme sought to sustain civil society cooperation in Mediterranean countries (European Commission, 2016b).

Secondly, the Joint Communication focused on strategic partners, which explains the creation of the *Euro-American Cultural Foundation in 2013*, aiming at strengthening cultural bonds between the USA and EU. Equally, the people-to-people dimension has been added to the bilateral relations with China in 2012 (European Commission, 2016b). The 2018 *European Year of Cultural Heritage* also included a Silk Road Corridor programme (European Commission, 2016b). Additionally, the EU’s ICR framework is aimed at being integrated within the Development Cooperation Instrument

(DCI), Cotonou Partnership Agreement and European Development Fund (EDF) and finances cultural programmes that are managed and implemented by the Secretariat of the Organisation of the ACP States (OACP). The European Agenda for Culture triggered the implementation of a new Africa, Caribbean and Pacific (OACP) *Culture+* programme, in Niamey in November 2019. Other actions targeted the Middle East and Central Asia countries, from Yemen to Iraq, where culture was used in the frame of the EU's missions (Galeazzi, 2014).

Actions directed at the valorisation and protection of the cultural heritage (through mobility and vocational training) of Cuba and the Latin American region will also be part of the priorities of the cooperation for the 2018-20 period. Other EU Cultural programmes (*Euromed Audiovisual, Heritage*) are also regional in nature.

Riccardo Trobbiani and Simon Schunz (2018) emphasised the value-driven dimension of this refreshed promotion of culture at the core of the foreign policy objectives of the EU. Culture would therefore be a vehicle for values such as democracy or the essential European narrative about "diversity".

Another reading of this undertaking lies in the "principled pragmatism" strategy that created the backbone of the EU Global Stage (European Commission, High Representative, 2016e). Together with a legal framework protecting the member states' sovereignty, the new EU'ICR policy perfectly embodies the complex balance between realpolitik and a value-driven agenda. The outcome therefore combines the promotion of strategic interests and of the EU's image, with an additional, variable, value-driven attitude, leverage on cultural issues, as well as on culture-related themes, like the rule of law, youth, and fundamental rights.

### 2.1.3 Thematic priorities

According to I. Manners the thematic priorities of the new EU ICR framework embodies this principled pragmatism balance which makes the EU, neither a civilian power, nor a military power.

According to scholars, the normative identity of the European Union in International Relations translates into its ability to shape its environment, using its own standards.

To this end, the Joint-Communication foresaw a cross-cutting approach to culture, promotion transversal projects, as well as a culture-based approach in education and innovation to support growth and prosperity, albeit the limitations of Creative Europe "to nurture empathy and solidarity amongst European citizens or to foster intercultural dialogue in the Balkans or with China, for instance". (Kern Philippe, Le Gall Arthur, Pletosu Teodora, 2018)

In her declaration of 8 June 2016, the High Representative defined culture as a prominent tool in the fight against radicalisation and address issues related to the immigration crisis (European Commission, 2016b), enshrining these priorities in the upcoming next financial framework.

These declarations are representatives of the EU's aim to bridge the gap between culture and other streams of the EU action: Development Policies (DG DEVCO), Eternal

Actions (EEAS) or neighbourhood policy (DG NEAR) but also funding instruments: EU Cohesion Funds, Horizon Europe, etc.

Another thematic priority of the Juncker Commission's ICR framework attempted to respond to the lack of visibility and understanding about the new strategic approach of EU ICR, especially in the EU Delegations and EUNIC clusters (Herrero, Knoll, Galeazzi Helly Andrew, 2014). This strategy takes the form of joint training programmes for EU staff and targeted leadership training programmes on cultural relations for Heads of Delegation and Heads of Cooperation to help them "Europeanise" their cultural projects, and EUNIC cluster presidents and representatives (Grafulla, Andrew, Schavoir, 2018). Culture has gained momentum and a new drive during the Juncker Commission. Altogether, culture does not appear as an isolated field anymore; it is now enshrined at the core of the EU strategic agenda. Nonetheless, observers are divided on the paths that were followed, and question the aims of the tools displayed by the Brussels Institutions.

### 3. The EU international cultural action framework

In 1991, Nye's theory on Soft Power, (Nye Joseph, 2020) marked a turning point in public diplomacy, shedding a new light on the significance of the power of attraction of International Relations. Since then, International Cultural relations and Cultural diplomacy sectors have steadily grown, nowadays encompasses a wide range of actors and sectors. The importance of culture on the international stage is not to be demonstrated, and last decades' developments have convinced the European institutions to embrace this new decision-making area:

It is clear that what we need is a new renaissance for Europe, supported by a dynamic and open cultural narrative. This is one of the reasons why I made "culture" one of the priorities of my presidency. (Jahier, 2019).

The progress made during the previous commission, as well as the geopolitical ambitions of the Von der Leyen, championed the international narratives of the EU. The latter being perceived, in a neorealist approach, as a normative, civilian power, deprived of any foreign policy, a norm-driven planet in a hard-power driven constellations (Börzel, Risse, 2009). Questioning the revival of the EU's international agency leads us to consider the ecosystem at work.

The EU's ICR policy is primarily shaped within the Brussels institutions. Later, the EU projects its "soft power" as a political body, beyond its borders, thanks to a widespread net of EU delegations and of, especially self-organised, cultural institutes.

Reading the EU's ICR policy through the works of the EU institutions would lead us, as suggested by Damien Helly, this "narrow" approach can be balanced out by looking at the broader picture of EUNIC members and clusters and to "to encompass EU institutions together with EU member states and any other European entity/agent involved in relations with the outside world" (Helly D, 2012b).

These stakeholders jointly contribute to the excellence of the EU's ICR framework and on-the-ground projects. Nevertheless, they stand for distinctive interests, and

take divergent approaches. Understanding these convergences and discrepancies is critically important to be able to grasp the further needs and developments of the *European Spaces of Culture* project.

### 3.1. Institutional actors: from Brussels to the EU delegations

Historic co-legislator, the EU Council has adopted recently an encouraging attitude toward a denationalised cultural framework. Through its 2017 Conclusions, it supported the insertion of culture as an "instrument of EU's Foreign and Security Policy" and promoted a strategic, cross-cutting approach to the Union's international relations (2017). The Council also recommended prioritising steps in this field through EU policies and centralised readable programmes.

The conclusions of the *Work Plan for Culture 2019-2022* also mentioned (2017), more economic preoccupations, "boosting jobs and growth in the cultural and creative sectors by fostering arts and culture in education, promoting the relevant skills, and encouraging innovation in culture" (2017), and values-driven objectives; "making the most of the potential of culture to foster sustainable development and peace" (2017).

Professions faith in the European Council through these stances, acknowledged the power of culture as a driver of change, a key area when supporting society-building and sustainable competitiveness.

Conversely, the European Parliament has been a forerunner on this question, very soon advocating for an enhanced EU's CIR framework. In May 2011, MEP adopted a resolution on the cultural dimensions of the EU external actions (European Parliament, 2011), and thereby called for the launch of a common EU strategy on culture in the EU external relations. In 2015, the MEPs voted for a budget of €500,000 for a preparatory action (Culture Solutions, 2019). In this field, a joint proposal from Culture & Foreign Affairs of the European Parliament (Culture Solutions, 2019). Thus, both committees were very active before the publishing of the Joint Communication in 2016. More recent stances in favour of the EU's ICR policy included the Opinion of the Committee on Culture and Education for the Committee on Foreign Affairs, the Opinion of the Committee on Development on the proposal for a regulation of the European Parliament, as well as the Council establishing the Neighbourhood, Development and International Cooperation Instrument (Committee on Culture and Education, 2019).

The role of the European Parliament is not to be forgotten, as our interviews with cultural practitioners reminded us:

ESC was an initiative of the EP - it was the way that the EP wanted to develop a strategic policy in the field of international cultural relations, and it was directly adopted by the EEAS. They really wanted to write a new chapter of the history of the European external cultural actions. (Interview with Mr. Felipe Basabe Llorens, Annex n° 3).

Thirdly, the European Commission. The implication of the Policy Entrepreneur was explicated through the 2016 Joint-Communication and the declarations of its

Vice President (European Commission, 2016b). The guardian of the treaties fostered bilateral cultural cooperation and policy dialogues with partners overseas, regional entities, and within international organisations. The Commission's position targeted especially the potential candidate countries, relying on Creative Europe its multiannual cultural framework programme, as well as the Technical Assistance Information Exchange (TAIEX) instrument and the "Twinning programme" (European Commission, 2020b). The EC, faithful to the cross-cutting objective of the 2016 Joint Communication, included the cultural sector in other portfolios, from trade and cooperation to association agreements. The active collaboration between the Directorate-Generals and other commissioners, in terms of policy formulation, instruments, and implementation, have triggered innovative policies in relation to their particular policy domain. For instance, the support to projects with non-EU countries through the 2014-20 Creative Europe Programme (DG.EAC). Both the publication of the European Consensus on Development (European Commission, 2017b), and the use of external cultural action instruments through geographical and thematic programs in the EU neighbourhood and the OACP states (European Commission, 2019a), showed support for the EU external cultural action through several regional and bilateral programs (notably MEDCULTURE in the south), (DG NEAR). Finally, the Service for Foreign Policy Instruments (FPI) has launched the 2016 *Cultural Diplomacy Platform*, as a policy recommendation and advice incubator for the EC, helping it set up a global cultural leadership programme (European Commission, 2016d).

Finally, the European External Action Service (EEAS), has been increasingly involved in ICR policy formulation. Their actions mainly addressed the decisions and directions followed by the HR/VP and mirrored the activities carried on by the EU Delegations (European Commission, 2016b). The EUD, gathered a wide range of partners and Directorate Generals (Herrero, Knoll, Galeazzi Helly Andrew, 2014), specifically DEVCO and NEAR (European Commission, 2016b). Still, observers believed that EUD should seize ownership of the general strategy and guidelines:

EU Delegations have a focal point dedicated to enhancing cooperation with the EUNIC cluster and they should have appropriate training in cultural relations and partnership development. Similarly cluster leadership training should be provided to presidents of EUNIC's clusters, preferably before they take up the post. (Grafulla, Murray Schavoir, 2018).

The EEAS has facilitated the creation of "EUD focal points", cultural attachés working in every EU delegation, "receiving training on the cultural dimension of development and external relations". (European Commission, 2018e). The EUD focal points are expected to carry out activities with EUNIC members and other external cultural entrepreneurs (European Commission, 2018e). They should also be tasked to "provide training on the cultural dimension of development and external relations to colleagues" (European Commission, 2016b). Although their mandate remains discrete. The EUDs are expecting to play a central mediation role, working towards a climate of trust with regard to consultations with partner countries and officials (Grafulla, Murray Schavoir, 2018).



The principles and subsidiarity framed its actions, and the EUD is asking to foster the “complementary” of Member States’ (MS) national branding strategies (Culture Solutions, 2019). A thorough desk work investigation highlighted the need for clear and optimal divisions of labour in third countries between Member States representations and the EU Delegations level. “ [...]some scholars and policy-makers alike still seem to believe that EU diplomats are mere coordinators of Member States positions”, denying the constitution of an EUD expertise community (Canali, Sara, Haas, Peter, 1992). The EU Delegation should have the position of a mentor and help the project to be promoted on the political level in the Nigerian capital Abuja, added the cultural manager of a European House of Culture’s candidate, stressing that “many ties already exist between the national cultural centre” (Interview with Mrs Friederike Möschel Annex n° 2), but that needed a joint project to “reinforce and tighten them (Culture Solutions, 2019)”. Subsequently, there is the case of a growing human and material capacity gap. Other, more influential, officials are appointed as cultural focal points; some of them are Deputy Heads of Delegation and/or heads of the political section, following the priorities of the EUD.

### 3.2. EUNIC

EUNIC has officialised its partnerships in 2017 with the EC and the EEAS. Either its scope, funding capabilities, or ambitions, turn it into the most ambitious contributor to the EU’s International cultural relations (Culture Solutions, 2019). Another reading could be, EUNIC’s readiness to address as a pathfinder: “age-old problems of inter-European antagonisms” with the final aim of precipitating this transitional cultural momentum.

As an umbrella network, EUNIC gathers unparalleled, yet complementary, models of cultural diplomacy (*i.e.* Institut Français), cultural relations (*i.e.* Goethe-Institut), or cultural development (*i.e.* Spanish Agency for International Development Cooperation - AECID).

Nonetheless, there are good reasons to believe that the network acquires an indirect power through these ties with national foreign affairs authorities. EUNIC’s dexterity therefore lies in its meticulous balance between centralised, state-centred actors with more independent actors. This thin balance also guarantees it an overall freedom of speech and action, while ensuring access to national public funding scheme.

Complementary to this lobbying action in Brussels, EUNIC appears as a vehicle for the Europeanisation of the EUD and National Cultural Institutes on the ground:

(...) In 2009, there was no specific unit or department, dealing with European Affairs, or with EUNIC. It was only creating in 2015. (...) Everything that has to deal with Europe was something of, let’s say, high-ranking officials within the Instituto Cervantes, and not of medium management, from 2015 onwards, the Instituto Cervantes, decided to get involved much more intensively on EUNIC” (Interview with Mr. Felipe Basabe Llorens, Annex n° 3).

Taking account of the new institutional framework, this hybrid posture has increased EUNIC's reach and uses: "EUNIC can be used to out forward new thinking patterns, and growth models in ICR" (Interview with Mrs. Clara Blume, Annex n° 5).

EUNIC appears well aware of the window of opportunity that the Joint Communication provides. As the report of the Neighbourhood East Meeting pointed out, it: "provides an opportunity for clusters to 'play a key role' in the implementation of the EU strategy" and recommends the development of cluster 3-year strategies (EUNIC, 2016a).

The JC emerged as combining several advantages and pitfalls. For example, as an intermediary organisation, EUNIC's board enjoyed cultural autonomy and a mediator's role. The East neighbourhood meeting summit has further identified that EUNIC is often seen as an add-on for national cultural organisations, and that "national mandates differ" EUNIC (2016a). It argued that "culture remains the responsibility of the Member States and therefore an EUD's involvement in this field is not clearly defined" EUNIC (2016a). Furthermore, the plasticity of the membership process can, in some countries, lead to the creation of several clusters, in Nigeria for instance, one is based in Lagos and the other in Abidjan (Interview with Mrs. Friederike Möschel, Annex n° 2).

The Joint Guidelines between EUNIC-EEAS-EC partnership can be understood as the practical framework resulting from the 2016 Joint Communication.

Its statements reveal a shift from Cultural Diplomacy to Culture Relations, a dimension that has been perceived to suit the EU's ICR policy better (European Commission 2019b).

Examples of former projects managed by EUNIC members, is the one in Tunisia (Tfanen, 9.7 million euros), and in the Ukraine (European House, 11,6 million euro). Alongside with these projects, EUNIC conducted several international cultural relations summits and consultations, Southern Mediterranean (CreW - Cultural Relations at Work) with the University of Sienna (Italy), (CReW Project, 2020). The stances taken by EUNIC in the years following the 2016 Joint Communications (European Commission, 2016b), reveal a more strategic approach, diving into the norms published by the EC. Indeed, "2016 Evaluation of the Cluster Fund reveals that by 2015 almost 90% of clusters suggested that they aligned with EU policies" (Culture Solutions, 2019). EUNIC's clusters management became gradually gained in assertiveness. In 2017, the board required its cluster to have formal operations (cluster agreements) and a three-year strategy, as well as an established network of local partners. In regards to the actions taken, they explicitly shifted from simply showcasing EU culture, to events that have a deliberative impact on local people. Observers estimated thereby that EUNIC acted within the principles of 'reciprocity', 'mutual learning' and 'co-creation' and underpinned a wide variety of activity (Grafulla, Murray Schavoir, 2018).

Observers thereupon agreed that EUNIC demonstrated an effective investment in EU international cultural relations on the levels of policy-making, implementation and internal capacity-building. Their actions enhanced the visibility of the member states' cultural network and has enshrined culture at the core of the EU agenda on international cultural relations.

The *European Spaces of Culture* is becoming a flagship initiative that EUNIC should promote as a prototype for the future ways of implementing EU international cultural relations.

Officially launched in December 2018 under the call for action (EAC/S09/2018), the *European Spaces of Culture* launched its first for two-year-long call for ideas in April 2019 in a pre-pandemic time with a total budget approximating EUR 830,000. The human resources and communication enhanced strategies of the Brussels-based EUNIC Global team underlined EUNIC's aim to act as a pathfinder, as a reference in this field, and finally as a partner of choice for the EU. Among the 42 proposals received, 10 shortlisted projects were granted EUR10,000 to pursue their action. On completion of a two-phase selection process, the final 6 pilots projects also received EUR 50,000. This grant and assistance cover the delivery of activities throughout 2020. These funds represent a major investment for the teams carrying out the awarded projects locally. They are often complemented by their own resources or cooperation with private companies.

In the future, one may imagine a diverse network of *European Spaces of Culture* managed by a variety of coalitions (led by EUNIC members or other cultural organisations) yet, gathered under the same label. In answer to the often heard claim that EUNIC doesn't communicate properly on this project and only reach a niche segment subject, "Most important point would be to reinforce the communication with the member states, the members of EUNIC", our interviewee said:

the impression that with this ESC project, they (EUNIC) started very well with the newsletters, by making accessible granting criteria. They have especially and explicitly mention it (Interview with Mr. Felipe Basabe Llorens, Annex n° 3).

With regards to the relations and ties with the European Institute, ground field highlighted the need for additional step in this field. According to Felipe Basabe from the Institutions Cervantés, the EEAS and the EC were really active in the reflection and the implementation, processes. He underlined the inner-institutional competition between the EP, and others "true allies that we need to have the EEAS and the EC". Gathered in the Palazzo Altemps, in Roma, from the 13<sup>th</sup> of June 2019 to the 14<sup>th</sup> (Interview with Mr. Felipe Basabe Llorens, Annex n° 3). Members have agreed on a timely and incremental implantation process. On 4 July, the heads of EUNIC, with Focal Point colleagues would release the results of the first phase of the project, which would later be communicated within the network's channels.

On the invitation of DG EAC, EUNIC planned to set up an extended application for the *European Spaces of Culture* with a preliminary deadline of 23 September, under a different name, however.

Despite much room for improvement, currently being investigated by the Brussels Board of the institution, EUNIC's motto nevertheless remains a forerunning one, "In practice we are going ahead of the institutions we are going ahead of the legal framework". (Interview with Mr. Felipe Basabe Llorens, Annex n° 3).



#### 4. European Spaces of Culture: The changing gear of the European soft power?

We are starting to build “Spaces of European culture” around the world, as a home for all (Federica Mogherini, Ceremony of the Frankfurt Book Fair 2018).

##### 4.1. European Spaces of Culture champion the understanding of culture as a driver of change

European cultural institutes are a way to give voice and visibility to all European national cultures abroad. Federica Mogherini (2018). The reach of EUNIC, as well as its contribution to the EU’s ICR, can be assessed through different means. Since 2006, the organisation has successfully delivered ICR projects with the *Crossroad for Culture*. It has steadily increased its political engagement, opting for a clear and assertive strategy under the presidency of Gottfried Wagner (Isar Yudhishtir, Phillip, 2015).

The *European Spaces of Culture* project and the EUNIC-EC collaboration represent a good entry point to evaluate the EU’s ICR. The European House, understood symbolically, expresses the aim of EUNIC to act as a pathfinder, to handle global issues of the EU’s ICR policy and, as a flagship project of the 2016 Joint Communication, to deliver the objectives of EU’s ICR policy. Although the EC has funded the whole project, Brussels preferred to outsource the management of the ESC project to EUNIC, with a total budget approximating 830,000 euros for a two-year runtime. The second phase, starting from 2021 onwards, will further develop the alternative and innovative models of collaborations with ICR implemented between EUNIC clusters, EU delegation, and local stakeholders.

The independent jury committee, appointed by EUNIC, firstly selected ten projects located outside the EU out of the forty-four applications received, allotting 10,000 euros to each of them to encourage the teams to improve their project plan. Later, five innovative projects were chosen and received 50,000 euros, supporting their implementation in 2020. The six selected projects experimented different ways of doing cultural relations: scaling up already existed models (*Colomboscope*, Sri Lanka) or creating new innovative creative projects for scratch (*Nogoonbaatar Eco-Art festival*, Mongolia). Similarly, some pulled their attention on a specific region (the Silicon - valley, for the Grid, U.S.) or a city (Tibeb Be Adebabay, Ethiopia) or on cross-borders and regional projects (*Urban Cult Lab’Africa*, West Africa or *Circuito Europeo Teatral Centroamericano* in Honduras, El Salvador, and Guatemala).

We selected four of them, endorsed by four different National Cultural Institutes, and located in different continents. The “Grid”, presented by Open Austria on behalf of the Silicon Valley EUNIC clusters in California, USA (Interview with Mrs Clara Blume, Annex n° 5), and the *Trans-South American Theater Trail* (Interview with Mr. Joaquim Benito, Annex n° 4), two projects selected during the 2<sup>nd</sup> phase of the projects and currently implemented. We also investigated the case of the Nigeria-based museums: *Spaces for Culture and Identity’s* EUNIC project (Interview with Mrs Friederike Möschel, Annex n° 2). We reached out to the Central Office of the Instituto Cervantes to obtain a broader view on these questions (Interview with Mrs Friederike Möschel, Annex n° 2).

ESC challenges the legitimacy of the EU. Vivian Schmidt’s model explains equally its capacity to deliver policies that suit citizen’s expectations and needs, its

responsiveness or input legitimacy, its capacity to frame an effective ICR policy abroad, and to ensure transparency and inclusiveness throughout its decision making and implementation process. Applications have been assessed, taking account of the innovative approach, their partnerships, activities, as well as their willingness to satisfy 2016 JC's criteria of "people-to-people approach, co-creation and showcasing of European cultural diversity" (EUNIC, EUNIC cluster guidelines). Proposed ideas covered 51 countries in total, and, by cross-cutting, forerunning and cross-border activities, championed the understanding of culture as an actor of change.

Cultural projects have undertaken actions to revolutionise the culture stage of the country (Interview with Mr. Joaquim Benito, Annex n° 4) and have therefore impacted society at large. The promotion of rooms for dialogue and national building also contributes to this objective of Culture Relations (Interview with Mrs Friederike Möschel, Annex n° 2). The cultural manager believes that the EU is capable of assuming a more assertive role in the global arena, through the change-driver power of CCS (Interview with Mr. Joaquim Benito, Annex n° 4). Culture appears as an area of society-building and peace keeping, helping countries building or finding their history (Interview with Mr. Joaquim Benito, Annex n° 4).

Embracing technological revolution, addressing the digitalisation's challenges and opportunities is a second of the ESC's main objectives. Clara Blume of Open Austria – Silicon Valley pointed out that culture, it is a "magic wand" for the action of the EU abroad" (Interview with Mrs Clara Blume, and Mr. Martin Rauchbauer, Annex n° 5), especially since it is "hard to access the tech industry", culture appears to trigger "B2B" connections ( Business to Business), and a way to humanise Big Tech. "As our technology grows increasingly powerful, we need artists to use these technologies". Lastly, culture appears to be a trigger for change in the field of sustainable development. This dimension has already been endorsed by UNESCO from the 1980s onward (Wiktor-Mach Dobrosława, 2018). Culture has benefited from an increasing interest of scholars and policymakers, sometimes considered as a "fourth pillar of sustainable development" intertwined with the three original ones. Calling for "culture for sustainable development" embodies a pragmatic and instrumental use of the cultural sector. Whereas, "culture as sustainable development", replaced it at the core of social innovation and change, as "a driver and an enabler of sustainable development" (Duxbury, Kangas, De Beukelaer, 2017).

Altogether, International Cultural policy became a fully fledged leverage for sustainable economic, and inclusive growth. EU's ICR entailed to engage with global debated and challenges the narratives and the foreign perceptions of the EU. Damien Helly's enquiry (2012b) on the EU's External Cultural Relations warned the EU's policymakers about prospective human capacity pitfalls: "appointing bureaucrats and mid-ranking diplomats to craft European cultural strategies" and rejecting the co-creation dimension of an inclusive Culture Relations policy (Helly, 2012b), implementing too rigid or overly bureaucratic projects in third countries, favouring a budget-preservation approach over a strategic vision. These pitfalls have been addressed by the refreshed EU's legislative framework (European Commission, 2016b).

Our research will therefore uncover if the EU was able, through the *Spaces of Culture* project to avoid the multiplication of *ad hoc* initiatives without a clearly identifiable structure or any collaborative and strategic approach (Helly, 2012b)”.

#### 4.2. A multispeed composition of the *European Spaces of Culture*: comparative study of the ESC’s perception and embodiment overseas.

The comparative study of the three proposed *European Spaces of Culture*, among which only two have been granted the project’s title, pointed out the discrepancies between the EU and the studied countries. Despite EUNIC’s wishes for standardisation, these diverging perceptions prompt different approach and composition of the European House of Culture.

Damien Helly identified five archetypes of external cultural policy models (Helly, 2012b):

- National and state centred;
- Decentralised and based on the role of local cultural professionals and local authorities.
- Complementing national strategies, but EU-centred and consisted of mainstream culture into EU policies.
- Empowering cultural networks and private actors to conduct cultural action.
- Organised around coalitions of the groups of states willing to act together.

To shape this typology of European external cultural actions, Damien Helly took account of the following variables: “the nature of funding; the degree of government’s participation; the nature of agenda setters; the type of implementers; the potential partners of a given action” (Helly, 2012b).

Henceforth, faithful to sociological comparative methods, we have applied a battery of indicators to the three proposed European House of Culture, based in the Silicon Valley (*The Grid*), in Honduras (*Circuito de Teatro*) and in Nigeria (museums as *Spaces of Culture*). Our interviews (Annexes, n° 2- 5). covered the following concepts:

- Public diplomacy
- Cultural relations
- Cultural diplomacy or external cultural policy
- Cultural cooperation

To identify which of the models of each of the case studies was the closest, we examined the following variables:

- Participation/involvement of national agencies and national representatives
- Identity/status of the agenda setters.

- Identity of the local partners and implementers.
- Quality of communication and coordination with EU institutions – EEAS.
- Proximity with societies and cultural sector ( co-creation).
- Coherence with other EU instruments.
- Funding source.
- Efficiency of decision-making procedure.
- European mindset among members and employees – Europeanness of their agenda.
- Understanding of local needs.

The data collected illustrate quite substantially to what extent each of them embodies a different model of cultural relations. They strive to embody valuable inspiring ideal types, serving as a dataset of best practices for future cultural relations projects.

Yet, a question mark remains about whether these six Pilots spaces were able to deliver their missions, as enshrined in the 2016 Joint-Communication amidst the COVID-19 pandemic.

Firstly, based on these indicators, our fieldwork reveals that the Latin-America based project is closer to the *Cultural Cooperation Archetype*. The mix of public and private stakeholders (Interview with Mr. Joaquim Benito, Annex n° 4), and funding, as well as the inherent cultural autonomy of the EUNIC Members, distance them from too direct public influence. In terms of agenda setters and implementers, The *Circuito Europeo Teatral Centro Americano ESC Project* gathered cultural agencies, civil society and cultural sector organisation and professionals. It is aimed at creating circuits for performances and plays, based on European theatre's repertoire. Their main output is mobile cultural production, conducted by independent local groups. Furthermore, their main targeted outcome combines mutual understanding and political rapprochement between El Salvador, Honduras and Guatemala. Their project leaders are coming from the field of development and embrace the cultural cooperation principles, seizing their funding opportunity as a way to boost the artistic stage and sector in the three target countries. If the connections to their home countries are significant, they are enjoying an indirect influence of the EU delegation.

Secondly, following the same dynamics, it can be established that the USA-based project 'The Grid', on the contrary, follows a more sharp yet listening cultural relation approach, in the modern understanding of the term. Where the Latin-American Theatre Trail was not managed by unestablished EUNIC clusters, the Silicon Valley EUNIC Cluster gathers National Cultural Institutes, (Interview with Mrs Clara Blume, and Mr.Martin Rauchbaeur, Annex n° 5). From no fewer than four European countries: "The Silicon Valley EUNIC Cluster is composed of four Member States National Cultural Institutes (France – Germany – Italian, and Austria) and the National Cultural Institute of Switzerland". Equally, several of their partners and

funding sources are foreign affairs institutions. Their great openness to partnerships with private actors and cultural professionals does not overshadow their two-fold objectives – political and cultural. On the one hand, we have tech diplomacy: bringing Silicon Valley together, showcasing the EU as a forerunner, a pathbreaker in the field of IT. On the other hand, “humanising the digital world”: creating more of a connection between the artists and the IT world.

European Union is already the world leader in supporting the creation of responsible tech and supporting artists in working with tech is a concrete way to emphasise this leadership role (Interview with Mrs Clara Blume, and Mr. Martin Rauchbaeur, Annex n° 5).

Thirdly, the proposed project for a European House of Culture, based in Nigeria, that was rejected, was, however, was still pretty close to the Cultural Relations archetypes.

Its project leaders acknowledged the need to foster mutual understanding and shift “The European narrative from neocolonialist to self-aware and self-conscious” (Interview with Mrs. Friederike Möschel, Annex n° 2), to promote an inclusive dialogue. The Nigerian *European museums as Spaces of Culture* project gathered national cultural agencies that were distanced from their home countries and governments – much like the Goethe institutes.

Mrs Friederike Möschel was very aware of the long-established relations between the two continents, and was keen to promote a two-ways exchange process. “The very first narrative evoked was the neocolonial, one-sided, imperialist one – then the narrative of a Europe divided, fragmented, undermined”. She mentioned that her project was open to a wide range of stakeholders, championing the ambitioning to promote the CCS sector in Nigeria, mapping the territory and convening around tables with EUNIC members, local museums and local partners, to submit to them the terms of the project. Their output stimulated transnational production, with experts coming from other African countries, and from Europe, encouraging bottom-up approaches and the local networking of cultural entrepreneurs. Nevertheless, there remain question marks regarding its aims to foster the EU’s cultural presence in Nigeria.

Lastly, the interview with a senior officer from the Instituto Cervantés shed a new light on the underlying intentions of the widespread Spanish institute to invest in EUNIC projects and to join the network:

The ministry of Foreign Affairs indicated to the Instituto Cervantes was we were not at all involved with other National Cultural Institutes on European Projects, but also, and mostly, that we were not enough engaged with Latin American countries. This unit was therefore created with the aim to bolster partnerships with the Latin-American continent. Since in many Latin-American Countries, there is no such National Cultural Institute (Interview with Mr. Felipe Basabe Llorens, Annex n° 3).



### 4.3 - Redefinition of European civilization in a globalised cultural world and project assessment.

Our work on culture shows who we really are, and what we believe in [...] culture is an integral part of our European foreign policy. [...] We are by definition, as Europeans, a soft power (European Commission, High Representative/Vice-President of the European Commission, 2018).

The European Parliament's, and later, European Institutions' rejuvenated commitment to international culture relations unveils their willingness to develop new narratives of the European Union on the international stage. By collaborating with the European Union National Institutes for Culture, European institutions sought to benefit from a wide range and institutionalised network of already active contacts and transnational projects. Subsequently, outsourcing the management of the European House of Culture to the EUNIC Board and national interest-driven clusters appeared as a way to fit into the subsidiarity and proportionality principles, and use the narrow leverage transferred to the EU in the field of culture. By delivering the objectives of the renewed EU external cultural action framework, EUNIC directly engages with global perceptions of the EU, and tailoring these narratives, according to EU guidance:

EUNIC is helping to develop these narratives - but on this very precise point, EUNIC is very dependent on the interest of the European institutions, and is sometimes acting because the European Parliament, the European Commission want it to act". (Interview with Mr. Felipe Basabe Llorens, Annex n° 3).

Notwithstanding, one should not forget that EUNIC is a consortium organised around a directorate of the "major national institutes" (Interview with Mr. Felipe Basabe Llorens, Annex n° 3), tasked with representing and promoting the interests of their nation state in an already very competitive field. Our interviewees confirmed that the incentives are coming from the EU institutions rather than the member states, (Interview with Mr. Felipe Basabe Llorens, Annex n° 3).

Assessing the impact of each of the studied *European Spaces of Culture* on the idea of Europe reveals a common aim to champion the understanding of the EU. Each pilots project team advocates for a specific cultural relations model in line with EUNIC's vision and the 2016-Joint-Communications' values. If the models of cooperation differ and diverge, they all share the same values set and DNA: "Find new ways of cooperation and co-creation that would be important to everyone", "build a shared experience so we can do well together with local cultural actors". (EUNIC Brochure, 2020).

Paramount to this paper's aims transpired through the analysis that each of the selected *Spaces of Culture* projects targeted one of the Art's Silent Wars.

This finding echoes EUNIC's aim to address age-old unanswered issues at the core of the European Union legitimacy

### The European Spaces of Culture – Ultimate core projects' aims

PROJECT	CORE AIMS – “ART’S SILENCE WARS”
The Grid, U.S.A	“Cultural versus dehumanised tech” “Culture for Community building”
Circuito Europeo Teatral Centroamericano Honduras - El Salvador - and Guatemala	“Culture versus unfair artist remuneration” “Culture for Creators Mobility”
Nogoonbaatar - international eco art festival, Mongolia	“Culture versus “Ecological Emergency”
Tibeb Be Adebabay, Ethiopia	“Culture for Community building” “Public Spaces for Culture”
Colomboscope, Sri-Lanka	“Culture for transnational exchanges and innovation”
Urban Cult Lab Africa, West Africa	“Culture for innovation and social cohesion” “Culture for economic and political stability”

Source: Compiled by the author

Secondly, this first analysis raised the question of the *Europeanisation* of these *Spaces of Culture*. In other words, whether they contributed to reinforcing the positive narrative of the EU in third countries. The European Commission did fund 90% and co-defined in its call for proposals, the scope and frame of the entire project.

Previous analysis tended to conclude to a limited *Europeanisation* of EUNIC representatives and projects: a “gap between reality and a narrative [...] EUNIC’s *Europeanisation* process is still pretty much “a work in progress” (Culture Solutions, 2019).

This finding picked up on the words of Mrs. Gitte Zschoch, former president of EUNIC Global (EUNIC Brochure, 2020), according to who, the *Spaces of Culture* are not “about exporting European spaces all over the world” nor showcasing the EU values in other countries.

In line with the principles of Cultural relations, neither EUNIC representatives nor the project leaders have attempted to impose a narrative nor a vision on this EU co-funded project (Culture Solutions, 2019).

Through ensuring the “co-ownership” of these spaces, ensuring “mutual listening”, European “Spaces” strived to be less centralised and imperious than their national counterparts. This resonates in the renaming of the project. Entitled *Houses of culture* until 2020, the overall framework was rebranded *European Spaces of Culture* in September 2020. Robert Kieft, EUNIC Global’s project manager, stressed in an interview the confusing meaning of “Spaces” understood as real, touchable spaces rather than as virtual or temporary frameworks developed by the local project teams. Secondly it echoed EUNIC’s desire to draw away for the usual Cultural Diplomacy models.

Thereafter, the outputs and activities of the European “Spaces” of Culture may not - in themselves - contribute to enhancing the EU image and values. Nevertheless, cultural relations goals transpired throughout the entire cooperation process.



The selection stage took account of the project leaders' willingness to attune their project with the 2016 Joint-Communication's criteria ("people-to-people approach, co-creation and showcasing of European cultural diversity"), and work in co-creation with local partners and the EU Delegation. At the programming and designing stages, the pilots' projects intertwined European artists or pieces of art with local creatives and artworks crossing over disciplines and methods. By doing so, they intended to contribute to the emergence of fairer, inclusive, and not-polarising narratives for the EU. At the showcasing and exhibiting stages and throughout the entire creation, European "Spaces" of Culture pilot projects also involved the European delegations. This close cooperation reinforced the latter's visibility and impacts. EUNIC clusters' presence is henceforth a great asset for the EU institutions, acting as with local based (Culture Solutions, 2019). As aforementioned, European "Spaces" of Culture focused as equally on the outside as on the processes. Therefore, it is possible to extract from the data collected a whole set of "ready-to-use" transferable, replicable models of "cultural cooperation processes" for the EU cultural relations.

These models of "cultural cooperation processes" are structured around European and local shared set of values, and are characterised by their impact both locally and internationally:

### The European Spaces of culture – Cultural Cooperation models

PROJECTS	CULTURAL COOPERATION MODEL PUT FORWARD
The Grid, U.S.A	Cooperation Model to build up a community of Interest and bringing segments of the society (Art+Tech) together
Circuito Europeo Teatral Centroamericano, Honduras, El Salvador and Guatemala	Cross-border mobility scheme model and Cooperation Model to foster mutual understanding and political rapprochement countries of a same region
Nogoonbaatar - international eco art festival, Mongolia	Cooperation Model to address ecological emergency in a particularly affected area – and Cooperation Model to empower civil society and build up a community
Tibeb Be Adebabay, Ethiopia	Cooperation Model to enhance intercultural dialogue through share public-space, urban regeneration and audience development via digital means
Colomboscope, Sri-Lanka	Cooperation Model a cross border artists residency programme and Cooperation model for a festivity in contemporary art Cooperation Model for cross borders network
Urban Cult Lab Africa, West Africa	Cooperation Model Cooperation Model for cross borders network. And Cooperation Model for the Developing entrepreneurial & innovation potential

Source: Compiled by the author

The most important point would be to reinforce the communication with the member states and the members of EUNIC:

EUNIC Global should reinforce it, and it is one of the main objectives of the internal communications and I have the impression that, with this ESC project, they started very well with the newsletters by making accessible granting criteria. They have especially and explicitly mention it.

Joaquim Benito confirmed this reading:

The European Union delegation has a strange role. They are partners, but they have a problem financing it. The delegation is 'the one that can', but cannot put money to support it, they are partners but parallel to the dynamic. They have a role that is new, even for them, I can tell you. Some of them didn't know what EUNIC was" (Interview with Mr. Joaquim Benito Annex n° 4).

There have indeed been attempts to reinforce their partnership through a more direct involvement of the EU delegation into the ICR field. Strengthening their role also encompasses the planning and implementation of regional and transnational actions, as raised by the project leader of the Latin-American ESC:

Sincerely, looking at the future call, I think that EUNIC should consider this problem and propose two types of calls, local and regional projects. Double the calls, because the most important thing for me is to transfer European culture, Creative Europe, to take it to other countries, to take it to three or four countries, each partner, each call.

Targeting its actions and strategising its areas of influence would foster the EU's Strike force in the field. By addressing regions, the EU would be able to project its inner diversity to equally diversified territories. And finally bypass the, sometimes complex, agreement of national governments. All in all, it remains essential to create a community of practice around the EU's ICR and establish common grounds between the different stakeholders (Interview with Mr. Joaquim Benito Annex n° 4). A know-how sharing platform, and seminars addressed to officers of national institutes and EU delegations could be prospective paths to promote peer-to-peer support and exchanges of best practices (Interview with Mr. Joaquim Benito Annex n° 4).

In September 2020, taking due account of the pandemic's consequence, the six pilot projects obtained an extension of deadline, enabling them to fully carry out and implement these experimentations.

Yet, political measures should be adopted to further foster the potential of these pilot projects and encourage the creation of similar ones in a new spirit of dialogue.

Their conclusions and outcomes will be presented in an international conference bringing together EUNIC members and the EU institutions officials. First conclusions and analysis of the burgeoning creative and business models put forward by the local teams call for an enhanced political interest and financial support. Additional support would be required to leapfrog the project and move beyond its experimental status. Political will is equally crucial in ensuring the coherence of the multiple initiatives taken by the local project leaders.

The *European Spaces of Culture* champion the status quo of International Cultural Relations. Yet to evolve from their current pilot status they will have to be backed up by the European Commission, EUNIC and the Member States.

## Conclusion

The present paper looked at Europe's global actorness through culture and external cultural projects. These approaches proved to be valuable, with culture being an area steadily being researched by scholars and invested in, by policymakers.

Although culture provided the backbone of every nation-building and nation-awakening movement on the European continent, it nevertheless remained a negative priority for the EC for a long time.

In the eyes of History, the EU remains an unfinished, unorthodox political project, institutionalised without mass support. Its reach and power of attraction therefore, remain fragile and porous, undermined by the striking force of national identity and foreign competitors.

In answer to internal incentives and external pressures, the EU has steadily supported more assertive and comprehensive cultural programs, especially through the single market mechanisms and the aims to further foster the European integration project.

The field of international cultural relations has only recently been excavated by the institutions, and the management of the first ambitious and strategic project funded by the Commission in this field has been outsourced to the intergovernmental consortium of national institutes for culture, EUNIC. EUNIC's gradual political shift has successfully enshrined it at the core of the EU's negotiation in the field of ICR.

Faithful to the guidelines endorsed by the 2016 Joint Communication, the nature of the *European Spaces for Culture* programme is two-fold, artistic and political, national interest driven and a showcase of the EU's cultural attractiveness. This dual and hybrid approach explained the diversity of choices and strategies undertaken by the project leaders. The shared cultural European part formed a solid, and often cumbersome, ground for future international cultural policy. Indeed, the EU differs from the State-branding strategies and is lacking a clear, consistent and autonomous cultural diplomacy policy, while its legislative and normative framework constrained it to the fields of cultural relations and cultural cooperation.

As to reconcile both approaches, the EU has developed, alongside with EUNIC an innovative method relying on the flexibility of the network. The ESC is a valuable platform to test and further tailor the European Union's tools, messages and strategies. The EC-funded project is a testing ground and experimental for a transnational political project aimed at learning the vocabulary of power, and embracing the geopolitical discourse. Nonetheless, although the title of the ESC project suggests a selection of the proposed idea based on their Europeanness and their embodiment of the EU's ICR framework, reality acknowledge more pragmatic and policy reasons than value-driven ones.

The *European Spaces of culture* have proved to portray a very distinctive narrative of the EU, without any communication among themselves or without sharing any common strategy.

Despite the aims of the EU's institutions, the Europeanness of the project is poorly emphasised by some *Spaces*. The wide range of stakeholders, partners and layers of

decision-making made it harder by the research to identify the common among the *European Spaces of Culture*. The Europeanness of the *European Spaces of Culture* depends of the funding sources, geographical position and perception of the EU.

Through the empowerment of their local settings and conveying of European-shared values, they champion international cultural relations, and offer new thinking patterns to rejuvenate European Soft Power overseas. They are concrete space for dialogue for European cultural institutes and an arena for exchange with local actors, around an artistic co-creation based on a spirit of mutual dialogue.

More than an inspiration, the *European Spaces of Culture* project embodies concrete ways to strengthen European values beyond these borders.

They also fulfil the role of a missing element in the framework of EU cultural relations: a permanent, strategic and global project. The *European Spaces of Culture* offer finally the opportunity to redefine the Von der Leyen Commission's priorities: an alternative to the "language of power", structured around the words of co-building, listening and dialogue.

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**Annexes:**

Annex n°1 List of abbreviations

Annex n°2 Interview Transcript - Interview with Mrs Friederike Möschel – Director, Goethe-Institut Nigeria – Project Leader – Nigerian museums as Spaces of Culture - Goethe-Institut Nigeria, 7<sup>th</sup> February 2020, by phone.

Annex n°3 Interview Transcript - Interview with Mr. Felipe Basabe Llorens, Head of Budget and Finance Planning at Instituto Cervantés, 17<sup>th</sup> February 2020, by phone.

Annex n°4 Interview Transcript - Interview with Mr. Joaquim Benito – Director of Cultural Centre – Project Leader – Central American Theatre Circuit - AECID (Honduras, Peru), 1<sup>st</sup> March 2020, by phone.

Annex n°5 Interviewee: Interview with Mrs Clara Blume, Head of Art, Science, and Technology, and Mr. Martin Rauchbaeur, Austrian Consul and Co-Director, Open Austria, 16<sup>th</sup> March, by phone.

## Annex n°1

<b>LIST OF ABBREVIATIONS</b>	
CCS	Cultural and Creative Sector
CSDP	Common Security and Defence Policy
DG EAC	European Commission's Directorate General for Education, Culture and Youth
DCI	Development Cooperation Instrument
DG NEAR	DG for Neighbourhood and Enlargement Negotiations
DGX	European Commission's for Communication
EC	European Commission
EDF	European Development Fund
EEAS	EU External Action Service
EP	European Parliament
ESC	European Spaces of Culture
EU	European Union
EUD	European Union Delegations
EUNIC	European Union National Institutes of Culture
FPI	Foreign Policy Instruments
ICR	International Cultural Relations
IT	Informatics Technologies
JC	2016 Joint-Communication Joint Communication to the European Parliament and the Council Towards an EU Strategy for International Cultural Relations
MEDIA	Audiovisual Programme of the directorate General for Education, Culture and Youth
MS	Member States
OACP	Organisation of the African, Caribbean and Pacific States
OMC	Open Method for Coordination
UNESCO	United Nations Educational, Scientific and Cultural Organisation
VP	Vice-President of the European Commission
TAIEX	Technical Assistance Information Exchange

## Annex n°2

### Friederike Möschel interview - transcript

**Date:** 1<sup>st</sup> March 2020

**Interviewee:** Friederike Möschel (Director, Goethe-Institut Nigeria)

**Name of the Project:** European House of culture based in several cities of Nigeria and entitled Identity and History - Nigerian museums as Spaces of Culture

**Duration:** 45 min

**Type:** Phone Call

**Quotation Mode** – Interview with Mrs Friederike Möschel – Director, Goethe-Institut Nigeria – Project Leader – Nigerian museums as Spaces of Culture - Goethe-Institut Nigeria, 7<sup>th</sup> February, by phone

### Here a brief background and description of Friederike Möschel with her current function(s) and responsibilities

Friederike Möschel is the Director of the German cultural centre the Goethe-Institute Lagos. Moschel took over from Marc Andre Schmachtel in June 2016.

She was born and raised in Bonn. After studying German and English Literature in Germany, you taught at the German Embassy School in Beijing, China for two years.

She later worked as a teacher before joining the Goethe-Institut and you occupied several positions in Dubai, United Arab Emirates, Uzbekistan. Ukraine and now you are representing the cultural institute in Lagos another point of interest I have read that you were the regional co-ordination of the Eastern Partnership fund, and the implementation of cultural projects in Ukraine.

She was in charge the Goethe institute in Nigeria and is part of the two clusters of EUNIC present in Nigeria! When she was in Ukraine: She arrived right after the Maidan and was amazed by the involvement of the civil society, the work and the continent of organisations, associations. She worked intensively with them and was in charge – appointed to the liaison and coordination of EU funds and programs in the regions of the Eastern Partnership – particularly interested in the case of Georgia.

She will have a meeting at Abidjan one week after our talk to discuss the further development of the Project even though they do not have the fund of the EU – and EUNIC – she doesn't want to let her partners down and is committed to pursue the collaboration initiated with the local cultural institutes.

**Q:** Do you think you do cultural diplomacy, cultural relations or both in your daily activity?

**A:** I stressed a lot the independence of her organisation, which is not affiliated at the ministry of foreign affairs neither at the ministry of culture. Therefore, it is not an institute dealing with public diplomacy purposes. However it is relevant to state the collaboration of the Goethe institute with the consulates and embassies represented in Abidjan or Lagos, they are for some of them very active in the field of public diplomacy, for instance the Spanish and the Czech ones were essential in the reflection and imagination, creation of the ESC

projects – It is for Frederik Moschel difficult to fix a limit between the Culture Relations and the Culture Diplomacy.

**Q:** How would you describe and assess your partnership with EUNIC?

**A:** They communicate since the beginning very well with EUNIC – two different chapters of EUNIC in Nigeria, one is based in Lagos and the Other one is based in Abidjan all in all it is difficult to coordinate them, that's why she is going to Abidjan next week; She did not receive any feedback or explanations regarding the rejection of her project in the application process for the ESC – she indicated that all the 10 selected projects were brilliant and truly interested. She was however, convinced of the importance of her project and would like to pursue it. She mentioned that all the experts and contributors involved in the EUNIC networks and agencies are sharing similar needs and objectives. It makes sense to reunite them. She has been thrilled with her colleague for the Alliance Française when they saw the offer of EUNIC and the Call for proposals regarding a European House of Culture.

**Q:** How did you start thinking about implementing an ESC yourself?

**A:** I arrived in Ukraine in the aftermath of the Call for proposals- they were really interested and curious by this idea and wanted to showcase something that touched them particularly in Nigeria) the lack of museum and protection sites for cultural heritage. I was already working in this area in Ukraine where she supported the creation of Museology, cultural centres, museums and trust building – places dedicated to the protection and promotion of national culture, ideas of exchange – The first phase of her project relied on investigation conducted by a local partner formed at the British house – most of the citizens and cultural practitioners have no idea of the doctoral richness and historical hidden gems of Nigeria- it is a matter of great importance and a cornerstone for the elaboration of the country to sustain this movement of self-recognition and definition ( question of the lost history) through these sites. In the second step of the application processes, they wanted to offer training and seminars not only for the Nigerian musicologist of cultural curators involving European experts in the field, but also African ones – therefore emphasising the expertise and the knowledge of great experts and the know-how already present in Africa – “underlined several needs, among those: the need to shift the European narrative from neocolonialist to self-aware and self-conscious, from the one-sided history to the mutual understanding and dialogue.

The proposed heritage project is aimed at increasing cooperation between EU countries and Nigerian / African cultural professionals working in the museums sector through capacity building, networking and other exchange activities. The activities will focus on some of the following themes: audience development and more inclusive approaches to museum institutions, sustainable models, museums and education and museum as public spaces.

The content is planned as following:

- a) Three workshops across the thematic areas in three different cities across Nigeria possibly Lagos, Abuja and Kano , with cultural professionals from across Europe and Africa including Nigeria.

- b) Two public roundtables to invite a wider group of stakeholders to see a presentation of the outcomes of the workshops, one in Abuja and one in Lagos. Abuja will target political stakeholders and Lagos economic stakeholders.

**Q:** Before the implementation of the European House of Culture – how was the Eu involved in your region?

**A:** Nigeria has a long history with the European continent – so do its neighbouring countries – However the EU delegation only created a position for a cultural attaché recently, whereas another consulate and embassies had such a position months and years ago- this creation and the allocation of specific funds to culture ( before the EU official in charge of culture was also in charge of Communication ) reveals the evolution of the EU policy agenda and framework and the will to strengthen and display a more enhanced presence in their territories.

Several African countries suffer from their “lost histories”. After independence, countries such as Nigeria started building national museums in order to inform and educate their citizens about pre-colonial and colonial history. Unfortunately, during the last 30 years, a lot of these museums have been underfunded and the employees did not get enough training to keep up with international standards. A new critical and mostly young group of Nigerians are challenging this status quo and demand for development.

In order to pick up their demands and to support the demands of African museum experts and curators, that there needs to be more opportunities for EU countries to share more expertise in museology, there have to be more platforms for discussions between the EU and the African museum sector professionals.

**Q:** What was your objectives for this project when you were filling out the application form?

**A:** Based on the very constructive and effective cooperation between the EUNIC project partners and the excellent expertise of Dr. Sogbesan, phase 1 was successful. The survey alone was extremely helpful for the Nigerian museums scene - and NCMM - in order to update their own database. The round table workshop illustrated once again that in Nigeria, despite its powerful economic role in Africa, the museum scene is still in an early phase of their development possibilities.

sustainable models for museums are a hot topic in Europe and increasingly in Nigeria at the moment.

**Q:** What kind of museums are needed and how to involve the public?

**A:** The project is about international relations rather than cultural diplomacy as the project invites exchange and dialogue rather than showcasing European models of museology. Using an international relations model but the outcomes will be developmental as knowledge of participants will be improved around the thematic areas

Target group:

- a) existing cultural professionals in the museum sector in the EU, Nigeria and Africa to build their networks and contribute to strengthening their museology practice (directors



and curators at the national museums in Nigeria, staff at the new private museums in Lagos and Onitsha, curators and specialists from Western African museums, e.g. Dakar or Abidjan, European museums)

- b) potential professionals in the museum sector ( e.g. art historians, historians)
- c) Students to build their understanding of the museums sector
- d) public servants responsible for the Nigerian cultural sector to influence more support for the sector which can stimulate more international cooperation in the tourism sector and academia

What are the criteria used to evaluate the applicant organisation and application?

Do not know

How did you intend to reach and cooperate with cultural operators to include them in your activities (calls for grants, activities, workshops)?

**Q:** Which actors will be – which actors are included in your activities? Which actors are funded by your activities? Is their proximity to the EU's values an explicit criterion?

**A:** We will include other stakeholders as follows:

- Local partners such as OYASAF and NCMM will shape the thematic focus and will help us to select experts for the workshops. Especially NCMM as a governmental department will be of immense help to support the participation of employees from the national museums.
- joint project of the Lagos and Abuja EUNIC clusters working together especially in organizing the events in the different part of the country (South and North) and keeping the contact to the partners. A steering committee (Goethe-Institut, Alliance Française and British Council) will hold regular meetings to update the current state and to inform all stakeholders.
- Embassies not in EUNIC (in Europe and Sub Saharan Africa) will be encouraged to invite cultural museum professionals from their countries to join the round table, explicitly from countries with a challenging past, which can provide insight into developments after political and economic turmoil (e.g. former Eastern bloc countries)
- The EU Delegation should have the position of a mentor and help the project to be promoted on the political level in the Nigerian capital Abuja

**Q:** How do you work and share knowledge, practices with local institutions and organisation active in the field of culture?

**A:** The final target groups will be dependent on themes chosen at feasibility stage

**Q:** How did the ESC project you wanted to implement would have showcase the Europeaness of its activities?

**A:** Europe would have been a vector – a facilitator more than an horizons – very few people are aware of the existence of EUNIC in Nigeria and it would have been more difficult to showcase european arts directly without falling into neo-colonialist – obviously the aims of

their project is to shed a new light on the European values or to a so-called “European Spirit” to work hand in hand with local partners and experts – who know the needs and context of Nigeria – the promotion of Europe would come secondly.

- a) Mapping of museums and museum professionals in Nigeria by a Nigerian project manager in order to develop a database of contacts that may be invited to participate in the project if approved. A Nigerian expert will be the project manager. (5 weeks starting from September 2019)
- b) Roundtable with EUNIC, local partners and the local museum sector to agree three themes to focus on in the project. (1-2 days end of October)

Further development of the plans to agree exact geographies for each activity

### **EUNIC project “Identity and History – Nigerian museums as Spaces of Culture”**

#### *Report on Phase 1*

**Step 1:** Data collection on the state of museums in Nigeria that contained names, address, Curator, and focus of the museum collection was conducted from July 26th – Sept 11th 2019 by the Nigerian museum expert Dt. Oluwatoyin Sogbesan. This was done to have a better understanding of the museum scene and to provide a firm data on which to proceed in understanding the Nigerian Museum Spaces of Culture and Identity. Nigeria has eighty-eight museums that constitute both public and privately funded Organisations but sadly there is no comprehensive data that can be easily accessed by academics, researchers, cultural institutions and even tourist. The EUNIC Cluster deemed it fit to commission the data gathering stage. This stage revealed not only the names and location of Nigerian museums but also highlighted some fundamental challenges that the museum sector was undergoing in 21st century.

The report revealed the need for a comprehensive data that took into cognizance the current situation and collection focus of each museum. The data revealed the need for dedicated site for publishing the data to make it accessible to the benefit of propagating culture and cultural identities through museum spaces. The data highlighted the need for continuity through dedicated emails that allow museum professionals to separate personal email from work related mails that have the potential of becoming part of a collection.

The report was presented by Friederike Möschel (Goethe-Institut Nigeria), Charles Courdent (Alliance Française Lagos) and Eva Barta (Spanish Embassy) to the EUNIC cluster Abuja on September 17.2019 to discuss further steps.

**Step 2:** The report led to a round table workshop held on October 22, 2019 at Alliance Française in Lagos. The participants were from selected museums, were a representative of 10% of the total number of museums in Nigeria including the federal capital (Abuja). The participants also were chosen to cover not only the six geopolitical zones but also a cross-sectional representation of the varied types and museum collection focus. The group comprises of both private and public museums that included the National Commission for Museum and Monument Abuja.

There were 10 participants representing 15 museums. The roundtable discussion was a

platform for Nigerian museum professionals to discuss the challenges facing their institution and come up with area of need in line with the main objective of the EUNIC project "Identity and History - Nigerian museums as Spaces of Culture". Dr Oluwatoyin Sogbesan prepared and facilitated the roundtable and also in attendance was Prince Yemisi Shyllon (EUNIC local partner) as well as the representatives of Alliance Française, the Spanish Embassy in Abuja and the Goethe-Institut Nigeria.

Discussion was interactive to allow the museum professionals discuss freely with the project title as the focus. Utilising questions tailored towards bringing out issues, challenges and understanding the position of the National Commission for Museum and Monument as the institutional body in charge of all museums in Nigeria.

The discussion highlighted the need for more internal collaboration between museums that have similar collections and focus as it affects Nigeria's identity and culture. Highlighted challenges were *e.g.* lack of updated data on museums, lack of information on collections, lack of dedicated training that cuts across all museum professionals and the poor positioning and representation of museum to Nigerian 'common man/woman'. These challenges were further discussed in four broad topics:

- Awareness despite religious beliefs
- Continuous museum professional training
- Technology
- Availability of an updated data on museums and their collections

All representatives emphasised the need for further trainings and expressed their gratitude to both Nigerian EUNIC clusters to start these important discussions.

**Step 3:** As the calculated travelling expenses were not as high as originally estimated, the two clusters decided to use the rest for a film documentation on the project topic. The Nigerian film director Femi Johnson was asked to film a documentation on Nigerian museums being "Spaces of identity and culture". It contains short interventions from artists, museums curators/directors, any common Nigerian people on what museums actually mean to them. The documentary also stresses the importance of museums as perpetrators of identity and culture but also as tools for education whatever format they are (physical, virtual, mobile, etc.). Mr. Johnson will finalize the documentary by end of December 2019.

**Q:** How did the EU narrative and the features of the EU's actions in the ICR have evolved throughout the last decades?

**A:** The very first narrative evoked was the neo-colonial, one-sided, imperialist one – then the narrative of an Europe divided, fragmented, undermined by internal tensions and external competitors was raised two – European institutions lack of actions and limits were also part of the discussion – the importance of supporting the local needs, of conducting well thought and self-reflected and conscious strategies to involve at every stage of the process the local experts are amongst the tools and the strategies used by Mrs Moschel to re-launch a discussion about the European presence and dialogue. Many ties already exist between the national cultural centre and the ESC would have been a great opportunity to

reinforce and tighten them – it will be very important to play on the complementary of the National institute not to have them opposing their peer’s actions – they all need the help of to the others – a good thing is that in Nigerian people and societies are really opened and talk a lot – they would have not fear to denounce any forms of Neocolonial even the imposition of one’s cultural others the others. EU approach to culture is cross-cutting and includes a wide number of policies (mentioned in the 2016 Joint Communication).

**Q:** Do you see an overall and coordinated logic of action in the ICR or rather several a set of – sometimes contradictory – policies and instrument?

**A:** Cross-cutting approach and a coordinated action of different institutes was at the core of the ESC project deposit by the Goethe Institute – Mrs Moschel is aware of the great potential of culture – everyone can identify or understand a painting a piece of art’s music, it is a way to link people together and especially to create inclusive societies – harmonious ones – the emphasis was put on the heritage conservation, cohesive society, public places but also the strengthening of democracy’s – most of all in the case of Ukraine which suffered terribly through the Euromaidan. She invited experts from Ukraine in Nigeria to discuss similar issues about consolidation of the state – cohesive societies- national history. Another crucial point in her speech was the question of the retrocession art pieces – the process and the interrogation raised by this challenge feeding the launch of their ESC project. They are convinced of the omnipresence of culture and its positive asset – input for a society. No mention no clear mention of the development of the Commission however – did not very well aware / or conformable to take about the last achievements in this field of action.

**Q:** How could the EU policy toolbox be refreshed? Are there any improvements that could be made (from policy formulation and design to monitoring & evaluation)?

**A:** The lack of human resources and budgets was mentioned and stressed.

She also called for a more integrative, cohesive, self-conscious methods, the know-how generates by the contributor of EUNIC should serve the organisation directly – very few people know about it and it would be worthy promoting it more.

**Q:** Do you think that cultural diplomacy falls/should fall only within the realm of member states?

**A:** Yes, cultural relations are mostly dominated by private entities or public agencies – but stay at the national level – no mention of questioning of the legitimacy of the EU to act in this field.

### **Annex n° 3**

#### **Felipe Basabe Llorens interview - transcript**

**Date:** 17 February 2020

**Interviewee:** Interview with Mr. Felipe Basabe Llorens - Founder - Culture Solutions (Europe) – Head of Budget and Finance - Instituto Cervantés (Spain)

**Duration:** 120 minutes

**Type:** Phone Call

**Quotation Mode** - Interview with Mr. Felipe Basabe Llorens, Head of Budget and Finance Planning at Instituto Cervantés, 17<sup>th</sup> February, by phone

**Q:** Could you please describe briefly your current position and your background in National Cultural Institutes?

**A:** You can translate it by Head of Budget and Finance Planning at Instituto Cervantes, Headquarters in Madrid, I am being in this position for the last eight years, I was also working for the Instituto Cervantes for eighteen years, my first ten I was working at administrative and Financial Advisor in Munich, later Paris and later in Manchester and Leeds, and then I had the opportunity to come to my Headquarters, in Madrid. In the next years if I have another opportunity, I would like to go back abroad.

**Q:** From your perspective – how can we distinguish between Cultural relations – Cultural Diplomacy – Soft power – and how these visions influence your daily activities?

**A:** Soft power a theoretical concept, and the broadest one of them, soft power is a thing we are all aware of, at the state level, at the regional level, both for private and public institutions. In the case of Spain, we are the Spanish administration very much aware that Spain has a Soft Power which has an influence or a size, which is much larger than the size in demographics, in political terms, in economic terms, of our country. Without America, without the Spanish language, Spain would be like Poland. [...] Spanish is the second internationally spoken language around the world.

Cultural Diplomacy - Cultural relations: You are very well aware of the difference, and I have to say that the Spanish administration is still in the face of Cultural Diplomacy. Even though we have already embraced on a theoretical point of view Cultural Relations, and even though it is an approach that would benefit us much more than Cultural Diplomacy, all the different organisms, all the agencies of the Spanish government are still doing Cultural Diplomacy. (...) We have three main agencies, Instituto Cervantes, AECID, Agencia Española de Cooperación Interaccional y de Desarrollo, both depend from the Ministry of Foreign Affairs, and Action Cultural Española; which is something very focused on the artistic side, very modern, developing temporary cultural project abroad.

What are or should be the main objective(s) of the EU's 'strategy' in Cultural Diplomacy?

**Q:** What are or should be the main objective(s) of the EU's 'strategy' in Cultural Diplomacy?

**A:** From my personal point of view and speaking on behalf of Cervantes, EU strategy in cultural diplomacy, would be to build trust with third countries, through one of the focal point

of EU, which is culture. If Europe, the European Union is a very potent actor in some areas, some terms, in cultural management, it should build trust and work more on developing the dialogue with the societies of the 3<sup>rd</sup> countries. The EU is a major actor in internal terms, not at the EU level but at the level of Member States. And this is something that will make the EU's further steps very difficult.

**Q:** Given the new objective of the Commission to “promote” the “*European Way of Life*”, should Culture be an instrument of the promotion of the European values?

**A:** I do not have any problems with the term, I do not have any problems with the fact the commission wants to promote such a European Way of Life, I think it something that exists, it is one of the few things that differentiate the EU for others actors in the international stage. And yes, absolutely, Culture should be an instrument of promotion for the European way of life. Culture should be one of the main instruments to promote the European Values. The problem is what are such European Values. I am sure that we could agree on such a European Way of Life and European Values. Even if it is a low-common denominator, I still think that it should be relatively easy to reach.

**Q:** To what extent the EU could be a cultural “global actor” or it aims to (re)become one?

**A:** I am sure it could be a global cultural actor; it is a global cultural actor. But the main problem is its own legislative and regulatory framework. The Member States are keeping their own structure.

**Q:** Are the cultural policies and the legitimacy of the EU affected by the democratic deficit affected?

**A:** To develop a cultural policy within the EU, that is something that is impossible. The answer is extremely complex. I am not sure that we would be able to reach this in the mid-term. On the other hand, precisely on the international aspect, this is where the EU think that it, the EU, Europe could create a common identity vis à vis the third countries. When we present ourselves to others societies to others culture, countries much more dynamic, countries much larger, countries with different values. It helps to produce our own. It would help us to produce our own narratives. And to identify several elements that would be the basis of our own identity. Especially on the side on the Institutions, they are realising this? The development of an international; cultural external actions policy is realistic and it is actually something that we need at the same, because we need to create our own narrative. Even though “we” are not interested in it at the domestic, internal layer.

**Q:** Given the legislative framework of the EU, and the principle of subsidiarity, is Cultural Diplomacy only a tool of Member States, or is it already part of the European cultural framework? How?

**A:** So far the Member States have developed strong cultural diplomacy, it varies, it is very different from a country to another, because of the resources, because of the background, because of the identity, because of the management and the policies. I think that the



legislative structure of the EU doesn't allow Cultural Diplomacy doesn't allow itself to be a tool of the EU and it stays at the service of the member states. The situation for the EU both of them are really aware of the needs of develop such a cultural basis of European culture, European identity, European values and do European values transmit through culture.

It is something that could be much faster than we thought.

For the last years it has been developing also from the side of the EU and from the side of the MS. We are realising that the current structure and the legal framework is not the one that we require.

Nevertheless, in practice we are going ahead of the institutions we are going ahead of the legal framework.

**Q:** Concerning the timing, why is it important now to reinforce the position of the EU on the global stage?

**A:** For two reasons, first of all for the general crisis of the European Union. If the EU has to reinvent itself after Brexit, after the financial crisis, and because it has a new team at the EC and a new Parliament, the timing is perfect.

Now, my second reason is because the EU is more aware than ever of its declining, its decline, its loss of relevance on the international stage.

We are putting together the cultural policies could be one of the elements to reinvent the European Union, to help creating a narrative of the EU, to help create a common identity vis-à-vis third countries. On the other hand, we are more aware, than ever that our role in the international arena is increasingly decreasing even in such a polarized and multi-connected world as the one we are having now, I think it is perfectly justifiable.

**Q:** How have you started to be involved into EUNIC's actions and projects?

**A:** When I came to the headquarters of the Instituto Cervantes, it was in 2009, there were no specific unit or department, dealing with European Affairs, or with EUNIC. It was only created in 2015. The Instituto Cervantes dealt with EUNIC only at the highest levels the secretariat of the president. Everything that has to deal with Europe was something, of let's say, high ranking officials within the Instituto Cervantes, and not of medium management, from 2015 onwards, the Instituto Cervantes, decided to get involved much more intensively on EUNIC and they created a certain unit and department and I was part of this unit, I kept on my role as a Head of Finance and planning and I got involved in this unit dedicated to EUNIC, this unit let me see, was operating 2 or 3 years. From late 2017 onwards a new directorate has been created within the Instituto Cervantes as the new directorate for relationship with EUNIC, EUNIC projects management; and European projects. I was involved at certain point very intensively, and now I am in board but you know much more, aside, not daily-based basis.

This unit was dealing with very precise topics, it was going to be a management unit.

Two or three years ago the ministry of FA indicated to the Instituto Cervantes that we were not at all involved with other National Cultural Institutes on European Projects, but also, and mostly, that we were not enough engaged with Latin American countries. This directorate was therefore created.

To start creating to start a Latin-American partnership?

Since in many Latin-American Countries, there is no such National Cultural Institutes. So the general was to reinforce the presence of Instituto Cervantes around the world and principally to establish links with the Latin-American Cultural institutes.

**Q:** How would you assess the role of EUNIC and its results? Is EUNIC successful delivering its objectives?

**A:** The creation of EUNIC was necessary, it was created quite late. The Member states have not been very keen to develop EUNIC. And from 2014 onwards, it became not only necessary, it became, something urgent, for the European institutions, so EUNIC has been reinforced and re-created, because the EU Institutions needed it, so at the beginning it was something necessary for the Member States, and it became after an urgent need for the European Institutions, if EUNIC exists the way it exists now, the EP, the EEAS, the EC need a clearly identify actor, to contact, to start working on and implementing the strategy and whatsoever. The resolve of EUNIC - it has done much more in the last three, four years, than in the previous, ten years - since when the European institution, has needed EUNIC to become active actor, and partner in the development of policies. EUNIC has been relatively successful, it is going much slower than the European Institutions, would like it to go. But it is going much faster than some member's states would like. So, the results - given the resources - are satisfactory.

**Q:** How is EUNIC engaging with the Cultural Narratives of the EU?

**A:** EUNIC is helping to develop these narratives - but on this very precise point, EUNIC is very dependent on the interest of the European institutions. And is sometimes it acting because the EP, the EC want it to act. On the other hand, EUNIC is ruled by a directorate of the six or seven, nice major national institutes. Out of them, there are huge differences. But since some of them are really willing to have a say international cultural relation, and since they recognise the role of EUNIC, as a developer, as a facilitator, of the interests of the National Union Institutes, so yes EUNIC is engaging with the narratives of the EU. Nonetheless, the initiative and the assertive come from the EU institutions and not so much for the Member States?

With this program, they even closely cooperate with the European Union.

**Q:** What were the goals behind the European Spaces of Culture program?

**A:** ESC was an initiative of the EP - it was the way that the EP wanted to develop a strategic policy in the field of international cultural relations, and it was directly adopted by the EEAS. They really wanted to write a new chapter of the history of the European external cultural actions.

Capitalising on the success of the "Crossroad for Culture" project. The ESC appear as not exactly well defined in the beginning of the project, it was something small firstly, and without very good, long-term objectives. It was the way for the EP to give a continuation to the "Crossroad for Culture" and for the moment for the European Commission and the EEAS.

they wanted to make a qualitative step from the *Crossroad For Culture* project. It is the natural evolution of the "Crossroad for Culture" project. Which was aimed at building capacities on the members of EUNIC, at strengthening the program, useful to increase knowledge sharing and exchanges. The ESC is something else. It is actually a way to help this network to conduct its own projects.

With the transformation the EUNIC is doing to the project, it is now a program, where basically the EP, has opened a door to a further step into the develop of the EU international cultural policy.

**Q:** Could you please describe the process of confection of the ESC program and first steps?

**A:** The interviewees, considered to have already answered this question in the answers presented above.

**Q:** Prior to the application process - Have the evaluation and selection criterion been brought to your attention (as a representative of the National Cultural Institute)?

**A:** Everything was very well exposed and clearly defined in one Assembly General, and in another meeting gathering the heads of the National Cultural institutes, in fact, there was Robert Kief, who did not do the things the normal way. Before in the usual decision-making process, the decisions are taken at the top of national cultural institutes. It does not go down, most of the - if we were stronger - the national cultural institutes and the added value that EUNIC has for the EU - it is that we have a huge together, if you put together of the nodes and net of the national cultural institutes, it is a huge network on the international arena. The problem was that this type of communication only transition through the headquarters and does not go down.

The national cultural institutes who preserved conserving the unicuity, and "their own way of dealing with Public Diplomacy". They were other political reasons that were much more important than transparent. The applications that the EUNIC Global has received were really unbalanced and inequality.

**Q:** Similarly, do you know how the points have you been attributed to the project during the selection process?

**A:** No, this is a problem - the process has not been very much transparent. Much less transparent than in the program of the Cluster funds, we did not know about the clusters were working, what were their objectives, and their priorities. Most of them have tried to transform their cluster fund in an ESC proposal.

Sometimes they have been done by the headquarters of the National institutes and otherwise they have been at a very low level of expertise.

For me the project was too immature? We did not how the points were attributed.

The project was too premature. It was not very obvious how they have done it.

They are regular webinars, organised by EUNIC, I forced myself to take one and at least one webinar per month? The Instituto Cervantes is always trying not be represented by someone from the headquarters at least once a month or by someone of the network.

I have been attending hence by three webinars on the ESC, in the last two years one, on the ESC project.

**Q:** How had the Instituto Cervantes contributed to this project? Did your headquarters in Madrid assist the project leaders?

**A:** Two main points - on the professional side, the Instituto Cervantes has helped projects to be developed, to apply, the one in Brazil that have been already organised for two or three years. And there was another project developing in Morocco.

The Instituto Cervantes was supporting these two projects.

The selected projects were not probably the best ones but they were ticking all the boxes. In terms of artistic disciplines in terms of Geographical position and interest of project leaders.

The selection is a very good result.

**Q:** You were in charge of the evaluation and selection process, have the results been made public equally have they released feedbacks on each project?

**A:** Only formally, they have not been individual feedback and in fact Instituto Cervantes has been very disappointed that the project in Morocco has not been selected.

**Q:** In terms of funding, the EUNIC is providing the selected project leaders with a grant, funded itself by the European Commission? Does it exist any other way or sources of funding?

**A:** The Grant from the EC is a partial Grant. For the rest we speak for relatively small amounts. So, the budget may come from the own budget of the Cultural Institutes. And in some cases and special funds that the Cultural Institutes got from other parties. If it is not directly funded by the EC, it would be funded by the national cultural institutes themselves.

**Q:** The final five projects selected are geographically spread. From your perspective was it done purposefully?

**A:** Absolutely, but to be honest I have the impression that some of the projects did not specifically target the European values. Mixed feelings, I have the impression that the selection of project does not really fulfil the initial aims of the projects.

**Q:** To your knowledge, what was the role(s) of EEAS and EC in the reflection/ implementation and selection processes?

**A:** In the reflection and the implementation, they were there. Formulated suggestion from an indirect point of view. For the selection they were not directly involved; But it is obvious that the result were fought to please both the European Institutions, the EP, and our true allies that we need to have the EEAS and the EC. EUNIC is very aware of the fact that the needs to attract the EEAS and the EC.

**Q:** How is the ESC related to the idea of Europe, is the goal pursued by the project leaders to showcase the European culture(s) and reinforce a positive image of the EU in this field?

**A:** Absolutely, but to be honest I have the impression that some of projects did not specifically target the European values. Mixed feelings, I have the impression that the selection of

project does not really fulfil the initial aims of the Projects.

**Q:** Is there a public or internal document summarizing the application received and the budget for the ESC applicants? Would it be possible for you to share it with us?

**A:** There is for sure - there is a public document only in the call of ideas, regarding the initial budget. So, the application part is as public and as transparent as it can be. Other internal documents, we do not have them at the Instituto Cervantes.

**Q:** Would it be possible to receive the list of evaluation and feedback made on the applications received? Finally, how could the EUNIC policy toolbox be refreshed/rethink? Are there any improvements that could be made?

**A:** Most important point would be to reinforce the communication with the member states, the members of EUNIC. EUNIC Global, should reinforce and it is one of the main objectives the internal communications and I have the impression that with this ESC project, they started very well with the newsletters, by making accessible granting criteria. They have especially and explicitly mention it.

But afterwards, the actual selection process results, and how they were communicating with the lack of feedback - I think was not ....

We are all aware that there is a new communication strategy on the side of EUNIC Global towards the members, and even more after the Brexit. They have taken several steps in this direction, but I have the impression that there is a bitter feeling about the result of the HEC project and how it is about to evolve, into the European Space of Culture.

## Annex n° 4

### Joaquim Benito interview, transcript

**Date:** 1<sup>st</sup> March 2020

**Interviewee:** Interview with Mr. Joaquim Benito, Director of Cultural Centre, Project Leader, Central American Theatre Circuit - AECID (Honduras, Peru)

**Duration:** 70 minutes

**Type:** Phone Call

**Quotation Mode** - Interview with Mr. Joaquim Benito, Director of Cultural Centre, Project Leader, Central American Theatre Circuit - AECID (Honduras, Peru), 1st March 2019, by phone.

**Q:** Could you please describe briefly your current position and your background in National Cultural Institute?

**A:** Good afternoon, Gabrielle, My name is Joaquim Benito, and at the moment I am in charge of the cultural centre of Spain in Tegucigalpa, this at the end of my mandate, and in a few weeks, I will be somewhere else, in Peru. Previously, for more than five years I directed the Spanish centre in Santo Domingo in the Dominican Republic. Before my time in this agency, I worked for twelve years for an entity, an associative organisation, in Spain that is dedicated to cultural cooperation. My experience comes from working in cultural cooperation and development, especially in European cultural cooperation. I worked for many years in France and Spain. From there I have a very broad vision of cultural cooperation. I prefer to do it in Spanish, for me it is much more comfortable and I will express myself better, I will not make mistakes in my language. My professional background has a lot of influence on my way of seeing things. I consider myself a person who comes from pure cultural cooperation and that the cultural centres in Spain, the AECID, are special because we are not cultural centres like the Alliance Française, we are not the Cervantes Institute; we are cooperation and development agency, and that is very important when it comes to our approach. In the case of the cultural centres of Spain, I must explain a little, I do not know if you know it, well it is a cultural centre of Spain. A cultural centre in Spain is a network, we depend on the Spanish Agency for Cooperation and Development. We are above all an agent for development, in addition to this mandate, we have other branches of work delegated by the minister. One of them is bilateral cooperation with the country in which we are, the relationship between Spain and in this case Honduras, and also, contributing to the South American cultural space, and finally, a third mandate, to defend Spanish culture; these three mandates agree on a cultural centre of Spain. It is an agent of development cooperation. This makes us different from other networks of cultural relations, such as the Cervantes Institute or the Alliance Française, where language is the main objective, they also do cooperation, but it is not their main mandate. So, the weight is very different from now to act. We are both, the cultural centres of Spain and the Instituto Cervantes, partners of EUNIC. I do not know when we entered, about three or four years ago, I do not remember, exactly when we entered we were mainly European cultural centres beyond those mandates, and for example in the case of Tegucigalpa, we in Tegucigalpa, there is us, a French alliance and a small German cultural centre, it is not a Goethe, it is a small local



centre, it is a local network, we are the three centres, we are the three centres that when the month of May arrives, we are the ones that coordinate ourselves to make European films or European activities. In collaboration with our embassies, we lead what we coordinate.

**Q:** From your perspectives, how can we distinguish between Cultural relations, Cultural Diplomacy, Soft power, and how these visions influence your daily activity?

**A:** It is complex, but in the end it is terminology that has nuances, to understand cultural relations I understand, that a dialogue is established between two cultures, between the Spanish state and Honduran cultures, in this case, a cultural centre, as the cultural centre of Spain a building, which allows a dialogue, dialogues, Hondurans and Spaniards, allows Hondurans to know the Spanish culture, and allows us to coordinate the entry of the culture of Honduras to Spain. In this context, part of our mandate, of our work is to collaborate, to work with the Honduran cultural world, because this work is impossible without knowing, how culture is produced, how culture is made. We have a strong will that our work helps local development, that culture helps development, which makes that practically more than 50% of the cultural proposal of the cultural centre of Spain are productions with Honduran content, and 30% of Honduran creation, more or less 20% of Spanish content. That, curiously enough, is different from other cultural centres, the cultural centre of Spain; the largest production that a cultural centre has in Spain is not from Spain. Even from the point of view of cultural diplomacy, from the soft power of soft diplomacy. In culture, we work with intangibles, if you go to our cultural centre in Spain and leave because it has a good position in the world, we are very well respected in our environment, I am convinced that if I speak with Honduran creators, they would not know how much Spanish culture there is, or how many events we do, but surely they could say that the cultural centre is, a cultural centre with a lot of promotion, that we are diverse, that we are modern, that we are committed to young creators. Whether the origin is Honduran or Spanish, or from another country, this transmits that the most important thing is that the Spanish is like diplomatic power, it is an intangible, and I can therefore, it is true that we do not do diplomacy, because in the end working in cooperation also makes that the part dedicated to Spanish culture is not seen in the first place. If you ask me, what is my objective, my objective is not to sell Spain, not my objective is not that. But I understand from a minister's point of view, he would say that we have to do the same

**Q:** What are or should be the main objective of the EU's 'strategy' in Cultural Diplomacy?

**A:** I think that so far, perhaps I am wrong, the cultural policy of the European Union, there is what I see on paper and what I see in reality, in the day-to-day. The relationship between the European Union and Culture has really been summarized in this diplomatic role, this role was really assumed by the states and this role was given to the European Union that recently was not? It has been strengthening for, I do not know, ten or fifteen years. The figure of the European Union's ambassador helped a lot. In developing countries, development cooperation has so much weight, that it is the main working tool of the countries in which they are, in this field, in the area of cooperation as much as in the area of cultural diplomacy was not on the agenda of the European Union, nor on the agenda of the ambassadors of the European Union, nor this

one. Now it is beginning to be, texts and phrases are appearing that show that culture is on the EU's agenda. As an actor of development, a factor of any people. And later, as a space for production and creation, development also began, and we had to look for ways to take charge of it, but it really is not. So they do not have professionals, they do not have a clear idea, when it comes to the cultural action that the EU carries out, because sometimes it is a question of who is the ambassador. In many cases the person in charge of these cultural matters was also dedicated to communication and other things. Now it is also true that there are very active delegations, around European culture, and others that do nothing or do something on 9 May. Even so, it is also true that this is very difficult material, because drawing European culture - it needs to make concessions to European culture, such as the sum of 28 countries, well now 27, very different ones, we too are passing through, mountains, France, the Alliance Française, that we make a film cycle with productions from these countries, we get films from other countries, for this effort, is complex. Now, I can say that culture is an intangible if I believe that Europe, in general, and in its policies and speeches, and that in reality, you have intangibles, well, they are as important as the issues of transmitting human rights and cultural diversity. You only work with that and lately that is already an important field of work in the cultural field, it depends on the country where you are, you can work on only that. The European Union calls for civil society, the indigenous civil rights of people of African descent, there is an important field to be developed. There is an important field where we agree with people like us who work on development campaigns, and where we really fit, also with the new framework, the OECD framework, the framework of sustainable development, it is good for us for everything, we came to work in the cultural field, to work with a global framework, that is to say, the same for diplomacy, for development, the cultural that is under- represented can be

**Q:** How have you started to be involved into EUNIC actions and project?

**A:** Years ago, I think we entered EUNIC since our election, we said to ourselves, that we are going to join this network to understand it. In the case of Honduras, we can't organize you in a cluster, because to organize a EUNIC cluster you need 3 EUNIC partners. And here, we are only 2, Alliance Française and the cultural centre of Spain. And it is German, it is not Goethe, it is a local cluster, because that's why we stay in our areas, and we have only one internet letter, a newsletter our partners there are not in a cluster. When the call for Spaces of Culture came out, we saw it, and we said, well if that's an opportunity, this is not for a cluster, this is for local partners, they had options for partner projects, there was already the Alliance Française, when we saw the options for a response we said, well, I think that we, like Spain, had collaborated in a theatre festival, with local plays, Spanish plays, the Alliance Française also did this, and if the German came in, we had made a festival, the three of us. And you know, once we were having lunch with, we were talking about it, I do not know with my staff, and we started to imagine a regional project, because it was obvious that now there was nothing and that there was everything to do. And in this case I really pulled out all my experience, I worked in production in France and Spain, and it is true that we produced, from one country to another, because there is a change of language, three countries are necessary to direct such a project,

and they remember that we were two in Honduras, so we had to look for partners. Well, a combination of everything. A very coherent project, with a need for partners, and we also bet on a project that is many things. This project is not a European cultural cooperation project, but cultural projects and cooperation between the countries that participate, and participate, Honduras, Guatemala, Salvador; it is a development cooperation project, what we want is to open up a market for theatre production. The Honduran companies, giving the cultural consumption that there is in the country, which is very small, obviously because of the poverty rates, opened their market to ten million Hondurans, to thirty million, or twenty-five million from Guatemala, because a project that even at the beginning, was of bilateral cultural cooperation of regional cultural cooperation, inter-cultural, European, because in the end what we put in are European playwrights, European contemporaries, but at the end the actors are local, and I think that this group that makes our pact has been defeated, within the area of cooperation. We presented it to EUNIC, in this case we used the first part of the project to meet, to decide what we had decided, because the project had to be written. This work is the same, the details have not changed, we agree very well on what we wanted to do with this project. More than it works, I think it is a mark for working together in the future. Because everything came up with a lot of ideas, having all partners, potential partners to do things.

**Q:** How would you assess the role of EUNIC and its results? Is EUNIC successful delivering its objectives?

**A:** Well I'll tell you, our relationship with EUNIC is quite simple. We communicate by email, questions, very well, very close to our realities, you notice that I worked with people who worked in cooperation, who are used to working in the field of cultural cooperation, you notice it right away, you also notice that EUNIC is a private entity, they are not actors of the Commission, in cooperation it is necessary to be generous, with everything, with what you think of the other, with what you are going to do, with the effort, you have to be generous because it is the way to reach common points. I am one of those who believe that afterwards everything becomes better. You can't be generous to make a good impression. That's why it is been easy. Once we were selected, and they wanted a meeting in Brussels, the project for example we sent it to you, it was Clara who is the promoter of cultural centres in Spain, but she is already Honduran. She is a Honduran, because our staff is local, only the director is an expatriate, a scholarship holder, a scholarship holder who only comes sometimes, but okay, the staff is local. First, I had a good relationship with the EUNIC staff, with Robert, and secondly, you will notice that we had these very well prepared in relation to other things. But they also realised that we were trying to convey the Central American reality. You can understand that, in a short time in our cities, doing ten plays of this project, is like revolutionizing the cultural scene of the country, because there are not so many plays in Honduras, so this project can have a really important impact. Also, as we had many partners, because it is important not to have partners, and with the Honduran partners, what is good is that we are not only European cultural entities, but we are also local cultural entities. In this case we have, like the National School, in the case of Guatemala, it is the theatrical branch of a university, and also in the case of El Salvador it is a private theatre. They represent the theatre networks, and they are

legal partners, they represent the theatre network, as partners they are no different from the other companies, but they had to administratively sign the project but they speak in the name of the theatre sector. They are EUNIC and it hasn't been easy. The program that came out after that is clear EUNIC is a private entity, and to the people in the cultural field and here we have a cultural cooperation agency, that's why we had to respect this whole process, they understood it completely, in Spain you can't imagine what it is, but EUNIC understands the process very well.

**Q:** All in All, what were the goals behind the European Spaces of Culture program?

**A:** Our Project is the only regional one. The Africa-based one targets also several countries but their partner only came for one country

**Q:** Could you please describe the process of confection of the ESC program and first steps?

**A:** The first phase of the EUNIC project was simply to prepare the process - and that's also the curiosity of this EUNIC project, there was a first phase where 10 ideas were chosen, right, for those ideas we were given 2000 euros to work on this first stage, this idea, in our case we met, the partners, to discuss what we wanted, to refine things, and to start now. So what we did was, it is up to EUNIC to tell us, let's go ahead, if the money comes it is OK. And then, we started the website, we started it all up, and when EUNIC, in the second phase approved the project, we already had the call for applications. All right, we haven't lost, with EUNIC, we closed the administrative part of this project, we haven't received any money, but we started receiving proposals, the call ended yesterday. I am not going to make a list, but this list, to have everything clear, inside the mail, and between yesterday, and the day before yesterday, between Friday and Saturday, 59 mails came in, that means, at least 40 theatre proposals. I suppose that between 30 and 50 proposals for each country will see. I do not know what the qualities are. Let's see what we can do, because of course, when we finish with the EUNIC people, with the European partners, we explain to them things, they do not really understand what South American culture is, in Honduras in our city, there is only one private theatre, and one public theatre, the public theatre never programs theatre, because it is a theatre that is part of a national network, and there is what there is, mostly theatre twice a year. This is the dimension that we have and the companies, well there are 3, 4 that live from this, so if there are 40 proposals, it would be in France three thousand - the same.

Now, in the next two or three stages, the selection committee would select plays to be produced, I can't tell you much more because the committee would be the one to select the, I can tell you the criteria, one, which is relevant, mobility, because it is relevant to the product. Two, the quality, that the proposal is well made, that the company has taken it seriously, that it has done a good job. And the third criterion, would be, one could call it "interest", that is, the values of the project, are, principles, diversity, (...) that would be a criterion that we want to find, with respect to Honduran culture, the works that can be done in the streets are valued. So, let's value diversity. We do not want French and German authors to be united and spend our money on a work by a Finnish author in the French Alliance for Saviour. That's what's important to me, diversity. And that is what you do not see on paper. In the Pope, we would

say that we have made five productions, 30 performances, 3,000 people in the audience, but what he can't transmit is the whole story behind it, but it is good to talk about the future, but I do not know. I hope that you are like that, I hope that they would have not selected a French author. I'm sure we will be surprised by the proposals. Globalisation has a lot of negative aspects, to make it uniform, but you also have people who do things that you didn't imagine to do years ago. You can simply find a text from a Polish author, find it, download it, as far as rights are concerned you can write an email. That was impossible before, now it is possible, and Honduran actors, like all actors in the world like creative things, can download it.

**Q:** Do you know how the points have you been attributed to the project during the selection process?

**A:** The criteria were put on the form. They were very transparent. I do not know how the points were scored, I know that. I know that the five premier projects were made public, I know that we are five, I know that there is an American, I know that it is a project for every continent. Is it distributed? I do not know if it was done by chance or will.

**Q:** The final five projects selected are geographically spread. From your perspective was it done purposively?

**A:** I do not know

**Q:** To your knowledge, what was the role of EEAS and EC in the reflection/implementation and selection processes?

**A:** We have talked about the European Union delegation in the project, it is true, the European Union delegation has a strange role. They are partners, but they have a problem financing it. The delegation that is "the one that can", cannot put up money to support it, they are partners but parallel to the dynamic. They have a role that is new, even for them, I can tell you. Some of them didn't know what EUNIC was. The role of the three delegations has changed a lot, now a project with visibility has arrived within their communications. And the Commission didn't expect it. It is 50 million euros that the Commission proposed. Only in Honduras, I think that the European Union in Honduras makes 780 000 euros a year for development. Ours was very small, in the EU budget. However, the project, in the face of the papacy and what is seen in Brussels, this theatre project, comes out with a paragraph, of course, because it is a project that comes out within a new framework. Because it is also true that culture transmits, but it is easier to transmit something in the field of culture. The other day, the ambassador of Honduras came to a delegation of fifteen European parliamentarians. Suddenly, you realise that what is nothing, is really something, is a lot. This is useful, because the delegations stop doing only the European day, at a cocktail party or I do not know what, we discuss concrete issues, nobody questioned the content, nothing, everybody wanted to do it. It would be easy.

**Q:** Finally, how could the EUNIC policy toolbox be refreshed/rethink? Are there any improvements that could be made?

**A:** Sincerely, looking at the future call, I think that EUNIC should consider this problem and propose two types of calls, local and regional projects. Double the calls, because the most important thing for me is to transfer European culture, Creative Europe, to take it to other countries, to take it to three or four countries, each partner, each call. Culture can serve this cooperation process, and I always say that culture is a good area for learning about cooperation. It is very cool, because in culture there is equality, there is no culture superior to one another. It is an equal to equal shot, it is a good space to learn from each other, there are many multilevel organisations. We are an agency of the Spanish state and we work directly with a group of artists. In Cultura yes, you can work on different levels. Culture is a good learning space to cooperate and to create economic cultural spaces, Europe has grown because of ERASMUS, in this case, Erasmus is educational



## Annex n° 5

### Clara Blume and Martin Rauchbauer interviewees, transcript

**Date:** 16th March 2020

**Interviewee:** Interview with Mrs Clara Blume, Head of Art, Science, and Technology, and Martin Rauchbaeur and Martin Rauchbauer, Austrian Consul and Co-Director, Open Austria, 16<sup>th</sup> March, by phone.

**Duration:** 67 min

**Type:** Phone Call

**Quotation Mode** - Interview with Mrs Clara Blume, Head of Art, Science, and Technology, and Martin Rauchbaeur and Martin Rauchbauer, Austrian Consul and Co-Director, Open Austria, 16<sup>th</sup> March, by phone.

**Q:** Could you please describe briefly your current position and your background in National Cultural Institutes?

**A:** Open Austrian is a hybrid two-fold National agency, promotion the interests of Austrian entrepreneurs and businesses, spanning over Business Austria, Trade, Culture and Public Diplomacy, it is serving a wide range of people, of activities. It is committed to foster innovation and IT, organised in the thriving and competitive cocoon of the Silicon Valley, Open Austrian infinities itself as an innovation Hub serving Austrian public and private interests.

It is encompassing a whole range of diplomatic traditional toolboxes, efforts and activities to answer blossoming, rising and innovative areas of actions, as the tech industry Two-fold agency, divided between tech diplomacy and cultural diplomacy. The tech diplomacy one, runs by Martin, Rauchbauer, Austrian Consul and Co-Director, Open Austria, preeminent, and experienced diplomat, target private sector and relies on traditional diplomatic tools to address the positive and negative outcomes of technology, from block chain to AI, spanning over regulation and data processing. This portfolio is directly linked with the overall EU agenda.

As Head of Art, Science, and Technology, Open Austria President, and of EUNIC Silicon Valley, Mrs Clara Blume is managing and overseeing the second portfolio, cultural one, complementing pretty much the portfolio of Martin.

*The Grid* will become a matchmaker between artists and technologists, helping to develop best practices, models of collaboration and facilitating collaborations between technologists and artist communities.

*The Grid* initiative is widely seen as a huge opportunity to create a multi-stakeholder professional network between artists, artistic communities & institutions, tech companies, and even governments across Europe and within the United States. Eventually, *The Grid* has the potential to become a global movement, mirroring the global presence and ambitions of the tech industry.

A successful collaboration between artists and technologists needs to take into account the realities of local artist communities and the artistic ecosystem of any given region. In the Bay Area, the presence of the global tech industry has led to considerable crowding and pricing out of artists and artistic spaces. A meaningful collaboration needs to include the establishment of open work and living spaces for artists, ultimately empowering artist communities.

**Q:** From your perspective, how can we distinguish between Cultural relations, Cultural Diplomacy, Soft power and how these visions influence your daily activities?

**A:** According to Martin, both trends co-exist inside EUNIC? Some agencies since they are closer to their government surely more on cultural diplomacy rhetoric and advocate for such an approach, while other national cultural institute, more independent, and proud of their own arm-length organisations, support, favour a more cultural relation like approach.

The multifaceted dimension of their work spans over cultural diplomacy, since they are ambitioning bridging the gap between the EU and the USA / tech industry, cultural relations, by bringing together, combining the interests and the resources of several national cultural institute

**Q:** What are or should be the main objective(s) of the EU's 'strategy' in Cultural Diplomacy?

**A:** The potential role of Europe or EU/EUNIC institutions in the relationship between artists and the tech industry was discussed. Most of the interviewees saw a positive role of Europe as a kind of neutral "third party" facilitator between a vibrant, but often diverse and uncoordinated community of multiple stakeholders. European institutions were seen as pivotal stakeholders in "The Grid" and could therefore, in close collaboration with local communities, artists, tech companies and other institutions dedicate a fair share of re- sources and efforts into making the project meaningful and successful. Our recommendations and insights for the Europe's role in technology and art include providing an organisation to connect companies with each other, help companies and their artists with introductions and exhibition opportunities with European cultural institutions and by continuing to support the arts as they have in the past. EU strategy in culture diplomacy should try to deeper its ties with the tech industry and foster its ace with the technology. Industry EUNIC Cluster has investigated that in this blooming city , characterised by the arts throughout the centuries by the art, seems deserted by the artists , what happened , not enough artists - is it because San Francisco is too expensive. Hence by, Europe could be a mediator, a facilitator, a matchmaker.

**Q:** Given the new objective of the Commission to "promote" the "European Way of Life", should Culture be an instrument of the promotion of the European values?

**A:** Arts understood in a broader sense embody a fantastic tool to bridge he gap between the arts and the tech bubbles. Ensuring a safe, inclusive, responsible digital way of life, indices "humanising the digital world", and relies therefore on arts and culture.

*The Grid* promotes a positive image of the EU as a pathfinder, matchmaker. A facilitator for the two communities and an investable actor of the whole environment

**Q:** To what extent the EU could be a cultural "global actor" or it aims to (re)become one?

**A:** Clara Blume reckons culture as a way to open doors, it is a "magic wand" for the action of the EU aboard. Hence by her portfolio is very complementary opt the on of Martin they are both very much complementing themselves.

It is hard to access the tech industry, should EU use the Arts to reach this sphere ?

**Q:** EUNIC Silicon Valley and the EU

**A:** As *The Grid* was initiated by European art institutions in the Bay Area and facilitated through an EU funded program (*European Spaces of Culture*), the potential role of Europe or EU/EUNIC institutions in the relationship between artists and the tech industry was discussed. Most of the interviewees saw a positive role of Europe as a kind of neutral "third party" facilitator between a vibrant, but often diverse and uncoordinated community of multiple stakeholders. European institutions were seen as pivotal stakeholders in *The Grid* and could therefore, in close collaboration with local communities, artists, tech companies and other institutions dedicate a fair share of re-sources and efforts into making the project meaningful and successful:

### **#1: Help in connecting business-to-business collaboration**

There was an indication of a general inability to help artists in one company connect with the resources of others. This is seemingly due to a lack of a third party to facilitate such relationships. Obviously, each company has an incentive and an obligation to their respective management to focus on their product. However, many of the people who run these programs indicated an interest in helping connect their artists to other external resources. *"I'd love to be able to help connect an artist to more external resources, but that is outside the scope of our program, but if there was someone who could help with that connection, it would be much easier to set up"*. There also appears to be an opportunity to connect companies from Silicon Valley to other geo- graphical areas. This is where a program such as *The Grid* could be helpful.

### **#2: Connection to EU Cultural Institutions**

While companies are naturally experts in their internal resources, some find it difficult to connect their artists to external cultural institutions. *The Grid* could provide as part of this potential program a curatorial connection initiative. This could be accomplished either by helping connect curators, museums and galleries directly to companies, or by facilitation of exhibitions and special programs. *"One issue we have is helping our artists find venues outside of our company to show their work"*.

### **#3: Europe, a Leader in Art + Tech**

Europe has historically been a global centre for the arts. Many modern and contemporary creative traditions trace their lineage back to European cultural hubs. Europe has also been shaped by technological innovations and upheavals. As such, the European Union (EU) has a unique opportunity to position itself as a leader in the world of art and tech by facilitating and shaping the nature of these collaborations going forward.

### **#4: Professional Training and Education**

Europe, as a whole, is home to countless centres of higher education that lead the world in professional training. By engaging with these universities to create intensive in-person or scalable remote learning curricula to train artists to work in the tech industry, the European Union has the opportunity to both establish and lead a promising new vertical in professional education.

### **#5: Art + Tech Report 2019 23 #5 Access to European Art Networks**

With its long tradition of supporting the arts, the European Union and its member states have access to networks of artists across all disciplines and mediums. In tapping into this network, the EU can act as an indispensable broker in identifying and recruiting the right artists for collaboration with the appropriate Silicon Valley technology companies.

### **#6: Europe, a Credible Industry Partner**

The EU is an economic global powerhouse with its deep network of connections in the business world, both in Europe and beyond, and is uniquely positioned to evangelize the value of the arts to tech executives. While this could take any form from informal awareness building to formal executive education programs, it holds true that when the EU talks, the business world listens.

### **#7: The EU, a Global Standard Setter**

The unique value that the arts bring to technology closely mirror the humanistic and human rights-based values championed by the European Union, both in civic life and in business. As evidenced by the landmark GDPR regulation and numerous other initiatives, the European Union is already the world leader in supporting the creation of responsible tech and supporting artists in working with tech is a concrete way to emphasise this leadership role.

### **#8: Europe 'seed-funding' the arts**

Given that the largest barrier to small and medium sized tech start-ups engaging with the arts is financial and not lack of interest, there are opportunities for the EU to help subsidise or sponsor prominent start-ups to engage with the arts. While their funders may not be ready to pour money into the arts, these organisations still exert an outsized influence on our lives and the EU can help catalyse.

**Q:** Given the legislative framework of the EU, and the principle of subsidiarity, is Cultural Diplomacy only a tool of Member States, or is it already part of the European cultural framework? How?

**A:** Some institutions seem also reluctant to invest more in culture. It is all about the person/ the official in charge of a diplomatic position and his/her willingness to engage with culture and Cultural sector.

**Q:** Aftermath of the Arm wresting of the EU with the GAFAM and with the Tech Industry

**A:** Technology does a really good job in asking how things work. Artists do a really good job in asking why things work and what they mean for us and our societies. As our technology grows increasingly powerful, we need artists to use these technologies, discover what they can do and should do, thereby reflecting on their impact on our human existence as well as on society.

We need to avoid falling into clichés and generalities when talking about “humanising technology” or “human-centred design”, as there are plenty of “dark sides” in human nature

that technology as a tool often enhances and amplifies, as recent examples of genocide aided by social media, or the destruction of our planet caused by human technology have shown. Human-centred design can lead to human-centred dystopias. Therefore, a new digital "humanism" needs to take into account planetary challenges caused by humans, such as climate change and the depletion of our natural resources. Artists, but also philosophers and thinkers, are often better suited to include these reflections on the ambivalence of technology into their work than tech developers.

New technologies such as artificial intelligence have also entered the field of creativity, thereby creating anxieties about the future careers of artists as well as artistic ownership. However, AI has also proven to be a useful tool for artists expanding and extending their creative potential, as long as a human/artist is kept in the loop. At the same time, we need to be watchful about how AI can contribute to our human vulnerabilities by creating ever more perfect tools for user engagement and dependency.

There is a need within the tech industry to find standardised models for collaborations between artists and technologists. These models can build on existing experiences and best practices already established by current and past programs.

Artists and artistic thinking could also be part of executive or staff training within tech companies and start-ups which would help contribute to a shift towards a more holistic perspective in tech company culture, or the entire innovation ecosystem.

This triggers new opportunity for Europe to reposition itself at the core of the tech industry abroad, and henceforth fostering its ties with this inescapable sector of growth, innovation, employment.

**Q:** How have you started to be involved into EUNIC's actions and projects?

The Silicon Valley EUNIC Cluster is composed of 4 Member States National Cultural Institute and of the National Cultural Institute (France, Germany, Italian, and Austria) of Switzerland.

**A:** They gathered with the aim of dealing with the Silicon Valley, all the national cultural institute was sharing similar views on their needs to engage the tech sector and they were very keen to league their force to come up with a strategy to sustainably re-establish themselves in this environment.

On December 4, 2019, EUNIC Silicon Valley officially launched 'The Grid' at The Gray Area in San Francisco. At the well-attended event, the preliminary findings of this report were presented. Two artists from Europe (Julia Körner, UCLA) and the Bay Area (Alex Reben) gave a brief presentation on their experiences in successfully working with tech companies in the past, focusing on 3D printing of wearable, as well as on artificial intelligence. In addition, media artist Christian Lölkes showcased the innovative approach of collaboration developed by the German Center for Art and Media (ZKM) in Karlsruhe. Cartographer Victoria Beckley and Roel Nuyts showed how artists, companies and institutions could #GetOnTheGrid.

The presentations were followed by a panel discussion revolving around the topic of "Humanising technology through the arts" with representatives of the tech industry as well as art institutions in the Bay Area that have already experimented with different models of collaboration between artists and technologists: Google Arts + Culture (Kenric McDowell,

Head of artists + machine intelligence program), Mozilla Foundation (Melissa Huerta, Senior Program Officer), OpenAI (Christine Payne, Author of MuseNet), Centre for Human Technology (Aza Raskin, Co-Founder), Burning Man + the Crucible (Jeremy Crandell). The panel was curated and moderated by EUNIC Silicon Valley President (Clara Blume).

The House of European Culture, is a metaphorical one, it is the invitation for a creative journey, tech affects everyone, and the aims of Bring together Artesia and Technology,

They choose the metaphor of the map, *The Grid*, while sometimes were usually trying to get off the grid, this time they aim at getting people on the grid.

They portray themselves as a kind of laboratory, either of the EU either for EUNIC.

Important to realise that the ESC are pioneers in their field, they lay the ground for further initiatives, creations of the EUN in the field of external relations.

Their objective is multifaceted and address altogether the gap between the tech industry and the artists, the gap between the Silicon Valley in the EU, the use of the artists by the tech companies and the dehumanisation of the IT world.

**Q:** How would you assess the role of EUNIC and its results? Is EUNIC successful delivering being objective.

**A:** Very positive view of EUNIC global work.

**Q:** What were the goals behind the European Spaces of Culture program?

**A:**

- Identifying opportunities for deeper, more impactful synergies between the artistic and the tech worlds.
- Report and interviews with key stakeholders within companies which support artists and an online survey released to a wider audience.
- Suggesting possible roles, the EU can take on to help support not only art and technology in the Bay Area, but also abroad to its member countries.
- It is apparent from the qualitative data gathered that not only are companies very interested in supporting the arts, there is also much an external organisation can do to help with the arts in technology.
- There is great excitement within companies to collaborate with artists who use technology and believe that EUNIC Silicon Valley/the EU can act in the Bay Area through future initiatives to both support current programs and foster new ones.

**Q:** Could you please describe the process of confection of the ESC program and first steps?

**A:** By themselves they produced, as a cluster, a report balancing the needs of the tech industry and their use of the culture sector in order to identify deeper ways of collaboration. We focus on technology companies who have collaborated with and supported artists, either now or in the past. We were primarily interested in companies who have been involved in the arts in active ways as part of larger corporate business strategies and not in merely philanthropic ways (nor in a purely corporate art collection). This support could vary from individual project support, to a full artist residency program which would involve aspects such as funding,



collaboration with employees and access to company technologies and products. We also limited our scope to companies who have some presence in the Bay Area of California.

Over the course of 3 months, we collected qualitative, semi-structured interviews with multiple tech employees working, or have worked in the past, in the following 13 companies:

Google, Facebook, adobe, Nokia, Salesforce, partnership on AI, Mozilla, Microsoft, the centre for advancing innovation, Lyft, ThoughtWork IDEO, Autodesk ...

In an effort to start supporting our qualitative findings we're conducting an ongoing quantitative online survey among the larger group of stakeholders working at the intersection of art and the tech industry, including artists, cultural institutions and curators. Our set of questions included, for example, the types of available support for artists and art organisations; the state of the current art scene; and overall values alignment between artists, art patrons and the tech industry in Silicon Valley.

**Q:** Open Source Visualization of *The Grid*

**A:** The Visualization is a first step of supporting a constructive dialogue. As with any dialogue you need to know who you're talking to before you can reach any meaningful and mutual result.

To identify our stakeholders and connect them to one another we created an interactive web map that allows users to add themselves as a point linked to information about their work. The visual informs us of who are stakeholders are and enables those individuals to connect based on proximity as well as to explore activity in the greater area. The map was created by cartographer Victoria Beckley.

**Q:** In term of funding, the EUNIC is providing the selected project leaders with a grant, funded itself by the European Commission? Does it exist any other way or sources of funding?

**A:** Yes, the EU's money is representing only a half of the money needed to pursue this project, especially in the field of culture, there is much more need for bid budget since even renting a venue in San Francisco is more expensive than anywhere else.

**Q:** The final five projects selected are geographically spread, From your perspective was it done purposively?

**A:** *The Grid* is the only project located in a developed Country, it seems reasonable to imagine that the interests at stake are different, and differ from the cooperation-related discourses that may prevailed in another countries and cases. The two representatives asses their project as a pioneer in this field? A laboratory, which success and failures would determine further direction of the Eu's external cultural diplomacy and bolster new learning curves, thoughts processes and thinking pattern in the field of ICR. They do not seem to be in contact with the others nominees for this grant.

**Q:** To your knowledge, what was the role(s) of EEAS and EC in the reflection/ implementation and selection processes? How is the ESC related to the idea of Europe, is the goal pursued by the project leaders to showcase the European culture(s) and reinforce a positive image of the

EU in this field?

**A:** The in the Silicon champions the idea of Europea, and offer it more rooms for further developments, and provide this political project with more incentives, and a symbolic positive base, fostering and triggering a positive image of European among the tech industries, - a necessarily audience to regain in the aftermath of the arm wresting with the GAFAM.

**Q:** Finally, how could the EUNIC policy toolbox be refreshed/rethink? Are there any improvements that could be made?

**A:** EUNIC is on a very promising learning curve, through processes have been so far very fruitful and it is a reliable organisation, there are rooms of improvements regarding the way the clusters interact and partner up with the EU Delegation. More cross-pollination, would be welcome. Perhaps Structures and EU public Agencies do not have a voice as strategic and common as EUNIC do.

The shift observed in the recent twenty years in European cultural diplomacy towards a more assertive, strategic and clear message should be sustain.

The need to have replicable models, EUNIC can be used to out forward new thinking patterns, and growth models in ICR. Need to educate the other bubbles, stakeholders and especially the representatives of the EU, the officials working in the structure.



## **The EU, state-building, norm diffusion and contested states: Insights from Kosovo and Palestine**

Dafni Argyraki

### **Introduction**

Defining the European Union's (EU) distinctive "power" in international relations, a power which "is neither military nor purely economic, but one that works through ideas and opinions" has long been debated in the literature (Diez 2005: 617). Ian Manners (2002) has developed the concept of "Normative Power Europe" (NPE) in an effort to describe what kind of power the EU diffuses internationally (Manners 2002: 252). However, while the EU as a power has been widely researched, the effects of this power diffused through state-building missions have not been much explored and much less in the context of the so-called "contested states".

In particular, the EU has been engaged in its direct neighbourhood (Western Balkans), but also in its indirect neighbourhood in the East and South. While the countries in the Western Balkans have been granted the EU Membership perspective, following the Thessaloniki Summit in 2003, this has not been the case for the countries engaged under the European Neighbourhood Policy (ENP). In addition to this institutional framework, the EU has been active in some of these partner countries with civilian missions, deployed under the Common Security and Defence Policy (CSDP), to assist countries in post-conflict recovery. This engagement might include support in the fields of Rule of Law, security and judiciary, capacity or institution building. Given the increased involvement of the EU in entities with "unconsolidated statehood", often referred to as "contested states" (Bouris and Papadimitriou 2019: 8), it is key to study the effects of this "power" diffused through EU's external action.

Hence, this study engages with the Foucauldian-inspired concept of norm-diffusion, together with insights from the critical border studies, in order to explore the "under the surface" effects of EU's external action in contested states. In a nutshell, this thesis will search to answer how the EU-led state-building influences "norm-diffusion" in contested states. The aim of the analysis will be to advance an empirical understanding of the "under the surface" effects of the EU-led reforms in the field of security, judiciary, Rule of Law, institution and capacity building. In order to answer that, two cases will be studied: Kosovo (EULEX) and Palestine (EUPOL COPPS, EUBAM Rafah).

In relation to the outline of this thesis, in the first chapter, the literature review will establish the link between the key concepts for the analysis, namely between power, norm-diffusion, contested states and state-building. In the second chapter, the definition of the research methodology will operationalise the literature by providing definitions and limiting the scope of the research. Chapter three, includes the historical overview of the study cases, Kosovo and Palestine, will follow, in order to understand the context of the EU's engagement and the roots of the contested statehood of the case studies. Finally, the analysis of the case studies and the influence of the EU-led state-building in contested states will follow in the final chapter.

## 1. Literature review

### 1.1. Europe, what kind of power? A discussion about "power" and "norms"

#### 1.1.1. The Concept of Normative Power Europe and its critiques

Developing an understanding of what "norms" and "normative power" refer to in the framework of the EU's external policy is key, in order to understand the kind of power and norms that the EU can diffuse through its external relations.

Debates on the distinctive nature of the EU and by extension its international significance started to emerge in the 1970s, notably with the concept of "Civilian Power Europe" (CPE) (Duchêne 1972: 43). The CPE, as conceptualized by Duchêne (1972), was assuming a distinct form of diplomacy where "Europe" would prefer "civilian forms of influence and action" to military security (Duchêne 1972: 47). Building upon both notions of CPE and "Military power Europe" (Bull 1982: 156-159), Manners (2002) put forward the concept of Normative Power Europe (NPE) in order to emphasise the EU's expanding international influence and highlight the EU's ability "to shape conceptions of 'normal' in international relations" which "is, ultimately, the greatest power of all" (Manners 2002: 252, 239, 253).

He further distinguished five "core norms" and four "minor" norms amongst the *acquis communautaire* and *acquis politique* of the EU (Manners 2002: 253). The "core norms" were "peace", "liberty", "democracy", "Rule of Law" and "respect for human rights and fundamental freedoms" (Manners 2002: 253). The above principles are fundamental for the EU, Manners argued, as they are embedded in the Union Treaties and also form the so-called Copenhagen Criteria (1993), that a country needs to fulfil in order to become a member state of the Union (Manners 2002: 253). There are also four "minor norms", as identified by Manners: the principle of "social solidarity", "anti-discrimination", "sustainable development" and "good governance" (Manners 2002: 242, 243). The above features constitute the distinctive normative basis of the EU (Manners 2002: 252). This normative basis, as Manners argued, "predisposes it to act in a normative way in world politics" (Manners 2002: 252). Hence, he concludes that: "the most important factor shaping the international role of the EU is not what it does or what it says, but what it is." (Manners 2002: 252).

Therefore, the above constitute the norms that can be diffused through the EU's external relations, policies and missions. Manners also defined "how EU norms are diffused" in the international system (Manners 2002: 244). He recognised five main "factors" from which NPE is diffused, by emphasising on both the "substantive and symbolic transmission of norms" (Manners 2002: 244, 252). These factors were:

- 1) "contagion", which is defined as "the diffusion of norms results from the unintentional diffusion of ideas from the EU to other political actors";
- 2) the "informational diffusion", which results from EU's strategic communications;
- 3) "procedural diffusion", defined as "the institutionalization of a relationship between the EU and a third party";
- 4) "transference diffusion", which takes place when the "EU exchanges goods, trade, aid or technical assistance with third parties through largely substantive or financial means"; and
- 5) "overt diffusion", which is seen as the outcome "of the physical presence of the EU in third states and inter- national organizations" including monitoring missions and the cultural filter which "leads to learning, adaptation or rejection of norms" (Manners 2002: 244, 245, 252).

The above definitions of "norm diffusion" are key, especially "overt diffusion", as they form a basis for the understanding for this thesis of the Foucauldian concept of norm-diffusion.

Building on Manners concept, authors have offered their critique by proposing alternative concepts to study the EU's power in international relations, such as Darro's (2012) "Market Power Europe", Zielonka's (2008) "Empire by example" or Wagner's (2017) "Liberal Power" (Damro 2012: 683; Zielonka's 2008: 484; Wagner 2014: 1398, 1404). Due to a wide variety of these alternative concepts, for the purpose of this thesis, only some will be presented, the ones that are directly relevant and help advance a better understanding of the conceptual framework.

In relation to the NPE critics, Diez (2005) noted that the NPE concept assumes that the EU exercises normative influence towards the "others" and therefore creates a (hierarchical) relationship between the EU and the third party. This situation creates a contrast between the EU's identity and the "others", a process that Diez refers to as "othering" (Diez 2005: 616)

Aggestam (2008) argued that a critical approach to Europe as an "Ethical Power" (EPE) would allow us to focus on the EU's "behaviour" and on "what it does", rather than only on "what it is" and to study the "intentions and purposes" that lay "behind" the EU's external action (Aggestam 2008: 3). Significantly, the author highly criticised the idea that the values are "universal" and that they can be "transposed", because this assumes that Western/European values and "ways of doing things" are superior to others (Aggestam 2008: 6,7).

Del Sarto (2016) looked into the EU as a sort of an Empire with "fuzzy borders" and sought to demonstrate that the EU is not exporting "norms", but rather "rules"



and “practices” towards the neighbourhood, for example by promoting new border control practices, based on the EU’s perception of “good governance” or Rule of Law (RoL). Moreover, Del Sarto pointed at the “inequality of power relations” created between the EU and its “borderlands”, where the EU-led “rule transfer becomes a form of exerting power on peripheral states” (Del Sarto 2016: 220-222).

Börzel and Risse (2009) studied “Europe as a Transformative Power”. They investigated the concept of “diffusion of ideas” and, by extension, they looked into the “diffusion of processes”, including the diffusion of ideas from the EU and the Member States towards its immediate neighbourhood and beyond, through the various policies at its disposition. The authors also examined “ideas in their relationship with policies, interests, identities, and institutions” (Börzel and Risse 2009: 5-6).

Cebeci (2012), from a post-structuralist approach, questioned the NPE concept and all its critics at their core. In particular, she argued that various authors are “constructing” an “Ideal Power Europe” which is not necessarily in line with practice. They are doing so by assuming that the EU is a “post-sovereign/post-modern” polity, a “model” and a “normative power” (Cebeci 2012: 563, 564, 577). By pointing at the importance of “the State”, still present at the policies of the EU, she deconstructed the idea that the EU is post-sovereign/post-modern model, and a promoter of democracy, RoL, Human Rights and of regional integration. She further referred to the “asymmetrical relations” the EU might create, by imposing “its own model” and by proposing a “one-size-fits-all” model to third countries (Cebeci 2012: 569, 572).

Hence, Manners’ definition of norms and norm diffusion mechanisms, together with these authors’ critiques, have inspired the next section, which introduces this thesis’ definition of the Foucauldian conception of a norm/norm-diffusion.

### **1.1.2. Norms and norm diffusion – a Foucauldian understanding**

Following the previous section, “norm diffusion”, as conceptualised by Foucault and developed further by scholars, is an attempt to explore the power of norms in influencing “actors’ behaviour”<sup>1</sup>. Foucault’s understanding of norm/norm-diffusion is positioned under the discussion of the EU’s external policy and also under the concept of (neoliberal) “governmentality”, which offers a set of genuine features (such as the emphasis on actors, on practices, rules and management that set specific standards, on “behind the scenes” power relations and the focus beyond the Westphalian state), elements which offer a very interesting contribution to the concept of “norms” (İşleyen 2015: 676.).

In relation to the study of governmentality, Foucault’s principal input is his notion of “how power operates” (Merlingen 2006: 183). Starting from the study of prisons and hospitals, he explored the relationship between power and knowledge and later

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<sup>1</sup> Quote in reference to Diez (2006) on the NPE, page 161.

he enlarged the spectrum to “population-centred governance”. In the western democracies, governments shape individual conduct and engage in “micropolitics” so that they improve the “life and capabilities of the population”. These “governmental politics” require “politics of the body” (discipline) and “biopolitics of the population” (social policy). From the central-state regulator, modern liberal governance points at the participation of multiple non-state actors in assisting the government to accomplish the above regulatory tasks” (Merlingen 2006: 183).

According to Merlingen (2006), governance is often studied in line with the terms of “political rationalities” (“systematised modes of thought in political discourse”) and of “political technologies” (“technical means and practices” through which “political rationalities are translated into action by authorities”), in an attempt to explain how power is mobilised and distributed in society (Merlingen 2006: 184). In short, governmentality theory goes beyond traditional forms of state-sponsored power (*i.e.* force, violence, law and consensus) and explores modern forms of governance based on individuals, with co-optation and administration of people rather than top-down control (Merlingen 2006: 184; Merlingen 2011: 151).

According to Merlingen (2011), political technology, as one of the key concepts of the governmentality theory, signifies “the practices and devices through which political rationalities are operationalised and implemented in actual governance programmes and activities” (Merlingen 2011: 153). For Merlingen and Ostrauskaite (2006), a shared “principle of operation” of all “political technologies of power” is “the norm.” (Merlingen and Ostrauskaite 2006: 25). The “devices” might include “inscription devices” (*i.e.* charts, reports maps and tables) and the “discursive technologies” (mentoring and training) aiming at “(re)-constructing social identities, interests, and relations” (Merlingen and Ostrauskaite 2006: 25). This approach is useful in bringing attention to otherwise ignored practices and devices that produce nevertheless important consequences and help reach “deep into the fabric of social life” (Merlingen 2011: 153).

Therefore, with its focus beyond the state, the strong advantage of the governmentality theory is that it provides some insights on what Merlingen calls the “de-stated politics”, in other words, the politics understood beyond the Westphalian state, that would have been difficult to study with the traditional state-centred and state-sponsored politics in mind (Merlingen 2006: 184). Thus, “governmentality designates a space of governance in which the negative and positive dimensions of power come together” and “provides a double-edged effect of governance beyond the territorialised state” (Merlingen 2006: 191,192).

Under this context, the Foucauldian understanding of “norm” can be framed. In his book *The Punitive Society* (1972–1973) Foucault talked of norms as

an external norm [...] presents a fictive image of society, the function of which is to give individuals both a certain conception of the society in which they live and a certain model for their future. (Kelly 2019: 8).

Thus, Foucault's concept of "norm"<sup>2</sup> refers to "an ideal model guiding human action in any particular sphere" and is it thus understood beyond a binary understanding of a rule/law which would classify human behaviour as "good/accepted" or "bad/unaccepted" (Kelly 2019: 1). Later, Merlingen and Ostrauskaite, inspired by Foucault (1991), claimed that norms are a tool of power that can render those subjected to it free (of oppression, violence, etc) even while they impose on them the constraint of a conformity that must be achieved<sup>3</sup>.

Merlingen (2006, 2011), by providing a practical application of the Foucauldian-inspired "governmentality" theory and of "norms" in EU's foreign relations, provided the framework for a practical study of "norm-diffusion". In the words of Merlingen and Ostrauskaite (2006),

a governmentality approach allows researchers to analyse the quotidian functioning of the micro-physical power in such international projects of improvement and to unmask the effects of unfreedom produced and sustained by the norms they diffuse (Merlingen, and Ostrauskaite 2006: 29).

In particular, Merlingen has applied "governmentality" to the case of the Common Security and Defence Policy (CSDP) and has interrogated internal CSDP governance (Merlingen 2011: 161). Especially, he drew upon the cases of CSDP missions that do not have executive power but which nonetheless "have the means to exert considerable powers" (Merlingen 2011: 161). Specifically, an example of this is the use of the "technology of mentoring", which is usually part of a mandate of EU civilian missions, and which can restructure the "subjectivities" of local staff (*i.e.* judiciary, police, customs, administrations) (Merlingen 2011: 161).

Thus, in this practice, Merlingen has identified two faces: the "hierarchical observation" and the "co-opting power" (Merlingen 2011: 160). In essence, during the first phase, CSDP experts identify the problems and propose "corrections" and hands-on advice to attain the set standards (Merlingen 2011: 160). Through these corrections and by indicating the "right" way of doing things, the EU experts "refashion" the "social identity" of the local experts according to their (western/EU-inspired) standards and norms (Merlingen 2011: 161). This practice is unintentional, since a seemingly "apolitical" mission with technical mandate diffuses practices and norms through its practice and the engagement of local staff in the process (Merlingen 2011:161). For example, this might happen when locals end up applying objectives defined by the EU mission (and by EU in general) (Merlingen 2011: 160-161). Therefore, through these "small-scale" technical means, "norms are made to act upon people", as Merlingen and Ostrauskaite (2006) noted (Merlingen, and Ostrauskaite 2006: 17). Thus, indirectly, through the practice of experts, the EU's foreign policy (through state-building missions) influences local norms by diffusing European norms.

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<sup>2</sup> According to Foucault's researcher Mark Kelly (2019).

<sup>3</sup> Quote from Foucault (1991), in Merlingen, Michael and Ostrauskaite, Rasa, "European Union peacebuilding and policing: governance and the European Security and Defence Policy", *Advances in European Politics*, Routledge, 2006,16.

Inspired by the above applications of “governmentality” and “norm-diffusion” in the EU’s external relations and critical border studies of “borderlands”, Bouris and İşleyen (2018) provided an interesting insight on the application of the above in the framework of the “contested states” (Bouris and İşleyen 2018: 1,4). In particular, Bouris and İşleyen (2018) examined the EU’s presence in Palestine, by focusing on the implications of the EU missions on space and borders in the framework of the “contested states” (which will be further analysed in the following chapter) in particular on the management of mobility and of the population (Bouris and İşleyen 2018: 1-2). Moreover, under this framework, the critical insights offered by the study of Del Sarto permit an emphasis on the “space”. In particular, Del Sarto (2016) has defined “borderlands” as “hybrid areas in close geographic proximity to a border, which are directly affected by the latter” (Del Sarto 2016: 221). The borders are perceived beyond the Westphalian state model and are conceived as “as complex social constructions”. They might therefore be physical, functional or legal and might have implications, for example, in the movement of people or the application of certain rules (Del Sarto 2016: 221). Therefore, borders and borderlands can be understood as “practices that may be disaggregated from territorial borders” and which might frame “political communities, loyalties and identities”, where different kinds of borders might co-exist (Del Sarto 2015: 5). These insights, inspired by the governmentality approach and the critical studies in general, are going to be crucial to study the consequences of norm diffusion in contested states.

## 1.2. The European Union as a state-builder

### 1.2.1. “State-building” and EU-state-building

As established in the previous section, peace, security, development, democracy, the RoL and respect for human rights have been norms embedded in the EU’s foreign policy goals since the Maastricht Treaty (1991). These criteria form the “EU’s normative basis” and the basis of “conditionality”, that any state which wishes to become a EU Member must conform to, prior to accession. For the EU, as Tocci (2010) argued, these (legal) norms are “the means through which conflicts can be solved” and set the conditions for conflict “prevention, resolution and transformation” (Cavatorta and Tonra 2007: 358; Tocci 2010: 55-56). Hence, EU state-building is closely linked with norm diffusion, through the diffusion of “liberal” norms to “conflict-ridden societies” (Merlingen and Ostrauskaite 2006: 16).

Since the launch of the term “peace-building” at *The UN Agenda for Peace* (1992), the term has been increasingly examined in the context of the immediate aftermath of conflict (United Nations 1992: 4,5; United Nations 2009:1). With growing attention on effective institution-building and governance structures, the concept of state-building emerged (Paris and Sisk 2009: 11). Therefore, state-building, understood as a sub-component to peacebuilding, is calling for greater emphasis on building effective and legitimate institutions, or is even equated, sometimes, with institutional reconstruction (Lemay-Hebert) (Paris and Sisk 2009: 11; Lemay-Hebert 2003: 30).

However, these definitions ignore an important part of the on-ground reality of peace/state-building by attaching a normative dimension to it, which disregards from the study the effects of state-building on the “(re)-construction of territorialised order and justice” and does not consider the “totalising and the individualising character of peace-building” and therefore limits from the study the “underneath” effects of power to various areas of a conflict-ridden society (Merlingen and Ostrauskaite 2006: 29). Building on Foucault’s work and inspired by the perspective of governmentality, Merlingen and Ostrauskaite (2006) advance an understanding of international peace-building based on the idea that “governance is a de-centred phenomenon, best explored in terms of mentalities or rationalities of rule and technologies of power in which they are inscribed” (Merlingen and Ostrauskaite 2006: 22).

The EU’s approach to peace-building followed the development and framing of the concept in the UN scene (Duke and Courtier 2010: 23). However, only with the development of the Common Foreign and Security policy (CFSP) and the CSDP, together with the development of EU’s external relations framework and instruments, the EU became an “active state-builder”, in a sense that it deployed state-building missions abroad with civilian and military capabilities.

The Treaty on European Union (1992) established CFSP as the second community pillar (Freire and Raquel 2008: 10,11; Tocci 2017: 12). At the Helsinki European Council (1999), the progressive set up of CSDP was initiated, together with the build-up of military capabilities. The civilian crisis management capabilities (RoL, civilian administration, civil protection and policing), that would allow for constructive peacebuilding, were put in place in the Feira Summit (2000) and the CSDP was further elaborated in Nice (2000) (Tocci 2017: 12-13). The first comprehensive framing of a European external relations strategy was outlined in the European Security Strategy (ESS), launched in 2003 (Tocci 2017: 30,32). The ESS *de facto* expanded the competencies of the CSDP to include disarmament operations, Security Sector Reforms (SSR) and combating terrorism (Freire and Raquel 2008:15). The Civilian Headline Goal 2008 added “monitoring” as a priority to the CSDP civilian missions (Freire and Raquel 2008: 16). Eventually, when the Lisbon treaty entered into force (2009), the ESDP (by then including both military and civilian capabilities) became “an integral part of the CFSP” (Duke and Courtier 2010: 27; Tocci 2017: 33).

Since the launch of the CFSP/CSDP, the EU has deployed multiple missions in its near and neighbourhood beyond: in the Balkans, the Middle East, Central Asia and Africa (Tocci 2010: 56). In the 2003- 2016, the EU faced increased ambition (*i.e.* launch of the European Neighbourhood Policy [ENP] in 2004), but also “tectonic” geostrategic changes, with the so-called *Arab Spring* (2011) and crisis in Ukraine (2014) (EUISS 2020: 4). From the ambitious ESS, the Global Security Strategy (GSS), launched in 2016, appeared as a more pragmatic approach to the proliferating conflicts in the Neighbourhood.

Nevertheless, the wide-ranging activities, instruments and frameworks at the EU’s disposition, together with the possibility of active on-the-ground presence



though its missions, permit the EU to exercise state-building activities both indirectly, through normative or diplomatic means, but also directly, through involvement in state institution-building (Bouris 2014: 30-32; Tocci 2007: 15-18). With all these instruments at its disposition the EU has been characterised by some authors as “the state-building institution par excellence” (Bouris 2014: 25).

### 1.2.2. EU state-building and the Contested States

Interestingly, as it is going to be further analysed in the following chapters, the EU’s state-building activities have increasingly been taking place in cases of “contested statehood” (Bouris 2014: 43). In other words, according to Papadimitriou and Bouris, “the contestation of territorially-defined political authority underpins the ‘demand’ for state-building” (Bouris and Papadimitriou 2019:8). In particular, the EU is engaged in ten countries/entities facing issues of contested statehood: Under the European Neighbourhood Policy (ENP), the EU is engaged with Armenia, Azerbaijan, Georgia and the Occupied Palestinian Territories (OPT). The EU is also engaged with Bosnia and Herzegovina (BiH), Kosovo and Serbia (potential candidate countries), North Macedonia (candidate) and Cyprus (Member State). Currently, in addition to the multilateral cooperation agreements (ENP, Association Agreements), the EU is present with (civilian and/or military) operations in all the above but Armenia, Azerbaijan and Cyprus (Bouris 2014: 34; Papadimitriou and Petrov 2012: 747).<sup>4</sup>

In particular, Bouris (2014) further defined the tools, policies, practices and mechanisms that the EU has at its disposition to “built states”. He identifies primarily five instruments: (1) the promise of EU membership, which can encourage political/economic reforms; (2) high Politics’ diplomatic activity (3); the CSDP missions (*i.e.* rule of law, SSR, Judicial Sector Reform (JSR), technical support, assistance and training); (4) when the EU is “directly exercising executive powers as part of an international agreed settlement for ending the conflict”; (5) through Economic Tools, (*i.e.* provision of aid and partnerships) (Bouris 2014:30-38). In addition to the above, the EU, through the frameworks it provides, can also alter the perceptions of an identity, citizenship and even borders (Tocci 2012, cited in Bouris 2014:31).

To conclude, state-building can be understood as a process and as an end itself. In cases of engagement with state-building activities in contested states, consolidating statehood might be the outcome of the state-building process, but it should not be taken for granted, as usually it is not the case. As explained in this section, examples of EU “state-building activities” can include assistance in the RoL, security and judicially sector reforms and democratic institution-building. For the purpose of this thesis, “EU state-building” will be considered the EU-led democratic reforms in the RoL, Security and Justice, pursued under the EU CFSP/CSDP missions. In particular, this thesis will explore the effects of the EU state-building activities in Kosovo and Palestine, which can be wide-ranging and might go beyond the strict mandate of the

<sup>4</sup> Table source: Papadimitriou and Petrov 2012.



given mission. More broadly, the thesis will analyse how these seemingly “technical missions”, with “non-executive and technical mandates” but with “monitoring” and “advising” roles, can influence norm-diffusion in contested entities by the “underneath” (Bouris and Dobrescu 2017: 267). The following section will define “contested states” and establish the framework under which the effects of state-building in contested states will be analysed.

### 1.3. Contested States

#### 1.3.1. The relation of “sovereignty” and “statehood”

In parallel to the emergence of the concept of “state-building”, the definition of statehood evolved as well. According to the classical approach of international relations, “a state either is sovereign or it is not (a state)” (Holsti 2009: 16). The Peace of Westphalia (1648) is considered the landmark of consolidation of the notion of “state sovereignty” (Geldenhuis 2009: 14). Until today, the notion of “state” and “statehood” is guided by the so-called “Montevideo criteria of statehood” (1933). Under the Montevideo Convention an entity that has a defined territory, a distinct population, an independent and effective governing authority and is able to enter into diplomatic relations with other states, can be considered a state (Geldenhuis 2009: 8).

The end of cold war and the dissolution of Yugoslavia led to the emergence of entities which might not enjoy all the Montevideo criteria, but which still enjoy some degree of sovereignty or statehood. The Montevideo criteria had disregarded these kind of entities, that lacked full consolidated sovereignty and were considered “too fuzzy a concept” and difficult to define (Pegg 1998: 4-8; Dieckhoff 2013: 7-21).

Krasner (2001) recognised the need to expand the Westphalian state model of sovereignty. He defined “internal” (or *de facto*) sovereignty as (a) the existence of an effective government and (b) the ability of the state to control transborder movements). He further defined “external” (or *de jure*) sovereignty as (a) the autonomy of authorities from foreign interference and (b) the “International legal sovereignty”, which is official recognition of statehood (Krasner 2001: 19-20). Characteristically, the UN membership is commonly considered as the “birth certificate” of a state (Geldenhuis 2009: 22).

#### 1.3.2. The concept of “Contested States”

Different authors, such as Keohane (2002) and Noutcheva (2018), agreed to the observation that sovereignty exists in different combinations or “degrees” (Keohane 2002: 757; Noutcheva 2018: 7). Bouris and Kyris (2017) observed that entities might experience “high external sovereignty” (if an entity is recognised by more than two-thirds of the UN), “low” (when it is recognised by less than one-third of the UN) or “medium” in intermediate cases (Bouris and Kyris 2017: 758-760).

Based on the above, authors have used a variety of concepts to describe states with different degrees of sovereignty and which might lack internal sovereignty, *i.e.* “quasi-states” (R.H. Jackson, Kolstø), “failed states” (Rotberg) and/or external sovereignty, *i.e.* “unrecognised states” (Caspersen), “*de facto* states” (Pegg) or “pseudo-states” (Kolossoff and O’Loughlin) (Rotberg 2004: 4,11). Geldenhuys (2009) talked about the idea of “confirmed” versus “contested states”. Geldenhuys focused on entities that are denied *de jure* recognition, even though they enjoy internal sovereignty (Geldenhuys 2009: 21-23).

Therefore, Krasner’s definition of internal and external sources of contestation, together with Geldenhuys’ (2009) contributions on the recognition of contested states, offer important insights. Based on those, the definition of “contested states” which is going to be used for the purpose of this thesis is the one consolidated by Papadimitriou and Petrov (2012) with insights from Caspersen. Therefore, “contested states” will be considered entities in which “one or more of the following characteristics holds true”:

The *de facto* governing authority of a contested territory has declared independence, but it is not full member of the UN, it cannot maintain effective control over its respective territory (or parts of), as a result of an ongoing conflict and its ability to exercise authority is severely compromised due to the weakness of its state apparatus (Papadimitriou and Petrov 2012: 749).

Moreover, “the entity has existed for at least two years (Caspersen 2012: 6).

The above definition of contested states is considered to effectively address the issues of sovereignty faced by the two case studies of this thesis, Kosovo and Palestine. For example, the definition can address Kosovo’s statehood issues linked to the (incomplete) accession from Serbia. In the case of Palestine, the above definition can address issues linked to the (foreign) occupation of some territories, by Israel (Bouris and İşleyen 2018: 7). Yet, the term “contested states” does not take a position on the source of contestation. Thus, the term permits to address in the analysis the consequences of norm diffusion in contested states, by encompassing both internal and external sovereignty. Because the internal and external dimensions of sovereignty are interlinked and have overlapping consequences in defining statehood, using a holistic definition is key for accurately understanding the nature of the EU’s involvement in statehood consolidation through state-building.

Therefore, it is relevant to study state-building in contested states, because, as contested states do not have consolidated internal and/or external statehood, state-building might, therefore, have important effects in the definition of statehood. This is because, state-building activities, such bureaucratic, security or judicial reforms, are interfering with the parameters of statehood, such as the “effective government and territorial control” parameter. In some cases, by building stronger state apparatus and a more capable state, state-building might even influence international (legal) recognition (Bouris and Kyris 2017: 756). Hence, as state-building aims, intentionally or unintentionally, at strengthening a state by intervening in the main functions of what a “state” is, the notions of sovereignty, statehood and state-building are interlinked.

## 2. Research Methods

### 2.1. Methodological Approach and Data Collection

Drawing upon the Foucauldian-inspired conceptual framework of “governmentality” and “norm-diffusion”, this thesis is, naturally, inspired by the research methods of post-structuralism and, by extension, the critical studies, since “post-structuralist perspectives entail the radical responsibility of critical thought” (Finlayson and Valentine 2002: 1-3). Even though post-structuralism cannot be characterised “a singular or unified body of thinking”, some characteristics, only those relevant for this thesis, can be underlined. For example, having emerged at “the rejection of a priori assumption of order” post-structuralist analysis assumes the effort “...to make sense of the changing operations of power across the field of the social” and considers that “the act of rendering practices, processes or phenomena as political, or not, to be the quintessentially political act”. Therefore, asking the question of “how” in the analysis “of politics”, is central to post-structuralist research (Finlayson and Valentine 2002: 1,11,14,15).

This thesis draws upon qualitative research methods, as it “produces findings not arrived at by statistical procedures or other means of quantification” but is rather interested in “analysing texts” and in “incorporating multiple realities” (Rahman 2017: 103). Consequently, qualitative research analysis permits us to focus on “the issues that need an analysis of content-related variables” such as practices (Rahman 2017: 103).

In particular, in relation to qualitative data collection methods, primary and secondary sources of literature were used (Rahman 2017:104). Primary sources, for example EU official documents (bilateral agreements such as Association Agreements, Action Plans, EU-country specific bilateral relations), but also multilateral agreements, EU agreements and EU decisions were studied in order to better understand the EU’s “normative basis” and “state-building” missions, but also to define the type of relationship of the EU with the case studies. Further institutional documents (*i.e.* from the UN) were studied as well, when considered pertinent to do so. Moreover, secondary literature was used, mostly from EU studies, international relations and security studies, in order to define the various concepts and frameworks. In addition, the analysis is built on secondary literature sources and draws upon analysis of both primary and secondary sources of literature. The combination of an original topic, conceptual approach and case studies that this thesis followed, made it possible to analyse the secondary literature in an unique way and produce innovative results.

### 2.2. Operationalisation of the Research and Establishing working definitions

Central in the conceptual framework of this thesis are the concepts of state-building, contested states and norm diffusion. In particular, the thesis puts at the centre of the analysis the (liberal) norms diffused through the EU state-building missions in the framework of contested states.

Most literature on EU state-building tends to focus on the EU's activities in already recognised states, with consolidated international legal sovereignty. On the contrary, little focus has been given to the EU's efforts to build-a-state, in other words to engage with/in, entities that lack domestic and/or international sovereignty, often as a result of a conflict. In these so-called contested states, the EU, under mutually defined agreements, is assisting in reforms in the RoL, security and justice sector in an effort to encourage democratic institution-building and enhance the democratic accountability of the institutions of the entity. In the absence of sovereignty and consolidated statehood, the activities of the EU in contested states to support post-conflict stabilisation by engaging with the key sectors of a state, such as security, might have effects in an entity's domestic authority and international sovereignty.

These effects of the EU state-building activities often happen in unexpected, unintended or under the surface ways that have not been much studied. Moreover, while the EU as a "power", promoting different kinds of norms (NPE, CPE, EPE etc.), has been much studied, little attention has been given to the effects of this norm diffusion in partner countries. In relation to this point, Börzel and Risse noted that "the diffusion literature tends to turn a blind eye to issues of (conflicting) interests and power and has paid little attention to unintended or 'nasty' consequences" (Börzel and Risse 2009: 11).

Hence, the Foucauldian-inspired concept of "norm-diffusion", allows for a new analytical approach to study the consequences of state-building in contested states. In particular, it allows the analysis to concentrate on the subtle effects on defining space, borders (physical and non-physical) and population movements. In other words, the effects on elements which are considered central to the Westphalian understanding of a state and are key to international recognition, but which contested entities are in lack of.

Therefore, based on the above observations, this thesis will use the concept of "norm diffusion", which is inspired by the concept of "norms" and "power diffusion" expressed by Foucault. The concept used, is also based on the insights, by Merlingen and Ostrauskaite, on "norm diffusion" applied in the EU's state-building missions. In the framework of the EU's external action and CSDP missions, the concept of "norm diffusion", as understood for this thesis, entails the extension of the western liberal forms of rule and management through state-building activities and practices. Therefore, the concept of "norm diffusion" used in this thesis is based on the idea, advanced by Merlingen and Ostrauskaite, saying that:

the international diffusion of liberal norms to conflict-ridden societies is a two-sided process, involving both emancipation from domination and unfreedom and new forms of subjection (Merlingen, and Ostrauskaite 2006: 16).

In addition to the above, definition of "norm diffusion", critical insights from authors who have been inspired by the approach of "governmentality" and have noted the advantages of the notion in exploring the effects on space and population, will be used for the analysis. Notably, the notion of "borderlands" by Del Sarto (2015, 2016)

and the effects of the EU state-building missions on “space”, “borders” and “population” in contested states, as explored by Bouris and İşleyen (2018) will be considered.

It should be noted that this paper will not use the “governmentality” approach as such, because (a) the concept of norm-diffusion might have its origins in “governmentality”, but I consider that “norm-diffusion” can be used as an encompassing concept by itself and it is useful in bringing light to the “underneath” influences of “norm-diffusion” in contested states. Moreover, (b) I consider that the aforementioned methodological choice allows for a combination of the concept of “norm diffusion” with insights from Del Sarto (2015, 2016), Bouris and İşleyen (2018), which would have not been possible otherwise. Therefore, (c) this approach permits for a more innovative analytical approach, one that is well adapted and unique to analyse the EU-led state-building missions in contested states in particular. This is because this combination of concepts allows us to examine in more pertinence the effects of norm-diffusion through state-building in the specific setting of the contested states. This is important, because previous uses of the governmentality approach (Merlingen) have focused on state-building in generally “confirmed” states, mainly in the Western Balkans.

Nevertheless, the thesis is inspired by the governmentality approach and by the critical post-structuralist analytical frameworks. Therefore, together with the insights provided by Bouris and İşleyen (2018), concerning the practical application of the concept of “norm diffusion”, the effects of state building in defining space, territory, borders and population will be explored in this thesis (Bouris and İşleyen 2018: 1). As the various authors (Merlingen, Bouris and İşleyen) have put it, the frameworks of governmentality and norm diffusion make available for analysis “objects” and “practices” that were not available to study under other approaches (Merlingen and Ostrauskaite 2006: 3). Notably, by using insights from governmentality and critical border studies, to define norm diffusion, is it possible to focus on the “everyday practices” of state-building in contested states, on the “spatial dimension and on the individual actors perusing state-building”, which allows to emphasise on “power” operating “within and beyond” the “Westphalian state” and focus on the consequences of the “(re)-construction of territorialised order and justice” (Merlingen and Ostrauskaite 2006: 21,29).

In particular, it is possible to address “how administrative forms of power are dispersed across the social field”, “how experts” shape the fields based on their “truth” (expertise) and, in short, to study “an understanding of politics in which diffuse forms of power emerge in the interstices and ‘underneath’ the rule of law” (Merlingen and Ostrauskaite 2006: 29). Therefore, under the chosen approach it is possible to choose as “object” of the study the “contested states” of Palestine and Kosovo and the non-state actors pursuing state-building activities in contested states, namely the EU state-building missions in Kosovo (EULEX) and in Palestine (EUPOL COPPs, EUBAM Rafah). With the chosen approach it is also possible to study the influence of the



“practices” of these “objects”, such as the consequences of relations between the “expert” EU officials and the “untrained” local staff, on the “no-spatial workings of bordering”, on the “political power” of seemingly “apolitical activities” and on the “underneath” effects of power diffusion and the “micro-level of power” (Bouris, and İşleyen 2018: 1,2,4; Merlingen and Ostrauskaite 2006: 21).

### 2.3. Case Studies – Selection and Justification

Two cases will be studied in order to better illustrate the answers to the research question, the EU state-building missions in Kosovo (EULEX) and Palestine (EUPOL COPPs, EUBAM Rafah).

The EU is engaged with Kosovo under a Stabilisation and Association Agreement, whereas Kosovo is characterised as a ‘potential EU candidate’ (European Commission, 2018: 1). With Palestine, the EU is engaged under the European Neighbourhood Policy (ENP). A fundamental difference between the EU’s approach toward the Western Balkans and the neighbourhood, is the Membership Perspective. While the Western Balkans, including Kosovo, are granted the right to EU membership, this it is not the case for the ENP partners, including Palestine. Exploring these two cases, one from each cooperation framework, under the concept of norm-diffusion has not been much explored in the literature. Thus, this choice of case studies allows for an innovative research.

Through state building, the EU is engaged in cases of “contested statehood”. In both Kosovo and Palestine, the EU is engaged with both parties of the conflict (Israel, Palestine and Kosovo, Serbia) and acts as a sort of conflict resolution mediator. Kosovo, “the continent’s newest ‘state-in-waiting’” is enjoying some domestic sovereignty with relatively strong institutions, however Kosovo is not recognised by all international actors, therefore lacks international legal recognition. In Kosovo, the EU “is called to build a country that legally does not exist” and is engaged in state-building, by the EULEX mission, which has mainly advisory responsibilities in SSR and JSR (Economidis *et al.* 2010: 220,210).

Similarly to Kosovo, Palestine is also a contested state. Contrary to Kosovo, Palestine participates as a “non-member” observer state at the UN, therefore enjoys some greater international recognition than Kosovo. Nevertheless, Palestine faces serious compromises in its internal sovereignty and has very weak government control. Among other factors, this is due to the Israeli occupation of the (Occupied) Palestinian Territories (OPTs) and the separation of the Palestinian government between the internationally supported Fatah-led West Bank and the isolated Hamas-led Gaza Strip (Bouris and İşleyen 2018: 7). In Palestine, the EU is actively engaged in state-building with EUPOL COPPs mission, which is active in monitoring and advising, through SSR and JSR. The EU is also engaged passively, with the border monitoring mission EUBAM Rafah, which is on “on hold” since 2007 (EEAS 2016: 1). In Palestine, as



Bouris argued, “unlike most cases of peace-building, the OPTs never have never enjoyed recognised statehood” (Bouris and İşleyen 2018: 7).

Both entities, Kosovo and Palestine, even have contested names. Serbia considers “Kosovo” as a Serbian province which is part of its territory, while Kosovo’s authorities prefer to be referred to as the “State of Kosovo”. Taking into consideration the above, in this thesis the designation “Kosovo” will be used as a neutral term, but one which points nonetheless at the contested nature of the entity. Similarly, the territory of Palestine is widely referred to as both “State of Palestine”, “National Palestinian Authority” (NPA), “Palestinian Authority” (PA) or as OPTs. Following Bouris’ (2014) use of the term OPTs, this thesis will privilege the latter, in an effort to underline the contested nature of the entity.

## **2.4. Formulation of the Research Question**

Hence, based on the above-defined conceptual basis, the thesis will search an answer to the following research question:

*How does EU-led state-building influence norm diffusion in Contested States?*

In addition, in order to better address the research question, two sub-questions will be considered:

- 1. How does state-building influence norm diffusion in Kosovo and Palestine?*
- 2. What are the consequences of norm-diffusion in the Contested States?*

In a nutshell, this thesis will explore how EU-led state-building influences “norm-diffusion” in contested states, in order to determine what are the “under the surface” effects of state-building in contested states and, in particular, the effects on space, borders, territory and population. In order to better address the research question, the thesis will try to establish how EU- led state-building missions influenced “norm-diffusion” in Kosovo and Palestine and what were the consequences of “norm-diffusion” in contested states. The study will focus on the cases of Kosovo (EULEX) and of Palestine (EUPOL COPPs, EUBAM) and in particular in the EU-led reforms in the Rule of law, judiciary and security sector. These EU missions studied, all have “advising”, “training” and “monitoring” capabilities.

## **2.5. Limitations of the Research**

In relation to limitations relevant to the research method chosen (qualitative research), quantitative methods tend to be considered more precise, credible or reliable, while qualitative research might be more subjective. This is because the operationalisation and results of the research, as well as of the analysis, might depend on the authors’ own experiences and pre-existing biases, which might influence the results (Rahman 2017: 105; Durkheim 1967: 70). Thus, there is not one way to interpret

the data in qualitative research, as each author might interpret the same data in different ways based on his/her own beliefs. Moreover, since the author “interprets” the data based in his/her subjective understanding, the author might “read” the data, *i.e.* a text, and interpret it differently than the author of the text him/herself. Thus it is possible to come to different results (Godard, 1973: 3). Moreover, while qualitative research allows for generalisation of results, this needs to be done carefully, especially when the sample is small or when different conditions might apply (Shidur 2017: 105). While taking account of these limitations, for the topic of this thesis, the most appropriate method is considered to be qualitative research. This is because qualitative research is more flexible, it allows the analysis to achieve “deeper insights” into issues and can take the context into consideration (Shidur 2017: 104).

### 3. Historical overview: The EU in its neighbourhood

#### 3.1. The EU in the Western Balkans

##### 3.1.1. The EU in the Western Balkans and framework of cooperation

A historical overview of the relations and frameworks of cooperation of the case studies with the EU will be followed in this chapter, in order to determine the context under which EU-led state-building operates and, therefore, better understand how this influences norm diffusion. As established in the previous section, the increased policy interest and the physical presence of the EU missions in its “neighbourhood” has motivated the authors to come up with a range of concepts (CPE, NPE, EPE, etc.) to explain the EU as a foreign policy actor. Indeed, the EU in the recent years has been active not only in its close neighbours, such as the Western Balkans, but also at the “neighbours of the neighbours”, namely what came to become the Southern and Eastern neighbourhood (Schumacher 2015: 383).

The EU’s relations with the Western Balkans are shaped by proximity and geostrategic interest, where, following the collapse of the Soviet Union and the dissolution of Yugoslavia, the EU was faced with the question of the future of the region and the newly formed states and contested entities (Bouris 2014: 32). Hence, according to Bouris (2014), “the closest that the EU has come to adopting a role as a state-builder is the case of the Western Balkans and, more specifically, the cases of BiH and Kosovo” (Bouris 2014: 33).

The Stabilisation and Association Process (SAP) shaped the EU’s policy towards the Western Balkan region by offering the EU membership perspective. Launched in 1999 and further confirmed in the 2020 *Zagreb Summit*, the SAP set common political and economic targets, that would prepare the countries for the EU membership, in a form of a “progressive partnership” (European Commission, 2016:1). The engagements were intensified in the *Thessaloniki EC Summit* in 2003, that “supported the future of the region as an integral part of the EU” (Bouris 2014: 33; European Commission, 2016: 1). The *European Future for Kosovo* (2005), confirmed that the engagements made at

the *Thessaloniki Summit* (2003) were equally “open to Kosovo” (European Commission 2005: 1). Thanks to the SAP, third countries could conclude bilateral country-specific agreements with the EU, such as the Stabilisation and Association Agreements (SAA), Free Trade Agreements and be granted visa liberalisation. They could also be provided with financial assistance, under the Instrument for Pre-accession (IPA) (European Commission 2005: 1). Deepened relations with the EU are conditional upon the specific county process, while regional co-operation and reconciliation were considered as priorities (European Commission 2005: 1).

The European perspective of the Western Balkans was reaffirmed in 2007 and again in 2008 in the *Western Balkans: Enhancing the European Perspective* (European Commission 2008:1). In the latter document, the developments in Kosovo was extensively discussed. In February 2018, the Commission adopted the strategy *A credible enlargement perspective for and enhanced EU engagement with the Western Balkans*, which outlined the EU’s commitment in “six new flagship initiatives” (including strengthening the RoL, and support reconciliation) (European Commission 2018: 4-10). However, the enlargement perspective of the Western Balkans countries, even though it guides the Union’s policies it is, for the moment, more of a rhetoric than of a reality.

Thus, together with the CSDP missions, the tools available for state-building in the EU are the accession-related instruments (SAP, AAs), together with diplomatic means, mainly through the Serbia-Kosovo EU-led reconciliation discussion. With the membership and conditionality as the driving force behind the EU’s policies in the region, the state-building efforts of the EU have focused on “legal reform”, “institutional building”, “building legitimacy” and “constituency building”(Blockmans 2010: 81-100). Hence, the case of Western Balkans illustrates the relative successful use, for the purpose of peace-building, of the crisis-management capabilities under the CFSP, supported by the use of the SAP “as a tool to gradually transpose the *acquis communautaire* and to prepare the countries in the region for membership” (Duke & Courtier 2010: 44):

### 3.1.2. EU-Kosovo relations and the EU’s role in the conflict

To deal with the issues occurring from the break-up of Yugoslavia, the so-called Badinter Committee was set in 1991 under the EU’s lead. It recognised the rights of secession of the six republics recognised under the 1974 Yugoslavia constitution: BiH, Croatia, North Macedonia, Montenegro, Serbia and Slovenia (Ker-Lindsay 2013: 842, 843, 847). The right to secede did not include a reference to “national minorities/nationalities” under Yugoslavia, or to Kosovo and Vojvodina which, as independent provinces under the 1974 Yugoslavia constitution, enjoyed a special status (Ker-Lindsay 2013: 842, 843, 847). Partly as a result of the refusal of the international community to consider its claim for independence, the Kosovo Liberation Army (KLA) was constituted and its force was consolidated in 1996/1997. The breakout of the

violent conflict in 1998 started to attract international attention. The international community would still not consider an independent Kosovo, but rather an autonomous status under Serbia (Statement of the Contact group on Kosovo, 1998).

In 1999 violence increased. At the time, Yugoslavia united Serbia and Montenegro<sup>5</sup>, with Milosevic at the head of government. With negotiations for a peace agreement failing and the Yugoslav government refusing to grant free access to NATO forces, NATO responded with a bombing air campaign against Serbia, justified as a “humanitarian intervention”, which led to the capitulation of Serbia and the removal of all Serbian forces from Kosovo. Kosovo was then put under International Administration, based on Security Council resolution 1244. The resolution established the *UN Interim Administration in Kosovo* (UNMIK) (Ker-Lindsay 2013: 843- 845). The EU was an important contributor to Kosovo (*i.e.* in humanitarian aid, training programs) and was involved in Pillar IV, relevant to the economy (European Commission 2005:3). Under the same mandate, *NATO Kosovo Force* (KFOR) for was established, in charge of security. Once certain democratic standards, known as “standards for Kosovo” were attained, UNMIK would progressively transfer its competences to *Kosovo’s Provisional Institutions of Self-Government* (PISG) (Ker-Lindsay and Economides 2012: 78; Papadimitriou and Petrov 2012: 753-754).

This growing frustration on the status issue, together with riots that broke in March 2004, UNMIK’s authority in Kosovo was decreasing, notably due to its inefficiency to alleviate the inter-ethnic tensions in Kosovo. The 2005 *Eide UN report* on the situation in Kosovo supported the increased participation of the activities of regional organisations, notably of the EU. The 2007 UN *Ahtisaari report* that followed supported the idea of an independent Kosovo by putting forward the idea of “supervised independence”, which was rejected by Belgrade and Russia (Ker-Lindsay 2013: 846). To solve this deadlock, in 2007 the *troika* was formed, a body which consisted of the US, Russia and the EU, without finding an agreement that satisfied both parties. Nevertheless, in absence of agreement, the draft resolution on *the Ahtisaari proposals* was finally withdrawn (Ker-Lindsay and Economides 2012: 78-80).

Following these events, Kosovo’s PISG *de facto* declared independence on 17 February 2008. At the EU level, at the time, 22 out of 27 EU Member states and the US supported the declaration. Yet, Cyprus, Greece, Romania, Slovakia and Spain still do not accept Kosovo as independent. These internal EU divisions resulted at the release of a very general statement at the EU level, referring to international law and national Member State law.

Nonetheless, the non-agreement on the status of Kosovo did not prevent the EU’s active engagement in Kosovo (Ker-Lindsay and Economides 2012: 82). The *International Court of Justice* (ICJ) issued in 2010 its advisory opinion on Kosovo’s declaration of independence, carefully stating that Kosovo’s declaration is not against international law. In 2012, the Commission launched a study on the feasibility of a SAA with Kosovo.

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<sup>5</sup> Serbia’s union with Montenegro ended in 2006.

The Commission's opinion was important because it established that there was "no obstacle" for the EU to conclude an agreement with Kosovo, in respect to Member States' positions, as long as Kosovo had the political and judicial authorities that would permit the agreement to be implemented (Van Elsuwege 2017: 397-398). Consequently, the Serbia-Kosovo agreement on regional cooperation (2012) concluded that Kosovo can participate in international meetings, provided the use of an asterisk (\*) that refers to UNSCR 1244 and IJC opinion, stating that:

Kosovo (\*) - This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ opinion on the Kosovo declaration of independence (European Commission 2019: 1).

This progress permitted the advancement of EU-Kosovo relations, as "*The Asterisk Solution*" together with the footnote, allowed the EU to conclude "only EU" agreements (as opposed to mixed) with the contested entity, without need for Member States' ratification and without taking a position on the status (Van Elsuwege 2017: 400-401). Thus, the EU- Kosovo SAA was signed in 2015 and entered into force in 2016 (European Parliament 2020: 2). The last criterion for visa liberalisation was fulfilled in 2018 (European Parliament 2020: 2). Hereafter, EU-Kosovo relations are guided by the principle "diversity on recognition but unity in engagement" (Van Elsuwege 2017: 408).

It should be noted, that the normalisation of Serbia-Kosovo relations is the condition for membership for both Serbia and Kosovo (Van Elsuwege 2017: 398). The EU had invested in the reunification of the two communities in Kosovo and also in the stabilisation of Belgrade-Pristina relations, by linking advances in those issues to developments in the rapprochement to the EU. In relation to the non-Albanian communities of Kosovo, the EU took important steps toward the alleviation of the issue with the emphasis on the dialogue between Pristina and Belgrade, starting in March 2011. This led to the accomplishment of important milestones in 2012 (known as 7 technical agreements), including "the free movement of persons", "a mechanism for integrated border management and the participation of Kosovo at meetings of regional organizations" (Baracani 2019: 15). However, at this state, Serbia was still holding important influence in the North (*i.e.* hospitals, schools, administrations, etc) (Baracani 2019: 15). Indeed, in the years that followed, the EU signed an SAA with Serbia (2013) and a SAP with Kosovo (2016). Recently, Kosovo's imposition of tariffs to Serbia has undermined the process (European Commission 2019: 2-5).

Thus, as Baracani (2019) argued, the EU was influenced by the situation in the North and the non-control of these territories from Pristina and tried to approach Kosovo to accept the integration of North's structures in Kosovo (Baracani 2019: 17). With the Brussels Agreement (2013) parties agreed on the "[...] integration of Serbian police and courts (of Kosovo North) into the Kosovo structures of governance" (Baracani 2019: 17). However, the language issue still remains an important one and needs to be addressed, as in Kosovo few Serbs speak Albanian, while many Albanians speak Serbian, together with issues of migration and border control.



## 3.2. The EU in the Southern Neighbourhood

### 3.2.1. The EU in the “Southern Neighbourhood” and framework of cooperation

The Southern Neighbours have had a privileged relationship with the EU since the conclusion of the *Euro-Mediterranean Partnership* (EMP) in 1995 (Del Sarto 2005: 20-21). In 2003, in “The *Wider Europe* strategy for the neighbourhood” the ENP was first launched, with the aim to create a “ring of friends” (European Commission 2003: 4). At the core of the document is the idea of enhancing relations with the so-called “Southern Mediterranean countries” but without a membership perspective (European Commission 2003: 3-5). This cooperation would be founded on the Union’s “shared values” (democracy, respect for human rights and RoL) (European Commission 2003: 3-4). The document was developed in light of the 2004 EU enlargement which would give the EU new external borders and new economic opportunities, but also new security concerns (European Commission 2003: 5-7; Bouris and Schumacher 2011: 13-14).

The combination of factors, such as the outbreak of the global financial crisis and the 2007/2013 EU enlargement, together with the “momentous” developments in the South, with the so-called *Arab Uprisings*, urged for a new EU response (European Commission/H.R 2011: 16; Schumacher 2015: 382). The 2011 ENP revision re-focused on assisting partners to achieve “deep democracy” and offered instruments to meet these objectives on the basis of conditionality (European Commission/H.R 2011: 2-3). In 2015, to cope with growing security, migration and energy concerns, a new revision of the ENP was launched (European Commission/H.R 2015: 1-2). The above developments show that the Southern Neighbourhood is high on the EU’s agenda (Schumacher 2015: 559).

In relation to the role of the EU as a state-builder in the Southern Neighbourhood, since the launch of the “Wider Europe Neighbourhood” (2003), the idea of “EU values” promotion, linked with conflict prevention, has been present. The ENP revisions made the CSDP toolbox available, hence the EU is assuming its role as a state-builder in the Southern Neighbourhood through the CFSP/CSDP and in line with the ENP (Bouris and Schumacher 2011: 14). To this end, the EU has launched a number of military and civilian missions in the neighbourhood, notably in Libya (2013) and in Palestine (since 2005) which will be further examined in the next section in relation to norm diffusion.

### 3.2.2. The EU’s role in the Israeli-Palestinian conflict

Under this context, the EU’s state-building activities have been shaped by the ongoing conflict between Israel and Palestine. Historically, the 1917 *Balfour Declaration* promised a “home for the Jewish people” (Bouris 2014: 48). In 1947, the UN took over the responsibility for a final status. The UN Resolution 181 stated the establishment of an Arab and a Jewish state, together with the “internationalisation of Jerusalem”



(Bouris 2014: 48). Israel declared independence in 1948, followed by war, which resulted in expansion of its territory and, eventually, the inclusion of West Bank in 1967 (Bouris 2014: 48). In 1973, the UN resolutions 242 and 338 were adopted (Bouris 2014: 48).

Institutionally, the conflict had concerned the EU since the framework of the European Political Cooperation (EPC), launched in 1970 and later in the CFSP (Müller and Pardo 2018: 347). The European Community first took a position on the question in 1971, by asking for the demilitarisation and the withdrawal of Israel from the occupied areas. Following the *Yom Kippur War* in 1973, the EU stated its support for the “legitimate rights of the Palestinians”, condemned the occupation of land by Israel using force, pleaded for a ceasefire between Israel and Palestine and called for the beginning of negotiations following UN resolutions 242 and 338 (Müller and Pardo 2018: 352; Bouris and Brown 2014: 1; Bouris 2014: 48). In 1977, the idea of a *Palestinian homeland* was introduced. As a result, the EU-Arab dialogue was initiated (Bouris 2014: 49).

With the *Venice Declaration* (1980), the foundations for the EU’s position on the conflict were established, by agreeing on: the illegality of the Israeli settlements and of any modifications in population and property; the need for Israel’s withdrawal to the pre-1967 war territories; the maintenance of the status of Jerusalem and by recognising the right of the Palestinian people to self-determination (Bouris, and Brown 2014: 1; Bouris 2014: 50). With the *Oslo Peace Process* in 1993, the International community, the USA and, significantly, Israel recognised the *Palestinian Liberation Organisation* (PLO) as the “legitimate representative” of the Palestinian people (Bouris 2014: 50). In exchange, the PLO “recognised Israel’s right to exist” (Bouris 2014: 50). The progress following the *Oslo Accords* and the signing of the *Declaration of Principles* in 1993 led to promising progress in the following years until 2000, highlighted by the creation of the *Palestinian National Authority* which was hoped to lead eventually to a *Palestinian State*. (Bouris 2014: 52). The *Palestinian Authority* (PA) was initially given responsibilities such as the security and control of population centres (Bouris 2014: 52). In the 1999 *Berlin Declaration*, the EU stated its willingness to recognise an eventual *Palestinian State* and thus prepared the ground for the two-state solution (Bouris 2014: 53).

Contrary to the *Oslo Process* agreement on handing the 1967 occupied territories over to the PA, the process was undermined with the 2002 West Bank invention, leading to destruction of EU-funded Palestinian state-building infrastructure (Bouris 2014: 53). The EU responded with the *Seville Declaration* (2002), which made clear reference to the sole legitimacy of the 1967 borders, followed by the establishment of a Quartet-supported *Roadmap* in 2003<sup>6</sup>. With the Palestinian Statehood as a final objective, the *Roadmap* also identified the establishment of the SSR as important both for the facilitation of “Palestinian life” and Israel’s demands for security (Bouris 2014: 53-54).

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<sup>6</sup> The Quartet includes the EU, US, UN and Russia.

### 3.2.3. EU-Palestine relations

As Mueller and Pardo (2018) noted, the ENP provided a “diplomatic framework” that allowed for the development of the EU’s bilateral relations with Israel and the Palestinian Authority, under an economic, political and social dimension (Bouris 2014: 53-54).

Undoubtedly, the EU has a long history of relations with Palestine. In 1997, an interim AA on trade and cooperation was signed by the PLO on the behalf of the Palestinian Authority followed by an Action Plan (under ENP), signed in 2005 (Müller 2017: 204-205; European Commission 2020: 1; European Union 2005: 1). Depending on the progress made under the peace process and on the perused reforms, the EU would propose a “deeper partnership”. In 2013, while in an optimistic atmosphere due to the progress of the *Fayyad Plan*<sup>7</sup> and the demonstrated “positive progress” accomplished by the PA and the Fayyad Plan, a new AA entered into force which is still effective until 2020 (European Commission 2020: 1).

In parallel, the EU held relations both with Israel and Palestine, acting as a sort of a mediator to the conflict and sometimes taking a leading role (Müller and Pardo 2018: 348). In this context and in reference to its relations with the EU, Israel signed in 1964 a free trade agreement and in 1975 an agreement on the establishment of a trade zone (Bouris 2014: 49). The EU signed an AA with Israel in 1995. Remarkably, in the 2004 EU-Israel Action Plan, references to the Peace Process were made explicit, however non-binding and Israel’s territory was not defined explicitly in the AA (Müller 2017: 206). In 2008, an expected “upgrade” of EU-Israel relations was cancelled, due to the outbreak of the war in Gaza.

In terms of the “territorial scope” of these engagements, the EU had repeatedly specified that territories occupied by Israel in 1967 are not considered part of the country (Müller 2017: 206). The EU supports the internationally agreed 1967 borders (Müller 2017: 201,2 07). However, Israel, considers these territories (the OPTs) as still “disputed” and, therefore, undefined (Müller 2017: 207).

In this regard, the 2009 *Council Conclusions* are considered important milestones (Bouris and Brown 2014: 2). Notably, the *Conclusions* renewed the engagement for a the two-state solution and underlined that the EU would not accept any changes to the pre-1967 borders (Bouris and Brown 2014: 2). Especially, the EU’s position on the borders was restated again at the *Council Conclusions* in 2012, including on the illegality of Israeli settlements (Council of the EU 2012: 2-3). The conclusions also re-emphasised the EU’s support for Palestinian state-building through the “CSDP missions and the Quartet” (Council of the EU 2012: 2-3).

Another important issue that emerged was that of the product labelling from the OPTs and EU funds used by Israel in the OPTs (Müller 2017: 207). Building on the 2012 Council conclusions, the adoption of the *Guidelines* in 2013 stated the banning of EU

<sup>7</sup> Fayyad program entitled “Palestine: ending the Occupation, establishing the State”, August 2009.

funding towards entities and their activities in the OPTs, or, in other words, on territories beyond the pre-1967 Israeli borders (Müller 2017: 208-209). Notably, it was stated that the EU “deplores Israel’s continuous expansion of settlements, which are illegal under international law and constitute an obstacle to peace” (Council of the European Union 2012: 2). The success of this EU-led policy against the Israeli settlements, sometimes called also “differentiation”, led some authors such as Persson (2017) to talk about the validation of the EU’s “power of example” in the region, since they “have by no means stopped Israel’s expansion of settlements, they have contributed to the non-recognition of them” (Persson 2017: 1415–1431).

Therefore, the EU has developed a common position on key issues on the Palestinian-Israeli conflict. These include EU support for “an Israeli withdrawal to the 1967 borders”, the “illegality of settlement building in the OPTs, including in East Jerusalem, and calls for a just, viable and agreed solution for Palestinian refugees” (Müller and Pardo 2018: 347). Typically, in the 2013 Political chapeau of the new *Action Plan*, signed with Palestine, the EU claims that:

[...] EU support to the prospect of a Palestinian state and to the legitimate rights of the Palestinian people is a concrete translation of the EU’s long-standing commitment to the two-state solution (European Union 2013: 3).

## 4. Empirical Analysis – EU state-building and norm diffusion in Kosovo and Palestine

### 4.1. Kosovo

#### 4.1.1. Kosovo as a contested state

Kosovo is not internationally recognised on the basis of full UN membership, with 115 UN members out of 193 recognising it (as of 2017) (Visoka 2018: 4). In 2019, fifteen countries revoked their recognition, dropping the total of UN recognitions below 100 (Palickova 2019: 1). Even though Kosovo is still part of Serbia’s internationally recognised borders, the Serbian government does not have effective control in Kosovo (Papadimitriou and Petrov 2012: 749).

Besides the “status” question, there is also the domestic national/ethnic question. Kosovo’s authorities in Pristina are considered the *de facto* representatives of Kosovo and its people. However, the Albanian-led government in Pristina does not hold full control and legitimacy in the Serb-populated municipalities in the north. This problem has reduced the ability of the Pristina-based authorities to control the rest of the country (Baracani 2019: 2). Moreover, there are problems with governments’ inability to control the borders and transborder activity in the Serb-populated areas (*i.e.* north Mitrovica). Moreover, the Kosovo state apparatus remains “under construction”. As Tansey noted, (in Kosovo) “central capacity is limited and consensus over the boundaries of the political community is absent [...]” (Tansey 2007: 32).

#### 4.1.2. EU State-Building and norm diffusion in Kosovo

Engaged under the legal basis of UNSCR 1244, the EULEX mission was launched in 2008, taking over the operational ability of UNMIK, with an objective to “mentor, monitor and advise” (Papadimitriou and Petrov 2012: 754-755). In detail, the EULEX mission’s mandate focuses on “assisting the Kosovo authorities in establishing sustainable and independent RoL institutions” (EULEX 2020: 1). In particular, the mission took over the responsibilities on civilian capacity-building, such as the judiciary, RoL and customs and some executive tasks related to ensuring investigations of crime offences (EULEX 2020: 1). Its current mandate, in force until 2020, is implemented through a *monitoring pillar*, which monitors “selected cases and trials” which were “dealt by EULEX under its previous 2018 mandate” and supports Kosovo’s Correctional Service. In addition, there is an “operational” pillar, which has now limited functions compared to previous mandates, as EULEX activities have been progressively handed over to Kosovo institutions (EULEX 2020: 1).

Especially, since 2018, there has been downsizing of the EULEX mandate, which now “maintains a limited residual capability as a second security responder and provides continued support to Kosovo Police’s crowd and riot control capability” (EULEX 2020: 1). In addition to the above, the mission provides “technical support” to the normalisation of relations between Kosovo and Serbia. The mission is consisted of 503 staff, which makes it the largest EU civilian mission deployed under CSDP (EULEX 2020: 1). As a result of the contested status and the absence of unanimity of EU member states on recognition, the EULEX was deployed as a largely “technical” mission with a “technical” mandate and responsibilities that would avoid positioning on the Kosovo status, by focusing on a “status neutral” policy (Papadimitriou and Petrov 2012: 758).

As a result of the ethnic divide, the UNMIK “continued to be present in the north of Kosovo, representing for the Serbs the only legitimate international civil presence” (Baracani 2019: 13-14). Therefore, even if the deployment of EULEX was authorised for the whole of the Kosovar territory, including the Serb-populated regions, this has been only narrowly implemented. According to Papadimitriou and Petrov, by December 2009 “the EU maintained no offices in North Kosovo” with scarce local staff (Papadimitriou and Petrov 2012: 759). In late 2009, the EU made efforts to approach the Serbian community in the North, but progress was difficult (Baracani 2019: 14). As Baracani (2019) observes, the progress in RoL in the north of Kosovo was minor, and the Pristina-based authorities were lacking control over that area (Baracani 2019: 14). Therefore, RoL activities did not cover the North, as EULEX faced challenges in implementing them (Baracani 2019: 14). Thus, the ethnic divide, that was crystallised with this sort of separation of tasks and territories between UNMIK and EULEX, shaped the realities on the ground and defined the scope of territorial application of EULEX’s authority and activities.

#### 4.1.3. Chapter conclusion and answer to the research question

Based on the above observations, the established theoretical framework inspired by Foucault's norm-diffusion allows an analytical focus on the "underneath" (Merlingen and Ostrauskaite 2006: 21) effects that the EU-led state-building activities had in the territory, "space", "borders" (visible and invisible), "population movements" and the "micro-physical power workings" (İşleyen 2018: 328; Merlingen and Ostrauskaite 2006: 29) of everyday practices of state-building. In particular, it permits to stress the effects on the "power asymmetries" created between the local staff concerned (*i.e.* local police officers, judicial personnel) and the EU officers, who are presented as the ones holding the "right" *savoir faire*, the "good practices" and the experience, with the aim to professionalise local staff, institutions and structures based on European/western standards (Bouris and İşleyen 2018: 9).

To begin with, the EULEX influenced norm-diffusion in Kosovo by the deployment of a "technical" mission with the aim to "mentor, monitor and advise" (Merlingen and Ostrauskaite 2006: 17). These "small scale" activities might seem "apolitical" at first, but a closer look suggests that beyond this "technical" facade with a primarily advisory role, these activities have highly political implications, because the norms they diffuse "are made to act upon people" (Merlingen and Ostrauskaite 2006: 17). In particular, the practice of EULEX experts aimed at enhancing the efficiency of Kosovo's institutions (primarily in civilian police activities, training of judges, support at the *Correctional Service* etc.). To achieve that, the EU experts propose "corrections", based on the defined EU "standards". Hence, in this way, indirectly, they diffuse norms in the "micro lever" of power (Bouris and İşleyen 2018: 1) by indicating what is the "good/accepted" behaviour and thus, creating a power asymmetry between EU "experts" and the local staff, implying that the latter is not yet professionalised or "right". Throughout this process, the EU "experts" intervene in the "quotidian functioning" and therefore, unintentionally, they restructure the "subjectivities" of local staff and they "refashion" the latter's "social identity" by trying to achieve objectives set by the EU (Merlingen and Ostrauskaite 2006: 29; Merlingen 2011: 161).

In addition to the above consequences of norm-diffusion in the actors participating in the state-building process, the results of the power diffused have effects, more generally, on the entire entity involved. In particular, the EU mission, by being involved in some activities in policing and justice, indirectly defined the scope of territorial application of the activities mentioned above. In practice, as explained, the EU mission is cooperating with the Albanian-led authorities in Pristina. However, the Serbian-led communities in the North do not recognise Pristina-based authorities as their legitimate representatives. Therefore, the EU state-building activities, by engaging with Pristina, unintentionally "reproduce" the visible borders (*i.e.* Kosovo-Serbia) and invisible borders (ethnic divide, language barriers) in Kosovo, within the entity (separation between Albanian, Serbian communities) and beyond the entity (territorial borders of Kosovo) (Bouris and İşleyen 2018: 4). Therefore, by investing in capacity building (SSR, RoL) through state-building to enhance the "state", the EU



actors are limited by the realities of contestation, with territorial and ethnic divisions, and thus, they are, unintentionally, reproducing the existing *status quo* (Bouris 2019: 90).

The latter argument is enhanced by the fact that the EU had to establish its legitimacy at a ground already predetermined by the activities of UNMIK which had already shaped certain local perceptions on the international presence in Kosovo. In particular, the Serbian communities in the north of Kosovo were not motivated to accept the authority of Pristina but rather preferred their own parallel government structures (Baracani 2019: 13). In this context, UNMIK is more popular in Kosovo North than EULEX, because EULEX, since its deployment, was seen as an actor that would enhance Pristina's authority (Baracani 2019: 13). Thus, the UN and the EU still have different spheres of influence and legitimacy on the ground as a result of the ethnic divide. Consequently, in Serbian majoritarian communities (*i.e.* north Mitrovica, north of the river Ibar), EULEX is not popular and therefore is hardly present. On the contrary, EULEX is more popular in Kosovan-Albanian majoritarian communities in Pristina. Moreover, the influence of Serbia in Kosovo North has limited the EU's impact even more, as EULEX is operating under status neutral. This means that the EU could be operational only where realities would allow it to be and therefore it influenced in indirect ways the definition of the territory of Kosovo with these "bordering" activities.

As a consequence of the above, even if EULEX's mandate was very specifically defined, with its responsibilities falling under the monitoring and operational pillars, and without any direct participation in handling the sensitive topic of the ethnic divide, the power it defused through state-building touched upon the definition of territory and movements of people in Kosovo. Thus, the presence of EU state-building activities in Kosovo had implications for the everyday activities and movement of people between and within these areas and deepened in some ways the divisions, by sort of "institutionalising" them, in an effort to reduce them. Thus, this "status neutral" and technical mandate had "political implications" beyond the "apolitical" facade of the mission.

Moreover, the EU exercised some influence in the law drafting of the entity. In particular, the so called *Ahtisaari proposals* might have faced deadlock at the UN, but "remained enshrined in the new Kosovo Constitution" (Papadimitriou and Petrov 2012: 749,754). Therefore, Kosovo's constitution has widely been influenced by external actors, especially the EU, as Kosovo accepted the *Ahtisaari Plan* "to become part of its own constitution" (Baracani 2019: 11). Therefore, the international community and the EU influenced considerably Kosovo's constitution since the beginning, by encompassing norms based on European/western "standards". In particular, through RoL reform, the mission is enhancing *i.e.* the democratic accountability of institutions. Therefore, the EULEX mandate is, indirectly, touching upon certain issues that are included in western/European-inspired constitutional norms. Characteristically, the *Ahtisaari plan* stressed the need to respect "the rights,



identity and culture of Kosovo's non-Albanian communities" and to find ways to include them in the Pristina-based government" (Baracani 2019: 12). Therefore, the influence of the international community and of the EU in particular, on the constitution of Kosovo, diffused norms in relation to the institutional shaping of Kosovo's institutions, its values, principles and the territorial scope of application. Furthermore, EULEX retains some executive responsibilities, only in matters of "reversing or annulling operational decisions taken by the competent Kosovo authorities when these would jeopardize security, law and order" (Papadimitriou and Petrov 2012: 749)<sup>8</sup>. Consequently, EULEX is having a direct say on these substantial matters. Hence, as it can intervene when some standards in security, law and order are not respected by Kosovo, the mission is diffusing norms by indirectly defining the type of regime, its democratic accountability based on agreed values.

Consequently, state-building had "underneath" consequences on the way international/European norms were being diffused in Kosovo, by influencing the definition of "space", "population", the territorial legitimacy of the regime and the territorial and institutional limits of the contested entity (Merlingen and Ostrauskaite 2006: 21). Therefore, due to the "realities" of contestation and the ethnic divide, the mission exposed existing divisions inside Kosovo, where "norms" and "borders" do not apply "uniformly" throughout the territory of Kosovo and thus, it unintentionally reproduced them through the power it diffused and by exercising activities with "bordering" effects. This is because seemingly apolitical activities had power effects in *i.e.* defining the territorial scope of application and legitimacy of these activities (Bouris 2014: 160).

## 4.2. Palestine

### 4.2.1. Palestine as a Contested State

Even though, in October 2011, Palestine was admitted to UNESCO as a full member, it does not enjoy international legal sovereignty as it is not a full Member of the UN. Nevertheless, as more of a symbolic change, in 2012 Palestine was updated by the UN General Assembly (UNGA) from a "non-member observer entity" to a "non-member observer state" (United Nations 2011: 1, UN News 2011: 1). The EU was fragmented in the vote, with the Czech Republic voting against (Bouris 2014: 63). Reflecting Palestine's non-official recognition by the international community and the EU, similarly to the case of Kosovo, the EU in its official communication uses an asterisk (\*) next to the "Palestine", accompanied by a footnote, stating:

This designation shall not be construed as recognition of a State of Palestine and is without prejudice to the individual positions of the Member States on this issue (European Commission 2020: 1).

Bouris and Kyris argued that "the reasons for the contested statehood of Palestine can be traced back to the collapse of the Ottoman Empire and the subsequent British

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<sup>8</sup> Reference to (Council, 2008, Article 3).

withdrawal from these territories” (Bouris and Kyris 2017: 763). Following that, the UNR181 “decided upon the division of Palestine into two states, Arab and Jewish, and the internationalisation of Jerusalem” (Bouris and Kyris 2017: 763). The 1967 war ended with Israel occupying “the West Bank (including East Jerusalem), Gaza and the Golan Heights” (Bouris and Kyris 2017: 763). Subsequently, based on the UNR181, the President of PLO Yasser Arafat declared the establishment of the State of Palestine on 15 November 1988 (Bouris 2014: 63).

Currently, Palestine is facing problems controlling its territory for two reasons: an *external* one, related to the Palestinian-Israeli conflict and the Israeli occupation of the OPTs and an *internal* one, related to political divisions between the West Bank and the Gaza Strip (Bouris and İşleyen 2018: 7; Papadimitriou and Petrov 2012: 750). In detail, in 2006 Hamas won the (democratic) elections in Palestine. In 2007, a National Unity government was formed, led by Haniyeh (Hamas). After the breaking of the ceasefire, OPTs were torn between the “Hamas-led Gaza strip and the Fatah-led West Bank” (Bouris 2014: 55-56). The EU and its Quartet partners followed a policy of “no contact” with the Hamas-led government which *de facto* controlled Gaza, while “rewarding the Fatah-led government in the West Bank” (Bouris 2014: 56-57; Müller 2017: 205). This resulted in the isolation of the Gaza Strip and contributed to the “political and territorial divisions of the Palestinians” which, even after the Fatah and Hamas agreement in 2014, influenced EU state-building in Palestine (Bouris 2014: 56-57; Müller 2017 205).

As a result of the dispute, Israel is questioning the borders between Israel and Palestine, *i.e.* with the Israeli settlements over the PA and the “Israeli security operations in the area” (Papadimitriou and Petrov 2012: 750). Thus, Palestine has severely compromised internal sovereignty together with weak state structures, as institutions were inexistent before Oslo (Bouris and Kyris: 2017: 763). Indeed, until the *Oslo accords* (1993) and the *Jericho Area agreement* (1994), responsible for the police force and the justice system in the OPTs was the government of Israel (Bouris 2014: 101). Later efforts of the international community focused on ensuring security in Palestine as a way of satisfying Israel’s demands for security (Bouris 2014: 101). Palestine only progressively and partially gained jurisdiction over some of its territory (Bouris 2014: 101).

In other words, the EU state-building missions had to operate in the context of the Israeli/Palestinian conflict, the internal “political and institutional” partition of Palestinians and their “legal, legislative and security” structures (Müller, and Pardo 2018: 353). In this context, EU-led state-building has influenced norm diffusion.

#### 4.2.2. EU State-Building and norm diffusion in Palestine

In parallel to the evolution of EU-Palestine relations and the EU’s position on the Israeli/Palestinian conflict, the EU was consolidating its state-building role in Palestine. Contrary to the case of Kosovo, where “state-building” as a term does not appear in a

straightforward manner in the EU-Kosovo agreements, in the case of Palestine it is identified clearly as one of its objectives (EUPOL COPPS 2020: 1). Similarly to the case of Kosovo and the “standards before status policy”, the idea behind state-building in Palestine was that “peacebuilding would bring state-building”, but also, that state-building would eventually bring peace, as a result of established strong institutions, security and RoL (Bouris 2014: 73)<sup>9</sup>.

Following the Oslo Accords (1993), the PA had to establish “from scratch” democracy, RoL, good governance and a functioning economy as a normal state (Bouris 2014: 73). Nevertheless, the state-building efforts were damaged by the second Intifada (2000) when built infrastructure was destroyed and Palestine was in need of emergency assistance (Bouris 2014: 79). Later, the adoption of the 2003 Roadmap was characterised by an effort to invest in good governance reforms to improve security (Bouris 2014: 80). A third phase of state-building emerged when the international community expressed its support for the Fatah-led government in the West Bank and the isolation of the Hamas-led government in Gaza (Bouris 2014: 80). In 2009, the *Fayyad Plan*, that could build the foundations of the Palestinian State, was relatively embraced by the international community and under the Fayyad emergency government, developments were made in RoL, Human Rights, SSR and Judicial-Reform (Bouris 2014: 81). Progressively, security became a driving force behind the international community’s efforts to build a Palestinian State (Bouris 2014: 81).

Under this complex framework, the EU deployed two civilian state-building missions in the field of police and border assistance, under the CDSP. Both missions do not have executive responsibilities, nevertheless, their presence had important consequences in the way power is diffused in Palestine. Following the end of the Gaza war and the PA-Israel agreement on *Movement and Access*, the *European Union Border Assistance Mission for the Rafah Crossing Point* (EUBAM Rafah), was launched on 24 November 2005 (Bouris 2014: 114). The aim of the mission was to assist at the Rafah-Crossing Point as a “third party presence” and thus guarantee Israel’s security concerns, the freedom of movement of the Palestinians living in Gaza and Palestinians’ request to control their own borders (EUBAM Rafah 2016: 1).

The EUBAM presence as a third party with no executive mandate meant that the EUBAM was only supervising, with Palestinian officials executing the work at the crossing point (Bouris 2014: 115-116). The mission’s last mandate ended in June 2020 and has been renewed for June 2021 (EEAS 2016: 1). However, the mission has been on “standby” since the last opening of the Rafah Crossing Point in June 2007, which was closed in July 2007, once Israel blocked access to EU observers (Bouris 2014: 115-116). Even though the EU had expressed its eventual willingness to re-activate EUBAM once the situation was stabilised, this official re-launch did not happen. Currently, with only 17 staff in total, the mission’s physical presence could be considered rather as a “statement”, in anticipation of an eventual opening of the crossing point or of a change of policy (Bouris 2014: 115-116).

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<sup>9</sup> Heathershaw (2008), cited in Bouris (2014), op.cit.73

The second civilian mission, the *EU Coordinating Office for Palestinian Police Support* (EUPOL COPPS) was established in 2006. The mission, following its deployment in 2006, faced the political and practical consequence of the Hamas win in Gaza and the subsequent EU policy of isolation of Gaza (Bouris 2014: 112). Due to divisions, the EUPOL COPPS mission could not cooperate with the Hamas-led government and became operational again in 2007, with the emergence of the emergency government of Salam Fayyad in the West Bank, which was supported by the international community and the EU (Bouris 2014: 112).

First established as a *Police Mission* encompassing a *Police Advisory Section*, in 2008 EUPOL COPPS was extended to include a RoL mandate (EUPOL COPPS 2020: 1). The mission, as part of “the wider EU effort to support Palestinian state building”, is “assisting the PA in building its institutions, for a future Palestinian State, focused on Security and Justice Sector Reforms”, in line with the 2003 Roadmap (EUPOL COPPS 2020: 1). Specifically, the mission is responsible for:

assisting in the Palestinian Civil Police (PCP) reform, supporting the Criminal Justice System (CJS), contributing in the Prosecution-Police interaction and facilitating external donor assistance to the PCP (EUPOL COPPS 2020: 1).

The mission is still active today. However, contrary to the initial expectation to operate both in Gaza and the West Bank, due to the developments in Gaza, it is now operating only in the latter. The EUPOL COPPS has been dealing with both “capacity building” issues and “technical equipment support” but has also involved in “training”, “infrastructure” and “assessment” (Bouris 2014: 109, 113). Hence, the mission is active in policing, the judiciary and in RoL, by addressing in a comprehensive manner security reform in the West Bank, aiming at civilian police capacity building. Hence, EU state-building in Palestine is involved in the PA “in security and borders, two of the ‘final status’ issues” (Bouris and Kyris 2017: 754).

#### 4.2.3. Conclusion and answer to the research question

In reference to the defined conceptual framework and research question, both EU civilian missions are operating under a non-executive mandate. First, EUBAM was involved in “monitoring”, “management” and cross-border cooperation at the Rafah Crossing Point. Its presence was thus only to “supervise” or “mentor” the Palestinian security and customs officials (Bouris 2014: 115). Therefore, a hierarchical relationship was established where the “expert” EUBAM Rafah staff would diffuse their knowledge/expertise on the “local” staff. However, the missions’ power was significantly reduced, as the mission could not operate without explicit permission from Israel. Nevertheless, its brief presence had effects on the definition of the territory, by being directly involved in territorial bordering activities at the crossing point and on the movement of people, by controlling movement and unintentionally reproducing the realities in Palestine, defined by contestation and occupation (Bouris 2014: 160). As the mission depends on the “green light” from Israel, the “under the surface” consequences of

norm diffusion touched upon the reinforcement of the *status quo* and the diffusion of power in defining asymmetrical relationships between EU experts who indicated to local customs and police staff the “best” border control practices based on European standards (Bouris 2019: 99).

In addition to EUBAM Rafah’s territorial norm diffusion, EUPOL COPPS has influenced norm diffusion in various “unexpected” and “under the surface” ways, “beyond and within”-territorial limits and beyond its non-executive and technical mandate (Bouris and İşleyen, 2018: 4). As mentioned, this civilian mission has been involved in a variety of activities, including policing, training and advising (Bouris and İşleyen, 2018: 3). In particular, the mission, under its mandate, got involved in mentoring and advising the PCP, in judiciary reform (by offering “advice on politically related elements”), in criminal justice reform and in trainings (*i.e.* criminal justice training, economic crime management, crowd control trainings) and even addressed equipment and infrastructure needs of the PCP (Bouris and İşleyen 2018: 10-12,15). These “capacity building” activities at first sight seem only “technical”, but under this technical surface they produce highly political “underneath” results as they diffuse norms that influence the locals’ perception on how policing, RoL and institutional building “should look like”, what are the best practices to achieve that, or how it should be done, based on the “western standards” (Merlingen and Ostrauskaite 2006: 21; Bouris and İşleyen 2018: 9,14). Therefore, with the aim of professionalising local officials, the EU officials indicated the “good” or “proper conduct” to the local staff, thus creating a hierarchical power relationship (İşleyen 2018: 325).

Beyond the above, EUPOL COPPS participated in more strategic activities, by “having a say” on police and criminal laws by contributing to the drafting of key legislation, such as the *Code of Conduct on the Use of Force and Firearms* and in the *Police Law* and the *Criminal Procedure Law* (Bouris and İşleyen 2018: 13). Therefore, the mission had an “advisory” and “technical” role, but was nevertheless involved in highly political activities, such as the drafting of key rules. Hence, the mission diffused of norms, by proposing its viewpoints on how the policy/criminal codes should “look like”. As a consequence, the mission “experts” indicated how local staff should operate in the specific context of Palestinian contested statehood, and, thus, indirectly the mission defined the geographical and legal space of the application of legislation. Characteristically, the drafted laws are practically designed to have application only in the area of the West Bank where the mission is active and to address the Palestinian population there (Bouris and İşleyen 2018: 14). In other words, they are primarily designed to apply principally in areas that the PA has control (mainly in Area A), since in areas B and C “prior approval had to be given by Israel” (Bouris and Kyris 2017: 756). Therefore, norm-diffusion through state-building ended up reproducing the territorial, functional and administrative borders and “realities of occupation” (Bouris 2014: 160).

Hence, even though EUPOL COPPS is not a “border assistance mission”, it had implications on the definition of space and borders, in the specific context of Palestine



due to its contested nature, having “highly contested” borders and a highly fragmented and dispersed territory, often referred to as a “swiss cheese” (Bouris and İşleyen 2018: 2; Homes 2020: 1). With these contested and dispersed borders the EUPOL COPPS can only operate in area A (17.7% of the total) and at a limited manner in area B (21%), where Palestine is allowed to have a very limited number of police, with the purpose only of civilian control and where its activities have to be constantly subject to confirmation from Israel (Bouris and İşleyen 2018: 5). In the rest of the territory, which constitutes Area C, Israel retains full civilian and security control as defined since Oslo II (1995) (Bouris and İşleyen 2018: 8; Bouris 2014: 79). Subject to the accord of Israel, is not only the PCP, but also the EU mission itself, as its engagements and contributions under EUPOL COPPS have to be validated (Bouris 2019: 95). Therefore, despite EUPOL COPPS’ initial will to reinforce the authority of the PA through policing and justice reform, the mission ended up adhering to already existing bordering practices, since the territorial scope of application of its mandate is limited by the occupation and the asymmetrical relationship between Israelis, Palestinians and EU officials. Consequently, “under the surface” of EUPOL COPPS’ mandate, the missions’ norm diffusion practices and activities fostered the reproduction of existing power asymmetries, political and territorial norms (Bouris and İşleyen 2018: 16).

In addition to that, the realities of territorial fragmentation of Palestine and the physical disconnection between the West Bank and the Gaza Strip, had consequences on norm diffusion in contested Palestine, since the EU state-build could focus only on the West Bank (Bouris and Kyris 2017: 765). Notably, “state” institutions that were previously based in Gaza had to be moved to the West Bank (Bouris 2014: 149,150,151,160). Therefore, the norms diffused through state-building influenced, indirectly, the eventual outcome of the “state” and its territorial, administrative and political limits.

Hence, the activities under EUPOL COPPS’ state-building agenda, ended up “reproducing” borders, logics and practices, which have been imposed as a result of contestation and the conflict with Israel. In particular, by defining Palestinian mobility and the space in which the mission and the people are “allowed” to be present and exercise their activities, might, thus, reproduce the existing status quo, through the specific forms of powers diffused (Bouris and İşleyen 2018: 1, 3, 15).

## 5. Conclusions

### 5.1. Conceptual Conclusions

This thesis has explored how EU-led state-building has influenced “norm-diffusion” in Kosovo and Palestine, in order to find out the “under the surface” effects of state-building in contested states and, especially, the effects on “space, borders, territory and population”. In particular, the analysis focused on two study cases, of EULEX in Kosovo and EUPOL COPPS/EUBAM Rafah in Palestine, which both have “advising”, “training” and “mentoring” capabilities.



The conceptual framework, which was inspired by the Foucauldian concept of “norm-diffusion” as applied by Merlingen, with insights from Del Sarto’s “borderlands” notion, together with Bouris and İşleyen insights on the effects of state-building in “borders, space and population” (Bouris and İşleyen 2018: 1), has provided a unique framework of analysis to answer the research question, which was defined as *How does EU-led state-building influence norm diffusion in Contested States?* and defined two sub-questions (1) *How does state-building influence norm diffusion in Kosovo and Palestine?* and (2) *What are the consequences of norm-diffusion in the Contested States?*

In particular, this conceptual framework proved to be very interesting in analysing the consequences of state-building in the particular context of contested states, because it allowed the analysis to explore the “underneath” effects of norm and power diffusion in Kosovo and Palestine, by focusing on the “micro level” and the “everyday practices” of the state-building missions. As it has been argued, the concept allowed the thesis to focus on the “power asymmetries” created between the ‘expert’ EU staff and the ‘local’ staff who interacted with the mission. The effort to professionalise the local capabilities by setting specific European/western inspired standards, resulted, “under the surface”, in the “refashion” of the “social identity” and the “restructuring the subjectivities” of local staff to adhere to these European set standards (Merlingen 2011: 161). Therefore, the concept allowed the analysis to focus on how seemingly “apolitical” state-building missions, with civilian and “technical” mandates (which were mainly focused in “advising” “mentoring” and which were involved in policing and judiciary sector related activities) can have important “political” results through these norms diffused by state-building, which “are made to act upon people” (Merlingen and Ostrauskaite 2006: 17). Therefore, EU-led state-building missions might not have executive powers but they nonetheless “have the means to exert considerable powers” (Merlingen 2011: 161).

As it has been stated, in the particular framework of contested states, the missions ended up unintentionally reproducing the *status quo* because their capabilities were restricted by the “realities” of contestation: the undefined, fragmented and dispersed borders, the lack of some territorial control from the central authorities, the “realities of occupation” (in the case of Palestine) and of the ethnic divide (in the case of Kosovo) (Bouris 2014: 160). Thus, norm diffusion through state-building missions had consequences on space, territory, borders (both visible and invisible) and population movements, “within and beyond” the (un)defined “state”, for example, by indirectly “bordering” the scope of application of the activities of the mandate (Bouris and İşleyen 2018: 4).

## 5.2. Empirical Conclusions

EU-led state-building led to power and norm diffusion “under the surface” in both case studies. In a nutshell, in the case of Kosovo, the “status neutral” presence of the EU was discrete. In Kosovo, the internal ethnic conflict and the strong opposition

of five EU Member States on the status issue meant that EULEX would have a limited mandate, mainly focusing on advising, monitoring and mentoring in RoL and in being the second security responder. However, even these activities would assume a limited role and power effects for the mission, the EULEX diffused norms in “underneath” ways, by influencing the *savoir faire* of the local staff, by indicating the “good” or “accepted” “everyday practices”, based on European standards. Therefore, EULEX might have had limitations on its mandate, however, in practice, it was much more extensive, with some limited executive responsibilities, and an “enhanced” power due to the norms it diffused. Hence, indirectly, these shaped and defined Kosovo’s institutional *savoir faire*, shaped ideas on how the state should look like, the limits of its territory and how population should be governed. In addition, internal problems linked to the ethnic division and the low legitimacy of the EU in the north meant that the EU could only operate in the areas that the Pristina-based government had full authority (*i.e* in Mitrovica), and therefore, the EU reproduced, unintentionally, the territorial and ethnic borders between the communities, together with the existing *status quo*.

In the case of Palestine, EUBAM Rafah was directly involved in “bordering” activities by being present at the Rafah Crossing Point. However, it was limited by its only advisory role as a third-party presence. Its active mandate was very brief and rather symbolic, but indicative, as the asymmetrical power relationships between experts-locals was there and the mission ended up reproducing the existing *status quo* due to the territorial limits imposed by Israel. The mission that provided the most important results for the influence of state-building through norm-diffusion in contested states was EUPOL COPPS, which had the mandate to assist the PA in the building of a functioning state. In Palestine, the “state” institutions were weak and the territorial fragmentation was more dispersed than in Kosovo. The fragmentation of the Palestinian territory between the West Bank and the Gaza Strip and the separation of the West Bank between areas A, B and C meant that the EUPOL COPPS mission was able to be operational only in the West Bank, in areas where the PA had civil and security competence (mainly in area A) and had to keep the parties of the conflict informed of its activities. In the case of EUPOL COPPS, due to the “realities of occupation”, the power diffused through state-building was, again, defined by the existing *status quo* and fostered existing power asymmetries, political and territorial norms and influenced the territorial, functional and administrative “borders” and, with it, the eventual outcome of the “state”. Moreover, the “mentoring” and “training” diffused norms by the transfer of *savoir faire* to locals through capacity building which had effects on the “refashioning” of their “subjectivities”.

Therefore, the results of “power diffusion” in Kosovo and Palestine are comparable, besides the very different contextual parameters and different levels of contestation. However, it can be noted that in the case of Palestine, where “borders” are even more vague and dispersed than in the case of Kosovo, the insights from the bordering literature were very important in understanding the dynamics of power. In particular,

in both cases, but especially in Palestine, the conceptual framework made it possible to expose the “unequal consequences of borders” within the contested state, as the populations were not concerned in the same way by the consequences of the contestation due to the occupation/ethnic divide. For example, in the West Bank, Palestinians have “different everyday experiences than Israelis” and the EU missions are subject to the established territorial, political and spatial realities (Bouris and İşleyen 2018: 5,8).

### **5.3. Broader Conclusions**

The defined framework allowed this thesis to study the role of the EU as a state-builder, beyond the nexus efficiency/inefficiency and to examine the power and the “under the surface” effects of EU-led state building missions in contested states, that are often overlooked in the literature. This was possible by engaging with the critical studies literature which “rejects a priori assumption of order” and “makes sense of the changing operations of power across the field of the social” (Bouris and İşleyen 2018: 11,14). Moreover, it was possible address in a more encompassing manner EU-led state-building in contested states, by not taking the “state” or its elements, such as the “borders”, for granted.

In particular, given that state-building needs a specific space of operation, “the state”, in the case of the Contested States, is not well defined, but rather “dispersed” throughout the territory, where both “visible” borders (territorial) and “invisible” borders (documentation, regulations, laws) exist (Bouris and İşleyen 2018: 8). Therefore, the critical border approach permitted the study of state-building in the particular concept of Contested States, in ways that would not have been possible with traditional “state-centred” approaches, such as the effects of “bordering” practices beyond physical borders, which is key in the concept of contested states where the “state”, the set “borders” or functional institutions and cannot be not taken for granted. Therefore, this approach allowed for an analysis “beyond and within the state” and helped better explore the “beyond the surface” effects of norm-diffusion in contested states (Bouris and İşleyen 2018: 4).

A last observation can be drawn and which, potentially, can open the debate for further research. Because EU-led state-building practices diffuse EU-inspired norms, the norms diffused are made to “fit” the European realities but not necessarily the local context of contested states. Because state-building assumes that there is a “right way” of doing things, local realities might not “fit” to that and thus state-building, applied in the context of a contested state, might end up having unexpected effects “beyond the surface” of the desired operation of the mission. These effects might touch upon the ways in which “power” and “norms” are diffused throughout the “territory” of a contested entity, the EU state-building project and its actors, the “local” actors concerned by state-building but also, generally, the local population and their movements.

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## **Coming to terms with the past: the contribution of international tribunals (IMT and ICTY). West Germany and Bosnia and Herzegovina compared**

Federica Woelk

### **Introduction**

2020 marks the 75<sup>th</sup> anniversary of the end of the Second World War and the 25<sup>th</sup> anniversary of the end of the war in Bosnia and Herzegovina<sup>1</sup>. A lot has been written about both conflicts, their consequences and legacy. The aim of this research is to identify whether elements of the post-war process of coming to terms with the past in West Germany<sup>2</sup> may eventually be useful also for Bosnia and what role (international) trials played in both countries.

The argument that trials against war criminals had an important role in influencing the process of transformation and reconciliation in both countries shall be analyzed, as well as their impact on society and on collective memory. The Nuremberg Trial (*International Military Tribunal, IMT*) is compared with the *International Criminal Tribunal for Yugoslavia (ICTY)*, with a specific focus on Hermann Göring and Radovan Karadžić, as both were leading politicians in the respective regimes, fully conscious of and involved in genocidal plan and action.

The IMT has become the foundation of international criminal justice and served as example for establishing the ICTY. The hypothesis is that the Nuremberg trials were fundamental for a decisive shift permitting the process of reconciliation within West Germany through the acceptance of its own past, including genocide and crimes. The ICTY did not have the same impact in BiH: this difference is due to competing narratives of the past which hinder dialogue and comprehension, raising questions about whether the defendants truly committed international crimes and preventing the society from accepting responsibility, making reconciliation impossible, by consequence.

A literature review, emphasizing the historical dimension, will introduce central concepts upon which the analysis in the individual chapters is based. The two trials will be examined in two separate chapters, examining their history and context as well as the personalities of the two perpetrators and their defense strategies. A discussion on their impact will follow: the section on West Germany will address the concepts of collective guilt, *Vergangenheitsbewältigung*, and the historians'

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<sup>1</sup> In the following text, instead of "Bosnia and Herzegovina", also "Bosnia" and "BiH" will be used as synonyms.

<sup>2</sup> The focus will be on West Germany because the East, under Soviet occupation and influence, had a completely different approach to the past and did not share the same context of democratic transformation.

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controversy regarding whether the history of Nazi Germany can be integrated (“normalized”) into overall German history. The part on Bosnia will focus on competing narratives and memories as well as on the link between transitional justice and reconciliation. Based upon the results, two wider questions shall be addressed: how did German identity evolve after reunification and how can Bosnia discover its own, in order to create a sustainable state and social harmony among the three ethnic groups (Bosniaks, Croats and Serbs)?

## 1. On trials and reconstruction of memory in Germany and BiH.

There is a considerable amount of literature, both on the Nuremberg Trial, whose significance in the history of international criminal law, as a precedent, is huge, and on the ICTY<sup>3</sup>; there is even more on the larger context of transitional justice<sup>4</sup>. Also the broader societal context and in particular historiographical aspects are well explored<sup>5</sup>. Nonetheless, a comparative literature on the two trials does not exist so far, nor on Göring and Karadžić specifically; even literature dealing exclusively with either Göring or Karadžić on trial is quite rare<sup>6</sup>.

### 1.1. Innovation in international justice: IMT and ICTY

Atrocities and crimes committed on the battlefield as well as the Holocaust had been so unprecedented that after the Second World War serious consequences were to be taken against war criminals (Marrus 1997: 2) also, the Allies did not want to repeat the failure of not holding international trials after WWI, despite the mass

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<sup>3</sup> On IMT: Gary Jonathan Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals* (Princeton : Princeton University Press, revised edition, 2014); Ann Tusa and John Tusa, *The Nuremberg Trial* (New York : Atheneum, 1984); Michael R. Marrus, *Nuremberg war crimes trial: 1945-46 : a documentary history* (Boston: Bedford Books, 1997); James Owen, *Nuremberg: Evil on Trial* (London : Headline Review, 2007); Guénaél Mettraux, *Perspectives on the Nuremberg Trial* (Oxford: Oxford University Press, 2008). On the ICTY: Rachel Kerr, *The International Criminal Tribunal for the Former Yugoslavia: An Exercise in Law* (Oxford: Oxford University Press, 2004); Theodor Meron, “Answering for War Crimes: Lessons from the Balkans”, *Foreign affairs* 76, no.1 (1997): 2-8.

<sup>4</sup> On transitional justice (small selection): Neil Kritz, *Transitional Justice: How Emerging Democracies Reckon with Former Regimes* (Washington, D.C.: United States Institute of Peace Press, 2004); Laurel Fletcher and Harvey Weinstein, “A world unto itself? The application of international justice in the Former Yugoslavia” in: *My neighbor, my enemy: justice and community in the aftermath of math atrocity*, ed. Eric Stover and Harvey Weinstein (Cambridge University Press, 2004), 29-48; Lilian A. Barria and Steven D. Roper, “How Effective are International Criminal Tribunals? An Analysis of the ICTY and the ICTR”, *International journal of human rights* 9, no. 3 (2005): 349-368; Jared O. Bell, *Frozen justice: Lessons from Bosnia and Herzegovinas failed transitional justice strategy* (Wilmington : Vernon Press, 2018); Alfons Klafkowski, *The Nuremberg Principles and the Development of International Law* (Warszawa : Zachodnia Agencja Prasowa, 1966).

<sup>5</sup> On the German debate see: Matthew Jackson, “Historians’ debate: The Historikerstreit and the search for national identity in post-war Germany”, *History Studies | Journal of the University of Limerick History Society* 17, (2016): 25-38; Andrei Markovits, “Introduction to the Broszat-Friedländer Exchange”, *New German Critique* 44, (1988): 81-84; Georges Mink, *Vie et mort du bloc soviétique* (Firenze : Casterman - Giunti, 1997).

<sup>6</sup> Both trials are linked by Philippe Sands, *From Nuremberg to The Hague: The Future of International Criminal Justice* (Cambridge : Cambridge University Press, 2003).

murders. Soon, different approaches arose between the Allies: the USA gave the main impetus for a tribunal, arguing that it was important to bring war criminals to justice and punish them. Also, Stalin wanted top Nazis to be executed, but only after a trial (Tusa 1984: 60-63); (in fact, the Soviets staged show trials after the war) (Lewis 2016, 166-167). The British preferred executing around fifty top war criminals and did not want a trial, but at the Yalta Conference in February 1945, Churchill's opposition was overcome by Roosevelt and Stalin. At the London Conference in August 1945 a Charter with fundamental principles for establishing an international tribunal was adopted: it was an innovation in international criminal law; the Tribunal's structure and its organization were different from anything before (Sukharev 2006, 711). Of the 24 defendants in the Nuremberg Trial, ten were executed, one was condemned to death in absentia (Martin Bormann), and Göring committed suicide the day before his execution (The Editors of Encyclopaedia Britannica 2020).

When atrocities in Bosnia seemed unstoppable, the UN Security Council (UNSC) started to consider holding perpetrators liable. The basis for prosecuting war criminals was prepared with UNSC Resolution 711 (1992) (Scharf 1997: 37), which would allow the UN to receive more information about war crimes. After UNSC Resolution 808 (1993) had expressed the intention of establishing an international tribunal, on 25 May 1993

the UN Security Council passed resolution 827 formally establishing the International Criminal Tribunal for the former Yugoslavia, known as the ICTY.<sup>7</sup> This resolution contained the Statute of the ICTY which determined the Tribunal's jurisdiction and organizational structure, as well as the criminal procedure in general terms (United Nations ICTY, 1993).

The ICTY classified cases as important considering the rank of the defendant and the gravity of acts committed. The three most important cases were: the case against Duško Tadić, indicted for crimes against humanity, forcible sexual intercourse, and violation of the laws and customs of war, and sentenced to 24 years imprisonment. With three different indictments (for Kosovo, Bosnia and Herzegovina, and Croatia) Slobodan Milošević, President of Serbia within the Federal Republic of Yugoslavia from 1991 to 1997 and then President of Yugoslavia from 1997 to 2000, was accused of 66 counts of genocide, crimes against humanity and war crimes (Associated Press, 2006); he died in his cell of heart disease before the verdict. Radovan Karadžić, President of Republika Srpska from 1992 to 1996, is important as one of the highest officials from BiH; he was fugitive and arrested in Belgrade only on 21 July 2008 (Trial International, "Radovan Karadžić"). As Milošević had provided assistance to the Bosnian Serbs during the war, a link between the trials was established (Judgement, Prosecutor vs. Radovan Karadžić, IT-95-5/18, 24 March 2016, 1303, ICTY).

Karadžić was indicted for genocide, crimes against humanity and violations of the laws and customs of war; the indictment distinguished between his participation in a general Joint Criminal Enterprise (JCE) and in a hostage-taking JCE (he personally

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<sup>7</sup> See Annex, 1. Infographics: ICTY Facts & Figures.



ordered that the Bosnian Serb military take hostages). The Joint Criminal Enterprise includes crimes committed to remove Bosniaks and Croats permanently from Serb-claimed territory, crimes committed to spread terror among the civilian population of Sarajevo through a campaign of sniping and shelling, and crimes committed to eliminate the Bosnian Muslims in Srebrenica (The Prosecutor vs Radovan Karadžić (Prosecution's Marked-Up Indictment), IT-95-5/18-PT (19 October 2009).

The UN established safe zones in order to contain the conflict and limit the casualties. Srebrenica has been declared as safe area in 1993. However, already in early 1995, the Bosnian Serb Army began to surround Srebrenica and to pose a threat to the UN. After Serb troops attacked the safe zone in July 1995, thousands of Bosniaks fled to the UN military compound. The Army of the Republika Srpska (VRS) took 8.000 men and executed them in several places around the area. The ICTY has recognized this as genocide (Smith, Britannica). Karadžić had a prominent role in the planning of the conflict and was one of its main protagonists; to this extent, he can be compared to Göring and the latter's role in WWII. The Nuremberg Trial provided the basis for the establishment of the ICTY<sup>8</sup>.

## 1.2. The Nuremberg trial: necessary for coming to terms with the past?

Among the relatively few sources on the IMT trial against Hermann Göring, Werner Bross provides insights into Göring's behavior during the trial (Bross and Göring 1950), while Norbert Ehrenfreund shows Göring's central role, rightly pointing out that "with Hitler gone, Göring emerged as the leading man in this drama" (Ehrenfreund 2007: 65-66). In a detailed documentary on the whole Nuremberg trial, *Nuremberg: Göring's Last Stand* (2006), Göring's personality is represented in its entirety. Göring was not only a difficult defendant, but he was also trying to avoid responsibility, in particular concerning the final solution for the Jews, even in the face of the undeniable truth (Conot 1984: 329-346).

In West Germany the establishment of the IMT by the victors has often been criticized as *Siegerjustiz* (Andoor 2015: 356): the Allied powers, not Germans, brought the perpetrators to justice. Some scholars believe that the IMT was not independent, because it had been established by the Allies, the enemies during the war. There has been also criticism regarding the judges because they had first determined the type of offenses and the rules of procedure, and then judged whether the accused suspects had committed crimes according to the offenses established previously. (Kastner 1995).

The question of the effectiveness of externally imposed post-war trials against war criminals is well-researched: according to Conot, the trials were important as a milestone, but they did not stop the rewriting of history as it had continued to happen

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<sup>8</sup> Apart from the different legal basis – an Allied decision (IMT) versus a UNSC decision (ICTY) – an important difference concerns the role of eyewitnesses: fundamental in the ICTY, but not at the IMT.

decades after Nuremberg (Conot 1984). This was problematic for a long time in the process of *Vergangenheitsbewältigung*, i.e. the process of confrontation with the past in West Germany. It does not only entail compensation, trials against war criminals, but also denazification, responsibility, education in history, and memorialization: everything that helps the society to be aware of and responsible for its own past. At first, different approaches of the Allied powers in each of the occupation zones seemed to contradict each other (Broszat 1981, 479-481). The process needs moral examples for enhancing the population's awareness. Can trials against war criminals provide these moral examples? Is there an intrinsic link between transitional justice and *Vergangenheitsbewältigung*? A major difficulty, resulting in a concrete reason why the Nuremberg Trial could not create this moral example, was identified by Donald Bloxham, who states "Auschwitz— which has entered the popular consciousness as metonym for the Holocaust — could not be representative of anything other than itself, for the simple reason that nothing was the same as Auschwitz" (Weitz and Bloxham 2001: 127-128). This reveals a major ambiguity, often criticized (also by Bloxham himself), i.e. that the trial dealt with crimes against peace (with Germany's role in starting and pursuing WWII) and not focusing enough on the extermination of the Jews (Weitz and Bloxham 2001: 124-125). With this statement and in particular in his book *Genocide on Trial*, Bloxham defines the problematic of a trial which was heavily criticized, in particular for the way it had been conducted.

German society tended to reject guilt; a general critical assessment and collective memory of the Third Reich did not occur in the first decades after the war. This denial, in particular regarding the Holocaust, found an important limit in the Nuremberg Trial, as it established what had happened by making it public. Trials and elaboration of the past did not go together or in parallel: the distinction between justice and (absence of) memory, common also elsewhere (Weitz and Bloxham 2001: 14), is efficiently summarized by the following figures for West Germany: "in 1945, there were 800,000 SS and only 60,000 were charged with murder, but prosecutors obtained only 124 convictions. Acquittals, short-term sentences, and early releases were the norm" (Marie Alioff 2018).

The *Vergangenheitsbewältigung* process was as effective as the measures taken: the population would not even start to think about its past without effective trials, as a basis for any (re)education – from parents (de-nazification) to schools (for future generations). Everything was connected: how would follow-up trials be effective if old Nazis were still sitting on the bench in courts?

The German perception of the Nuremberg trial, as viewed by different scholars, varied over time and depended on the different attitude of West-German governments. Today the common perception of the Nuremberg Trial is that of a milestone on the way to a German reconstruction of identity. In the post-war phase and until 1989, the West German reaction to the Nuremberg principles was mainly defensive and negative (Burchard 2006, 800-829). Only after the Eichmann trial in Jerusalem and the Auschwitz trials in Frankfurt, in the early 1960's, something

changed in the perception of Germans regarding those trials in general and the Nuremberg trial in particular. In parallel, the official politics of memory also changed gradually from the end of the Allied occupation until the fall of the Berlin Wall, and then with reunification. "After the war, Germany had little interest in prosecuting its own. It was hard for the German public to accept that so many of its citizens were responsible for the horrific crimes committed under the Third Reich" (Documentary Channel, the Accountant of Auschwitz). The trials were seen as an attempt by the Allies to assign a sense of guilt to the whole society. In the 1960's, with Eichmann's trial but also with the Frankfurt trials (against those involved in Auschwitz), the debate intensified. With the student movement of 1968, young people started to ask parents questions about their past.

Trials provided a basis for reconstruction and democratic transformation in West Germany as well as a pre-condition for reconciliation with victims and neighbors (Sands 2003, 1-30). From the late 1960's the Holocaust shaped national identity: first as a taboo and later as sense of guilt and a gradual search for truth, particularly for West Germany, where the "unresolved past" was becoming a repetitive and unforgettable part of it (Fulbrook 1999: 18).

### **1.3. The Karadžić trial: parallels and differences with the trial against Göring**

The situation in Bosnia and Herzegovina is different in terms of context: the war in BiH had the character of a civil war, with three sides and neighboring states involved, while Germany's aggression developed into a world war. At the end of the war, Germany was occupied by the Allies; post-war BiH was stabilized by international forces in order to guarantee peace among the three different groups that had fought each other. An important difference is also the omnipresence of media in the Bosnian war. Information about ethnic cleansing, mass rapes and genocide had been available to everybody, with no excuse to say, "we did not know about the crimes committed" (Cushman and Mestrovic 1996: 1-39).

Sadkovich draws an explicit parallel between the cultural contexts of unquestioned obedience, "a form of efficient bureaucratic indifference" (Sadkovich 1996: 283-284), in which both Nazism and ethnic mobilization in the breakup of Yugoslavia operated as "new barbarism" (Sadkovich 1996: 283-284). This may indeed be considered a common denominator. There is also a link between the main accused in the two trials: as underlined by Meijers and Glasius (Meijers and Glasius 2013: 720-752), Karadžić can be seen as a kind of head of state (although Republika Srpska has never been recognized as such) and after the death of Milošević became "the most high-profile defendant" (Meijers and Glasius 2013: 45), similar to Göring in the Nuremberg Trial. The main difference between the two trials is that the Nuremberg Trial was conducted in a situation with clear victors and losers; there was no such distinction for the ICTY regarding Bosnia: the three groups continued to live in the same country, and a cold-war situation had been created and consolidated since the war.

Regarding their defense strategies, Karadžić used the opportunity for political speeches and rally his supporters, still behaving like a politician, while Göring clearly did not have a political career anymore. Karadžić denied what he had done, trying to minimize it at times; Göring used a somewhat schizophrenic strategy of taking responsibility on himself while at the same time denying his involvement in genocidal actions.

In the trial against Radovan Karadžić (Sluiter 2008: 2), he was found guilty of genocide in Srebrenica, but not in other cases (Balkan Investigative Reporting Network 2019). His role gave rise to comparisons with Holocaust perpetrators because of the combination of “the psychology of a genocide perpetrator with that of a charismatic narcissistic political leader” (Dekleva and Post 1997: 485-496) but it was also suggested by the length of the trial and the considerable amount of evidence.

Some scholars, such as Colleen Murphy, emphasize that transitional justice can play an important role in reconstructing the sense of a society (Murphy 2018: 575-585) and argue that the verdict against Karadžić has been essential for the sense of justice after the war (Kostovicova 2016), in particular for the victims of war and ethnic cleansing. Others argue that his trial came too late (twenty years after the conflict!), and that some of the most important war criminals managed to escape or were not brought to justice. One may even ask whether war crime trials have become an obstacle to reconciliation, as the belief in justice in BiH appears to have vanished.

#### 1.4. Different perceptions and narratives in BiH on ICTY and the Karadžić trial

According to Bell, “many Bosnians are disillusioned by talk of justice and reconciliation and have lost faith, especially in the government to foster any form of transitional justice” (Bell 2018, 3). Bähr raises “the question whether international criminal trials can assist the reconciliation of war-torn societies or whether this could be better accomplished by complementary mechanisms, such as truth commissions” (Bähr 2016); for some, reconciliation cannot be achieved through trials, but only through agreement on a common recognition of facts, without reproaching each other (Meijers and Glasius 2013: 31).

Like the Nuremberg Trial for West Germany, the Karadžić trial has particular importance for the reconstruction of memory in Bosnia and Herzegovina, but its impact is not far reaching, nor as effective as in West Germany. Karadžić was a leader in politics and war and his trial has been followed by many people. But for the majority of the population justice came too late. Finding and arresting war criminals and the complexity of indictments and trials all take time, due to the amount of evidence and the many eye-witnesses. The resulting delay paralyzed the process of reconciliation in BiH: (transitional) justice is effective if it comes quickly.

A major difficulty lies in the ethnic divisions in BiH and their political exploitation. The three groups – Croats, Serbs and Bosniaks – have a fundamentally different

understanding of the war events. Stover and Weinstein define the concept of inter-group level reconciliation that should be applied:

in order to create some sort of common identity, there must first be a discussion about which narratives make it into a post- conflict society's national psyche. The stories of the once conflicting parties have to match and make sense collectively (Bell 2019, 57).

Auerbach underlines the importance of creating a common version of history for the process of reconciliation (Auerbach 2009: 291-318). If no common version of history is elaborated, and if the conflicting parties instrumentalize the rhetoric of blame and scapegoats, then the dynamics of "*jeux de mémoire*" (Mink 1997: 134-148), the way in which politicians use history as a means to legitimate themselves and to create a sort of emotional community, can become a serious threat to the process of reconciliation and also to the stability of the system overall. This is clearly visible in *Republika Srpska*: in March 2019, an "Independent International Commission for Investigating the Sufferings of all Peoples in the Srebrenica Region" (Sorguc 2019) started to work, but international experts heavily criticized it as "revisionism rather than a genuine effort to establish the truth" (Rudic 2019). Serbs tend to reject any sense of collective guilt and undermine the process of a construction of a common historical memory (in many cases despite concrete evidence for the crimes committed), while Croats usually accept responsibility but in a limited way, and Bosniaks tend to see themselves generally as victims (Clark 2011: 97-99). In such an environment, it is not possible to make progress with reconciliation.

## 2. The Trial against Göring: imposed confrontation with the past

### 2.1. Trying Göring for trying Nazism

"The Nuremberg trials were an experiment" (Sands 2003: 28) successful in part, as precedent in the development of international criminal law, but also much criticized for their initial negative impact on West German opinion (Burchard 2006: 802-806). The approaches of the Allies were different: the Americans were more interested in the German aggression leading to WWII, the UK more in German war crimes against British citizens, and the Soviets preferred show trials (Bass 2014: 173-191-199). Nonetheless, the Allies succeeded in delivering justice concerning major war criminals who planned the destruction of Europe and the extermination of Jews (Ehrenfreund 2007: 37-40). Those trials started a process of confronting German people with the horrible crimes committed by the Nazis.

This is mostly related to a more dialectic process in West Germany. East Germany (GDR) is a different case. It was under Soviet influence and itself a totalitarian system; therefore, history writing in the GDR was not impartial and rather followed one single version of "official truth" which had to be accepted without questioning (Kahane 2011: 22).



It is important to distinguish different degrees of responsibility of those indicted (Davidson 1997, 4-5). There were revolutionaries (*geborene Nazis*) and ideologists (*gewordene Nazis*) (Fest 2010: 104-105). Goebbels's radicalism was ideological: he was a radical promoter of anti-Jewish propaganda. By contrast, the category of "revolutionaries" wanted above all to seize power and were ready to fight for it; Hermann Göring even said: "I decided to become a member of the Party because I was a revolutionary, not because of the ideological stuff" (Kelley 1947: 64). Göring's characteristic feature was his immense lust for power: the impact of his personality on people was, in some way, as strong as Hitler's (Nuremberg Trial Proceedings 1946, Volume 9). During the trial, Göring's defense was a defense of Nazism in general (Tusa 1984: 269).

## 2.2. Göring's personality

Göring's personality, his general conduct and his trial are key to understand the functioning of the regime and its hierarchy. Göring is most often described as constantly searching to seize power; as someone never satisfied, who loved luxury and elevated

lifestyle, as particularly brutal, but not ideologically driven (ORF Zeitgeschichte 2018). He also was a drug addict, after he was wounded in WW1 which explains some psychologically strange behavior. He also was a notorious liar, earning him the nickname "cheater" in the British war criminal records (Zizolfi 2016: 189). Never satisfied he was constantly reaching for personal success – the true reason why he decided to join the Nazi party as it would allow him a fast career and put him at the center of (public) attention.

Göring held himself responsible only for government acts and not for extermination programs. His controversy with Hitler made him less involved in official affairs since 1941-43. Göring opposed the attack on Russia, as he believed that first England had to be neutralized. Hitler did not speak with Göring in 1944, but in 1945 he asked him to head the Reich, only for changing his mind again, fearing Göring would replace him (Goldensohn and Gellately 2006: 215-216). According to Göring, within the Nazi party a group (including himself) opposed the ideological fight against the Jews, but as this group had no true common interest and other tasks, so it did not oppose the fanatical group and their race project.

Göring remained the only unrepentant defendant, not showing any sign of human weakness or admittance of own mistakes (Goldensohn and Gellately 2006: 189). He truly believed in what he had fought for. Göring tried to behave as the leader of the other defendants, so that one common front could be created. This did not succeed: certain comrades detached themselves and tried to save themselves (De Prá 2013: 8) by proving that they knew nothing about extermination camps. By contrast, Göring's strategy was contradictory: while he never denied that he knew about them

(but trying to relativize the murders), he showed pride in what had been accomplished altogether (the battles won). He told the psychiatrist:

I take all responsibility for what happened in National Socialist Germany but not for the things I knew nothing about, such as concentration camps and atrocities [...] I frankly admit concentration camps for communists and other enemies, but certainly not for killing people or using concentration camps as extermination camps (Goldensohn and Gellately 2006: 235-236).

Göring's double strategy is a pattern we also see in Eichmann's trial in 1961 (Lasok 1962: 361). But Göring did not follow orders, he willingly and consciously enacted a policy which led to aggression vis-à-vis neighboring countries and groups of the population and to disaster for Germany.

### **2.3. Göring on trial: cross-examination and defense**

"The Goering case was vital for the prosecution: it was almost a microcosmos of their entire indictment" (Tusa 1984: 269). When listening to his interrogations (US Holocaust Memorial Museum 1946) and reading through the transcripts, the impression is that Göring was extremely lucid. First, he tried to convince the others not to reveal too much evidence, but when they saw how fair the trial was, his strategy changed into a very smart and capable play of the "justice game" (Robertson 2006: 232). A perfect example is his own cross-examination by the American prosecutor Jackson: Göring remaining calm and not losing control (Marrus 1997: 107), provoked Jackson's rage and he tried to cut Göring off, but the judge conceded Göring more time. During the discussion on the re-militarization of the Rhineland in 1936 Jackson literally exploded (Marrus 1997: 112). This episode, seen as a victory, strengthened Göring's ego but also his defense and was celebrated by his fellow defendants (Goering's Last Stand 2006). By contrast, the British prosecutor, Sir David Maxwell-Fyfe, asked precise and short questions, obliging Göring to give short answers (Ehrenfreund 2007: 70). Thus, Göring lost confidence and his previous "victory" would remain an episode.

Göring passionately objected the legitimacy of the trial: "He felt that a foreign country had no right to try the government of a sovereign state. He criticized the 'selection' of defendants" (for him, leading Nazis were underrepresented). Also, the members of the General Staff had simply accepted orders and obeyed them. "According to him, the conspiracy was among Hitler, Himmler, Goebbels and Bormann" (Goldensohn and Gellately 2006: 263-264).

In the indictment, Göring was charged with four main counts: common plan and conspiracy, war crimes, crimes against peace and crimes against humanity (Göring 1945: 32-33); he was found guilty of all four, this analysis will concentrate on the last two.

Göring had gradually become the economic responsible of the Reich. His plans included the expansion of the Luftwaffe and rearmament; he was very aggressive

towards Czechoslovakia. All factors in the indictment show that Göring was an important actor in the plans for aggressive war (Fest 2010: 101-103). The most interesting elements of his defense are his representation of Austria's *Anschluss* and his active role in it, his attempts to stop Hitler from invading the Soviet Union, and the overall impact of the Treaty of Versailles on the regime's foreign policy (Nuremberg Trial Proceedings 1946 Vol.9: 398, 426-430, 437-438).

Göring tried to relativize the accusation of having waged a war of aggression in Europe arguing he was against invading Norway and the Soviet Union not because of moral restraint, but because of strategic considerations. When asked why he did not warn the German population, he replied that he could not make war strategy public and that as simple officer he had no reason to turn against Hitler (Nuremberg Trial Proceedings 1946 Vol.9: 428).

Having had a special bond with Austria, he was in charge of the "*Anschluss*." On trial, Göring argued that the Austrian people had always wanted to be part of a greater Germany, and that the fact that the Nazi party existed there already before Hitler came to power, showed their will of being reunited (Göring 1945-1946, 329-338).

During his defense Hermann Göring also blamed the Treaty of Versailles as main reason for the events leading to WWII. Many historians (Schwabe 1971, 1-32) still debate the impact of the Treaty of Versailles as one of the reasons for the German people's support of Hitler. Göring underlined the Treaty's importance for his personal decision to join the Nazi movement. "Hitler was of the opinion that Germany must be freed from the dictate of Versailles. [...] every German, every patriotic German had the same feelings" (Nuremberg Trial Proceedings 1946 Vol.9, 438). This argument was used by all defendants.

The extermination of Jews was treated as a separate count: crimes against humanity. Hermann Göring was not directly linked to the concrete organization of the murders of Jews. But he believed in the necessity of action against Jews and was proud of the racial laws adopted in Nuremberg in 1935. The prosecution held him accountable for his role in imposing a massive fine against German and Austrian Jews after the pogroms of November 1938, as well as further measures: no freedom of movement, confinement in ghettos, scarce or no food supply. The main goal was to confiscate their property in order to support financing German rearmament (Jackson 1946: 414). Göring's following statement shows this (as well as, again, denial!):

I am said to have planned to release Jews from Germany in exchange for ransom in foreign currency. This, too, is untrue. Disgusted by the Jewish pogrom of November 1938, I managed to obtain Hitler's approval to a plan which was to facilitate emigration for Jews. I intended to place 1.500 million Reichsmarks taken from confiscated Jewish property under the administration of an international committee, and Germany was to undertake the obligation to repay this amount to the committee in 20 yearly instalments, and in foreign currency, which is the exact opposite of what Justice Jackson asserted here (Nuremberg Trial Proceedings 1946, Vol.22: 366).

Göring's motivation to act against the Jews was economically driven, distinguishing him from other Nazis. In a speech at the *Reich* Aviation Ministry he had stressed:

In the meeting, in which [...] we came to the decision to aryanize the German economy, to take the Jew out of it, and put him into our debit ledger, [...] to our shame, we only made pretty plans, which were executed very slowly (Stenographic Report 1938, 2).

This does not take away his responsibility: he knew about the meaning of 'final solution' and did not try to stop it. In his defense, he tried to favor Jewish emigration which he had discussed with Heydrich as the final solution of the Jews (Marrus 1997: 210-211). Again, this is contradictory double strategy: taking distance from mass murder and extermination, while also trying to act as leading figure of all defendants. This impacts on the credibility of this statement; he appears to have signed the written authorization of 1941 ordering Himmler and Heydrich to find a "final solution" for the Jewish question.

Göring never hid his intentions of using slave labor and was responsible for the pillage of the territories under German rule. He had created the Gestapo, the first concentration camps and ordered the first purges. Thus, Göring was accused to have ordered the Gestapo to murder all Jews unable to work as slaves; in the occupied territories, Gestapo men under Eichmann's leadership carried out these measures (Nuremberg Trial Proceedings 1946, Vol.22:, 255).

Therefore, Göring's own admissions confirm his guilt: he was indeed a leading figure. Neither in the indictment nor in the judgement, excuses are found for his actions (Nuremberg Trial Proceedings 1946, Vol.22: 256). With his egocentric personality and with his charisma, Göring did more damage to Europe and the world than anyone else.

#### **2.4. In sum: Admittance combined with denial**

Göring's final statement sums up this contradictory strategy of admittance combined with denial:

I stand up for the things that I have done, but I deny most emphatically that my actions were dictated by the desire to subjugate foreign peoples by wars, to murder them or to enslave them, or to commit atrocities or crimes (Marrus 1997: 220).

"The recognition of crimes against humanity was the most important legacy of Nuremberg" (Goldstone 1996: 2) and the first attempt to prosecute those crimes. In the decades after the trial the main questions were: should someone still be held accountable for a crime committed decades ago? Where does individual culpability for genocide lie if the general system is criminal? (Keeley 2019).

### 3. The Karadžić trial: contested confrontation with the past

#### 3.1. Introduction

With its activities, the ICTY, has managed to try the leadership, leaving “smaller fish” to local justice. Among the trials of fundamental importance for the ICTY are those against Slobodan Milošević, Radovan Karadžić and Ratko Mladić. They all bear responsibility for the war its consequences. Ratko Mladić was Chief of the General Staff of the Army of Republika Srpska in war in BiH in 1992-1995. In order to allow for comparison between IMT and ICTY, it was important to choose a personality similar to Göring. Radovan Karadžić had been one of the main actors in BiH and was one of the major perpetrators responsible not only for the war but also for crimes against humanity and for the genocide of Srebrenica. Right after the war, after negotiating with the Americans, he stepped down as President of Republika Srpska (RS) and managed to escape disappearing for years, until his arrest in 2008, 13 years after the war. The ICTY found Karadžić guilty of genocide, persecution, extermination, murder, violation of laws or customs of war, deportations, inhumane acts, unlawful attacks on civilians and hostage-taking. This chapter analyzes Karadžić and the trial against him using the same structure as in the previous chapter.

#### 3.2. Karadžić’s way to power and personality

Karadžić was head of the Serbian Green Party, but in 1990 he succeeded very quickly to establish the Serbian Democratic Party of Bosnia-Herzegovina (SDS), as a response to the nationalist tendencies from the Croatian side, becoming its head (Kaplan 2003: 76; and BBC 2016). His vision of a “Greater Serbia” and his intentions of defending Serb territory became soon evident. Karadžić had supported Yugoslavia, which had offered Serbia a dominant position. With its dissolution, he feared that Bosnian Serbs would lose their influence in an independent BiH. For this reason he threatened that Bosnian Serbs would secede, if BiH would become independent (Kaplan 2003: 76). In fact, the Serb population was opposed to independence as they would become a minority within the state (in 1991, in BiH there were 44% Muslims, 31% Serbs, 17% Croats and 5% “others”) (Nation 2012: 149). In 1992, Karadžić was elected President of RS which controlled over 70% of BiH territory (Kaplan 2003, 76). On January 9<sup>th</sup> 1992, representatives of political and national institutions of Serb people in BiH, gathered in a Bosnian Serb “National Assembly”, adopted the Declaration of the proclamation of Republika Srpska.

For understanding why Karadžić and RS started the war, it is necessary to consider his controversial relation with Alija Izetbegović. In fact, addressing the Bosnian Assembly on October 14-15, 1991 (Slovenia and Croatia had just seceded) offering the choice between a referendum or new elections, Izetbegović stated:

[...] that is not a situation we created. That is a situation created by the disintegration of Yugoslavia. No matter who was in charge, he would find himself in completely the same situation (Burg and Shoup 1998: 77).



Karadžić replied that this declaration represented a “road to hell” on which “the Muslim nation may disappear altogether” (Burg and Shoup 1998: 151)<sup>9</sup>. Later, this has been taken as clear genocidal intent (which is debatable, but in the judgement the Chamber concluded that the threats to Bosnian Muslims were evident) (Burg and Shoup 1998: 78-79 and Prosecutor v. Radovan Karadžić 2016: 1043). Izetbegović replied by criticizing both, message and tone of the statement as exactly the reason why some people did not want to stay in Yugoslavia (Burg and Shoup 1998: 78-79). While it may be that Karadžić already had in mind the outbreak of the war and genocidal intent, it is also true that the Bosniaks, with their rigid position and no intent of an agreement, gave the Bosnian Serbs an excuse to (over)react.

But Karadžić’s greatest fear was the consequence of the dissolution of Yugoslavia for Serbs (D1280, Nikola Koljević and Radovan Karadžić’s speeches at the All-Serb Council in Banja Luka, 13 October 1990: 5-6): “Under no circumstances will Serbs accept to live in several states, and to become a minority outside Serbia. The Serbs will remain in one state, “Federative Yugoslavia”, and shall not be separated from Serbia” (P2539, Radovan Karadžić’s interview in NIN, 9 November 1990: 6–8). In his defense, Karadžić repeatedly argued that he had warned Izetbegović about the danger of separation from Yugoslavia; rather he wanted “unified Serbhood” (P2556, Intercept of conversation between Radovan Karadžić and Nenad Stevandić, 11 January 1992: 3).

Karadžić is described in different ways: psychiatrist, poet, politician and war criminal (Martinovic 2016), and people have contrasting memories of him, e.g. the former Sarajevo soccer star Predrag Pašić remembers him as the team’s psychologist, others remember him as a genius. Interestingly, Pašić distinguishes between during and before the war (Tanner and Sucic 2008), which has also been supported by poet Mehmedinović, who stated that Karadžić applied psychological tactic “mind-bending” which included total hatred of Bosniaks (Mehmedinović 2004: 20). Karadžić’s psychiatrist colleague observed he had “a thousand different faces” and “does not live in reality” (AFP 2019). In the past, Karadžić’s nationalistic attitude was hidden, as stressed by Marko Vešović, a close friend (Weine 1999: 110). Other people argued that he was violent and did never refrain from using a vocabulary that denoted certain brutal ideas (Weine 1999: 75). At the trial, Karadžić paid attention to details and tried to be as elegant and distinct as possible (Drakulic 2008). “Karadžić had a capacity for instant transformation, he was a Chameleon” (Donia 2014: 6). He seemed capable of fitting in every role in order to be successful, similar to Göring. In fact, the metaphor fits for both: “Chameleon was precisely the word that interrogator Joseph Maier used to describe Hermann Goering” (Stern 2020, 126). No one had expected Karadžić to become a war criminal or to start ethnic cleansing. As Stevan M. Weine states, “many Sarajevans considered him one of their own” (Weine 1999: 106).

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<sup>9</sup> But for the whole text of the declaration see Sarajevo-based *Oslobodjenje*, 15 October 1991, and Laura Silber and Allan Little, *Yugoslavia: Death of a Nation* (London: Penguin, BBC Books, 1995).

### 3.3. Karadžić on trial: cross-examination and defense

The Trial Chamber III, dealing with the whole trial, consisted of Presiding Judge O- Gon Kwon, Judge Howard Morrison, Judge Melville Baird and Judge Flavia Lattanzi as Reserve Judge.

Karadžić attracted media attention. From the beginning of the trial, Karadžić stated that he considered both his arrest and transfer unlawful (Weine 1999: 49). He tried to portray an image of the prosecution as “enemy of the Serb people” in order to be viewed as a martyr (Heller 2020: 683). In his defense, he adopted a dual strategy: he was well aware that his trial was a unique opportunity for rallying support in the Bosnian Serb population (telling them his own version of history), and he criticized the role of NATO (as connected to the ICTY).

Karadžić also referred to a never explicitly confirmed agreement with the U.S. government in which Richard Holbrooke had promised him exemption from indictment (The Prosecutor vs Radovan Karadžić 2009: 133, lines 3-19). This argument was repeated many times. While Holbrooke denied that he ever made such a promise, 22 witnesses said the contrary, but the ICTY decided not to hear them arguing that the agreement would not be relevant in any case, as Holbrooke could not speak on behalf of the UN (Robinson 2012). Karadžić insisted and tried to depict the Court as a kind of agent for NATO (The Prosecutor vs Radovan Karadžić, 2008: 30, lines 17-22).

Karadžić proclaimed himself “not guilty” of all 11 charges (The Prosecutor vs Radovan Karadžić 2009: 134, lines 4-9), in particular as he had only acted to defend Bosnian Serbs and without a plan to ethnically cleanse Eastern Bosnia. It took several months for the trial to start: first procedural details needed to be clarified, from the accused and the prosecution’s side (Hawton 2009: 209).

From the beginning Karadžić asked to represent himself. One important (and terrible) consequence was that witnesses, many of them victims, were being cross-examined directly by the perpetrator. Psychologically speaking, this had a terrible impact.

Politically speaking, it allowed him to shape the trial and his version of the facts in a more comprehensive way. His version of the facts was simple: the war resulted a direct consequence of Izetbegović’s successful attempt to secede from Yugoslavia. He argued that Bosnian Serbs only defended themselves as they neither wanted to be a national minority in an independent BiH, nor to be separated from Serbia. According to him, “it was Izetbegović who was preparing for civil war” (P588, Intercept of conversation between Radovan Karadžić and Slobodan Milošević, 31 July 1991: 5). This remained his main argument during the whole trial.

He moved from being the accused and a subject of the trial to its main actor. But this contrasted with the strategy of denial that he adopted in certain moments: when there was talk about him being the leader, he declared – contradicting himself – that it was never his ambition to cover this role (Hawton 2009: 216). This is the double

strategy also used by Göring: on one hand Karadžić wanted to take complete responsibility as the RS political leader and of Bosnian Serbs (he was no simple bureaucrat), on the other, he denied to have given orders for crimes.

In 2008, his arrest caused different reactions: in RS, Milorad Dodik stated that Karadžić alone was responsible for the war crimes, not Republika Srpska; there was no collective guilt (CIA 2008). A survey conducted in 2008 by Strategic Marketing on behalf of the National Council for Cooperation with the Hague Tribunal, shows that less than half of Serbians (42%) supported the arrest and extradition of Karadžić to the Hague, while 54% opposed it; roughly a third of the Serbian population (concrete data is not available for RS) defined Karadžić as a national hero, and 40% saw him as neither a national hero nor a war criminal (Volčič and Erjavec 2009: 26; original source Pola-pola oko izručenja 2008). Many in the population wanted his release excusing him with phrases like “he only defended us”, “he is one of us”, and “a political court”. In 2009 as well as in 2019 this shows that polarization of discourses has impacted people (Sasso 2019). Even in 2019, Karadžić is still celebrated as a hero by many Serbs (France 24 2019).

Until I am declared to be an innocent and free man, any socializing outside of the public eye could only be to my prejudice, I could not benefit from it at all. I think that the public is a very important element of my defense, and I’m convinced that I may not deviate from that (The Prosecutor vs Radovan Karadžić 2009, 4, lines 5-11).

In interviews he made his case bigger than it was and complained about the lack of time for reading the documents before the trial and the lack of information needed for preparation (Dzidic 2011: 53). The ICTY had no other choice but to allow him to give interviews for the sake of its own legitimacy, which also depended on how Karadžić’s supporters accepted the trial or not and if they also viewed it as fair (Sluiter 2008: 47). Karadžić’s himself framed it like this:

if I can have a fair trial and bring out the truth, it will be a step towards reconciliation; whereas the prosecution’s lies and false indictments were a threat to peace (The Prosecutor vs Radovan Karadžić 2010: 840, lines 19-24).

Although for some authors Mladić had been more powerful (O’Shea 2012: 209-210), evidence (oral testimonies, associated exhibits, excerpts of conversations) produced by the War Crime Commission and later by the ICTY proves the contrary, even regarding the military. It shows that Karadžić was in control and in regular contact with municipal authorities; intercepted conversations prove his concrete orders, e.g. regarding the siege of Sarajevo and related regularly meetings with Mladić (P1478, Ratko Mladić’s notebook, 27 May–31 July 1992: 36-38). This again contradicts his own statements according to which he had not been influential.

#### **a) The Sarajevo Siege**

For more than three years, Sarajevo had been under siege by the Sarajevo-Romanija Corps (SRK), part of the Bosnian Serb Army (VRS); 13,352 people died, 5,434

of them civilians (Christou 2019). For the defense, however, the Sarajevo attacks would have not existed without Bosniaks' threats of "unilateral, unlawful and violent secession" (Prosecutor vs Karadžić, Defence Final Trial Brief 2014: 493, 1815). Karadžić stated that they were responsible for not trying to reach any kind of political agreement (Papadopolous 2011). The Court judged that the war had been started by both Bosniaks and Serbs, but the judges ruled that the SRK targeted civilians expressly and randomly (Prosecutor v. Radovan Karadžić, March 2016: 1890-1891 and 2009-2010). In fact, the high number of civilian deaths (on the Bosniak side) cannot be explained by equal responsibility of both sides. With regard to Karadžić's argument that Bosniaks had also killed own civilians in order to provoke the international community to intervene<sup>10</sup>, the Court underlined that evidence clearly showed that the related numbers of victims were not comparable (Prosecutor v. Radovan Karadžić, volume II and III: 1821-1828). Karadžić was found guilty for "murder, unlawful attacks on civilians and terror, as violations of the laws or customs of war and for murder as a crime against humanity" (Prosecutor v. Radovan Karadžić, 2009: volume I, March 2016).

#### b) Genocide and crimes against humanity

With regard to the two counts of genocide and crimes against humanity, the accused again used his double strategy. Concerning Srebrenica, the ICTY found that Karadžić had clear genocidal intent, but the prosecution did not have concrete evidence for genocide in other places in Eastern Bosnia; the assumption was based on conversations between the accused and other important actors (Milanovic 2016). Those conversations showed that Karadžić had actively participated in the goal of eliminating Bosnian Muslims from Srebrenica. This is also shown by the conversation between Karadžić and Miroslav Deronjić, from which it was clear that during the massacre Karadžić knew about it and did nothing to stop it (Milanovic 2016 and Sterio 2017: 272). Directive 7 (which bears his signature) ordered the Drina Corps to create a situation which would make it impossible for inhabitants of Srebrenica to feel secure and to survive, showing that Karadžić knew about the genocide and took part in ordering it (Prosecutor v. Radovan Karadžić, 2009).

Crimes against humanity in general were defined in Karadžić's case, as "overarching JCE" in the Judgement (i.e. a so-called Joint Criminal Enterprise), regarding the "removal of Bosnian Muslims and Croats from Serb-claimed territory in municipalities throughout BiH between October 1991 and 30 November 1995" (Prosecutor v. Radovan Karadžić, 224). The judges found that Karadžić could have prevented murder, extermination and persecution.

In particular "the Accused bears individual criminal responsibility [...] for persecution, extermination, murder, deportation and forcible transfer as crimes

<sup>10</sup> As in the cases of the Sarajevo Markale shellings, on 5 February 1994 and on 25 August 1995, see Prosecutor v. Radovan Karadžić, IT-95-5/18, volume II and III, 1698.

against humanity, and murder, a violation of the laws or customs of war.” But the Chamber also ruled that this could not be considered as genocide in Eastern Bosnia and Karadžić was not held responsible for genocide in those areas (Prosecutor v. Radovan Karadžić, 1014-1043).

### 3.4. In sum: late clarity

Karadžić was well aware of his opportunity: “this trial is my shift to the front lines” (Papadopolous 2011). He sought to substitute the prosecution’s version of the events with a distorted narrative, representing Serbs as victims of war who had only reacted to Bosniaks’ threats. This was contradicted by the evidence. Karadžić did not hide behind the military’s responsibility: for him the Bosnian Serb population needed to be defended, by both military and civilian leadership (Prosecutor v. Radovan Karadžić, volume II of IV, 1299-1301).

In 2016, Karadžić appealed the verdict (forty years imprisonment) arguing that the trial had not been fair. But the Appeals Chamber increased his sentence to life imprisonment (Borger 2019). Many civic and Bosniak representatives expressed satisfaction (Sasso 2019), including the association *Mothers of Srebrenica* (Ansa 2019). But many were disappointed because of his acquittal related to genocide in Eastern Bosnia. While the verdict recognized the gravity of the atrocities committed, the delay of justice raises the question whether victims can be satisfied, but also whether such a late verdict can still provide a useful base for reconciliation.

## 4. The Nuremberg Trial in West Germany’s Public Perception

### 4.1. From judicial elaboration to collective memory? An overview

The Nuremberg Trial dealt with prominent leading figures, but lower level war criminals were tried in different occupation zones by the Allies. The IMT set an example, in West Germany, but also for the ICTY and for establishing the International Criminal Court in 1998 (Lemnitzer 2015). Trying the main criminals, in particular Göring, showed that no one can escape own actions.

The structure of the chapter follows the phases of *Vergangenheitsbewältigung*: from surrender in 1945, to the domestic trials in the 1960’s-70’s and a collective guilt approach and the 1968 movement. After the *Historikerstreit* in the 1980’s, reunification raised the challenge of uniting two different parts of Germany. In fact, the change of perspectives over time needs to be considered. The internal division of Germany led to different narratives about the past. The West tended to “forget” about the past and start over, whereas the East did not held itself accountable attributing all responsibility for the Third Reich to the West.



## 4.2. Post-1945: an attempt to reconstruct German identity in a divided country

1945 is the *Stunde Null*, the German expression for starting from zero (Conrad 2003, 85). Many foreign journalists wondered why the population did not feel guilt<sup>11</sup>: Germans were expected to accept their own responsibility immediately after the war, but it was impossible for them, psychologically; instead they engaged in the reconstruction of their country. "One of the problems was to find experiences which are able to restore the suggestion of community" (Veenis 2012: 58-59). After 1945 there was no community anymore. Building a collective memory was unthinkable; but not everyone had the same response to the overall situation and silence was not the only answer: some called the defeat "the collapse," and some became interested in building up their credit; some had suspicions about their neighbors and voiced them, and others actively destroyed their party records and wanted to conceal their involvement.

The division in occupation zones negatively affected the creation of a common version of the past: memories of war became linked to a context of a non-nation state (Conrad 2003: 87). Allies showed photos of concentration camps as attempts of reeducating the Germans (Olick and Levy 1997: 925).

The Federal Republic of Germany (FRG), founded in May 1949, gave Western powers a new ally: it had a government formed by people that had resisted the Nazis (Olick and Levy 1997: 925). From West German perspective, the victors stopped occupying and the German government could act independently, with support of the Allies (Adenauer 1949: 417-419). In West Germany coming to terms with the past remained difficult: for Chancellor Konrad Adenauer reconstructing a country could not be done based upon a thesis of "collective guilt" (Olick and Levy 1997: 928).

The perception of the trials results from the analysis of some key documents (1940's and 1950's): they reveal a German society unable to deal with its past immediately (Utrata 4). There was almost no public discussion on the Third Reich in the immediate post-war period. Newspaper articles about the trials existed, but public debate on issues related to the war did not occur (families did not speak about what members had done). Public perception of the Nuremberg Tribunal has been positive at the beginning, because it tried high-ranking criminals (Prosecutor Jackson received many letters showing that Germans did not have any compassion for Göring and the other defendants) (Wiederschein 2015). But people also thought that with the Trials the "denazification process" had been concluded. Only later (in the 1960's) domestic prosecutors followed a different strategy vis-à-vis war criminals: first the big fish, than the smaller fish; but everyone who was responsible needed to be punished.

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<sup>11</sup> Some foreign correspondents of the time were: John H. Herz, Kendall Foss and Victor Bernstein. On the general perception of the concept of collective guilt see Martha Gellhorn, "Is there a new Germany?", *The Atlantic Online*, 1964 and Larry Hartenian. "The Role of Media in Democratizing Germany: United States Occupation Policy 1945-1949", *Central European History* 20, no. 2 (1987): 149; or Robert Moeller, *War Stories: The Search for a Usable Past* (Berkeley: University of California Press, 2001), 5.

Arno Hamburger, one of the last living eyewitnesses of the IMT, describes the overall perception in 1946 as “indifferent”, for several reasons: 90% of Nuremberg had been destroyed, thus people concentrated on material rather than on moral reconstruction. Many ordinary Germans did not understand the need for trials, or some acquittals (Hamburger 2006).

The population needed evidence to accept guilt and responsibility: the Trials have been an instrument to help the population to confront itself with the truth (Fichtelberg 2009: 9). However, “negative remembrance” (*negatives Erinnern*) was difficult and controversial as it raised questions about who needed to be remembered and how (Schulze 2004, 640). The concept shifts away from one’s own suffering to the crimes committed and the suffering of others (Schulze 2004: 640). This historical approach was called *Zeitgeschichte*. Only those who had lived through the period of the Third Reich (German victims, bystanders and perpetrators, with their different experiences) could understand what had happened and interpret it. The US vision of German past was lacking something (Conrad 2003: 91).

Under the motto “no source of intelligence is more fruitful than the statement made by Germans themselves”, a series of CIA documents contain information about Germans’ thoughts at the end of the war (Central Intelligence Agency 1945: 2). Those conversations, collected through interrogations of German prisoners of war – of all ranks, from officer to deserter, and even a few students. The Nazi War Crimes Disclosure Act (NWCDA, 1998) declassified reports with operational files of the Office of Strategic Services (OSS). Some showed regret and feared consequences; others still clung to their “mission” of a pure race and believed in their action. But some admitted that they had carried on because of fear (of Bolshevism and of retaliation) alongside the excuse of “I was only following orders”. The Office of Military Government for Germany (OMGUS) established in October 1945 immediately started to conduct systematic surveys on different topics such as the Nuremberg Trials (Krösche 2009: 24), in the US occupation zone (Bavaria, Hesse, Baden-Württemberg and Bremen and West-Berlin). A specific Opinion Survey Section used the municipal food ration registers for random samples. The results are summarized in reports, which do not include the original questions or options for answers making their evaluation difficult (Krösche 2009: 25). The first eight surveys (10-12/1945) focused on 39-45 communities (between 331 and 446 people answered). In December 1945 almost 1.000 persons in 80 communities took part; in 1946 it increased to 1.500 persons in 141 communities, and in 1947 it reached 3.000 persons in 241 communities (Merritt 1970: 5). The surveys intended to discover “to what extent Germans were blind adherents of National Socialism” (Merritt 1970, 56). Seven surveys focused on the fairness of the trials, which 79% of respondents considered as fair (Merritt 1970: 61). This is not surprising, most Germans tried to hide their own responsibility and looked for the “true order-givers”; this can be seen with regard to Göring’s trial: as main leader, Göring had participated in planning the aggression and in conducting the war; during the war he was extremely popular.

Almost half of the participants of one of the OMGUS surveys (42%) did not answer the question “what impression did Göring’s defense make on you?”, while almost the same number of respondents (40%) had a negative image. 12% of those who held Göring’s statements during his defense for negative stated also that he was lying. 18% of the interviewed had a positive image of Göring’s defense, 12% thought that he recognized and accepted his responsibility. Nonetheless, just 3% of those who saw Göring’s defense as positive stated that it was successful (Krösche 2009: 185).

The surveys show the (in)capacity of the Germans to overcome the past. In March 1946, 75% Germans believed that all the accused at the Nuremberg trial were guilty, in August 1946, two months before the verdicts, this decreased to only 52% (Merritt 1970: 60-61). Germans were angry with Nazi leadership and believed that the Nazi leaders were guilty of the crimes committed (Utrata, 10). 55% of Germans considered the verdicts as just, for 21% the verdicts were not hard enough and for 9% they were too hard (Merritt 1970: 61). 92% did not accept the concept of collective war guilt (Merritt 1970: 148).

The Nuremberg Trial helped to proceed towards reconciliation within Germany in particular through the discovery of the crimes. Different surveys conducted in the 1960’s demonstrate that more than half of the interviewees discovered about the Holocaust only after World War II (Krösche 2009: 183). The Nuremberg Trial has been fundamental: German people could not deny crimes anymore – the amount of evidence was there and undeniable. It is true that the IMT did not have a big impact until decades later, nonetheless it had the effect of starting what would become known as successful *Vergangenheitsbewältigung* (Karstedt 2009: 28).

#### 4.3. 1968 and its impact on the development of a collective guilt

The influence of ex Nazis in West German society in the 1960’s was big and not conscious in the population. To the question: *Would you state that today in West Germany many influential Nazis play a political role again*, in January 1960, 24% agreed with the statement and 26% did not (Noelle and Neumann 1956: 222). The population did not want to recognize the extent to which ex Nazis were still involved in influential positions. The Auschwitz Trials in Frankfurt followed suit at domestic level and for ‘ordinary’ Nazi executioners, despite the German government not showing much interest in prosecution of former Nazis (in 1957, still 77% of the Justice ministry’s senior officials) (AFP 2016).

Radical change occurred in the 1960’s: Fritz Bauer, the general prosecutor of Hesse, dedicated his life to the prosecution of Nazi war criminals. Without much support from politicians and judges, he contributed to the capture of Adolf Eichmann (then tried in Israel) and to arranging the Auschwitz Trials in Frankfurt with 22 indictments under German criminal law: six defendants were given life sentences, the others were released. While showing the weakness of German criminal justice and

criminal law, it also created an important record of witness testimony. Trying also lower-level offenders, the legal definition of the crimes did not fit with (mass) killings without specific orders, along with the difficulty of prosecuting and trials decades after the crimes had been committed (Gortat 2018: 76).

People born in 1945 and grown up after WWII, are known as “generation of 1968” (Frei 2008: 72). At the end of the 1960’s, this generation started to ask parents about the crimes committed and began to investigate within their families. This ‘rebellion’ against the establishment was possible as the younger generation claimed moral distance from the older one (Olick and Levy 1997: 929).

1960-1980 is also Germany’s “long path towards the West”. German history was now interpreted as a *Sonderweg* (original path) in the attempt of connecting German and European history. This was supposed to bring some normality by interpreting German history differently, using “distance, difference and deviance” (Conrad 2003: 94). There was a shift towards “Enlightenment”, the community discussing its past as the start of *Vergangenheitsbewältigung* (Frei 2008: 75-77). Germans could not consider themselves as victims anymore. The Holocaust became associated with the concept of German collective guilt (Frei 2008: 77); this new approach in constructing memory has been called *Kollektivschuldthese*. The television screening of the US series *Holocaust* (1977) came as a shock to a mass audience triggering discussion and confrontation with the past. The debate was now in full swing (Frei 2008: 77-78).

#### 4.4. The Historikerstreit in the mid-1980’s

The controversy between historians (*Historikerstreit*) started in 1986 as a debate on academic level, launched by an article of Jürgen Habermas (*Eine Art Schadensabwicklung*, i.e. a kind of liquidation of damages, published in *Die Zeit*) in reaction to a speech by Ernst Nolte (*A speech which could be written but not be delivered*, published in *Frankfurter Allgemeine Zeitung*)<sup>12</sup>. The debate caught public attention and caused fierce controversies. Nolte had argued that Auschwitz was as bad as Turkish Armenian genocide or Stalin’s gulags, rejecting the thesis of the Holocaust being at the center of the Nazi past (Olick and Levy 1997: 932). Nolte’s argument was part of efforts of the German government to create a post-war West German identity, minimizing the Nazi past and the idea of collective guilt. Chancellor Helmut Kohl once referred to “the mercy of being born after” (*Gnade der späten Geburt*)<sup>13</sup> which exempted the new generations from guilt or responsibility. The main aim for Nolte and the conservative position was not take the Holocaust for granted or unchallengeable (Olick and Levy 1997: 933). For Nolte neither was the murder of Jews something exceptional, nor was a comparison impossible between the Holocaust and the murder of nobility and bourgeoisie by the Bolsheviks; Nazism was an answer

<sup>12</sup> Original title: *Eine Rede, die geschrieben, aber nicht mehr gehalten werden konnte*; cited in Stephen Brockmann, “The politics of German history”, *History and Theory*. 29 (2): 1990: 179.

<sup>13</sup> Helmut Kohl 24 January 1984 in Yad Vashem, opening a speech in occasion of an official State visit to Israel.

to the threat of Communism and Bolshevism (Borowsky, Hering and Nicolaysen 2005: 70). Habermas criticized this as revisionism and undermining collective responsibility (Olick and Levy 1997: 932).

Historian Martin Broszat argued that German history needed “normalization”: the history of the Third Reich should include all aspects of society (Nolan 1988, 60), and identification is not always the right tool to understand the past; for him “historical judgement” is needed and Auschwitz does not always need to be at the center of analysis (Cattaruzza 2006: 285-321). By contrast, for Saul Friedländer problems existed in trying to “historicize” the Nazi period: the risk of losing interest in criminal aspects of the regime and the vague definition of historicization would allow historians to excuse the very existence of National-Socialism, which he saw as exceptional phenomenon not to be oversimplified using historical instruments as in other cases. The discussion in an exchange of letters was published in 1988 (Broszat and Friedländer 1988: 339-372).

The *Historikerstreit* favoured confrontation with the past; it ended with the speech in 1988, in which President Richard von Weizsäcker supported Habermas’ thesis and arguments (von Weizsäcker 1988: 1185-88). In the end, Habermas’ position prevailed. The *Historikerstreit* was helpful for the *Vergangenheitsbewältigung* and the Nuremberg Trial began to be considered as first step.

#### 4.5. Germany in Europe and the development of a new collective memory

Germany’s criminal justice system failed to do its part: out of 170.000 cases, only 6.700 ended with a guilty verdict. The reluctant punishing had a practical dimension: punishing everybody involved would have meant the collapse of the German judicial system (Buck 2020).

“Fair trials help us to discover the truth” (Fichtelberg 2009: 9). The Nuremberg Trial has played a role in shaping German consciousness. In November 1946, 40% of respondents in surveys saw them as one of the two most important events since the end of the war. 91% agreed that the trials had “set up an international legal basis for trying those who commit crimes against humanity or against peace” (Merritt 1970: 164). Is the process of memory re-construction in West Germany a process of shared history? (Feindt 2014: 31-32).

New ways of dealing with collective guilt paved the way for an attempt of unifying national consciousness (*Volksgeist*) (Barnard 2008: 159). “The collapse of the GDR as a point of reference for the FRG’s national identity made a new search for meaning necessary” (Romeike 2016: 20-22).

German national identity is characterized by the peculiar role of history: future German generations will continue to bear a specific legacy, but this burden will also allow a deeper, critical confrontation with the past (Barnard 2008: 28). As a counter-



reaction, “many young Germans want to be normal, unburdened by the immense legacies of the national past” (Fulbrook 1999: 235). The danger of politics coming into play with issues of the past risks becoming a *jeux de mémoire* (Mink 1997: 134-148): issues of the past can be used to justify political moves in the present. Common memory is nowadays challenged by the extreme right in Thuringia and Saxony who claim to be “double victims”: first of the Stasi, then of West German “takeover.” However, their impact is still limited.

## 5. Competing Memories in BiH

### 5.1. Trials and collective responsibility

Trials establish individual responsibility over collective assignation of guilt; justice dissipates the call for revenge [...] victims are prepared to be reconciled with their erstwhile tormentors, because they know that the latter now paid for his crimes; a fully reliable record is established of atrocities so that future generations can remember (Cassese 2011: 272)<sup>14</sup>.

Criminal trials assume a special role by “fostering the social conditions required for law’s efficacy” (Murphy 2010: 225), as individual responsibility needs the reckoning of the society of its own past, as a whole, based on evidence (Subotic 2011: 167). However, despite the evidence produced by the ICTY, neither its work nor the facts made public have been accepted by all in BiH; instead, wide-spread and even official denial of war crimes exist as well as glorification of war criminals.

### 5.2. Transitional justice and reconciliation in the context of BiH

Reconciliation between former enemies involves personal grief, collective consciousness, and transitional justice. BiH needs to develop politically to be able to foster reconciliation in a sustainable way (Kostic 2012: 664). Reconciliation entails “engaging former enemies in redefining the antagonistic identities and belief systems that motivated past violence” (Aiken 2010: 169). Denial should not exist in society and justice should not be disputed (Clark 2015: 8). This is not the case in BiH. Reconciliation needs to be defined. Individual reconciliation means that people of different ethnicities fighting on different sides (friends, neighbors) interact among each other, without intervention by the state. Collective reconciliation brings different groups of society closer. This has to be fostered by actors from below, building institutions. Those two aspects go hand in hand, but this is not a must: as interpersonal reconciliation is more difficult, it shall not be precondition for societal reconciliation; dynamics of those aspects can develop separately (Girelli 2018: 138).

Several instruments of transitional justice have been established to achieve reconciliation: The *ICTY* and the *UN Residual International Mechanism for Criminal*

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<sup>14</sup> Antonio Cassese was the ICTY’s first President (from 1993 to 1997).

*Tribunals in 2010* are examples of international instruments. *Special War Crimes Chambers in Bosnia, Croatia and Serbia* are uneven in the quality of prosecution. *Truth-seeking initiatives* as the BiH Government's Commission did not achieve results. The *RECOM* (Regional Commission), for jointly establishing the facts about war crimes and their victims, did not function as Croatia has ignored it completely and in BiH it played a secondary role (Mirel 2019: 2). *Vetting procedures for judges* and (financial) *reparations for victims*, restitution of rights, building of memorials are important, but the focus was on persons of the dominant ethnic group. The lack of coordination between these initiatives as well as of results adds to the difficulty of cooperation between prosecutors for war crimes (Mirel 2019: 2).

The BiH government has adopted a strategic document on transitional justice for 2013- 16: its main conclusions are that prosecution of war criminals is useful, but there are limitations of transitional justice as other mechanisms are missing (BiH Ministry for Human Rights, 15). The same applies to the establishment of facts: efforts had been made to prove the crimes but insisting on criminal prosecution undermined its effectiveness (BiH Ministry for Human Rights, 15). The same reasoning can be applied to reparations, memorials and institutional reforms: many efforts, but not enough impact. The preparation for accession to the EU might help with its conditionality (Mink and Neumayer 2007: 255), but there is not much progress either.

The most effective instruments in transitional justice remain prosecution and trials as they lead to punishment of perpetrators, give justice to the victims and establish rule of law and the truth (Bell 2019: 55). However, the ICTY did not act as "filter of messages between the communities formerly at war with each other", but rather as agent of justice (Fatic 2020: 9). The ICTY was not seen as impartial, but as voice of the international community (Fatic 2020: 10). Janine Natalya Clark conducted a survey in ten fieldworks between 2008 and 2013 in BiH, in areas with significance for the ICTY. 210 persons (98 Bosniaks, 51 Bosnian Serbs, 41 Bosnian Croats) were asked in 32 places across the country (Clark 2015: 8-12). The connection between justice and ethnicity is perceived as main problem; there is no consensus between the three ethnicities, only equal disappointment towards the ICTY; denial is most problematic for comprehension (Clark 2015: 40).

### 5.3. Different views I: competing narratives in past and present

In BiH the three narratives are based on "remodeled" historical events. For Serbs, sacrifice and martyrdom is the key concept enshrined in the Battle of Kosovo, in WW1, in WW2 and in the 1990's, as "Serbians were defending themselves from the Islamic expansion" (MacDonald 2018: 258). The Serbs call the 1992-1995 Bosnian war a "homeland defence war", started to defend Serb territory. This is in contrast with crimes committed: in 2004, RS excused itself for those crimes, but this was later minimized by establishing Truth Commissions to change facts. According to Bosnian Serbs, "everyone did commit crimes" (Moll 2013: 918). Milorad Dodik, Serb member of

the Presidency of BiH and leader of the *Alliance of Independent Social Democrats* (SNSD) repeatedly stated that the Srebrenica genocide is “a fabricated myth” (Rahim 2019) and that “radical Islam” was a threat to the Serbs (Heinrich Böll Foundation Southeastern Europe 2018: 4-5). Dodik made a declaration on the *Survival of the Serb people*, with Serbian President Aleksandar Vučić, to demonstrate that RS is a result of ethnic cleansing against Serbs (Tanjug, 2018). During his testimony at Karadžić’s trial, Dodik stated: “Karadžić never insisted that any crimes be committed, nor have I witnessed him participating in them” (Subotic, 2019). He argued that the former leader had tried to find a peaceful resolution to the conflict (Balkan Investigative Reporting Network, 2013). The way of remembering for Bosnian Serbs takes place in a form of justification of the establishment of RS in museums, memorial sites and books (Subotic 2013).

Croats had a similar perspective focusing on their sacrifices during WW1 and WW2 and the 1990’s. They emphasize that Serbia always dominated (United States Institute of Peace 2013: 26-30); Muslims were either “true Serbs” or “true Croats”. Croats consider themselves as victims in the war of 1992- 1995: “we have only been defending ourselves”. The nationalism of Bosnian Croats is celebrated in official military commemorations. In 2019, war veterans participated in a march in Stolac (where Bosniaks were expelled in 1993), to commemorate a military unit, displaying the (illegal) flag of Croat Herzeg-Bosna (Lakic 2019). Dragan Čović, then Croat member of the BiH Presidency, was present at the event. Crimes committed by Croats are not discussed at all. After a former Bosnian Croat general convicted for crimes against humanity (Slobodan Praljak) had poisoned himself, Čović stated: “(Praljak) showed before the whole world what kind of sacrifice he is ready to make to prove that he is not a war criminal” (Van den Berg and Meijer 2017). Čović warns: “A civic state in today’s BiH means classic centralism which means an Islamic state”. The idea of Islamic threat is still present in Croat nationalism (Kraske 2018: 4), and remembrance takes place by celebrating Croatia as “Motherland” and the uniqueness of Catholicism (Subotic 2013).

At the center of Bosniak identity is the legacy of the Ottoman Empire. The identity developed slowly: only in 1961 Muslims had been added as an ethnic category and efforts were made to balance the ethnic groups (United States Institute of Peace 2013:, 26-30). Bosniaks consider the war as aggression by Serbia and Croatia. Central in their narrative are Srebrenica and the war of liberation (Moll 2013: 915). On June 16, 2018, a ceremony was held at the *Martyr’ Memorial Cemetery Kovaci*. Bakir Izetbegović, son of Alija Izetbegović, and President of the Party of Democratic Action (SDA), stated: “Bosnia and Herzegovina would not exist if they (Bosniak youths) did not show courage and sacrificed their lives. Our people are always ready for this sacrifice” (Anadolu Agency 2018). In 2012 Dodik accused Alija Izetbegović of having fought with fascist units in WWII. The reaction of Bakir Izetbegović came immediately:

In WWII, Alija Izetbegović was drafted to the partisan army [...] If Dodik continues to bend historical facts and to lie about the engagement of Alija Izetbegović in

WWII or during the aggression on BiH from 1992-1995, he will be asked to answer for all those lies before the Courts of BiH (Presidency of Bosnia and Herzegovina 2012).

For Bosniaks remembrance justification of a unitary, majority-Bosniak State is central: injustice and genocide are the core of this narrative.

Ordinary people coexist peacefully, but politicians use historical anniversaries to stress suffering or victories to separate them (Kostic 2012: 654). This is shown by a survey conducted by IPSOS (market research agency) and Roland Kostić (Director of Holocaust and Genocide Studies, Sweden): In 2005 (2.500 respondents) an overwhelming majority of Bosniaks (85.3%), Serbs (76.2%), and Croats (75.9%) strongly agreed with the statement “my people have fought only “defensive wars”. In 2010 (1.500 respondents), this feeling fell among Serbs (54.7% agreed) but remained stable for the others (Kostic 2012, 655)<sup>15</sup>. Worrysome is the comment by the Head of the RS Research Centre of War, Milorad Kojić: “As a nation, we must know that Karadžić is the first President of RS and a significant historical figure. [...] We must consider him as our hero” (Srna 2019). In 2016, right before the verdict, Dodik named a student dorm after Karadžić (Staff and agencies 2016), showing the total denial in the Bosnian Serb narrative of the war. The problem of competing identities is seriously hindering reconciliation.

#### 5.4. Different views II: the perceptions of the ICTY

According to the report *After the ICTY* (collecting comments from civil society, expert community, institutions, academia, and media), in 2000 the Croatian Parliament adopted a *Declaration on the Homeland War (Deklaraciju o domovinskom ratu*. Croatian Parliament, 13 October 2000), in contrast with ICTY verdicts. Similar in Serbia (as well as in RS): in 2010 the Serbian Assembly adopted a *Declaration on Condemnation of Crimes from Srebrenica* without referring to genocide (Balkan Investigative Reporting Network 2018: 18-20). The ICTY did not have a positive impact on the population, it did not contribute to individual or to collective reconciliation (Gow, Kerr and Pajič 2014: 108).

Initially, Bosniaks welcomed the ICTY hoping that Serb war criminals would be prosecuted, but this changed when also Muslims were indicted. This created mixed feelings towards the ICTY (Saxon 2005: 563-564). Izetbegović asked not to politicize the Karadžić verdict as it was “the most important one since the Nuremberg trials” (Kulačić 2016), adding that it was important “first of all for the Serb people, so that this [guilt] is put onto the individuals who led the people the wrong way” (Džidić 2016). Reacting to the acquittals of two Serbian security officials in 2013, Izetbegović stated:

the Tribunal had veered from its primary goal of punishing the perpetrators of the gravest war crimes. How else to understand the acquittals on appeal of the command responsibility of leaders of military, police? (Sito-Sucic 2013).

<sup>15</sup> See Annex, 2. Surveys on perception of transitional justice in BiH: war.

Croats did not see the ICTY favorably, they feared that it would just divide the blame between Serbs and Croats. Cović officially recognized the ICTY's legitimacy but undermined it by attending a celebration of a released convicted war criminal, Dario Kordić, in 2014 in Busovača (Karović 2014).

Due to the Serb concept of victimhood, the ICTY has not been accepted as a neutral institution but seen as "anti-Serb" (Saxon 2005: 566-567). Dodik stated that it is impossible that only one side was guilty (N1 Sarajevo 2019).

Those declarations of politicians need to be matched with their impact on public opinion. A survey conducted in 2002 by the International Institute for Democracy and Electoral Assistance shows that while 51% in the Federation trust the ICTY, only 3.6% in RS do so (International Institute for Democracy and Electoral Assistance 2002 and Orentlicher 2019: 131). More than a decade later, surveys by UN Resident Coordinator explore perceptions regarding war crime trials and reconciliation (1.500 interviews carried out on a random sample of BiH citizens).

Approximately 20% of respondents believe that reconciliation among the countries of former Yugoslavia is already achieved (answers "Completely" and "Fairly"), more than a third that reconciliation is only partially achieved, whereas 41% state that reconciliation has not been achieved, or only in small portion (Office of the UN Resident Coordinator in Bosnia and Herzegovina 2013: 37).

The largest percentage, more than a fourth, believes that finding the truth is necessary to achieve reconciliation. Other respondents' attitudes are divided between the necessity to talk about the past, or to forget about it, to apologize, or to emphasize the importance of reconciliation" (Office of the UN Resident Coordinator in Bosnia and Herzegovina 2013: 40). There are differences between ethnic groups: "Croats are more likely to state that reconciliation is already achieved (32%), compared to both, Bosniaks (19%) and Serbs (18%). Serbs are more likely to state the opposite (47%), in comparison to Croats (31%), the difference is not significant when it comes to Bosniaks (40%)" (Office of the UN Resident Coordinator in Bosnia and Herzegovina 2013: 37-38). Complex and dissimilar perspectives emerge based on ethnicity and regarding age. The majority of respondents between different age groups (18-35, 36-50, 51-65) answered that reconciliation has been partially achieved (the first group with 33%, the second with 37%, the third with 38,6% and the fourth with 44,4%) (Office of the UN Resident Coordinator in Bosnia and Herzegovina 2013: 38).

The surveys by IPSOS and Kostic show different results. In 2010, the impact of ICTY trials has been characterized as short-term impact; while 74.3% of Bosniaks and 61.2% of Croats believe that ICTY can foster peace and coexistence, only 15.2% of Serbs agree. 56.7% of Bosniaks agree on the fairness of the trials (Croats too, with 56.6%), but 89.6% Serbs disagree with this position (Kostic 2012: 659), they do not accept the facts established by ICTY<sup>16</sup>. The results are the same in 2010. Croats recognize the importance of the ICTY, as Bosniaks (Kostic 2012: 657); 85% of Bosniaks,

<sup>16</sup> See Annex, 3. *Surveys on perception of transitional justice in BiH: impact of ICTY.*



83% of Croats and 65% of Serbs think that a truth commission is needed. However, existing Commissions have not been recognized by all ethnic groups (Kostic 2012: 661). Reconciliation in BiH remains a challenge and an ongoing difficult process.

### 5.5. Different roads to reconciliation?

Transitional justice and reconciliation should enable a society to agree on a common past for building a future together. This did not happen in BiH because of its institutional complexity. A “minoritarian” (Bosnian Serbs and Bosnian Croats) versus a “majoritarian” (Bosniaks) discourse developed and will not be changed until consensus about the State is reached (Heinrich Böll Foundation Southeastern Europe 2018: 28).

Due to ethnic segregation, reconciliation does not take place at a collective level: different school times for pupils from different groups, different history textbooks are expression of the stalemate (Adamović 2017: 37). Politicians exploit transitional justice to enhance ethnic divisions, as nationalist parties would otherwise lose their influence (Adamović 2017: 37-38). Reconciliation is never a linear process, but due to the disillusionment of many Bosnians it appears that the ICTY has failed not only in fostering it but also in giving the prospect of justice (Bell 2018: 65).

This is why some propose different approaches. The German Friedrich Ebert Foundation supports projects which intend to foster remembrance and develop a common version of the past through comprehension of other narratives, dialogue and mutual trust (Kivimäki, Kramer, and Pasch 2012: 98). European integration could facilitate this process of reconciliation. “Negative remembrance” is needed, the capacity of acknowledging suffering of others and the acceptance of own responsibility for crimes (Moll 2013: 928).

## 6. Final Conclusions

The central question is the efficacy of (international) trials in the process of reconciliation. How do externally imposed trials after a conflict impact the (re-) building of a democratic and peaceful identity? Are they a precondition for reconciliation processes? What was the effect of the Göring trial on German transformation and identity? Did the impact of the Karadžić trial serve the creation of a functioning polity?

Trials are important for punishing criminals and for clarifying what is injustice for society; nonetheless, they have a limited role in reconciliation because their judicial method and the selection of very few people on trial limits their scope (Girelli 2018: 155-156). An international tribunal establishes criminal responsibility of individuals, as any court, but if those individuals are leaders, their responsibility also involves collective responsibility of those who followed (Fichtelberg 2009, 19).

The two defendants chosen show a similar picture in terms of personality, prominent position and even their actions: Göring pretended to be the leader of the accused and created many difficulties for the prosecution during the trial, and Karadžić almost staged a show, trying to demonstrate that he was still politically relevant. Despite contrary evidence, Göring denied responsibility for the Holocaust. This reflects how German society defended itself *vis-à-vis* the Allies: when asked about their role during the war, the tendency in the population was to deny an active role in the Holocaust; this developed into collective denial until the 1960s (United States Holocaust Memorial Museum). Karadžić did accept responsibility for Srebrenica, but not for the outbreak of the war, which he qualified as mere “defense of the Serbs”. This became dominant discourse of RS politicians for denying any responsibility for war crimes (as the rhetoric by Milorad Dodik shows).

The context of both trials was different: after 1945, Germany was a defeated country occupied by the Allied Powers; in 1995, after the end of the Bosnian conflict, there was no victor and, and therefore the conflict continues as a Cold War between the ethnic groups controlling parts of the territory. This is reflected by different views on the role of NATO’s stabilization force: Muslims supported NATO for the protection provided, Serbs resented its occupation, and Croats took a middle ground (Bjarnason 2007: 67).

The background of the trials is different: while in Germany the IMT was conducted after the war by the Allies against the heads of the defeated system, the ICTY had already been established during the war, for Yugoslavia, to prosecute crimes committed by all sides. Also, their main aim was different: as a social concept, for the IMT first collective guilt needed to be established (by trying the leadership) before the individual guilt of single perpetrators, whereas the ICTY concluded that for war criminals only individual responsibility can exist.

The position of prosecutors and judges was different: in Nuremberg, the Allies wanted to be seen as legitimate in the eyes of the German population and tried to show the German population that the trial was fair; however, the Soviets’ participation in the IMT was criticized (due to the non-aggression pact with the Nazis and their war crimes, *e.g.* Katyn). By consequence, a Military Tribunal of victors trying the defeated enemy was seen as biased “victor’s justice”. By contrast, the ICTY, also an international tribunal, sought to judge with equal distance to all sides and regarding different conflicts and countries, all related to the dissolution of Yugoslavia. To some extent, its own legitimacy depended also on whether the supporters of the accused viewed the trials as fair (Sluiter 2008: 47). Witnesses were used in both cases, but less so in Nuremberg, again by contrast with the frequent use in ICTY trials (which is again related to legitimacy, based upon the need to respond to the victims’ demand for justice). The amount of evidence was different: the Nazis had compiled and stored an incredible number of files with every kind of evidence, whereas Karadžić was certainly not a disciplined bureaucrat, which turned out to be an advantage in his trial (Sterio 2017: 291).

Distinctions have to be made regarding the different impact on the population. In West Germany, engagement with the past increased since the early 1960's and in the 1990's. It is undeniable that the Nuremberg Trial was an important basis for a process of reconciliation; it even contributed to establishing a new West German identity founded on democracy and human rights. But it was a long transition, some perpetrators were released, and the delay of justice by domestic courts guaranteed that many Nazis held important positions until the 1960's-70's. However, with time and patience, Germans have accepted their peculiar and problematic history: future German generations will continue to bear a specific legacy of grief and responsibility, but exactly this burden will allow for a deeper and critical confrontation with the past in order to overcome it, *i.e. Vergangenheitsbewältigung* (Barnard 2008: 28). This was necessary for Germany's democratic transformation and international re-integration.

In BiH this process has not worked in a similar way: mainly because BiH is (still) not a functioning state and its fragmentation reflects and favors the three competing ethnic narratives developed in the past and during the conflict. Thus, the ICTY does not have a positive effect on the population: while Serbs and Croats question its legitimacy, Bosniaks doubt it has delivered effective justice (Bell 2019: 64). When trials are the only element of transitional justice efforts, they are incapable of fostering reconciliation (Bell 2019: 67): groups on different sides need to talk through the facts in order to create a common version of history.

*Vergangenheitsbewältigung* in West Germany would not have been possible without the Nuremberg Trial; it might not even have started without external pressure. In the case of BiH, the fact that high-level trials came so late after the war produced a general sentiment of injustice pervading Bosnian society. And even today, 25 years after the end of the war, a commonly accepted truth, a joint multinational elaboration of the war events, remains a mirage. While in Germany after the unconditional surrender there was no choice but to break with the past, in Bosnia resistance and opposition by each of the three groups prevail(ed), together with denial which explains the limited impact of the trials, despite the victims' vocal role.

Serious truth and reconciliation commissions could have been a useful complimentary tool with the task to establish facts as a basis for a common version of the war events accepted by the three ethnic groups. But those commissions may be hijacked by politicians, as the recent RS Srebrenica Commission shows. A public forum for broad discussions of what happened and for recognizing atrocities seems impossible to achieve, as long as ethnic tensions are exploited politically and there is no will to overcome them, which is why, until now, a truth commission in BiH has failed (Dragovic-Soso 2016: 292).

During the Frankfurt-Auschwitz Trials, Fritz Bauer, the general prosecutor once said:

When you are ordered to do something that is unjust and wrong, then you must say no. This is the fundamental message that needs to come out of these trials: you must have said no.

And this is the second key message of any trial: if you commit an atrocity, you will not go unpunished and, above all, neither will those who gave the orders.

Both cases, Germany and BiH, show that trials are necessary for establishing a (judicial) truth and identifying the values on which a society is based. Judicial elaboration is not enough, however: a broad discussion in the population and commitment by leaders is necessary. Coming to terms with the past is a permanent challenge: according to a survey by the Forsa Institute in 2015, 42% of west Germans and 41% of east Germans want to move on and not always be reminded of the Holocaust. This is lower than in 2000, when 48% and 39% argued the same way (Stern Umfrage 2015, Donahue 2015), but there is now also a new extreme right party, Alternative für Deutschland (AFD), even represented in the Bundestag, which is openly criticizing Germany's "memory culture".

In Bosnia the challenge is different: confrontation with the past is still lacking and competing narratives prevail which, in turn, relativize even the war crimes trials.

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**Annex:**

**1. Infographics on ICTY**



**Source:** UN International Criminal Tribunal for the Former Yugoslavia, "Infographic: ICTY Facts & Figures", <https://www.icty.org/en/content/infographic-icty-facts-figures>, (consulted on 30.1.2021).

## Surveys on perception of transitional justice in BiH: war

TABLE 1. GROUPS AND PARTICIPATION IN DEFENSIVE WARS (PER CENT)

MY PEOPLE HAVE FOUGHT ONLY DEFENSIVE WARS (2005)	NATIONAL BELONGING			TOTAL
	BOSNIAK	CROAT	SERB	
Totally agree	85.3	75.9	76.2	79.4
Somewhat agree	11.7	16.6	16.8	14.9
Somewhat disagree	1.8	2.9	4.1	2.9
Totally disagree	.2	.5	.4	.4
Don't know	1.0	4.1	2.6	2.5

MY PEOPLE HAVE FOUGHT ONLY DEFENSIVE WARS (2010)	NATIONAL BELONGING			TOTAL
	BOSNIAK	CROAT	SERB	
Totally agree	81	70	54.7	68.6
Somewhat agree	16.6	24.5	33.5	24.8
Somewhat disagree	0.5	2.7	5.8	3
Totally disagree	0.3	0.8	0.2	0
Don't know	1.0	2	5.8	2.9

TABLE 2. DEFINITION OF WAR IN BOSNIA AND HERZEGOVINA (PER CENT)

IN YOUR VIEW, WHICH OF THESE IS THE BEST DEFINITION OF THE LAST WAR IN BOSNIA AND HERZEGOVINA? (2005)	NATIONAL BELONGING			TOTAL
	BOSNIAK	CROAT	SERB	
Civil war	3.7	16.7	83.6	34.2
Aggression	95.1	73.2	9.0	59.8
Don't know	1.2	10.1	7.4	6.0

IN YOUR VIEW, WHICH OF THESE IS THE BEST DEFINITION OF THE LAST WAR IN BOSNIA AND HERZEGOVINA? (2010)	NATIONAL BELONGING			TOTAL
	BOSNIAK	CROAT	SERB	
Civil war	2.7	28.3	87.3	39.4
Aggression	96.6	69.6	9	58.4
Don't know	0.6	2.1	3.7	2.2

TABLE 3. WAR IN BOSNIA AND HERZEGOVINA AND DEFINITION OF DEFENDERS (PER CENT)

PLEASE TELL US, ACCORDING TO YOU, WHICH OF THESE MILITARY FORCES CAN BE BEST CHARACTERISED AS DEFENDERS IN THE LAST WAR? (2005)	NATIONAL BELONGING			
	BOSNIAK	CROAT	SERB	TOTAL
HVO	5.9	92.7	1.8	31.0
Armija BiH	91.4	1.2	1.2	34.0
Vojska RS	.1	.1	89.6	29.8
Vojska AP Zapadne Bosne	.6	.0	.0	.2
JNA	.0	.3	4.5	1.6
Don't know	2.0	5.7	2.9	3.4

PLEASE TELL US, ACCORDING TO YOU, WHICH OF THESE MILITARY FORCES CAN BE BEST CHARACTERISED AS DEFENDERS IN THE LAST WAR? (2010)	NATIONAL BELONGING			
	BOSNIAK	CROAT	SERB	TOTAL
HVO	5.9	92.1	1.6	33.2
Armija BiH	91.2	6.6	2	33.2
Vojska RS	.9	.6	88	29.8
Vojska AP Zapadne Bosne	1.5	.0	.6	.7
JNA	.3	.4	6.8	2.5
Don't know	.2	.2	1	.5

**Source:** Kostic, Roland. "Transitional justice and reconciliation in Bosnia-Herzegovina: Whose memories, whose justice?", *Sociologija* 54, no. 4 (2012): 665-666.

## Surveys on perception of transitional justice in BiH: impact of ICTY

TABLE 4. PERCEPTIONS OF THE ICTY IN 2005 (PER CENT)

TO WHAT EXTENT DO YOU AGREE WITH THE FOLLOWING STATEMENTS?		NATIONAL BELONGING			TOTAL
		BOSNIAK	CROAT	SERB	
The war crimes tribunal in The Hague is a precondition for a just peace and normal relations	Totally agree	51.6	18.7	4.7	26.0
	Somewhat agree	28.7	38.4	11.1	25.8
	Somewhat disagree	5.1	11.0	15.4	10.3
	Totally disagree	11.0	27.7	63.3	33.5
	Don't know	3.7	4.2	5.5	4.4
The trials at the Tribunal are fair	Totally agree	32.7	11.3	4.3	16.7
	Somewhat agree	35.2	31.9	9.2	25.6
	Somewhat disagree	9.3	15.2	11.2	11.7
	Totally disagree	19.8	36.7	68.0	41.0
	Don't know	3.0	4.9	7.3	5.0

TABLE 5. PERCEPTIONS OF THE ICTY IN 2010 (PER CENT)

TO WHAT EXTENT DO YOU AGREE WITH THE FOLLOWING STATEMENTS?		NATIONAL BELONGING			TOTAL
		BOSNIAK	CROAT	SERB	
The war crimes tribunal in The Hague is a precondition for a just peace and normal relations	Totally agree	45.5	22.9	3.2	23.8
	Somewhat agree	28.8	38.3	12.0	26.3
	Somewhat disagree	10.3	19.5	24.6	18.1
	Totally disagree	11.7	16.5	58.7	29
	Don't know	3.6	2.8	1.5	2.7
The trials at the Tribunal are fair	Totally agree	24.8	10.9	4.0	13.2
	Somewhat agree	31.9	29.2	5.2	22.1
	Somewhat disagree	15.1	22.9	22.0	20.0
	Totally disagree	24.0	33.7	67.6	41.7
	Don't know	4.2	3.3	1.2	2.9

**Source:** Kostic, Roland. "Transitional justice and reconciliation in Bosnia-Herzegovina: Whose memories, whose justice?", *Sociologija* 54, no. 4 (2012): 659.

## **A broken heart that beats: On the link between Collective Memory, Politics of Regret and Crisis Management in the European Union**

Teun Janssen

*Europe will be forged in crises and will be the sum of the solutions adopted for those crises.* Jean Monet (quoted in Monet 1978).

*Remembrance never ends. There can be no deliverance from our past, for without remembrance we lose our future.* President of Germany Frank-Walter-Steinmeier (quoted in Walter-Steinmeier 2020).

*If our response is not adequately strong and unified for the biggest challenge since WWII, the risk of the collapse of the EU is real.* Prime-Minister of Italy Giuseppe Conte (quoted in Conte 2020).

### **Introduction**

The European Union has often been described as *Sui Generis* in its institutional make up as well as in the way it has developed over time, and this has attracted a mass of analyses to understand, categorise and draw meaning from this project that is not a nation-state nor an international organisation in the strict sense. Much literature and varying schools of interpretation exist on the processes driving European integration from neo-functionalism to liberal intergovernmentalism, but they mostly focus on narrow economic and political interests. Since the treaty of Maastricht of 1992, kicked into higher gear following the failed 2005 constitution and the eastern enlargements, and reaching its highest point during the “crisis decade” of 2010-2020, the EU has entered the domain of popular attention and skepticism and the discussion has expanded to one of fundamental legitimacy and socio-political limits (Hooghe 2009: 1-23)<sup>1</sup>. The ceilings of technocratic integration seem to have been saturated, and with it conventional models of understanding are becoming inadequate. There is a recognition that beyond economic and political incentives, there is also a need for a sense of European common belonging in order to legitimise deeper and wider integration (Etzioni 2007: 23-42). This discussion over a supposedly real or constructed “European Identity” has often fallen victim to the same inconclusive *sui generis* conclusions; it is said to be made up of heterogenous, overlapping thick and thin layers of identity concepts constructed by historical bricks; the legacy of the

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<sup>1</sup> Postfunctionalism claims that a) European Integration has become politicized, b) thus public preferences rather than elite decisions are crucial for wider and deeper integration and c) those public preferences are shaped by *identity*.

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Roman Empire, Christian Europe, the Enlightenment and a thousand other contradictory, complementary or comparable stories to legitimise different notions of Europe, different “imagined communities” (Anderson 1984). Is it at all possible to define a more concrete “European” mode of belonging?

An emerging corpus of work has illustrated the historical development in the European Union of a normative “meta narrative” of what Jeffrey Olick styles a “Politics of Regret” (Olick 2013). Europe’s “self” is constituted through a comparison with the “other” of its own traumatic war-torn past, culminating in the events of the 20<sup>th</sup> century with its singularity at the Holocaust, is constructed as a past common (experienced by all Europeans), internal (self-inflicted) self-reflective (requiring the taking of responsibility) (Diez 2005: 615-636; Rigney 2012: 607-628). In this model, the achievements of peace and prosperity in the post-war period inside a new European order are juxtaposed against the self-inflicted wounds of the past, which takes a special meaning as a kind of negative foundation myth (Rigney 2012: 620).

The potential of this “Politics of Regret” in constructing common modes of belonging in the EU deserves to be looked at in depth, its consistency and unity critically assessed, and its impact on political decision making examined. After all, the harmonisation of memories can lead to shared perspectives on the past, needs of the future, and the creation of common political goals and legitimacy (Müller 2002: 10-11). After explaining and operationalizing the concepts and theories dealing with the general link between collective memory, social community and political action, and a brief overview of Olick’s concept in Chapter I, Chapter II to IV will analyse how a European “Politics of Regret” has developed over time in various stages, what the underlying interests driving it are and what its challenges and contestations in the past and present may be. Beyond that, it might be valuable to look at critical junctures in European Integration; crisis, which as Luuk Middelaar has brilliantly illustrated remain the main driver of the European project (Middelaar 2019). As Jean Monet reminds us, crises are at the core of the European process, and indeed its founding. Furthermore, the European Politics of Regret is constructed around the causes and reactions to the primordial crisis, the “original sin” of the European project.

An interesting research question thus arises; does the memory of the events of the 20<sup>th</sup> century at the core of a European “Politics of Regret” galvanize political decisionmakers into action in the 21<sup>st</sup> century? The search for an answer is especially relevant as Europe enters what is often described as its biggest test of stability and solidarity since the Second World War and its policy responses and their drivers need to be critically assessed. That will be the subject of Chapter V. After an overview of the various crises of 2010-2020 through secondary literature, a chronological primary source discourse analysis of member state leader’s statements, speeches and editorials and European Council conclusions amidst the Covid-19 crisis will be made to see what kind, if at all, a link between Politics of Regret and crisis management exists.

In other words; The general hypothesis of this article is that if the European Union is a construction, and its foundation is made up of a composite material of geopolitics,



economics, history and memory, then the oven melting all of those materials into a stable framework is a sense of common belonging, shaped through a unique and common perspective on the past and future; a Politics of Regret. The fire that heats the oven are the tests of crisis.

## 1. Theory and Methodology

### 1.1 A brief historiography of Collective Memory, Social Community and Political Action

Since this article is based on an analysis of collective memory, how it shapes the cohesion of social communities and how they in turn influence and legitimate political action it is important to first provide a brief understanding of those concepts. As we shall see, collective memory and political community are very intimately connected.

Collective memory, as pioneered by Maurice Halbwachs in his 1925 book *Les cadres sociaux de la mémoire*, is commonly understood as the selecting and processing of historical experiences into a constructed framework of historical understanding by a social unit to reinforce their group consciousness (Halbwachs 1925). It is important here to distinct collective memory, an essentially constructed, abstracted and political process, from interpersonal memory, which is the aggregate of personal experiences and interpretations people have towards history. Collective memory is further distinct from history in the sense that the former is a constructed, social interpretation of the past, while history is concerned with the disentanglement of fact from fiction and the establishment of certain objective understandings (for as much as that is possible)<sup>2</sup> Halbwachs, while revolutionary for his time, mainly limited his understanding of collective memory to the way in which social institutions shape them, and how they are consequently “absorbed” by the masses. Since the postmodern turn of the 1960’s and the “memory boom” of the 1980’s, the concept has been expanded to touch upon a wide variety of processes in which many social actors shape understandings of the past, legitimate actions in the present and how this is often part of a circular process of negotiation and resistance between top and bottom. Influential writers on collective memory include Theodor Adorno, Max Horkheimer, Hanna Arendt, Jürgen Habermas, Jeffrey K. Olick and Jan and Aleida Assmann (Verovšek 2017: 529-543).

Since collective memory is thus about creating meaning for a specific social group in order to reinforce a group consciousness, it inevitably also has an impact on the way in which social groups legitimate political action. As Hannah Arendt points out; citizens can only act in concert through shared civic understandings (Arendt, 1970). Those civic understandings are in turn contingent on a control over narratives of the past, which enable a legitimisation of the wielding of power of the political

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<sup>2</sup> The historiographical debate on whether history can be truly objective is ongoing as part of a broader postmodern/linguistic turn in the humanities, extremely interesting but beyond the focus of this work. For one of the most authoritative perspectives on this, see: Hayden White, *Metahistory: The Historical Imagination in Nineteenth Century Europe* (Johns Hopkins University Press, 1973).

leaders of such a social group in the present (Müller 2002: 26-27). Already in 1882, Ernest Renan made this link between an understanding of the past and the construction of polities in his *qu'est-ce qu'une nation*. Selective forgetting, not just remembering, of the past and their every-day negotiation shapes the way a nation is formed (Renan 1882). Benedict Anderson's *Imagined Communities* and Eric Hobsbawm's *The Invention of Tradition* remain the most authoritative works on the basic dynamics of how members of communities can associate themselves with each other "without ever being in physical contact" through common language, symbols and traditions which are then depicted as ancient, organic and unique in hindsight even though very often they are 19<sup>th</sup> century inventions (Anderson 1984 and Hobsbawm 1982). Pierre Nora's *Les lieux de mémoires* explains how physical monuments, remembrances or nonphysical condensed symbols such as national anthems can reinforce a certain collective memory and exclude others (Nora 1984). A perfect example, illustrative of both a *Lieu de mémoire* and an invented tradition is the *Hermannsdenkmal*, a massive statue constructed in 1875 depicting Herman (itself an invented translation from *Arminius*), supposedly at the location of his victory over Rome in the battle of the Teutoburg forest in 9 AD. It reinforced anachronistic connections between a supposedly ancient, organic German resistance myth against foreign oppressors on the one side, and pan-German nationalism and the political agenda of 19<sup>th</sup> century German re-unification on the other side, condensed into an impressive physical location of historical significance (Tacke 1995).

This leads us to the final major element in the imagination of a community; that the "self" can only exist when it is juxtaposed against a clear "other". To strengthen the legitimacy and uniqueness of a constructed social unit, those in power seek to identify, exaggerate (and sometimes even fetishise) an, often adversarial, externality in order to either crystallise how one's own community is different from, and superior to it and therefore deserves loyalty, or to mobilise feelings of resistance and if need be, violence to defend against or attack the other for political needs (Said 1978). To summarise; the conceptualization of the "self" of social groups is deeply rooted in the common construction of the past. Furthermore, such a self requires an "other" in order to be legitimate.

## 1.2 Memory Politics and the Theory of a "Politics of Regret"

There thus exists an intimate link between collective memory, the constructed common understanding of any kind of social group, and the processes of power legitimisation in politics. The way these three elements coalesce, a normative way of remembering and forgetting of collective memories to reinforce a political process for a specific social community, is often referred to as memory politics (Bernhard and Kubik 2014: 1-31). It is important to see what, if any, that memory politics in the EU is before an analysis of its potential influence on EU crisis management is made. After all, common understandings of the past are not exclusive to nation-states, and it was Renan himself who, being convinced that all social units are fluid and changing, some

kind of European Confederation would eventually be formed which would be legitimated through a common remembering and forgetting (Renan 1882).

This is where Jeffrey Olick comes in. He has identified an emerging novel form of memory politics called a “Politics of Regret”. In his words

political legitimation depends just as much as it ever has on collective memory, but this collective memory is now often one disgusted with itself, a matter of “learning the lessons of history” more than of fulfilling its promise or remaining faithful to its legacy.

He builds this framework chiefly on the contributions of 1) Hannah Arendt, who claimed that pity and misery have existed as fundamental elements in human nature for recorded history, but that only in specific transitional moments they become linked to political identity and legitimisation and 2) Theodor Adorno, who states that instead of attempting to “master” the past through a Nietzschean forgetting in order not to be burdened by excessive memory, reconciliation takes place by “working through the past” in order to demystify it (Olick 2013: 121-138). Olick sees the emergence of this “Politics of Regret”, which is inherently concerned with the harmonisation of conflicting collective memories instead of their homogenization into the melting pot of historical myth, as an element in the broader transition from the power of the modernist nation-state to the post-national globalised constellation (Olick 2013: 139-151). In this concern with the harmonisation of various collective memories, and with its post-national focus, the theory seems fitting as a framework for analysing the EU’s memory politics.

Therefore, through the lens of this “Politics of Regret”, while remaining critical of its limitations, an analysis of the historical development of the EU’s form of memory politics will be made. Several critical disclaimers are required here. Firstly, it should be stressed again that memory politics, as collective memory, is not an organic aggregate of individual experiences, but it is necessarily constructed, and resisted. Secondly, besides the fact that such a memory politics is constructed, that does not mean it has been done so through an official supranational legal framework, but that it has simply emerged for various reasons as the common normative narrative which EU institutions, and member states, broadly adhere to in their discourse and political choices. Thirdly, such a constructed EU memory politics is in no way homogenous, symmetric per member state or without contestation. Much of it originates from West-Europe, specifically (West) Germany, which creates the danger of falling victim to a too narrow and highly Eurocentric analysis. However, the fact that it is present in different degrees in various parts of the EU today is part of the argument of this essay. The analysis, especially chapter IV on post-1989 and the eastern enlargement, will include critical reflections on the universality of this model for Europe as a whole. Lastly, this memory politics has been under significant pressure and contestation, especially in the past decade, even if it has significantly matured compared to 1945 and even 1989, which makes it all the more important to understand how it originated. What suffices is to state that nuances and national differences aside, such an EU memory narrative of a Politics of Regret has evolved and exists today on a fundamental level.

### 1.3 1945: Europe's "day zero"

Many nation-states trace their foundation to a kind of "day zero", a radical reversal of history amidst which the state rose to provide a new, just vision for an existing social group that is often depicted as unique, organic and ancient. The 19<sup>th</sup> century German concept of *Volksgeist* is one of many legitimisation examples supposing the existence of a pre-historical community as part of the emergence of the political ideology of nationalism and the consolidation of the nation-state in that period (Ricoeur 1996: 327-340). What came before "day zero" is depicted as foreign and hostile. Sometimes, even the concept of time itself is regarded as a leftover of the past that must be reinvented. The *Assemblée Nationale* in 1792 for example declared the establishment of a new calendar and the onset of year one (Leggewie 2014). The foundation of the new state presents a type of "tabula rasa" which later generations often refer to as the purest, ideal moment in its history compared to the uncivilized past or the corrupted present (Koselleck 1979). Contemporary American politicians often cling to the Constitution almost as a kind of sacred text, the embodiment of the best form of their country as ordained by the mythical founding fathers. Nation-states require the creation of these kind of positive foundation myths to ensure endemic societal loyalty and strengthen the legitimacy of the state, and they are often reinforced with heavily constructed "invented traditions" and anachronistic myths. As we have illustrated before, this collective memory constituting the "self" must be accompanied by an identifiable "other", which can be a past or present enemy, either a state, a system or a group of people, which then serves to further a political agenda. For revanchist France wishing to retake lost territories and restore its status as Europe's foremost great power, from 1871-1945, this was Germany. For the Soviet Union from 1945-1991, aspiring to global political and thus, ideological hegemony, this was capitalism embodied in the United States. For the Ottoman Empire seeking to provide a political boogeyman for its rapid collapse and retain the loyalty of its rump population, from 1915-1917 this was the Armenians (Diez 2004: 319-335).

The European Union is *sui generis* also in the way it ties the past to the needs and meanings of the present. Europe traces its foundation not to a positive foundation myth, an ideal point in time which must be preserved and emulated as much as possible, but on the exact opposite; on a collective, self-inflicted trauma. The suicidal events of the early 20<sup>th</sup> century, now sometimes described as the "European Civil War" (Traverso 2017) by pro-European intellectuals, with the singularity of the Holocaust and Auschwitz as the *lieu de mémoire* at the center of this proverbial historical black hole, provide modern Europe with an extremely powerful constitutive "other" that is common, internal and self-reflective (Levy 2002: 87-106). This is where Olicks model of a collective memory of overcoming, rather than preservation, of "day zero" resonates.

One could argue that many states have constructed their history around a moment in which a great historical evil was overcome with a dramatic reversal. The United States was supposedly established in an act of enlightened resistance against

the tyranny of the British Empire, the Russian Federation places a heavy emphasis on its victory against Nazi Germany as a formative moment and modern day Afghanistan attempts to build legitimacy from its struggle to break with the past atrocities of the Taliban regime. The crucial difference is that the EU has constructed its legitimacy against a common, internal, self-inflicted past, and is driven not just by an overcoming or forgetting of that past but by a taking of collective responsibility for it and by placing it center stage in its remembrance<sup>3</sup>. At the end of Chapter IV, we will see how this Politics of Regret is expressed and constructed in the contemporary EU, but first it is important to see how it has been historically developed to understand what drives it and how it came into being. The following analysis of a wide range of literature will establish its gradual emergence through three phases: 1945-1962, 1962-1989 and 1989-2020; from Nuremburg, through the trial of Adolf Eichmann, through the fall of the Berlin Wall, to today. Each chapter will include reflections on (west)Germany, Western Europe, Eastern Europe, and European integration.

## 2. 1945-1962: Selective Purges and Selective Forgetting under Cold War realities

When the guns finally fell silent on the 8<sup>th</sup> of May 1945, a cacophony of the voices of the angry oppressed, the silent bystanders and collaborators wishing to distract the victors from their wartime activities filled the vacuum left in the empty barrel of war. Far from some romantic, enlightened restoration of law and reason, the immediate postwar period in much of occupied Europe was marked by spontaneous eruptions of violent retributions, chaotic population displacements and the settling of unrelated grudges. The *épuration sauvage* that occurred in many countries in between the collapse of Nazi occupation and the restoration of indigenous law and order in many ways preempted a proper public reconciliation with the collective trauma of 1939-1945 and are evident of the fact that war does not end at the armistice, its wounds and hypocrisies reverberate into generations. Dutch women who had maintained relationships with German officers, often for social and economic security, were shaven bald, sexually abused and sometimes murdered in an act of vain psychological redemption by those venting frustrations of their own years of unwillingness or inability to resist. In France alone, allied forces stationed there estimated that around 80.000 people were summarily executed in acts of frontier justice (Judt 2007: 32-62). These actions provided a clear but warped "other" for the angry, traumatized and the humiliated to identify as the harbinger of all their problems, remove and therefore achieve some form of moral reckoning that in reality was impossible to achieve (Judt 1996: 36-51).

Once the initial wave of public retributions had subsided and some form of state authority was restored, attempts were made at *Épurations Legales*; legal and public

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<sup>3</sup> More classical forms of "othering" which enabled the reinforcement of some kind of idea of a common Europe defending itself against the "Barbarian" other of Persia or Germania by ancient Greece and Rome, against the "Saracen" or Ottoman threat by a Christian Europe, or more recently against the "oriental hordes" of Russia have existed for millennia and are fascinating (and find their residue in recent discourses on "migration waves" amongst others) but those are not the subject of this work.



confrontations by the state against war criminals, collaborators and those who were deemed to have forsaken their public functions as guardians of society (police, soldiers, bureaucrats etc). Hundreds of thousands were prosecuted. This process went in parallel with the high-level Nuremberg Trials in which many of the Nazi regime's top functionaries were charged with crimes against humanity (Judt 1996: 52-69). At the same time, as the true scope of the Holocaust began to be uncovered, mass-forced visits of German citizens to concentration camps by allied occupying forces took place to confront them with their own culpability, or voluntary ignorance encapsulated in the cries of *wir haben es nicht gewusst!* of German inhabitants of Weimar during a visit to camp Buchenwald (Maier 1997: 7-14). Both the domestic purifications, the Nuremberg trials and concentration camp visits allowed European societies and governments to identify and isolate culprits in their own country, and to mark Germany with opprobrium in a somewhat dogmatic and artificial attempt at separating good from evil.

In reality, due to the already emerging Western confrontation with the Soviet Union and the geopolitical necessities that it brought forward, it was impossible to truly identify, trial and imprison or execute vast masses of collaborating citizens ranging in the millions, many of whom had been employed in the civil service which operated the critical levers of the state. While some were tried, very few were ultimately removed from society. To illustrate; estimates of the numbers of French citizens actually put to death for wartime activities by the new government range up to 1,000, close to 1% of the amount perished during the spontaneous retributions that preceded it (Judt 2007: 64-72). The Nuremberg trials, while presenting a clear revolution on international law and human rights and which did illuminate the chief culprits in full view, failed to confront many of the main personalities to justice, including Himmler, Goebbels and Hitler himself, who had committed suicide in the closing days of the siege of Berlin, and Herman Goring, who injected a cyanide pill in his cell before his sentencing by hanging. At the same time, it painted an easy but incomplete picture of the war having been caused and conducted solely by a small group of evil, powerful men who had manipulated Europeans to sleepwalk into war. It left out the uneasy question of mass-membership of fascist parties, voluntary wartime actions and provided the breeding ground for a discourse of "obeying orders" by their followers (Herf 1997: 4-22).

These conditions provided the need for, and the artificial construction of, the relentless propagation of resistance myths in European cultural public spheres (such as the Dutch novel, musical and film *Soldaat van Oranje*), to artificially inflate the scale of wartime resistance in the public perception and minimize discussions on culpability (Burke 2017). At the same time, the construction of a social and legal barrier between the new state and those of the collaborationist "other", instead of a difficult discussion of how they interrelated allowed the new state to create a *cordon sanitaire* around difficult memories and monopolise blame on a single, easily identifiable embodiment of evil. In France, this "Vichy Syndrome" is particularly well documented, only beginning to break down from the late 1980's onwards, initially to foreign, not

domestic, academic investigation (Rousso 1998). The story of Anne Frank is a particularly interesting one, in that it was relentlessly pushed by the Dutch government as a personification of its victimhood in the war to demarcate a clear oppressed, multicultural and innocent “us” vs an evil “them” (Goldstein 2003: 16-23). This initial signaling out of culprits followed by collective memory suppression/forgetting in a *Renanian* sense, and the propagation of resistance myths, allowed for some level of socio-political stabilisation and led the foundational bricks for the kind of psychological “redemption through labour” instead that, reinforced by Marshall aid, led to the reconstruction of European economies in so called *Wirtschaftswunder* or *Trentes Glorieuses* from 1945 through the 1960’s in which purchasing power, consumption and living standards exploded (Judt 2007: 68-92).

By the time The Federal Republic of Germany (FRG) was integrated into the Western alliance structure when it was merged from the three allied occupation zones in 1949 and became a member of NATO in 1955, the need for a clearly identifiable “other” for war torn European societies had disappeared (and in the official narrative been replaced with the Soviet Union) while ineffective, incomplete and often unwanted denazification made way for a process of structural suppression and forgetting of wartime memories by most European countries. For example, through the Austrian state treaty of 1955, that country was allowed to maintain its territorial integrity in return for international neutrality and an agreement with the allies to relieve it of any responsibility for its actions during the “occupation” by Germany. In this way, Austria was “normalized” and kept in an artificial stasis without a real reckoning with the uncomfortable implications of what had been the widely popular and voluntary Anschluss with Germany in 1938 and the subsequent enthusiastic participation of Austrians in the German apparatus (Judt 1996: 47-48).

Konrad Adenauer, FRG chancellor from 1949 to 1963, was a key figure in propagating a politics of legitimacy and integration over memory and justice, as much through a calculated interest in maintaining political support from a German population as of yet unwilling to engage in public confrontations, as out of a benevolent aim for national unity at a critical transitional moment in German history. Through the passing of several amnesty laws under the policy of *Wiedergutmachung*, around 700,000 former Nazi officials were re-integrated into society, often even the civil service. As late as 1957, more than 70% of the justice ministry leadership was made up of ex-Nazi’s (Müller 2002: 187-191). There were symbolic political acts of reconciliation, such as the 1953 reparation agreement with the state of Israel of 1,5 billion marks. However, these seemed to indicate more than anything an international expression of “we have changed”, without an accompanying endemic discussion in society itself on “how” Germany should actually change (Olick 2013: 140-150).

In Eastern Europe, public trials were cynically abused to legitimise the prosecution of political opponents of the already emerging Soviet totalitarian grip over these countries, including wartime non-communist resistance fighters and soldiers serving in foreign armed forces, democratic political figures, religious

leaders, or anyone else who did not reconcile themselves with the party's designs. Soviet participation in the Nuremberg trials served, on the international level, a similar purpose of political legitimisation and preempted any discussion on uneasy questions of Soviet crimes committed during the war or strategic collaboration with Nazi Germany. The uneasy truths of the war weren't just collectively chosen to be forgotten, or put on ice, but forced by the Soviet Union to make way for the liberation myth of "communist heroism" in order to legitimise the monopoly of narratives on the past, present and future by the autocratic state. The mass population displacements in order to create ethnically homogenous societies and expel the *Volksdeutsche* from eastern Europe were intended to reinforce this homogenous society construct, and in effect also expelled conflicting collective memories of the war and prevented the need for difficult reconciliatory discussions to heal the nation (White 2011: 4-24).

At the same time, these were the primordial days of Europe as a community of intergovernmental reconciliation and economic integration, of Gasperi, Monet and Schuman. Schuman's call for European unity on the 9<sup>th</sup> of May 1950, symbolically scheduled a day after the anniversary of the end of the war, leading up to the establishment of the European Coal and Steel Community in 1952 and the European Economic Community in 1957 signaled a revolutionary change with European balance of power politics that had prevailed for hundreds of years (Dinan 2014: 23-87). The kind of functional integration from 1952 onwards, that of calibrated bureaucracies and comitology, leading to interdependent economies unlikely to start wars was in a way another side of the coin; public, social reconciliation of the events of the war were suppressed through a kind of economic vindication with a layer of intergovernmental reconciliation. Attempts at Political and Defense union were without fruits (Dinan 2014: 64). In no way should we undermine the enormous importance of this set of developments, with the Franco-German reconciliation particularly crucial to the emergence of Europe as a community of peace. However, the subject of this work is to analyse the historical development of a European collective memory, and these early years did little to address, indeed in many ways burrowed, the complicated matters of harmonising experiences, perspectives and social tensions around remembrance (Henrich Böll Stiftung 2018).

To summarise, the massive demands for immediate justice, retribution and restoration by a huge amount of social groups with different, often conflicting memories and perspectives immediately after the war on the one hand, and the geopolitical realities of the emerging cold war, the need to legitimate and re-integrate societies domestically and European economic interdependence on the other hand, suppressed, and to a lesser degree forgot the deeper issues of collaboration, heterogeneity and the depth of the trauma. In the case of Eastern Europe, this process was made even worse by the agenda of an autocratic state requiring a single memory myth to legitimise its own dogmatic politics.

### 3. 1962-1989: Generational change, the Banality of Evil and Collective Responsibility

By the early 1960's, a generation was coming of age which had been too young to be alive, or experience the 1940's to the extent that they could be implicated in, or held accountable to its events, yet at the same time were born close enough to "day zero" to be acutely aware of the suffering and destruction, as well as the lingering injustices that remained to be resolved in European societies at large. Frustrations with this broad demand for understanding and justice on the one hand, and the silence of their parents and passivity of those in power coalesced into a struggle that would culminate in a normative shift. Nowhere was this process stronger than in Germany, perhaps surprising considering how sensitive these kind of discussions were in a country deemed as the chief culprit of "day zero", yet understandable due to that also causing significant frustrations on younger people who felt both unjustly identified with the Nazi regime and also felt a need for a broader, more genuine reconciliation with the past (Baldwin 1990: 13-47).

Between 1963 and 1965, a number of trials of German concentration camp administrators reignited debates on the scale of responsibility for "day zero"; how many could be held personally accountable, where did the buck stop? (Judt 1996: 50-51). The trial of Adolf Eichman in 1962 raised these stakes to an international level. How could this seemingly normal, unexcitable individual, but a cog amongst thousands in the machine, have been capable of committing such evil? What did that mean for the culpability of society at large, the wide range in between resistance fighters and SS officers? These are the kind of questions Hannah Arendt sought to answer in her widely publicised and controversial report on the trial. To her, evil did not exist in some echo chamber, it required the willing participation of the mentally susceptible millions in society. There was a certain "Banality" to many of the perpetrators of the Holocaust (Arendt 1963). In Historiography too, a shift emerged through the school of functionalism led by influential Historians such as A.J.P. Taylor and Frits Fischer, which focused less on the strategic calculations of a "clique of evil men", and more on the longer term, structural problems of (German) history and human susceptibility and eagerness to violence when put in the right conditions (Taylor 1964 and Fischer 1967). After all, Hitler had come to power through a democratic election in 1933.

The high-profile trial of Eichmann, and the corresponding philosophical understandings seeping into academia, provided this emerging generation with a moral framework through which to demand the expansion of transitional justice and public confrontation with the past in official politics. The student protests and widespread social disruption that broke out in much of Europe in 1968 were as much a reaction to the lack of response to these generational demands on the link between memory, justice and politics as it was to the prevailing international climate exemplified by the Vietnam war and other post-colonial conflicts, demands for socio-economic justice and civil rights (Steinweis 2006: 41-113). In Germany and France, the

countries at the crucible of European destruction, reconciliation and the initial suppression of collective memory, these protests were especially fierce and led to structural changes.

In 1969, riding this generational wave, Social Democrat Willy Brandt took over the Federal Chancellery from Adenauer and instigated a wide-ranging program of both domestic and international confrontation with the past. Through *Ostpolitik*, formal relations with the German Democratic Republic (GDR) and other Communist states were established, and border agreements with Poland and Czechoslovakia settled territorial residues reaching back as far as the Versailles treaty (Maier 1997: 7-31). On December 7th, 1970, Brandt visited the Warsaw ghetto on the anniversary of its uprising and knelt in front of its monument in a symbolically unique and radical expression of collective regret, humility and responsibility by Germany towards the victims of the Holocaust<sup>4</sup>. This moment forms in many ways the symbolic departure for a Politics of Regret that would emerge in (west Germany, Western Europe and gradually, become co-opted as a normative model for the European Union<sup>5</sup>. Brandt received the Nobel Peace Prize in 1971 for all of these activities.

In the broader European public sphere, such themes also found their way into cultural expressions. The 1978 series *Holocaust* was one of the first shows depicting ordinary Germans tolerating, dealing with, and often enthusiastically supporting Nazi atrocities, and it humanized the faces of their victims. In the FRG, it was watched by 20 million citizens, a third of the population at the time and it had a massive cultural impact. It even normalized the mere use of the term "Holocaust" in society (McGuinness 2019). Throughout the 1980's, this trend would continue. School curricula included more elements of critical reflection on the years 1933-1945, concentration camps were transformed into places of public exhibitions and memorials and political leaders would segment Brandt's attitude in their speeches and declarations (Müller 2002: 183-197).

It is important to note that in other European countries, many of which during wartime had collaborationist states (Vichy France), voluntarily joined Germany (Austria), or both (Italy), this process of confronting the past on a broader societal scale was slower (Judt 1996: 36-69). In France, the untangling of the "Vichy Syndrome" was piecemeal, and remained a largely scholarly, not societal, affair even if now it was being analysed not just by foreign historians. 1968 spurred massive socio-economic, and cultural changes (also towards France's postcolonial legacy) but did not cause as fundamental a shift in memory politics as it did in the FRG (Pagis 2018: 117-134). This can be understood to the extent that in none of these states the psychological stakes

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<sup>4</sup> At the time, only 41% of the German public supported the expression, while back in 1946, 37% in the US occupation zone said about the Holocaust that "the extermination of the Jews and Poles and other non-Aryans was necessary for the security of Germans", showing how the demands for public reconciliation and responsibility had greatly expanded in Germany since 1945 but were still developing. See: Der Spiegel, "KNIEFALL ANGEMESSEN ODER ÜBERTRIEBEN?", December 14, 1970, <https://www.spiegel.de/spiegel/print/d-43822427.html?name=KNIEFALL+ANGEMESSEN+ODER+&Uuml;BERTRIEBEN?>

<sup>5</sup> Here Olick's definition of a group "disgusted with its own past" becomes especially resonant.



of national vindication inside the international community, or the need to heal inter-generational scars were as big as the German case in which all of society had been clearly implicated to the root. Nonetheless, there were developments elsewhere too. In Austria, the country where public confrontations with history were put on ice after the 1955 state treaty, a massive scandal erupted when it was discovered that its President Kurt Waldheim, elected in 1986, had been a member of the German military intelligence service in Greece during the war and might have participated in various anti-Jewish purges (Judt 1996: 57-60). In other words, the past was becoming an element of public discussion, with the older generations being held accountable and a sense of collective responsibility for the past growing especially in those countries that had perpetrated their most traumatic episodes, such as Germany and Austria.

A key challenge to this emerging *épistème* (Foucault 1966) arrived in 1988 with the outbreak of the *Historikerstreit* in the FRG. In 1982, Christian democrat Helmut Kohl had been elected Chancellor and had surrounded himself with a number of conservative historians, chiefly amongst them Ernst Nolte, as advisors. In what was probably a benevolent attempt at national healing, Kohl sought to “normalize” Germany and strengthen his conservative base by commemorating German war casualties as well as their victims. In 1985 in Bitburg, Kohl made a symbolic visit to a mass grave of German soldiers with US President Ronald Reagan (controversially including those of SS soldiers), signifying a return to Adenauer’s integrative approach and a clash with the event, and associated societal framework of Brandt’s symbolic kneeling at the Warsaw Ghetto 15 years earlier. At the same time, a number of new museums were opened which placed the Holocaust on a similar footing with the crimes of Communism, and a number of conservative Historians began to call for a restoration of “normality” against the supposedly artificial singularity of the Holocaust as the “past that won’t go away” (Nolte 1986). The following clash between social and liberal Historians and political figures on the one side, and conservative and reactionary ones on the other side originated from a historiographical debate on methodology and comparative analysis, but eventually morphed into a larger issue; what was at stake was the fundamental memory politics of the FRG. Should the remembrance of the Holocaust, and the associated taking of collective responsibility and regret remain at the core of national identity, or should it be “normalized” by a more classic nationalist understanding of identity? (Maier 1997: 66-80). Eventually, the former position persevered and the attitude towards the Holocaust which Jürgen Habermas has styled *Vergangenheitsbewältigung*, or working through the past, rather than Nolte’s “the past that won’t go away” remained (Herf 1997: 357-361). 1988 was in this sense a key year, not only in that it firmly anchored a Politics of Regret at the heart of the FRG’s political identity, but also since it occurred a year before the fall of the Berlin wall and the geopolitical shifts in Europe that accompanied it (Habermas 1988: 3-13). For Germany, this Politics of Regret became an essential element of its quest to “return” to Europe as a normal state (although, as the discussion on “normalization” in the *Historikerstreit* showed, “normal” depended on the prevailing memory politics of the time) (Wilds 2000: 82-102). Through European integration, and the construction

of this unique memory politics, it sought to be recognised as a responsible state again, and in the process, as a potential great power inside a united Europe. Without this domestic and international attitude that had become an integral part of German political culture by the 1980's, it is questionable whether re-unification in 1990 could have proceeded with as little resistance as it did (since, as the records show, many Western countries, chiefly wartime Great Power the United Kingdom, had strong reservations) (Banchoff 1997: 60-76).

In Eastern Europe, the development of collective memory remained as static and artificially distorted throughout the cold war years as the economy. The singularity of the Soviet liberation myth, reinforced by a strange insistence that most Germans had actively resisted Nazism through socialism, preempted any serious contestations of this official memory. Transitional justice was a far-cry (Müller 2002: 184-206). In fact, anti-Semitism even became another leverage in singling out a cosmopolitan, capitalist minority as a clear "other" to strengthen Soviet identity and a number of purges and trials took place against thousands of Jews in the DDR, Poland and elsewhere. Anyone who identified themselves as a communist as well as a Jew was viewed with suspicion, after all this implied not a multicultural richness, but a threat to the unity of perspective and in turn, to the monopoly of power by the state (Herf 1997: 104-204). One of the few exceptions to this, an example of an indigenous "Politics of Regret", or at least reconciliation, was the *Polish Bishops appeal* of 18 November 1965, which reached out a hand to their West-German colleagues in recognising that the Second World War had been a monumental, but regrettable phase in what was otherwise a long and structural history of cooperation between German and Polish societies. "We grant forgiveness and we ask your forgiveness" is how it signed off, an incredibly strong sentiment which emerged in a country under communist oppression years before Brandt made his famous gesture (Judt 1996: 36-69). While it had little immediate political impact, it is important to stress these events as they vindicate Eastern Europe as an area where resistance to the official memory regime, and human agency and creativity, was indeed present, and where transnational networks between East and West such as those of religion remained open<sup>6</sup>. Eastern Europe did not simply adopt Western models of memory politics later, many of these sentiments originated separately in their own countries. As we shall see in the next section, suppressed memories exploded after the collapse of the Soviet bloc.

It should be mentioned that in 1981 Greece, and in 1986 Spain and Portugal became members of the European Community. As fledging democracies transitioning from recent dictatorships, with sentiments in left-wing groups in those countries that the west had condoned, if not supported those rulers who had oppressed them, a challenge to an emerging European memory narrative emerged. However, in contrast to the case of Central and Eastern Europe, the left (not tainted by association with the

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<sup>6</sup> The catholic church remained one of the strongest non-state institutions through the cold war period in Poland and elsewhere in Eastern Europe, and provide a rallying point for careful contestation of the monopoly of the state and, eventually, as a platform for mobilizing liberation in 1989. Considering this, it is understandable that such alternative memory perspectives came from these institutions.

preceding regime) in these countries co-opted pro-Europeanism relatively quickly and conflicts of memory remained much less severe a challenge to European unity, even if it remains an unresolved domestic issue to this day (Muro 2010: 240-266).

In terms of European integration, after decades of relative stagnation as a result of the empty chair crisis of 1965 and the Luxemburg compromise, renewed impetus for the completion of the single market led to the signing of the *Single European Act* (SEA) in 1986 under the energetic commissionership of Jacques Delors as well as the foundations for Political Cooperation, the forerunner of the *Common Foreign and Security Policy* (CFSP). In 1979, the European Parliament held its first elections through universal suffrage (Dinan 2014: 104-219). This period was thus marked by a saturation of sorts of the functionalist, technocratic mode of European integration as a form of suppression and forgetting of the deeper societal complications of the war through technical integration and economic growth that had accompanied the early post-war years. The 1<sup>st</sup> phase of European integration, that of economic cooperation, was starting to be accompanied by a 2<sup>nd</sup> phase; that of political integration and citizenship that would commence with the *Maastricht Treaty* in 1992. This development would gradually open up the EU to public contestation and a search for public legitimacy through the construction of a common belonging, for which the Politics of Regret would provide a crucial role.

To conclude, while the trauma of war and the Holocaust had always been central in collective memories in European countries since 1945, between 1962-1989 it began to shift from a “done to us” to a “done by us” attitude, initially in West Germany but to a lesser extent also in other countries. The example of the Polish bishops shows that even where collective memories were suppressed, autonomous attempts at reconciliation were made. Politics of Regret, overcoming rather than preserving “day zero”, *Vergangenheitsbewältigung* rather than the past that won’t go away, Adorno’s working through rather than Nietzsche’s forgetting of the past are all different ways to describe this attitude. The FRG sought to normalise its position inside Europe, as much in order to strengthen national unity and gain domestic political support, and to restore its role as a political leader in Europe through a process of repentance and psychological vindication. 1989 would open the floodgates of both this narrative spilling further across western Europe, as well as a new memory of Communist oppression coming in from the East.

#### **4. 1989-2020: The final peace, the return of “new Europe” and the Europeanization of a “Politics of Regret”**

In many ways, 1989 served as a powerful transformative moment of collective memory for Europe’s postwar reconciliation that can be compared to that of 1945. Some have called it a “delayed” or “second peace”. For Germany, re-unification meant the final closing of the Second World War in a political and emotional sense (even if it would take decades to integrate the GDR politically, economically and culturally).

With the evaporation of its unique split status, and its restoration as a normal sovereign country in the political sense, many scholars (including even Habermas) raised questions about the potential continuity of the new kind of “normalization”, through collective responsibility and a special form of memory politics, that had persevered in the *Historikerstreit* (Habermas 1991: 84-101). In fact, re-unified Germany would remain firmly on this path and would come to clearly link the issues of German national unity with that of European Integration and a Politics of Regret. The 1996 Goldhagen controversy, after the book of the author of that same name called *Hitler’s Willing Executioners*, the public scrutiny on societal accountability was further expanded into the issue of what had hitherto been widely regarded as the “clean Wehrmacht” myth; the belief that the supposedly normal, conscripted German soldiers had committed far less crimes, and certainly not willingly, compared to fanatical movements such as the SS. Goldhagen showed that ethnic cleansing was enthusiastically and widely carried out by much of the bulk of the German army (Goldhagen 1996). Similarly to Goldhagen’s book, the 2005 Memorial to the Murdered Jews of Europe, a massive abstract monument of countless stone slabs to commemorate the Jewish victims of the Nazi regime, attracted controversy for its continued “clinging to the past” and the lack of remembrance for non-jewish casualties of the war, discourses very similar to those of 1988. None the less, it was ultimately accepted, the majority of Germans supported its construction and if anything, it expanded the Politics of Regret through a *lieu de mémoire* to increasingly deeper spheres of society (Mügge 2008: 707-725).

In 1997, with the Introduction of Economic and Monetary Union (EMU) in Germany, Kohl described the establishment of the Euro as a “question of war and peace” (Risse 2015: 187-188). Here we see the emergence of a kind of discourse that would continue into the 2000’s, the main subject of Chapter V, in the sense that EU integration is seen as a move away from the chance of a repetition of the trauma of the Second World War, and that anchoring a Politics of Regret not just in the German, but European political culture was essential to the continued peace and prosperity on the continent, and is in fact a matter of national pride. German Chancellors and Presidents routinely visit concentration camps and continue to stress the collective responsibility of Germany towards the prevention of Nazism and how that links to contemporary struggles and crises, most recently on V-day, 8<sup>th</sup> of May by President Steinmeier which also touched on a Covid-19 comparison to the Second World War (Steinmeier 2020).

In recent years, a rise in anti-Semitism, extreme right-wing movements, and electoral support for revisionist parties such as the Alternative für Deutschland (AFD) have put this narrative under pressure. There is also the question to what extent transnational groups such as migrant communities can be integrated into a Politics of Regret, when they have no memories of the Holocaust themselves, but these discussions are also often compromised by xenophobia. In fact, case studies generally show a creative resilience and adaptability by these groups in integrating into the wider memory narrative (Yildiz 2011: 32-48).

The fact that Politics of Regret is under stress has actually inspired initiatives to push back and illustrate the broad support for this model by the “silent majority” of Germans. Support for Politics of Regret and its anchoring to EU integration and a fear of the return to Nazism has also been culturally and artistically expressed and been the subject of controversy. In the Reichstag, the center of German politics, the original graffiti left over by conquering Soviet soldiers from 1945 were re-discovered in 1995 and it was decided to uncover and illustrate them in full view. German politicians walk the halls of parliament each day reminded of the dangers of returning to a “normal” nationalism (Foster 2003). It is the wound of failure that paradoxically heals the nation. An artwork in the courtyard displaying the words “to the people” instead of “to the German people” is a clear expression of normative rather than ethnic affiliation. Jan-Werner Müller, in the spirit of Habermas, has called this “Constitutional Patriotism” (Müller 2007). Another, more informal example is a music video by the highly popular German comedian Jan Böhmermann. The lyrics are extremely illustrative: “say it clear, say it loud, we are proud of not being proud. Human dignity is unimpeachable. You will learn if even we were teachable” (Böhmermann 2016).

In other Western European countries, the fall of the Iron Curtain and the following opening up of historical archives unleashed collective memories and personal stories from the victims of authoritarianism from that part of the world. In countries such as France and Italy where anti-American, left-wing, sometimes Soviet friendly intellectualism had been highly influential throughout much of the cold war, the uncomfortable reality of new revelations on the scope of Soviet authoritarianism had to be dealt with (Judt 1996: 45-69). A transition that had been taking place since the 1960’s, that of the breakup of the memory monopoly of wartime resistance by communist groups, was accelerated by the fall of the Soviet bloc, the emerging Politics of Regret in the FRG, and renewed domestic interest, which laid the foundation for a critical re-assessment of the resistance myth and of national collaboration. An interesting case study here is the comparison between the commemoration on the site of the deportation center of *Vélodrome d’Hiver* in Paris where tens of thousands of French Jews were rounded up by French police in 1942, between that in 1995 by President Chirac, and that in 2017 by Macron. In 1995, Chirac was the first French President to formally admit the complicity of the French state in the deportations but maintained that this was done under German orders and continued to regard Vichy France as separate to the French state (Simons 1995). Macron clearly stated that not a single German was involved in these deportations, and that one cannot simply place Vichy France in a historical vacuum that appeared, and disappeared, in thin air. France organised it (The Guardian 2017). One should not regard this narrative transition as a complete reconciliation with the “Vichy Syndrome” in all of French society, after all a significant proportion of French citizens support a hard-right party which continues to regard Vichy as separate from the responsibilities of the French state, but it is evident of a significant change in the normative political identity of the Republic and of the broader public opinion (McAuley 2017). A similar example is found in the Netherlands where prime minister Mark Rutte in January 2020 became the first to



apologise for the persecution of Jews by collaborators which embodied the Dutch state (Trouw 2020). In Italy this transition was accelerated in the 1990's and 2000's. The chief issues of sensibility here were the role Mussolini's government had played in willingly aiding Hitler in the Holocaust, and in deporting Jews, the adoption of racial laws in 1938 as evidence of a sovereign Italian decision on the matter and the extent to which the 1943-1945 Salò Republic could be regarded as an embodiment of the Italian state or as a separate puppet state (similar to the Vichy Syndrome) (Müller 2002: 223-243). A national commemoration day of the Holocaust was established in 2001, and a significant number of public intellectuals, including the President of the Republic, Carlo Azeglio Ciampi, stressed the complicity of the Italian state in the Holocaust and war crimes, and reinforced a politics of collective responsibility and regret. In the words of the President in 2001:

The racial laws of 1938 marked the most serious betrayal of the *Risorgimento* and of the very idea of the Italian nation, to whose success the Jews had contributed in crucial ways (Gordon: 2001).

In this period, the Politics of Regret that had emerged on a broad societal scale in the 1960's in the FRG, given new impetus by the fall of the wall in 1989, thus opened up similar discussions in other European countries, much of which also touched upon the uncomfortable history of collaborationist states. Politics of Regret was now starting to be seen not as a handicap, but the key to a resilient, dynamic and strong uniquely European attitude to the past and as a flexible tool to accommodate integration between different states and peoples (Risse 2015: 107-156). An important critical reflection here is the outstanding issue of reconciling the post-colonial heritage of many European countries with a Politics of Regret towards the Second World War inside a broader European narrative. Especially in France, this is extremely complicated since one of the most brutal suppressions of the Algerian war occurred on the 8<sup>th</sup> of May 1945, Victory in Europe day, in the Sétif and Guelma massacre (Cole 2010: 106-126). In September 2018, Macron apologized for the torture of Algerians during the war of the 1960's in a symbolic shift comparable to *Vélodrome d'Hiver*, but was met with extreme anger from the *pied-noir* population, French citizens who had lived in France during the colonial period, and it unleashed critical responses from the (far) right (Serhan 2018). None the less, a normative model of Politics of Regret has clearly emerged in most EU member states in recent decades and, while still controversial and contested, is backed by the narrative of the state and broader society.

1989 was perhaps more consequential for Central and Eastern Europe than it had been for any other region on the continent. For Poland, Hungary and other states that rapidly transitioned to free market democracies following a series of largely "velvet" revolutions, the end of Communism meant more than the return of sovereignty, prosperity and human rights, it brought to an end a protracted "day zero" that had suppressed dormant but boiling collective memories for four decades. For political leaders in Warsaw, Budapest, Riga and elsewhere, besides being "welcomed back" into Europe, and integrated into the economic and military security and stability

guaranteed by the EU and NATO, one of the highest priorities in creating a stable, functioning society was healing national divides through decades of collaboration, passivity and resistance alike. This meant two things: a recognition by western Europe of the unique, protracted suffering of Eastern Europe between 1945 and 1989, and domestic memory harmonisation and reconciliation.

While the political and economic integration into the Western structures generally proceeded effectively and rapidly, with most post-soviet republics in Central and Eastern Europe becoming members of NATO and the EU between 1999 and 2004, the deeper challenge of harmonising collective memories was more problematic (Mark 2010: 12-58). For the EU and its member states, the singularity of the Holocaust and the crimes of Nazi Germany were unquestionable, and a precondition for security against the repetition of those events. Eastern European countries, especially Poland, Hungary and the Baltic states, demanded a recognition of Communist totalitarianism on the same level. While this was an understandable need based on social cohesion and international recognition, and there was also a genuine desire for those countries to become part of the “European family”, it also displays a sense of insecurity about European integration. Without a harmonisation of the meta narrative on the European memory, Eastern Europe, in the minds of many political leaders, would in a way once again become colonized satellites of another more powerful constellation (Maier 1993: 136-152). This tandem between the need for immediate economic and political security with the fear of Soviet domination still fresh in the minds on the one hand, and the lingering frustrations on memory recognition on the other hand meant that during accession, these questions remained relatively dormant since compromises had to be made to be considered as “normal”, healthy countries ready for membership. Prosperity and security had to come first (Mälksoo 2009: 653-680). The emerging narratives of “old and new Europe”, West and East, delayed memory recognition and integration and eventually led to feelings of alienation and failure of being understood by the EU in Eastern European capitals. This delayed eruption of the struggle for memory recognition/harmonisation partially explains in part the recent turn, chiefly in Poland and Hungary (in many ways historically the most powerful countries in the region) of anti-EU narratives of oppression from Brussels, authoritarian tendencies in sidelining the legal systems and the democratic opposition and cracking down on civil society and human rights (Belavusau 2013).

Furthermore, this feeling of a lack of memory recognition by the EU has influenced and been influenced by a lack of deep domestic reconciliation with the problems of broader societal accountability during Nazi and mostly Soviet occupation. The prevailing sentiment especially in Poland is that Poles were the primary victims of the Second World War (which arguably, they were in terms of casualties and damage sustained) and that the whole of society resisted the invasion and occupation by both the Nazi’s and Russia. The latter is a more complicated matter, the insistence on which can be explained in part through the deep collective memory roots in Polish society of a history of invasion, 200 years of statelessness and resistance, and as the “protector” of Christian Europe from the east (a similar claim made by Russia) (Wagner 2003: 191-

212). In fact, like in all European countries, layers of society did cooperate and sometimes enthusiastically participated with the occupier (Mark 2010: 126-164). The psychologically understandable “resistance myth”, also present in Western Europe, thus remained much stronger in Eastern Europe.

The controversy on “Polish Death Camps” of recent years, in which the Polish government furiously rejects and even criminalises the mention of the names “Polish” and “Death camps” alongside each other (even if in most instances this is largely a linguistic, not political choice), because it supposedly implies they were set up and run by the Polish state, reveals a deeply rooted insecurity on the part of these states of being implicated in the crimes of their previous oppressors (even though there is no real danger of any European public thinking Poland committed the Holocaust) (Donadio 2018). In Hungary, new museums such as the house of horror, and the house of fate, under-stress the period of Nazi occupation, play up resistance stories, as well as fail to mention any role of countrymen in the authoritarian rule of Nazism or Communism (Echikson 2019). The recent decision to scrap a major work from 2002 Nobel Prize winner and Hungarian Jewish writer Imre Kertész from the national curriculum, being replaced by three inter-war revisionist writers who enthusiastically supported antisemitic policies, illustrates how the government prioritises the memory of Trianon over that of Auschwitz, much like Poland that of Yalta over 1989, to whip up popular anger and legitimise anti-European policies (Suleiman 2020). Broadly speaking, there is a lot of historical revisionism, tension between collective memories and demands for recognition from the EU in Eastern Europe which, institutionalised, forms a major challenge to a common European memory (Mink 2017: 1013:1027). One could say that Poland, Hungary and other states in the region are “lagging behind” in the process of the development of a Politics of Regret and a mature perspective on the broader societal involvement in war, but these kind of narratives would reinforce the kind of Eurocentric discourse that lies at the origin of these insecurities which should be avoided in the first place. What suffices to say is that Eastern European countries have suffered for far longer under foreign oppression, which understandably means that their reconciliation process and demands for international recognition are much more severe. History and memory are much more important elements of the practice of (international) politics here than in Western Europe. However, there are positive signs. There have been increasing attempt in academia to understand the outstanding issues of Eastern European collective memory (Bernhard and Kubik 2014). On the 75<sup>th</sup> anniversary of the liberation of Auschwitz in 2019, The President of Poland also seemed to hint at the centrality of the Holocaust and the possibility of a common European narrative.

At no other place was extermination carried out in a similar manner. The truth about the Holocaust must not die. I have the privilege and honour of renewing Poland’s obligation to nurture the memory of and guard the truth about what happened here (Belam 2020).

It suggests that such ongoing revisionisms are perhaps more political expressions of insecurity and desire for recognition than they are of real sentiment. In fact, the

holocaust narrative could function as a focal point of memory for Central and Eastern Europe as well since more of its own citizens perished in the Holocaust than from other regions (Masson 2017).

It is important now to illustrate how this Politics of Regret in Germany and emerging in other Member States influenced the EU as a whole, and whether the EU has responded to the demands for memory recognition and harmonisation from different countries all the while maintaining a balance with the singularity of the Holocaust in so many of its member states. The EU has no competence on education, and there is no official memory narrative, but a number of declarations by the European Parliament, educational initiatives and more generally the political discourse of EU and member state leaders illustrate that there exists an understanding of these tensions of collective memory, leading to activities which attempt to harmonise them into the meta-narrative of a "Politics of Regret".

The period of 1989-2020 brought Europe into the public view, and in many ways introduced a broader societal and cultural element to Europe as a "community" of values and peoples besides an economic and political project. The treaty of Maastricht in 1992 introduced European citizenship, the Charter of fundamental Rights was founded in 2000, and a soul-searching exercise culminating in the proposal for a European constitution in 2005 are all evident of this process (Dinan 2014: 195-305). The eastern enlargement of 2004 was seen by many as the "re-unification" of Europe in line with the idea of the "end of history" (Fukuyama 1992). At the same time, it inevitably included contestation, criticism and even rejection of what was seen as an attempt to create an artificial European identity and European super state. The 2005 constitution was rejected by referenda in the Netherlands and France, the first case of a failure to ratify a European treaty. Expanding euro-skepticism, populism and the increasingly tense international climate in the 2010's culminated in the Eurozone crisis of 2012, the annexation of Crimea in 2014, the migration crisis of 2015, the decision of the United Kingdom to leave the EU in 2016 and the Corona crisis of 2020 (Krastev 2020). We are now in the "end of the end of history" (Pakier 2010: 39-55). The EU entered popular opinion, contestation and a crucial period of soul-searching exercises, also in terms of a common memory narrative (Karlsson 2010: 38-55). How does this relate to the Politics of Regret?

Since 1995, European institutions have adopted declarations calling for the unification of collective memory through commemoration and education. In the 2009 *European Parliament resolution on European Conscience and Totalitarianism*, the shared memory of Nazism and Stalinism as crucial elements for European unity are explicitly stated. It established the *European Day of Remembrance for Victims of Stalinism and Nazism*, to be observed on August 23<sup>rd</sup>, the day the Molotov von Ribbentrop pact was signed (European Parliament 2009). This date is absolutely crucial. Beyond the fact that it serves as a useful historical overlap between Stalinism and Nazism, and as a reminder of the strategic cooperation between both systems in the initiation of "day zero" for modern Europe, it is a clear olive branch towards the new Central and Eastern

European member states as a recognition of their shared and equally important collective memory as part of a broader story of European collapse. In this way, the collective memories of Eastern Europe are not simply overwritten by the European Politics of Regret focused on Nazism and the Holocaust, but it becomes integrated into a wider compromise. It shows that the EU attempts to accommodate not only different political and economic, but also memory interests in its model of integration. It is important to note that the declaration provoked outrage in the Kremlin, which views it as fundamental attack on its identity (Risse 2015: 204-252).

The aforementioned EP resolution also established *The European Remembrance and Solidarity Network* (ENRS) and the *Platform of European Memory and Conscience*, explicitly created to actively work towards the same goal of collective memory harmonisation (European Parliament 2009). Academic research projects on the topic have also been organised and funded by the commission (Risse 2003).

In 2017, the House of European History (HEH) opened its doors, the first attempt at creating a common perspective on European history (Delius 2015: 391-404). It invites participants to form their own vision of what Europe means to them. During its concept phase, construction and after the opening, the museum was the subject of a wide controversy over the issue of an artificial construction of a European history and identity, the equalizing of Nazism and Stalinism and the selective forgetting and remembering of certain epochs (Masson 2017). Much like the controversy surrounding the aforementioned 2005 Memorial to the Murdered Jews of Europe in Berlin however, the presentation of a common narrative is bound to lead to criticism of under shadowing, or over illustrating certain groups, of artificially clinging on to the past and of attempting to create an unnatural construct.

Yet this is precisely the point. The 2009 EP resolution and the European Day of Remembrance for Victims of Stalinism and Nazism, the associated creation of collective memory harmonisation institutions and the 2017 HEH are all evidence of a process of compromise and balancing that are the core elements of European integration as a whole. Furthermore, they illustrate a response to the calls for memory recognition by Central and Eastern European countries, and through their reflective elements (illustrated in the HEH's model of self-questioning) of the common, internal and self-critical Politics of Regret that has now become a normative model for the European Union as a whole. In fact, a 2019 spiritual follow-up to the 2009 EP resolution titled "on the importance of European remembrance for the future of Europe" was passed almost unanimously, indicating that this process of memory integration, at least on a political level, has become much more widespread since 2009 and now includes an explicit recognition that EU remembrance policy has a clear link with future social and political solidarity. Since 1989, the EU has thus been generating newly integrated stories rather than attempting to cling on to, or construct, a singular narrative. It forms part of the broader narrative of "day zero" as a "European Civil War"(Olick 2013: 67).



#### 4.1 Political Implications of a European Politics of Regret

There thus exists, at the aggregate, a European Politics of Regret constructed around a negative “day zero”; that of the events of the 20<sup>th</sup> century through Nazism and Stalinism, with the Holocaust as the singularity. It is generally common, internal and self-reflective and integrative of different collective memories of member states. This Politics of Regret serves as a harmonizing tool and as a constructed element of common belonging amongst Europeans. Broadly speaking, the European Politics of Regret has a clear link with the exercise of political power and choices, even in the EU’s external relations, especially in its negotiations with candidate countries. In fact, in many cases the domestic reconciliation with, and public recognition of, certain traumatic moments in a candidate country’s history have become preconditions for membership (Rigney 2012: 620). In the EU’s negotiations with Turkey for example, its recognition of the Armenian genocide has come to be regarded as an essential element in the process of “normalisation” and “becoming European” as prerequisites to membership<sup>7</sup>. The same narrative is found in the EU’s negotiations with Serbia, in which public recognition for the Srebrenica massacre is seen as essential not just for establishing viable relations with Kosovo, but also in becoming a functioning and responsible member of the European community (Dragovic-Soso 2012: 163-79). The 3 Copenhagen criteria are thus accompanied with a more unofficial, but just as important, memory aspect, which illustrates the extent of the “Europeanisation” of a Politics of Regret that exists today, and how that Politics of Regret has an influence on domestic and external EU policies.

Willy Brandt’s kneeling at the Warsaw ghetto set in motion the conditions for the political, social and memory re-unification of East and West Europe, victims and perpetrators, resistance fighters and bystanders. When we compare the domestic reaction to the 1985 Bitburg cemetery visit, home to war criminals, and those of the continued visits by Japanese prime ministers to the Yasukuni shrine, also home to war criminals, a clear comparison of the political implications of the choice of post-war memory politics emerges. Bitburg led to a critical societal discussion on the political identity of the FRG, in which Politics of Regret emerged as a normative model, which laid the foundations for the political acceptability of the re-unification of Germany in 1990 and of positive relations with its neighbors inside a Union of states. In Japan, which never confronted its own past on a societal level and where a prime minister has never knelt in front of mass graves in Nanjing, extremely tense international relations with China and South Korea put it in a state of constant military and economic insecurity (Diamond 2019: 293-325).

The direct link between historical narrative and political playing field is also found in the EU’s most complicated relationship with a neighbour. The Kremlin continues to

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<sup>7</sup> Another perspective on this process could be a Eurocentric, orientalist, post-colonial narrative in which Europe, through its supposedly enlightened and superior model of having confronted its own past, imposes this model on countries that want to become member states and thereby overwriting them with its own, supposedly universal characteristics. This is an important critical reflection on a European Politics of Regret but could be the subject of another work.

push for the 9<sup>th</sup> of May as the day on which Russia liberated Europe, as a tool in achieving international legitimacy through a narrative of being the protector of Europe against barbarism<sup>8</sup>. Poland and other Central and Eastern European countries naturally regard this day as the beginning of decades of totalitarian occupation. Contests of memory interpretation between Eastern European capitals and Moscow are a matter of political legitimacy. As part of this struggle, Russia has recently embarked on a propaganda campaign to remove the Molotov Ribbentrop pact from historical narrative (Wanat 2020). It also attempts to fire up popular support for its war in Ukraine by painting the government in Kiev as a fascist Junta, galvanizing memories of the patriotic war protracted into the present (Bobrovska 2020). At the same time, the blame is shifted through historical revisionism, for example by blaming wartime Finland of having committed genocide (Vitkine 2020). These memory struggles even take place on a local level, such as the spat over the removal of a Soviet general's statue by Prague's mayor and Russia, the latter accused of an assassination attempt on the former over the matter (Gosling 2020).

Coming back to the EU; at the core of its historical narrative lies the belief that the peace and prosperity that has been steadily built up for 75 years remains perpetually at risk of a return to "day zero". This thought mobilises political energies in times of crises when potential parallels with 1945 are drawn (Rigney 2012: 607-628). Gramsci reminds us that on their own, crises cannot cause political change, but that rather they "simply create a terrain more favorable to the dissemination of certain modes of thought, and certain ways of posing and resolving questions involving the entire subsequent development of national life" (Fusaro 2017: 24). Now that the EU enters what many national and supranational leaders describe as the greatest challenge since the Second World War, what role does Politics of Regret thus play in Crisis Management?

## **5. Forged in Crisis; Politics of Regret, Crisis Management and European Integration**

It might sometimes seem as if the often-repeated mantra of "never let a good crisis go to waste" has lost its significance after a succession of economic, political and social pressures that have seemed to melt together into a permanent state of discord in the past decade. If crisis has become the new normal, then it could be expected that the demands for rapid, ambitious and disruptive societal changes that usually accompany once-in-a-generation crises have been dampened as well (Diamond 2019). However, if we consider the platitude of fearful warnings by EU leaders from the Eurozone Crisis to Brexit that the EU is on the brink of collapse, and that it has in fact survived and often introduced far-reaching institutional changes despite this fear being shared amongst many Europeans, it seems that the relationship between fear

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<sup>8</sup> In many ways in memory contest with the EU's 9<sup>th</sup> of May as the day I which Europe overcame itself, rather than was liberated by Russia.

of collapse and political galvanization in the EU is particularly strong (Boffey 2019). How do we constantly go from “The EU is dead”, through “the consequences are unacceptable” to “whatever it takes?” We have seen that collective memory, social community, and political action have a strong relationship, and that in the EU this has evolved into an aggregate Politics of Regret. How does this influence political decision-making during crises? This is particularly interesting due to the unfolding Covid-19 pandemic which is being depicted as both more dangerous and existential than any other crisis since 1945, in which parallels between WWII and itself are regularly drawn. A general critical analysis of recurring elements in this relationship, chiefly through the Eurozone, and briefly Brexit and Refugee crises will be made before we dive into Covid-19.

### 5.1 Politics of Regret and EU response to crises 2010-2016

The memory of “day zero” and a fear of its return are routinely invoked for national and European political interests, and their interplay, during crises. In the Eurozone crisis, at the height of bailout negotiations between the EU and Greece, amidst fears over the wider instability of the Eurozone, German politicians and media presented the issue as a matter of life and death for European “unification”, comparable to the statement by Kohl on EMU in 1995. Germany’s leadership in the crisis was regarded as a way to vindicate its place as a responsible European nation, away from WWII through the cause of integration. At the same time, the collective memory of the rampant hyperinflation during the interwar Weimar Republic introduced an element of fiscal prudence and austerity into its political demands. (Galpin 2017: 184). The combined collective memories of Nazism and financial collapse thus combined into a curious pro-European, but fiscally conservative, formula. For Greece, an insecurity with its own responsibility and anger with being unfairly singled out combined with the collective memory of WWII and Nazi occupation into a formula in which EU, and in their eyes thus German, demands for fiscal prudence were depicted by political leaders and the media as a form of economic colonisation and occupation. Demonstrators held up caricatures of Chancellor Merkel as Hitler, lawmakers compared Austerity to the Holocaust and the Greek government suddenly started demanding German financial reparations for its occupation of Greece 70 years earlier (Mackey 2015). At the height of the crisis in February 2012, 33% of Greeks associated Germany with Hitler, 75% thought Germany was pursuing “fourth Reich” policies and 90% thought war reparations were fair (Katsikas 2020). On the other hand, many Northern European publics came to follow a simplified narrative of “responsible northerners” vs “lazy Greeks” (Chalanoiva 2013: 5-41). In other countries with recent histories of colonisation or occupation, similar discourses emerged. Ireland evoked its struggles against political and economic dependency on Britain in the 1920s to turn public opinion against international bailout conditions and, following its recovery and increased national confidence, used that same discourse turned upside down to reinforce adherence to the Euro as a counterweight to the perceived dominance of

the pound. In Poland, after its signing of the Fiscal Compact, Eurosceptic parties depicted this as a “surrender” and a betrayal of the liberation heroes of the 1980’s, while pro-Europeans presented it as a way to protect Poland from economic domination from Russia (Galpin 2017).

During the Brexit referendum campaign, and the subsequent withdrawal negotiations between the UK and EU, both parties drew on differently interpreted memories of WWII. For “Remainers”, their grandfathers had fought and died for a United Europe and EU membership represented the best chance for Britain to preserve that peace. Theirs was a rather literal interpretation of Churchill’s famous “United States of Europe” speech in which Britain was a critical member inside. For “Brexiters”, their grandfathers had fought and died for British independence and a sovereign and free Europe of nations, against Nazi supranational imperialism. Much like Greece in the Eurozone crisis, the “receiver” state drew anachronistic comparisons between modern Germany and the Nazi regime. Here Churchill’s vision is of Europe protected by outside guarantor UK struggling against an evil super state (Stratton 2019: 225-251). Similarly, during the refugee crisis, especially in Eastern European capitals, the memories of 1939-1989 were mobilised in the media and government in order to draw comparisons with the “Asiatic hordes” of Communism and barbarism incompatible with, and dangerous to, a supposedly organic and civilised Christian Europe (Dudzińska 2019). Drawing on “Day Zero” is thus an influential and often deployed political tool for member states to strengthen their negotiating position during crises, especially as “victim cards.” It puts into question the role of Politics of Regret in harmonizing collective memories and its relationship with European integration during crises. Is there also a formative link at the EU level? Luuk Middelaar has shown that the EU has grown increasingly familiar, and even comfortable with crisis management, and that this is in *Monetian* terms the crucible in which European integration is forged (Middelaar 2019: 1-21 and 265-269). How does this relate to the issue of Politics of Regret?

The results are heterogenous. The Eurozone crisis, while dragged out by years of political conflict and the aforementioned narratives of “responsible North” vs “Lazy South”, evolved from a consensus that intervention was too costly, through discussions of the impending collapse of the EU, culminating in the famous statement by Mario Draghi, President of the European Central Bank (ECB) that he would do “whatever it takes” to preserve “irreversible” European economic integration (European Central Bank 2012).

A narrative developed which linked the potential collapse of the Euro to that of economic chaos, a return to the unstable interwar years and thus, the conditions for a return to Nazism. The Euro, in other words, was irreversible due to the fundamental Politics of Regret of the EU. The aforementioned German memory of Nazism and “Weimar” syndrome played a central role in this evolving narrative, which shows again how central the German experience is for the development of Politics of Regret. The European Council responded with wide ranging reforms to EMU, including a stronger

ECB role in the supervision of banks, more fiscal coordination through the European Semester and the Fiscal Compact, the creation of the 500 billion European Stability Mechanism (ESM) and expanded bond-buying programs by the ECB. All of these measures, discussed for decades before, were suddenly implemented over the span of mere months. If decisionmakers are thus influenced by a Politics of Regret, is that a reflection of electoral interests through popular opinion? An interesting quantitative analysis from 2019 by Catherine de Vries, which conducted public surveys in France, Germany, Italy, Poland, Spain and the UK shows that when people are reminded of “day zero”, the devastations of WWII, they are indeed more likely to support economic integration and financial assistance to member states in need during crises (De Vries 2020: 138-154). However, the narrative does less to strengthen support for political integration such as freedom of movement or the creation of a European army. This empirical evidence can also be observed in the EU’s response to the migration crisis and Brexit, which did not lead to any broad public calls for structural reforms. The Dublin regulation remains unchanged, and beyond policy initiatives such as Permanent Structured Cooperation (PESCO), the UK exit out of the EU did not immediately lead to strong popular demands for EU military integration. However, both of these crises have brought the EU more into public view and have politicised what were, like the Eurozone crisis, usually technocratic discussions.

This is where Luuk Middelaar’s groundbreaking work on EU crisis management comes in. He states that every crisis makes the EU less of a “Union of rules” and more of a “Union of values.” The public is involved more, and decisions are made through more discursive processes as part of an ongoing soul-searching exercise of what the EU should be (Middelaar 2019: 1-21). This analysis fits into our conclusions on the development of a European Politics of Regret and how it has come to be increasingly politicised and integrative of contesting collective memories as Europe matures as a political and communal entity. Middelaar calls this process “dissensus” which increases the EU’s resilience in the long run through the harmonisation of conflicting perspectives. Commission President Von der Leyen hinted at this link between crisis, contestation and unity when she talked of a Europe “United in Adversity” on the 13<sup>th</sup> of May 2020 (European Commission 2020). Middelaar crucially point out that dissensus can only remain stable if there is an underlying cause that binds a community together amidst stress. As we have illustrated through parts 2 through 4, that is the Politics of Regret with a common, internal, self-reflective past; “day zero” as a shared enemy.

An important disclaimer here is that the memory of “day zero” can also strengthen exclusionary narratives (Finnsson 2020). Eurosceptics depict EU crisis management as that of a fascist or communist super state, depending on the Eurosceptic party being French or Polish. It is no coincidence that far-right Eurosceptic leaders, such as the AFD’s Bjorn Hocke or RN’s Marine le Pen often attempt to minimise or deny the Holocaust; they recognise its crucible power for European memory unity. However, the disintegrative narrative is usually less influential than the integrative narrative when it comes to the link between “day zero” and contemporary crises (von der Burchard 2020).



There is thus a strong link between Memory politics and crisis management in the EU, either as a tool to advance national interests or Eurosceptic motives, or further European integration. At the aggregate, even though this is mostly effective during crises of an economic nature, the EU Politics of Regret galvanizes pro-integrative decisions, even if this is impossible to fully quantify. "Dissensus" has become part of an evolving "EU of values" that despite public contestation achieves to be united in adversity, or forged in crisis, because fundamentally, a common, internal and self-reflective perspective on the past binds together national interests. To what extent is this the case for crisis management as a result of Covid-19 in the European Union?

## **5.2 Politics of Regret and EU responses to the Covid-19 Crisis: a case study**

This chronological discourse analysis of high-political statements of EU and Member State officials and intellectuals amidst Covid-19 will be limited to between March 2<sup>nd</sup>, when the Commission launched the Coronavirus Response Team and the 23<sup>rd</sup> of April, when the European Council adopted a 540-billion-euro economic rescue package and agreed to work towards a recovery fund. The former date is seen as the starting point for the Covid-19 crisis for the EU since it was in early March when Italy implemented a full-lockdown over northern Italy and the danger of a Eurozone wide recession first became seen as inevitable. The latter date is seen as the closing point for the immediate crisis since it marked a relative consensus over the economic and political steps to be taken in the coming months and rhetoric has calmed down significantly since. The period in between was a time in which infection and death rates were accelerating across the EU, both unilateral and common responses were being implemented at a rapid pace and various policy options at EU level were discussed and contested. Political rhetoric was at an all time high. What role did memory politics, specifically a Politics of Regret, play in its development<sup>9</sup>?

The first two weeks from March 2<sup>nd</sup> were marked by unilateral bans on medical equipment by countries, notably Germany and France out of fear of a potential lack of domestic supplies, Chinese and Russian public diplomacy propaganda, uncoordinated border closures and widespread accusations of a lack of solidarity for Italy from other member states and the EU itself. The first Eurogroup meeting on common economic responses on March 4<sup>th</sup> failed to lead to any progress. On March 9<sup>th</sup>, Italian Prime Minister Conte imposed a nationwide lockdown. This was followed by the first extraordinary digital European Council meeting, in which member states mainly agreed to lift medical export bans (after threats of infringement procedures from the Commission), and work towards common medical equipment procurement and distribution, but progress remained slow. On March 12<sup>th</sup>, the ECB announced a small asset purchasing program of 120 billion Euro, since President Lagarde claimed it was up to member states to come forward with fiscal responses first. This was received as widely inappropriate to the scale of the challenge by financial markets, which

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<sup>9</sup> Sources for this analysis can be found in the bibliography under the "primary sources" section.

plummeted. On March 13<sup>th</sup>, the World Health Organisation (WHO) designated the EU as the active center of Covid-19. After the second European Council meeting on March 16<sup>th</sup>, the Commission implemented a 30-day external travel ban to the EU. A second Eurogroup meeting on the 16<sup>th</sup> again failed to produce a common economic response. By March 18<sup>th</sup>, 250 million people were in lockdown across the EU, financial markets were racing to the bottom and talk of an impending EU collapse was at an all time high. Commission President von der Leyen would later say that during this period, Europe was “staring into the Abyss.” The next two weeks or so proved crucial in establishing an emerging narrative of the danger of falling into that Abyss, the return of “day zero”.

On March 16<sup>th</sup>, Macron declared that France and Europe were at war with the virus, and that a general mobilisation of society was required to overcome the challenge. Dutch Prime Minister Rutte talked of an “accelerating roller coaster” which presented dangers unprecedented in peacetime. On March 18<sup>th</sup>, Merkel called the virus the greatest challenge to German and European unity since WWII which required unprecedented solidarity. This sentiment seemed to seep into EU level decision making. On March 18<sup>th</sup>, midnight, the ECB announced a 750-billion-euro bond purchasing program accompanied with a statement by Lagarde that “extraordinary times require extraordinary action. There are no limits to our commitment to the euro. We are determined to use the full potential of our tools, within our mandate.” It was a clear nod to Draghi’s speech from 2012 and marks a clear reversal with the position held only a week earlier. On March 23, the general escape clause of the Stability and Growth pact (SGP) was activated, meaning member states could protect their economies with unlimited spending. Around this time, a narrative-split emerged on the next steps to take between Northern, fiscally stable countries which called for the activation of the ESM (a tool designed for asymmetrical shocks to one country with weak economic structures) and those Southern states with higher debt ratios which called for the implementation of so called “Eurobonds” (common debt instruments designed for symmetrical shocks to the Eurozone as a whole) The former would pose an unacceptable singling out of responsibility for the Southern countries, while the latter an unacceptable financial cost for the Northern countries. A tense debate, echoing sentiments from the Eurozone crisis, emerged chiefly between a block of countries led by the Netherlands (the so called “Frugal Four”), and Italy and Spain. Divisions over economic policy choices left the third Eurogroup meeting on the 24<sup>th</sup>, and the third European Council on the 26<sup>th</sup>, without agreement. At this stage, a group of Southern countries and several leading European intellectuals (also in fiscally strong member states), started using the memory of “day zero” as a leverage for greater EU economic integration.

Spanish prime minister Sanchez stated after the failed summit that “If we don’t propose now a unified, powerful and effective response to this economic crisis, not only the impact will be tougher, but its effects will last longer and we will be putting at risk the entire European project. The same mistakes of the financial crisis of 2008 which sowed the seeds of disaffection and division with the European project and provoked the rise of populism cannot be made.”

Draghi himself intervened on the 25<sup>th</sup> with a similar sentiment. "Faced with unforeseen circumstances, a change of mindset is as necessary in this crisis as it would be in times of war." Macron echoed this link between Covid-19, war, the risk of EU collapse and the need for common debt instruments on the 26<sup>th</sup> through an op-ed in 3 Italian newspapers. On the 28<sup>th</sup>, former Commission President Delors warned that "the tense climate between heads of government and the lack of European solidarity pose a mortal danger to the European Union." Former Italian PM Enrico Letta appealed to the Dutch public in an article in the leading Dutch newspaper on the 30<sup>th</sup>, saying that not sharing the burden would also put Dutch economic stability at risk. By the 1<sup>st</sup> of April, even a group of leading German economists made the appeal: "Europe can only live on if the Europeans now stand for each other". On the 2<sup>nd</sup>, Joschka Fischer and Jürgen Habermas called for the implementation of Coronabonds to foster a European Conscience. On that same day, Von der Leyen called for a huge recovery fund, describing it as a "European Marshall Plan", referring to a historical project which holds an important place in the collective memory of Europe's constructed overcoming of "day zero". On the 4<sup>th</sup>, Guy Verhofstadt claimed failing to provide solidarity to Italy would mean "tearing out Europe's soul." Sanchez that same day stated that "Europe must set up a war economy, either we cope, or we fall as a union" Even the pope echoed these narratives:

Today, the EU is facing a historic challenge, on which not only its future, but that of the entire world, will depend. Let it not miss the opportunity to demonstrate, once again, solidarity, even resorting to innovative solutions. It is the only alternative to the selfishness of private interests and the temptation to return to the past.

Merkel, the leader of the tipping-state for the outcome of any common European economic response, seemed to be more responsive to these sentiments compared to the beginning of the crisis when on the 6<sup>th</sup> she stated that "The EU is facing its biggest test since its foundation. Everyone is equally affected so it must be in everyone's interest that Europe should emerge strongly from this test." On the 9<sup>th</sup> of April, a 4<sup>th</sup>, marathon Eurogroup meeting finally led to a compromise on the contest between ESM and Coronabonds. It established a 540-billion-euro package, including 100 billion for the unemployment insurance programme *SURE*, 200 billion for small and medium enterprises, and 240 billion through the ESM with limited conditionality, thus somewhat alleviating Southern countries' concerns. It also mentioned the possibility for a recovery stage, funded through common debt instruments (crucially, not using the wording of "coronabonds"). It appeased both Northern and Southern camps, and on the 23<sup>rd</sup> of April it was officially adopted by the European Council. Since then, the political rhetoric has calmed down, national leaders do not engage in each other's public spheres through newspaper op-eds anymore, and a more technical discussion emerged on the form of a European recovery fund additional to an expanded Multiannual Financial Framework between 2021-2027 of 1075 billion Euro. That is not to say these later negotiations were irrelevant or could not have gone in various directions, but that the phase of the galvanising role of Politics of Regret was largely concluded and that in the broadest sense; institutional cooperation prevailed over

unilateral decision making. A broad plan was presented by the Commission on the 27<sup>th</sup> of May 2020 and after a tough marathon summit between 17-21 July, it was adopted as *NextGenerationEU*, a 750-billion-euro package made up almost half by grants, effectively implementing to a large extent the previously so contested “Coronabonds” (European Council 2020).

As this most recent crisis therefore demonstrates, which in many ways really is the biggest challenge to the EU since WWII in terms of expected economic impact, invoking the memory of “day zero” through describing a challenge as common, internal and self-reflective, a Politics of Regret narrative led to an economic “dissensus” which integrated the ESM and Coronabonds positions. Interestingly, that narrative, much like in that of the Eurozone crisis, was chiefly effective at strengthening pro-integrative arguments. The choice of a very specific technical instrument (coronabonds) was presented as a matter of life and death for the EU. Raising the stakes to this level, and invoking the widely resonating memory of a return to “day zero” through rising Euroscepticism and nationalism in case the economic response was insufficient, moved the position of critical decision makers, chiefly that of Germany (a country most receptive to these kind of discourses). Once the German position moved; consensus was quickly found. It is impossible to fully quantify this link, but the rapid succession of statements and political decisions outlined above does at least show that the influence of a European memory narrative on crisis management is a factor that deserves to be recognised and has often been overshadowed by analyses of pure economic or political interests. It confirms De Vries’ conclusions on the link between WWII discourses and willingness to accelerate economic integration, as well as Middelaar’s theory that the EU is moving from a “Union of Rules” towards a “Union of Values” marked by dissensus, public contestation but ultimately, integration. What Middelaar has described but not explained as the force which holds decisionmakers together amidst dissensus, this article has tried to identify as a Politics of Regret. With Germany of all countries having taken up the Council presidency in July 2020, in what was called the “corona presidency”, this link was more relevant than ever. In the end, the Union held. What is more; it entered yet another phase of institutional integration; fiscal policy through mutualised debt, further proving the link between Politics of Regret, Crisis Management and European Integration.

## Conclusion

The memory of “day zero” is a powerful political leverage for decisionmakers during crisis management at EU level. It has the strongest impact through discourses of integration and harmonisation but is also employed by Eurosceptics. However, this contestation between different collective memories is part of an ongoing phenomenon of “dissensus” in which the EU is becoming a union of values rather than simply a union of rules. Temporal othering through a Politics of Regret lowers antagonism and introduces a kind of safety check on the disintegrative effects of this dissensus since ultimately the memory of “day zero” prevents a breakup of the project.

There are a number of challenges to the continued effectiveness of a Politics of Regret. Firstly, it relies on a collective memory which, as more generations temporally drift away from Auschwitz, could potentially lose its mobilizing force. Recent Eurobarometer surveys show that more and more young Europeans are unaware of these crucial historical events and that anti-Semitism is on the rise (European Commission 2019). Secondly, as Europe welcomes new member-states and social communities such as migrants with entirely different collective memories (including, crucially, post-colonial ones), new challenges to harmonisation will arise. Thirdly, while Politics of Regret has a clear integrative impact on crisis management, that does not mean integration through crisis is necessarily a sustainable or desirable model. We have already seen that fatigue with crisis can lead to decreasing popular support for the EU. It could thus be fruitful for further research to investigate other potential sources of expanding this Politics of Regret to a more sustainable format, and how recent initiatives of participatory democracy such as the *Conference on the Future of Europe* could help play a part in this soul-searching exercise. Especially interesting is the narrative around Climate Change, which the EU has seized as an essential element in its quest to become a Global leader, and in which the recent transition of “Climate change” to “Climate Crisis” and other warlike rhetoric sound a lot like the link between Politics of Regret and Crisis management. *NextGenerationEU* is often described as a “European Marshall plan” as is largely centered around the *European Green Deal*, signifying an emerging link between the WWII narrative, crisis, and climate. After all, Climate Change is similar to “Day Zero” in that it is also common, internal, and self-reflective; it is universal and self-inflicted. Other research could expand on the role of Politics of Regret on the EU’s external relations, such as with Russia and accession states. The post-colonial challenges to the unity of this narrative, and its potential abuse as a “civilisational superiority” model are also interesting to look into.

This article has tried to expand upon the economic and political analyses of the EU as *sui generis* through the framework of a Politics of Regret. If it had a mind of its own, Europe would perhaps think to itself: *I Doubt therefore I am*. Adorno once claimed that there could be no poetry after Auschwitz. Yet there is also an old Jewish saying which goes: “There is nothing as whole as a broken heart.”



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## **Russian bear vs Snow Dragon? The geopolitics of the Arctic and the Sino-Russian relations in the region**

Alexandru Demianenco

### **Introduction**

At the dawn of the new millennium, the Arctic has already made its way up on the agenda of the circumpolar powers. With scientific exploration and economic exploitation of the region being in full swing, the interest in what the Arctic has to offer shifted from a predominantly security focus (asserted during the Cold War) towards an economic one. It is not any longer an unconquerable forever-frozen space, but a continuously unravelling treasury for those who explored its potential. One major factor in determining the changing perspective towards the arctic - the climate change. The melting ice gradually unfolds the riches of the most unexplored region in the world. With more open waters and thinner ice, the Arctic allows a radical change in long-distance trade. Extraction of minerals, wood material and other resources may also increase due to open waters. Yet while global warming opens new doors for harnessing the economic potential of the Arctic, it also comes with an astounding price - endangering entire ecosystems, jeopardizing economies and societies throughout the world and putting under question the future of humanity as a whole. However, some world leaders are determined to enter the gamble. One of them especially stands out - Russia's President Vladimir Putin.

For Russia's leader, ice melting caused by man-made global warming is nothing more than another change of landscape, like burning or cutting a forest - things that were done for centuries and contributed to the evolvment and prosperity of the humankind (France 24, 2017). This rhetoric is understandable, as the Arctic region is already bringing Russia 30% of its GDP and is predicted to rise as more trade will pass through the Northeast Passage (The Economist, 2018). However, for Russia, it is not only about the money. The Northeast Passage has the potential of becoming the shortest trade route between Europe and Asia. For instance, the route from Hamburg to Shanghai through the Suez Canal estimates roughly to 20.000 km. Through the Northeast Passage, it would take only 14.000 km (Evers 2013). Yet there is still a major challenge for shifting long-distance trade to the Northeast Passage - for now, it is still unsafe, lacks reliable and highly developed infrastructure and is open only 5 months per year (sometimes requiring an icebreaker to pass it). As Russia's relations with the West considerably worsened after the Crimea crisis, the country's search for foreign partners to invest in the development of its Arctic zone landed on China. For China,

who is asserting its “near-Arctic” state status, the region is highly interesting for several reasons: the hydrocarbon resources and their shipment, as well as the shortest route to Northern Europe. For now, both China and Russia seem enthusiastic about the partnership: optimistic declarations have been made at the highest level in both countries. Yet is the Sino-Russian cooperation in the Arctic spotless? What tensions could arise between these countries in the Arctic and why? How has the Arctic evolved to its current geopolitical significance as a region? These are the questions I attempted to answer in my article.

The geopolitics of the Arctic region is a widely researched topic, gaining momentum in the last decades, as global warming advances and changes the potential of the region. Authors like Barry Lopez, David Fairha, Elana Wilson Rowe, Thomas Hoffmann, Andrey Markarychev, Geir Honneland, Shelagh D. Grant, Marlene Laruelle, Laurence C. Smith, John McCannon, James Kraska, E.C.H. Keskitalo, Marc Lanteigne and others have researched the economic, security and geopolitical role of the Arctic, outlining various states’ interests and actions in the region. The Sino-Russian relations in the Arctic became a particularly interesting research topic after 2012 when the first Chinese vessels crossed the Northern Sea Route and “paved the way” for further cooperation between the countries in the region. Authors like Yun Sun, Marc Lanteigne, Andrea Passeri, Antonio Fiori and N. Miheeva stand out in the research on this issue. This article intends to fit within the existing framework of academic research of the Sino-Russian cooperation in the Arctic, yet also tries to focus on a particular aspect, touched upon more rarely than other factors: the potential confrontation between China and Russia in the region and the causes leading to it.

In my work, I appealed to the interdisciplinary approach in research, using a historical perspective to analyse the evolution of the Arctic as a geopolitical region, as well as the international relations’ theories of realism and neo-realism to analyse potential clashes of national interests of Russia and China in the Arctic. The key concepts used in my work are geopolitics (understood here as the influence of geography on international politics), legitimacy (referring to the acceptance of states’ authority in the Arctic, applied to Russia and China), cooperation and confrontation.

I have formulated three research questions for my work:

- (a) How have the geopolitical interests in the Arctic region evolved throughout time (from the 19th century until the present day)?;
- (b) What is at stake for China and Russia in the Arctic region?;
- (c) What disputes could appear between aforementioned actors in the future and why?

They are answered in the three chapters of the article respectively. The initial hypothesis formulated - “With the increasing accessibility of the Northern Sea Route due to the climate change in the Arctic, the jurisdictional controversy around it could cause rising tensions between Russia and China in the region.” – will be analysed in the last chapter, building on the arguments presented in the first two parts of the work.



The article is structured into three chapters. The first one analyses the evolution of geopolitical interests in the Arctic, with a special focus on the period from the 19<sup>th</sup> century until nowadays. The second chapter explores what is at stake for Russia and China in the Arctic, presents the claims and the legitimacy of both states in the region, as well as their main interests and activities in the Arctic. The third chapter analyses the dynamics of Sino-Russian cooperation in the region, emphasizing the role of the Northern Sea Route in this regard. At the same time, it includes an analysis of the initial hypothesis formulated and the reasoning of potential tension that could arise between China and Russia in this regard.

## **1. The evolution of geopolitical interests in the arctic from the 19th century until today**

The Arctic is the most mysterious and least explored place on the earth; one of the coldest places, covered with ice and permafrost. Tales about the forever-frozen far lands have captured the imagination of explorers for centuries, inciting them to long and dangerous expeditions. Since the first targeted and systematic attempts to explore the region in the 18th and 19th centuries, the success of the missions was very much determined by the weather and the technology. However, as the interests in the Arctic were shifting and the knowledge and technology were advancing, the frozen lands stopped being an explorers' dream and became a zone of real geopolitical and economic interest. This chapter aims to explore how these interests changed over time, as well as the main attempts taken to satisfy them.

### **1.1 Early exploration of the Arctic**

The acknowledgement of the existence of some far northern lands, indicated by the polar star, dates back to the ancient Greeks. Probably referring to the constellation Ursa Minor, they referred to these territories as *arktikos*, which meant "near the Bear, northern" and *arktos* (bear) (Liddell and Scott 1940).

The first travellers who attempted to sail north, however, were Phoenicians, around 1000 BC. They were merchants who were trying to find new markets and overseas colonies (The Economist 2018). It is believed that they managed to sail as far as the shores of Scandinavia.

However, the first polar expedition in the true sense of the word was carried out by the Greek explorer Pytheas, of which extraordinarily little is known. In 325 B.C.E., he embarked from the city of Massalia (today the city of Marseille) and sailed north, aiming to study the cold territories and search for amber and tin deposits. Pytheas crossed the British Isles and reached such northern latitudes that it would have been necessary to sail further through the ice. Most probably, he got as far as Iceland (Encyclopædia Britannica 2009). This trip, which lasted a little over a year, was of such

great interest that he described it in his work *"On the Ocean"*. The latter was lost but was recalled by other Greek historians, Polybius and Strabo (Encyclopædia Britannica 2019).

At the same time, even in this early period, the Arctic was not an uninhabited territory. Despite its tough environment, around 5000 years ago (Grant 2011: 30), the first inhabitants started settling there - the so-called *Palaeo-Eskimos* (the "old Eskimos"). These inhabitants were in a constant movement through the region of Arctic and Siberian Tundra, looking for food and surviving the harsh climate. Thus, by cca 2000 BC, most of the Arctic was populated by small and scattered groups of Palaeo-Eskimos (McGhee 1996: 104). Their only means of existence was fishing and hunting, as the region did not offer any possibilities of practising agriculture. From this perspective, the region did not present great interest for modern humans, way up until the 18<sup>th</sup> century.

During the 8<sup>th</sup> until late 10<sup>th</sup> century, the northern routes also became attractive for the Vikings, who started facing overpopulation. As the raids started to become insufficient for supporting their way of life, the Vikings started to populate the lands they once fought on. They created trade routes between the nowadays Denmark, Norway, the United Kingdom, Russia and Iceland. The Vikings were highly active in those regions and founded a lot of small villages for farming purposes. Although they left scant information about their voyages and conquests or rides, it was later rediscovered by numerous explorers.

With the formation of modern states, such as the United Kingdom, Russia, Canada, Netherlands and the United States, the Arctic gained new importance to the neighbouring countries. The systematic exploration of the region began with the development of the Northern Sea Routes. The quest for the Northwest Passage ("a route westward from the Atlantic Ocean to the Pacific Ocean through the Arctic Archipelago") (Encyclopædia Britannica 2020) and the Northeast passage (a route eastward from the Barents Sea to the Chukchi Sea) was the world's severest maritime challenge. However, with the advent of the steam engine and new naval technologies in the 19<sup>th</sup> century, the conquest of the northern routes became more possible. Each Arctic bordering country attempted their best to discover the potential of the Arctic.

## 1.2 The advancement of the 18th - 19th centuries

In the 18<sup>th</sup> and 19<sup>th</sup> centuries, the Arctic exploration was still scarce and inconsistent. As the region's resources were yet poorly discovered, the main interest for its exploration was scientific. Naval officers, research and adventurers embarked on expeditions to finally cross the frozen realms, however, after multiple unsuccessful attempts, only one of them was successful by the end of the 19<sup>th</sup> century. Depending on their particular interests in the Arctic, the neighbouring countries took different approaches and actions towards its exploration.

## United Kingdom

A more consistent and ambitious approach towards Arctic exploration emerged with the 19th century. The most prominent country in this regard, unsurprisingly, was the United Kingdom of Great Britain and Ireland.

A significant impulse for exploring the Arctic region was, in fact, of logistical nature. At the end of the Napoleonic wars at the beginning of the 19th century, the British navy found itself with an arsenal of approximately 773 ships, 4.000 officers and 140.000 sailors (Francis 1986: 71). Since they were no longer involved in military action, a new *raison d'être* had to be provided for them. While the lower-ranked sailors were sent back home, the situation was more complicated for the navy officers, who couldn't have been dismissed that easily. In this regard, the Admiralty directed them towards the exploration of new territories. Their main tasks were thus scientific research and mapping of new territories. The main destination for these expeditions was the African continent. The situation changed only after 1816 when a disastrous failure in Congo determined the Admiralty to look for other destinations. A pivotal role in this regard was played by the Second Secretary of the Admiralty, John Barrow (Fleming 1998: 2).

Barrow was a very influential figure in the Admiralty. He was fiercely passionate about stories of the frozen northern lands and the tales about their possible maritime penetration. Barrow was particularly inspired by the report made by whaling captain William S. Scoresby (Grant 2011: 101). He was thus keen on finding routes that would ensure the shortest and safest access of British trade to Asia. Following his lobby, the Admiralty sent in 1821 two expeditions for finding the Northwest passage, through the Hudson Bay and the Foxe Basin. Only until 1854, Robert McClure, during the rescue mission, made one-way transit through the Northwest Passage in 2 years by using more than one ship and partly by walking (Encyclopædia Britannica 2020).

The further exploration of the Arctic was significantly impacted by the expedition of Sir John Franklin. On May 26, 1845, the expedition sailed on two ships - *HMS Erebus* and *HMS Terror*, with 128 men on board, set to discover the Northwest Passage (McCannon 2012: 153). The expedition was one of the most prepared for that time, having the ships upgraded to the steam engine and a fortified hull and were equipped with supplies for three years. Franklin was remarkably close to succeeding, however, as it was later revealed, his ships were gripped by ice and abandoned by the crew, resulting in the death of the entire expedition (Encyclopædia Britannica 2020).

Even though the expedition itself didn't contribute much to discovering Arctic routes, further rescue missions played an important role. 12 years after the disappearance of the crew, approximately 40 rescue missions were sent to find it. They brought back valuable information about the region, which inspired future adventurers to continue the mission of finding the Northwest Passage. These rescue missions learned a lot about the Arctic, but truly little about the fate of Sir John Franklin. It was only in 1856 that Captain Francis Leopold McClintock found bodies of

the crew, a small boat and a note that mentioned that Sir John Franklin died on June 11, 1847 (McCannon 2012: 133). One of the most popular poems in 1850 in England was *Lady Franklin's Lament*, with its refrain (McCannon 2012: 134):

The fate of Franklin no tongue can tell,  
Lord Franklin alone with his sailors doth dwell.  
And now my burden, it gives me pain,  
For my long-lost Franklin, I would cross the main.  
Ten thousand pounds I would freely give  
To know on earth that my Franklin doth live.

### Russia (Russian Empire)

Another country with a significant presence in the Arctic during this period was the Russian Empire. The Russian contribution in the region was particularly important starting with the reign of the Peter the Great (1682 – 1725). In the middle of the 18th century, Vitus Bering, a Danish-born officer of the Russian fleet, led the Great Northern Expedition on the Russian coast of the Arctic. Due to this expedition, the scientists were able to compile the most valuable cartographic and hydrographic material. Moreover, Bering discovered the strait between Chukotka and Alaska, which now bears his name; explored the coastal part of the Russian Arctic and reached North America. It is due to him that a lot of new islands appeared on the map (Encyclopædia Britannica 2020).

The Russian motivation to explore the Arctic was mainly impelled by the necessity to explore its territories, to find routes of access to the far lands of Siberia, to provide food resources by fishing (especially whales fishing) and to get national prestige from the discovery of new lands and routes. However, in the 18<sup>th</sup> and 19<sup>th</sup> centuries, there were many obstacles to achieving this objective for the Russian navy. Among them were the foreign focus on the European maritime wars (especially in the Black sea); the insufficient financial resources for expeditions; the precarious technological progress and the mediocre knowledge about the Arctic (Nietzsche School of Advanced International Studies 2010).

The biggest breakthrough, however, was achieved by joint efforts of the Russian and Swedish empires. In 1878, the Swedish-born Nils Nordenskiöld sailed his 300 tonnes *Vega* ship (equipped with an auxiliary steam engine and a fortified hull) from Tromsø (Norway) through the Bering Strait. He succeeded to be the first one to cross the Northeast Passage with no loss of staff or equipment. It took another half of the century, however, for the route to be crossed with a commercial purpose, with the help of Soviet icebreakers (Grant 2011: 280).

### Canada

Canada's interest in exploring the Arctic was fairly low until the 19th century. As was the case for the United Kingdom and the U.S.A., the subarctic territories did not present much value in themselves - they were interesting only for their fur resources

and some minerals. The situation changed, however, after the proclamation of the Canadian Confederation on July 1, 1867 (with the Constitution Act of 1867) and the purchase of Rupert's land in 1868 (through the Rupert's Land Act of 1868). Canada found itself in need to explore its territories. Aiming to facilitate the research and economic development of the region (especially for the scientific studies), to produce a detailed mapping and to ensure successful attempts of reaching the North Pole, whale stations, ports and forts were built, the most famous one being Fort Conger (one with the same name was also built in the US) (Bertulli 2013: 314).

### **United States of America**

After the John Franklin expedition, it was considered that it's impossible to find the Northwest passage and that "the heyday of the Admiralty polar exploration had come to an end" (Grant 2011: 113), at least for a while. Meanwhile, the exploration expeditions in the following years shifted towards the Arctic ocean. The leading role in the latter was undertaken by the Americans, (Grant 2011: 115) who were seeking unclaimed territories, among whom the most prominent were Dr Isaac Israel, Dr Elisha Kent Kane and Charles Francis Hall (Encyclopædia Britannica 2020). Even though officially the Arctic lands were labelled as "no man's land" by the U.S.A, the exploration of the region was impelled by the expansionist movement. The explorers were free to sail in this region and were not obliged to notify the government about their expeditions. The American interest in the Arctic gained strategic and conscious importance especially after 1897 after the USA bought Alaska and was seeking to unite all North America (Grant 2011: 125).

### **Denmark**

Denmark's interest in the Arctic was mainly connected to the colonisation and assimilation of the Inuit population in Greenland. In the 19th century, Denmark's presence on the icy island posed more challenges than advantages: it posed financial difficulties for supporting the region (since agriculture was almost impracticable) and brought little or no revenue from the resources of the island (such as valuable minerals and fishery) because of the costs for transportation. At the beginning of the century, Danes discovered cryolite mineral in the southern part of Greenland, but it took over 50 years to start using it. It was only at the end of the century that two scientists (French and American) discovered how to create aluminium from cryolite, thus making the mineral extremely valuable. Thus, the Danish exploration of the Arctic was very modest during the 19th century, focusing primarily on nature exploration and meteorology (Grant 2011: 153).

### **Norway and Sweden**

The Scandinavian countries had a big role to play in the arctic exploration. One of the factors facilitating it was quite progressive and developed Norwegian exploration



society. A significant milestone for Arctic exploration occurred after the unification of Norway and Sweden (by the Treaty of Kiel of January 14, 1814) and at the end of the Napoleonic wars, when the United Kingdoms of Sweden and Norway started using its experienced sailors for exploration. The success of their missions was enhanced by the facile construction of Scandinavian ships - they were well adapted to cold weather and ice, small and therefore very manoeuvrable. Thus, it was no surprise that the first man to cross the Northwest Passage was a Swede, Baron Nordenskiöld (Encyclopædia Britannica 2019). His success in finally crossing the ice realms was a game-changer for further Arctic exploration and the policies towards it in the troublesome 20th century.

### 1.3 The growing importance of the Arctic in the 20th century

During the 20th century, the Arctic exploration was subject to a major change, mainly due to technological progress, the advance of scientific research, the growing role of aviation, offshore drilling, submarine travel and nuclear icebreakers, as well as the discovery of the new resources in the region. Thus, the interest in the Arctic grew significantly in this period, making the presence in the region more attractive to the bordering powers. Even though the claims over these territories started to become more prominent, they were safeguarded by the already established borders of the neighbouring countries. The disputes were solved quite peacefully, through negotiations and agreements, with the United Nations and the International Court of Justice as main facilitators of peaceful agreements. Because of the Second World War and the Cold War, the Arctic region gained new security importance for Europe and North America, resulting in the influx of Soviet, American and European troops. The discovery of the oil and gas in the region generated another wave of tensions, that created the necessity to negotiate the sovereignty rights to the waters within the United Nations Convention on the Law and of the Sea.

The 20<sup>th</sup> century started with an especially important discovery made by the Roald Amundsen, a medic and explorer from Norway. Between 1902 and 1906, he sailed through the Northwest Passage in the small ship *Gjoa* and brought valuable studies in the meteorological field, as well as observations about the Inuit population of the King William Island. Most importantly, however, he managed to determine the then-current location of the Magnetic North Pole (McCannon 2012: 184). This discovery was met with a relative scepticism in Canada, whose authorities feared that the Northwest Passage would be declared an international strait and that Canada would thus be encircled. This configuration would have made Canada more vulnerable towards its neighbours and would impact high defence costs, mainly because of the necessity to develop a northern patrol fleet and military bases in the Arctic (this issue is still recurrent in Canada even today) (Burke 2018). After his successful expeditions in the Arctic and the Antarctic, Amundsen wrote several books - *The conquest of the South Pole* (1912), *My life as a polar scientist* (1927), *The Northwest Passage* (1909) - which inspired a lot of explorers and has motivated governments to finance more exploration missions.

After the start of the First World War, the main focus in the Arctic has shifted from exploration towards war-related and reconstruction problems. Aside from the Amundsen discoveries, the first half of the 20<sup>th</sup> century hasn't brought significant progress in Arctic exploration. The situation changed drastically in the period of the Second World War. A lot of resources were invested for Arctic exploration, mainly directed towards creating a system of meteorological stations that would provide accurate meteorological forecasts for the air and naval forces. The Soviet Union, for instance, built weather stations and communication posts for supporting the convoys of supply ships through the Northern Sea Route (Grant 2011: 265). Until 1930, they have built 19 weather stations (Serikova 2016: 38) in the north. The Germans also attempted to build weather stations for supporting its U-boats and aeroplanes on the eastern coast of Greenland but were stopped by the Americans. The construction of meteorological stations totally changed the perception of the importance of the Arctic region (Furberg 2018). Therefore, during the war and afterwards, a system of weather stations was expanded all over the Arctic region. Even nowadays, flights between Eurasia and North America are totally dependent on the forecast from the Arctic (Grant 2011: 279).

The main change in the development of the Arctic in the 20th century, however, was impelled by the Second World War. Following the Japanese fortification of its Pacific power, the USA perceived it as a necessity to fortify its maritime borders. In 1940, the USA started building new airports, military bases and forts in the region. It wasn't militarized until June 1940, when the Congress approved the militarization of the region and American troops were sent to Alaska. Canada has also joined the military development of the Arctic, extending the Yukon Southern Airway to link Edmonton (Alberta) with Fairbanks (Alaska) (Grant 2011: 279). This link became known by the name Northwest Staging Route and was initially envisaged as a route for troops supply to Alaska, later being used for sending Lend-Lease planes to Russia (Grant 2011: 270). After the Japanese attack on Pearl Harbour in December 1941, the United States sent additional troops and civilians to Alaska, aiming to build more military facilities. The latter-built railways that would facilitate easier access to Alaska and the Canadian Arctic. As a result, during the wartime, the Canadian and US territories in the Arctic boomed in construction of communication stations, roads, railways, radar stations, telegraph lines, as well as oil drilling mines and refineries, which were one of the most expensive projects in the Arctic (Grant 2011: 280).

During the Second World War, the main attention in the Arctic region was shifted towards the Northeast Passage, which became a confrontation point between the Allies and Nazi Germany. As the latter aimed to expand its influence zone to the Arctic, the United Kingdom was the main player to block the German presence in the region. In the summer of 1940, the German cruiser *Komet* used the Northeast Passage to hide from the British ships, thus pinning the potential strategic importance of the Arctic. Aiming to avoid its encirclement and assist the Allies in the fight against Germany, the UK focused on protecting Greenland, Murmansk ports and Iceland. The Allies

bordering the Arctic (the United Kingdom, USA, the Soviet Union and Canada) worked together in providing each other precise forecasts and information, mainly relying on the Soviet, American and Canadian meteorological stations. Moreover, the passage was an important route during the war - after the attack on Germany, the Soviet Union moved its Pacific fleet and supplies from the far territories to the European Russia through the Northeast Passage. In this regard, protecting the Murmansk port in the Barents Sea was a key point in the Soviet defence strategy, the latter being the ground for numerous confrontations between the Soviets and the Germans (Global War 2017).

After the end of the Second World War, as important investments have been made in the region, the Arctic territories have doubled their population. In Alaska, according to the census of 1950, the population grew to 112.000 people (with 26.000 additional militaries), compared to the 72.500 registered in the census of 1939. In Siberia, by 1950, there were about 2 million people, mostly residing in urban areas. A lot of them, however, were victims of forceful deportations from Eastern European countries. In the same year, in Greenland, there were over 20.000 registered (Grant 2011: 287). The zone began to be demilitarized immediately after the end of the Second World War, however, not for long (Grant 2011: 286). A new chapter was to be unravelled in history - the Cold War - that would determine the most important and fruitful period of Arctic exploration and exploitation.

As the powers realized the potential and importance of the Arctic during the Second World War, the region quickly became an important target during the Cold War. They had now a good geographical understanding of the region and had much more advanced technologies to start the intense exploitation of the Arctic. The USSR launched an active development project in the region: they built the Northern Fleet and created drifting stations. In 1957, they built the first atomic icebreaker - *Lenin* - that marked an important milestone in the history of Arctic development. The USA and Canada have also noticeably intensified their activity in the region, especially since their main rival was getting much closer to the North Pole. In 1946, General H. H. Arnold of the USAAF claimed that if a third world war was to start, "its strategic centre would be the North Pole" (Grant 2011: 286). A year before, in September 1945, US President H. S. Truman announced the claims of his state to the Arctic basin and proclaimed that the resources of the surface and subsoil of the continental shelf are the property of the United States. The justification of these claims became, as UN International Tribunal for the Law of the Sea judge Kolodkin stated, a fundamental contribution to the development of a new customary rule of international law. The arguments evoked by the White House were that "the continental shelf is flooded land adjacent to the shore and covered with water no more than 200 meters deep" (Krueger 1970: 444). The same argument served as the basis for most of the internal acts adopted by other states in 1945-1957, in one form or another (Kammerhofer 2004: 534).

The 20th century is also marked by the beginning of multilateral cooperation in the region, launched with the signing of the Agreement on the Conservation of Polar

Bears in 1973 (Agreement on the Conservation of Polar Bears 1973). More important, however, was the *Murmansk initiative* of Gorbachev (1987), which, as some point out, marked the end of the Cold War beyond the Arctic Circle and laid the foundation for the activities of international organizations on a regional scale. The initiative was aimed at establishing a “zone of peace” in the North, including the establishment of a nuclear-free zone in Northern Europe, the development of cross-border cooperation on the development of mineral resources, scientific research, and environmental protection (Gorbachev 1987).

#### 1.4 The current interests in the Arctic

The incursion into the development of the Arctic during the last three centuries indicates the growing interest in the region and its importance for the global powers. The legal framework established in the 1920s and 1930s provided for the sectoral division of the territory beyond the Arctic Circle. According to these rules of division, the coastal Arctic states can determine the boundaries of their polar possessions in sectors. Nowadays, the main struggle concerns the territories adjacent to the North Pole, located outside the territorial waters of the bordering states. This fact determined the intensification of international cooperation in the field of maritime law, especially after the end of the 20th century (Young 1985-1986: 172).

An instrumental act for the nowadays claims over the Arctic is the 1982 UN Convention on the Law of the Sea, which became the most comprehensive instrument of international maritime law. This act served as a basis for the conventional division of the Arctic. Specific importance in this regard is carried by Article 137 of the Convention, which states that “No State shall claim or exercise sovereignty or sovereign rights over any part of the Area or its resources, nor shall any State or natural or juridical person appropriate any part thereof” (Van 2014: 38). The same article states that the resources of an Area shall be perceived as the property of all humankind (Van 2014: 38). Thus, this grants the right to all states, regardless of their geographical location and the presence or the absence of access to the sea, to develop the resources of the area and carry out marine scientific research. Thus, this act creates a contradiction: while 200 nautical miles of the continental shelf are granted as maritime borders of a state, it does not abolish the sectoral principle of border determination for the Arctic states. Moreover, countries like Brazil, India and China, which are not bordering the Arctic region, are granted the opportunity to explore it and to become leaders in the study and development of a new geopolitical region. This fact determines countries to massively invest in technologies that would give them an advantage in advancing in Arctic exploration. Understandably, this poses serious challenges for states bordering the Arctic. The best example in this regard is Russia: having lost its former power by the end of the Cold War, at the turn of the millennium, it had to start the technologization process all over again, but at a way faster pace. The urge is amplified with the Arctic’s categorization as an independent object of

state policy, which puts it under special national interests for Russia. Official documents define the Arctic zone as part of the Arctic, which is subject to Russian jurisdiction. Considering the race for the Arctic, many scholars labelled it as “a region that is as closely involved in the processes of globalization as it shows clear signs of regionalization” (Mazur 2010: 94).

Thus, the list of participants in the Arctic dialogue has expanded significantly, shaping a new order in the region. According to Van Tszuntau, the current cooperation in the arctic can be consequently characterized through four main factors (Van 2014: 38).

Firstly, the states are still the main actors in the region. Although according to the UN Convention on the Law of the Sea, only five states directly bordering the Arctic (the *Arctic Five*: Denmark, Canada, Norway, Russia and the USA) have rights to develop the shelf and use the region’s resource potential, several states are challenging the exclusive rights of these countries to Arctic resources. For instance, Finland and Sweden qualify the policies pursued by the Arctic states as destabilizing and stress on the fact that the Arctic resources belong to all mankind. Thus, in their opinion, the development of mineral deposits and fishing activities should fall within the framework of wider international cooperation (Van 2014: 39). Other actors attempting to get involved in the development of resources in the Arctic are: the EU, South Korea, Japan, China, Singapore, Brazil, India and France; and it looks like the list of countries is only growing. Even though the UN Convention does not provide them with express rights in the region, it does not prohibit the involvement either (Ministry of Foreign Affairs and International Development of France 2016).

Secondly, the main role of intergovernmental organizations in the Arctic is to provide a platform for negotiations and coordination of activities. The pivotal organization in this sense is the Arctic Council, created in 1996. Another important multinational player is the Nordic Council of Ministers (established in 1971), the Council of the Baltic Sea States (formed in 1992) and the Council of the Barents/Euro-Arctic Region (created in 1993). The main areas of action of these Councils are: environmental protection, sustainable development, social issues, cultural and youth projects, the development of information technologies and communications, as well as research and educational projects (Van 2014: 39).

Thirdly, growing importance is given to environmental non-governmental organizations, such as HELCOM, BELLONA, the International Arctic Science Committee, the *Association of World Reindeer Herders* (WRH), the *International Work Group for Indigenous Affairs*, the *Liveable Winter Cities Association* and others (Van 2014: 39).

Finally, the resources-rich Arctic becomes more and more attractive for transnational corporations that transform the economic appearance of the region, as well as the political one. Nowadays, the region is most attractive for oil and gas producers and refiners, but also for financial institutions like the European Bank for Reconstruction and Development, the European Investment Bank and the Investment



Bank of Northern Europe (The Guardian 2019). Each of these organizations follows its own interests. However, the stable environment of the Arctic, the predictability of development and preserving a constructive dialogue remains to be important objectives for Arctic cooperation.

As it was shown in this chapter, the Arctic region has been the ground for increasing interest of the neighbouring states in the last two centuries. Following the rather scarce and relatively crude attempts of Arctic exploration in the 18th century, the bordering countries took a more consistent and rational attitude towards discovering and valuing the northern territories. With technology advancing, more qualified human resources becoming available, bigger interest from the states and a growing appetite for adventure, the 19th century was pivotal in making the first conscious steps of exploring the Arctic. It stopped being an ephemeral dream of storytellers and became a pinpoint for those who saw geopolitical and economic potential in the region. As a result of growing knowledge and interest in the Arctic, the latter became the battleground of the first “race for the Arctic” in the 20th century (Politico 2020). It suddenly became a much-desired strategic objective for the belligerents in the Second World War. Even though none of them succeeded in militarizing these territories, important progress was achieved in Arctic exploration and exploitation due to massive investments of the countries. The main focus on the military and security potential of the region was preserved up until the end of the Cold War. However, not for long. As the tension *melted* between the countries at the verge of the new millennium, the latter unravelled the great economic potential of the region, laying the grounds for “a second race for the Arctic”. However, this race did not include anymore only the bordering countries; the rich icy territories also attracted such players as the EU, Korea, Japan, China, Singapore, Brazil, India and France, who seek to benefit from the economic potential of the region. This shift attracted intergovernmental and non-governmental actors as intermediaries in the race, thus expanding the range of actors involved in the Arctic. In this regard, we have every reason to speak about the formation of a new global region (World Economic Forum 2016). The following chapters will look particularly into the interests of Russia and China in the Arctic.

## **2. What is at stake for China and Russia in the Arctic?**

### **2.1 What is at stake for Russia in the Arctic**

#### **2.1.1 Russia’s claims in the Arctic**

Being a successor state of the Soviet Union, Russia inherited the Arctic legal borders drafted in the 1982 UN Convention on the Law of the Sea (UNCLOS), which was signed by the USSR. According to UNCLOS, each state was assigned control over 12 nautical miles of the territorial sea, 24 nautical miles of the continuous zone and 200 miles of the exclusive economic zone (Laruelle 2014: 94). Yet conflicting claims

over the Arctic continental shelf and the authority to regulate ice-covered areas within national jurisdiction included in Article 234 of the Convention determined Russia to engage in a series of disputes with other circumpolar states (Burgess 2017: 61).

The issue of delimitation of Arctic waters under Russian jurisdiction dates back to the beginning of the 20th century. When in 1909 Canada applied the sectoral principle in delimiting its sovereignty over the lands between the territorial border and the North Pole, the Russian Empire quickly followed it by doing the same thing. In 1916 the latter notified the Allied powers about the lands possessed in the Arctic. The Soviets, which replaced the Tsarist regime, held up to this delimitation and developed a further policy towards the Arctic based on these pre-established claims (Burgess 2017: 61). Yet the question of legal validation of these borders arose only in 1982 when the states proceeded to codify the law of the seas within the framework the UNCLOS. However, since the ratification of the convention took 12 years and by that time (1994) Russia was caught up in internal chaos, the issue of formalizing Russia's revendication of the Arctic sector bordering its territory came up only in 2001. In fact, Russia became the first state to file a claim at the Commission on the Limits of the Continental Shelf in New York, asking to extend its jurisdiction over the Arctic waters beyond the 200 nautical miles of exclusive economic zone granted by UNCLOS. They included in their claims a large area of the continental shelf between eastern and western sector lines, part of it going up to the North Pole, following the same sectoral principle as their predecessors did in the early 1910s (Honneland 2016: 45). However, their revendications were rejected by the Commission, a decision to which Russia submitted.

In legal terms, Russia managed to settle the major disputes over its share of the Arctic. In 1990, its predecessor, the USSR, signed an agreement with the United States on establishing the border in the Bering Sea and finally settling the long-standing tension. Although the Russian parliament never ratified this agreement, its provisions are respected by both countries. In 2010, a forty-year-long particularly important border dispute in the Arctic was settled with Norway over maritime boundaries in the Barents Sea, equally dividing the zone claimed by both states (Trenni 2014).

### **2.1.2 Russian policy towards the Arctic**

In what concerns the legal regulations of Russia's activity in the Arctic, there are more than a dozen various documents - decrees, orders, regulations and strategies - that regulate the field. Considering the volume limitations of my work, I will further focus on two key acts regulating the Russian policies in the Arctic - the "Foundations of the Russian Federation's state policy in the Arctic until 2020 and beyond" adopted in 2008 and the "Russian Strategy of the Development of the Arctic Zone and the Provision of National Security until 2020" adopted in 2013.

The first comprehensive official document issued by the Russian government regarding the Arctic is the 2008 "Foundations of the Russian Federation's state policy

in the Arctic until 2020 and beyond” (Klimenko 2014: 3). Firstly, the document demarcated the territories of the Russian Arctic Zone: the Republic of Sakha (Yakutia), the Murmansk and Arkhangelsk regions, the Krasnoyarsk Territory, the Nenets, Yamalo-Nenets and Chukotka Autonomous Districts, as well as lands and islands indicated in the 1926 Decree *On the declaration of lands and islands located in the Arctic Ocean the territory of the USSR* and the internal marine waters, territorial sea, exclusive economic zone and continental shelf bordering them (Russian President 2008). Thus, the Russian government reasserted the Soviet demarcation of this region, thus showing its intentions to maintain its hold over the heritage left by the Soviets. Secondly, the strategy outlined the four main priorities of Russia in the Arctic, defined as national interests (Gladun 2018):

1. The use of the Russian Arctic Zone as a strategic resource base of the Russian Federation, providing solutions to the problems of socio-economic development of the country;
2. Preservation of the Arctic as a zone of peace and cooperation;
3. Conservation of the unique ecological systems of the Arctic and
4. The use of the Northern Sea Route as a unified national transportation link between Russian territories in the Arctic.

These plans were met with optimism by the rest of the world, as Russia prioritized economic development and peaceful cooperation in its further Arctic activity (Turner 2015: 14). One particular aspect of the strategy, however, would prove controversial: Russia’s intentions to maintain jurisdiction on international shipping through the *Northern Sea Route* (NSR) (Turner 2015: 14). This provision, stemming from Article 234 of the UNCLOS, would later raise contestation from the US and the EU, yet didn’t spark any open confrontation between these powers. The 2008 strategy places sovereignty as the main strategic goal of Russia in the Arctic, claiming the primordality of protecting and securing the Russian borders lying in the Arctic zone (Turner 2015: 14).

Another vital direction of Arctic development was laid down in 2013 in the “Russian Strategy of the Development of the Arctic Zone and the Provision of National Security until 2020”. The document extended the list of Russia’s priorities in the Arctic to the following (Russian President 2013):

1. Comprehensive socio-economic development of the Russian Arctic Zone;
2. Development of science and technology;
3. Creation of modern information and telecommunication infrastructure;
4. Ensuring environmental safety;
5. International cooperation in the Arctic;
6. Ensuring military security, protecting and guarding the state border of the Russian Federation in the Arctic.

A specific emphasis was put on the first priority: socio-Economic development of the Russian Arctic, which includes improving the quality of life of the indigenous population and social conditions of economic activity in the Arctic. The document

also prescribes particular mechanisms for the implementation of the strategy, yet the *leitmotif* of Russia's goals in the region mirrors the policy of 2008: protecting the national interest by asserting the maritime delimitation of the Russian Arctic border (Klimenko 2014: 12).

Both these strategies, however, were not followed by the necessary implementing legislation, as the draft law "On the development of the Russian Arctic Zone" never came to be adopted (Gladun 2018). This left Russia with general guidelines for the exploitation of its Arctic Zone, perhaps waiting for the rapidly moving climate change to indicate the most advantageous next steps to be taken. In April 2019, the Russian President Vladimir Putin announced the plan to draft and adopt "a new strategy for the development of the Russian Arctic up to 2035", which would combine all the previously set priorities with new plans of investment and development. The act was expected to be adopted by the fall of the same year, however, no document in this regard was voted yet (Plenary session of the International Arctic Forum 2019).

### 2.1.3 Legitimacy of Russian presence in the Arctic

Russia views the Arctic as the source of national identity and cultural uniqueness. Siberia, especially northern Siberia, was viewed throughout the years as the birthplace of "Russianness", the place that makes them Eurasians rather than Europeans.

Ever since the 16th century, when the last Siberian Khanate was conquered, this territory became a symbol of freedom and a refuge space for peasants, slaves, Old Believers, fugitive political prisoners and all those seeking adventures (Honneland 2016: 31). The Russian classicists of the 18th and 19th century referred to the North as a "symbol of Russianness", an almost holy place where God himself came from (Honneland 2016: 32-33). The importance of the North continued to be asserted even after the fall of the empire, as the Soviets made the Arctic one of the central priorities for development. During the Soviet regime, involving means of propaganda, the Arctic became a symbol of the Soviet man defying the laws of nature and conquering even the most inhospitable environment (Khrushcheva and Poberezhskaya 2016: 549). The Soviet government promoted special rhetoric on the almost "messianic" importance of the Arctic, which is described by John McCannon as the "Arctic Myth" (McCannon 1998: 9). It is during the Stalinist years that the narrative on the deeply rooted historical presence of Russians in the Arctic was born. However, the primordality of the Arctic faded away after Stalin died. Yet the memory of the greatness and vital importance of the "Red Arctic" persisted in the Russian consciousness up until nowadays. Today's Russian government asserts the narrative that the Arctic is an inherent, if not primordial, part of their national identity, thus seeking to justify their ambitions in the region.

Referring to Anthony Smith's theory of "territorialization" of national identity, Nicole Bayat Grajewski underlines that "territorial symbolism and geographic

narratives legitimize the Russian Arctic policy (Grajewski 2017: 146). She emphasizes the fact that the concept of the geographical uniqueness of Russia, linking the Arctic territory with people, justifies the country's aspirations in the region and ensures domestic support (Grajewski 2017: 146). The "rebirth" of the Arctic is thus presented as a key to the rebirth of Russia itself and its glory (Grajewski 2017: 146). Moreover, the attachment towards the Arctic as a source of national identity is fostered by the fact that the domination in this region is perceived as a compensation for the greatness lost after the collapse of the USSR (Grajewski 2017: 150).

At the same time, there is a reverse approach towards the relationship between the Arctic and the Russian identity. While the Russian government asserts the rhetoric of "Russianness" stemming from their historical ties with the Arctic, some scholars argue that it is actually the pragmatic interests in the region that determine Russia to *build* itself an Arctic identity (Khruscheva and Poberezhskaya 2016: 548). On the one hand, the government is seeking to convince the international community of Russia's uniqueness as a legitimate "Arctic power", that would justify their claims and their ambition to become the dominant voice in the region (Khruscheva and Poberezhskaya 2016: 549). On the other hand, this narrative also needs to be "sold" to Russia's citizens, seeking to legitimize the actions on the international arena in this regard, as well as justify the investments in the development of the Arctic (Khruscheva and Poberezhskaya 2016: 549).

To sum up the essence of the interdependence between the Arctic and the Russian national identity, Marlene Laruelle summarizes the contemporary Russian discourse in this regard into three metanarratives (Laruelle 2014: 39):

1. Eurasianism (the idea that Russia forms a specific continent due to its geographical dimension and the possession of the largest territory in the Arctic);
2. Cosmism (the idea that Russia is "going higher in the universe") and
3. Arctic mythology (focusing on the fact that Russia is going farther north).

Considering the aforementioned, it can be stated that the identity factor is a key element of the Russian rhetoric regarding the Arctic on the international arena. The government's discourse is built on asserting Russia's "historical rights" in the region and emphasizing the centrality of the Arctic myth in the nation's *raison d'être*. By insisting on the Arctic's image as the soul of the Russian nation, an almost "holy land" of sorts, the government tries to convince both the other circumpolar powers and its own people about the legitimacy of their claims in the Arctic. Yet it is important to emphasize the fact that beyond this romanticized discourse lies the pragmatic interest to obtain priority rights to exploit the Arctic's rich economic and geostrategic potential. These interests and the potential value of the Arctic from the economic and geopolitical perspective will be analysed further.



#### **2.1.4 Russian interests in the Arctic**

The Arctic is perceived by the Russian government as a crucial zone for the development of two strategic areas: economy and security.

Being rich in resources and providing an efficient route for transportation and communication, the Arctic plays a pivotal role in the Russian economy. The region brings 20% of the country's GDP, as it stores 95% of gas and 75% of oil resources, as well as multiple valuable minerals and fish resources (Laruelle 2014: 135). Potential economic leverage is also the Northern Sea Route, which Russia de facto exclusively controls - it provides the shortest way from Northern Europe to Eastern Asia and could bring significant revenue from trade taxation. Most importantly, however, is the fact that it can be used as an instrument of control over the European and Asian trade (more on it in the third chapter).

One of the main resources of the Russian Arctic is fish. The oldest resource extracted on this territory and brings the huge economic value up until nowadays. Only from the Bering Sea, Russia catches \$600 million worth of fish every year (Laruelle 2014: 154). The Russian Arctic provides 15% of all the fish food in the country (Laruelle 2014: 154). The fish resources of the region are particularly important for the Russian economy due to the rising demand: with the population growth, the emerging middle class in China and India and the overall amelioration of people's diet over the world, the fish exports are continuously growing. From 1976 until 2006, the volume of fish trade in the world quadrupled, boosting from 7.9 to 31 million tons (Laruelle 2014: 154).

At the same time, the Russian Arctic Zone is a treasury of mineral resources. According to Science Magazine, there are around 83 billion barrels of oil (about 10 billion tons) under the rapidly melting Arctic ice in the region, which counts for 13-25% of the world's undiscovered reserves (Gautier 2009). At the same time, around 1,550 trillion cubic meters of natural gas resources are located almost entirely near the Russian coast (Gautier 2009). 91% of the natural gas that Russia possesses nowadays is located in its Arctic part, which makes this region the most profitable one in the country (resource-wise). Other important resources in the Russian Arctic are copper-nickel ores, tin, platinoids, agrochemical ores, rare metals and rare earth elements, large reserves of gold, diamonds, tungsten, mercury, ferrous metals, optical raw materials and gemstones (Heininen 2014: 10). Practically all of them are located in the northern part of the Kola Province, north of the Taimyr-Norilsk, Anabar and Yakut provinces. The Arctic mineral resources also include ores that are scarce in Russia: the most important deposits of manganese are on Novaya Zemlya, while chromium can be found in the Yamal-Nenets Autonomous Okrug and the Murmansk Region. The amount of conditional forecast resources of coal deposits here are estimated to be around 780 billion tons, of which 599 billion tons are energy and more than 81 billion tons are coking. The cost of mineral resources in the bowels of the Arctic regions of Russia is estimated to exceed \$30 trillion, while the total cost of proven reserves is 1.5-

2 trillion dollars (Liskin 2010). It is thus clear why the Arctic is often called “the Russian treasury”.

At the same time, as stated in the 2013 Strategy, the Russian presence in the Arctic is a matter of national interests. That is why Russia is heavily relying on its Arctic Zone for strengthening its security sector. Russia’s efforts to focus on hard security issues in the Arctic are stemming from the geopolitical configuration in the region: all the other circumpolar powers are members of NATO. This determined the country’s government pay special attention towards securing its position in the Arctic. After 2007, Russia consolidated its air force in the Arctic, as well as its Northern Fleet (Liskin 2010). In 2007-2008, as long-range aviation patrols were established, several airbases built in the USSR were reopened and new military bases were built on some of the Arctic islands (Mikkola 2010: 4). Not long after that, two specialized Arctic brigades were formed and a MiG-31 long-range interceptor was introduced at the Rogachyovo Air Base on the Novaya Zemlya (Flake 2009: 101). In parallel, intermediate and long-range air defence systems were deployed in the Arctic, contributing to the securitisation of the “Russian Arctic bastion” (Mikkola 2010: 4). The Northern Fleet was supplied with high-quality attack submarines, smaller surface ships with various range missiles and two motorized infantry brigades by the Norwegian and Finnish borders (Mikkola 2010: 4). Currently, the Arctic hosts the Russian strategic nuclear triad, of which the most notable is its ballistic missile submarines (Mikkola 2010: 4). 81,5% of the maritime nuclear capabilities of Russia are currently concentrated in its Northern Fleet (Mikkola 2010: 4).

Yet despite military activation in the Arctic, scholars note that Russia has been acting rather disciplined in the region, getting actively involved in multilateral cooperation and denying any chance of the escalation of a military conflict with other circumpolar powers. Cooperation has been actually brought to the forefront of the Russian discourse in relation to the other Arctic powers, as the government asserted that the Arctic is a “zone of peace and cooperation”. In fact, Russia’s priority in the Arctic is not the militarization of the region as such, but rather securing the Northern Sea Route as their main strategic asset in the region.

## 2.2 What is at stake for China in the Arctic

### 2.2.1 China’s claims in the Arctic

Unlike Russia, China has no Arctic border, nonetheless, it is struggling to develop a more significant Arctic identity and to increase its diplomatic presence in the region by bilateral and multilateral means (Lanteigne 2015: 150).

China tries to present itself as a near-Arctic nation and a major stakeholder by bringing geographical and historical arguments (Conley 2018: 3). Firstly, China invokes the historical argument that its expansive fifteenth-century empire nearly touched the Arctic, thus giving the nowadays state the right to identify itself as a stakeholder

(Conley 2018: 3). Secondly, Chinese experts date the country's interests in the Arctic back to 1925, when it became a signatory of the 1920 Spitsbergen (Svalbard) Treaty (Conley 2018: 3). Thirdly, the UNCLOS is presented as a legal basis for China's activities in the Arctic, as the convention grants non-Arctic states the rights to scientific research and navigation (Jakobson and Peng 2012: 17). In fact, China's scientific research on the Arctic dates back to 1981, when the Chinese Arctic and Antarctic Administration was founded. The first academic works on the Arctic were issued in 1988 and in the same years, the Chinese Journal of Polar Research appeared as a quarterly journal (Alexeeva and Lasserre 2012: 81). In 1992, China launched a five-year scientific program in the Arctic Ocean, a year later purchasing the Russian icebreaker which they called *Snow Dragon* (Alexeeva and Lasserre 2012: 81). In 2010, this icebreaker helped the Chinese build a floating ice-station for a 15-days research mission in the Arctic Ocean (Alexeeva and Lasserre 2012: 81). In 2011, the Chinese government decided to build its own icebreaker for future research projects in the region, for which they allocated 300 million USD, a fact which was a clear demonstration for the world of China's growing ambition towards the Arctic (Alexeeva and Lasserre 2012: 81).

Nowadays, China tries to assert its position towards the Arctic by getting actively involved in multilateral cooperation in the region. As early as 1996, the country joined the International Arctic Science Committee. More than 10 years later, in 2007, China expressed its interest in becoming an observer in the Arctic Council, being accepted only in 2013 (Grieger 2018: 2). Having laid this ground for its presence in the region, today China's claims in the Arctic are focusing on pushing the "internationalisation of the Arctic's regional governance system", that would ensure non-Arctic's states legal and legitimate presence in the region. Yet to understand the real ambitions of the country, we need to look at its official policy towards the Arctic.

### 2.2.2 Chinese policy towards the Arctic

In January 2018, China formalized its claims in the Arctic in a white paper titled "China's Arctic Policy". De facto, the document didn't reveal any new positions or opinions of the state, as most of the elements listed have previously been asserted by Chinese scholars and policy-makers (Grieger 2018: 2). The document asserts the position that the changing situation in the Arctic, mainly due to global warming, concerns not only the Arctic states but has a "vital bearing on the interest of States outside the region and the interest of the international community as a whole" (People's Republic of China. The State Council Information Office 2018). The white paper also outlines the main issues in the Arctic that China is actively getting involved in: "climate change, environment, scientific research, utilization of shipping routes, resource exploration and exploitation, security, and global governance (People's Republic of China. The State Council Information Office 2018). At the same time, two priority areas for China in the Arctic are underlined: the use of sea routes (as China is a major trading nation) and the exploration and development of the region's resources (since China is a major energy consumer).

According to the document, the main goal of China in the region is: understanding, protecting, developing and participating in the Arctic governance, in order to ensure that all common interests of the countries and the international community are preserved in the region, as well as the sustainable development of the Arctic itself. To achieve this, several priorities for action have been set (People's Republic of China. The State Council Information Office 2018):

1. Deepening the exploration and understanding of the Arctic;
2. Protecting the eco-environment of the Arctic and addressing climate change;
3. Utilizing Arctic Resources in a Lawful and Rational Manner;
4. Participating Actively in Arctic governance and international cooperation;
5. Promoting peace and stability in the Arctic.

Thus, by establishing the basic principles for its activity in the Arctic as “respect, cooperation, win-win result and sustainability”, China, just like Russia in its strategies, asserts the position of the region as a place for peace and cooperation. The country heavily relies on international law, namely the UNCLOS, to legitimize its presence in the region for economic and scientific purposes. Thus, China pleads for the transition from regional to global governance in the Arctic (Grieger 2018: 4), heavily relying on the argument that the resources of the Arctic belong to all humankind, not just the Arctic states. The white paper recognizes the sovereign claims of Arctic states towards their territorial waters and doesn't raise any disputes on this, yet it calls for the circumpolar powers to respect in return the right of non-Arctic states to explore the resources of international waters (Grieger 2018: 4). It can be thus stated that China is most interested in maintaining the status quo in the Arctic, as the broad interpretation of UNCLOS regarding international waters is the most convenient for China in its Arctic ambitions.

With the white paper, China presented its Polar Silk Road project, which incorporated the Arctic Ocean into its *Belt and Road Initiative* (Pelaudeix 2018: 1). This project unveiled the real Chinese ambitions in the region, focusing on the economic and scientific areas and revealing the strategic importance of the Arctic for China's growing power in the world. The initiative officially qualified the Arctic as a key region for constructing its Belt and Road, as it hosted one of the three strategic economic routes (Kin-Chung 2020: 13). The Polar Silk Road comprises the Northeast Passage, the Northwest Passage, and the Transpolar Sea Route, which opens up space for Sino-Russian cooperation in the Arctic, a fact which will be explored in the third chapter (Kin-Chung 2020: 13).

### 2.2.3 Legitimacy of China's presence in the Arctic

In contrast to Russia, who is an Arctic state, China has been struggling for decades to prove that it's a legitimate actor in the region. This task has been made harder by the fact that China doesn't have a geographical border with the Arctic, it's northmost

tip being almost 1500 km south from the Arctic Circle (Kopra 2020). In this order of ideas, it had to prove to the main players in the region (members of the Arctic Council) that it is a legitimate stakeholder and not a revisionist and dissenting one (Lanteigne 2020). China has been thus aiming to construct an Arctic identity in the last decade, being largely successful in this task (despite the United States pushing back) (Lanteigne 2020).

China's way of legitimizing its presence in the Arctic was by identifying itself as a "near-Arctic state". Initially, this term made little sense to some actors (especially, the United States), as its northernmost county of Mohe is located 1400 km south from the Arctic Circle, thus making the term "near-Arctic" slightly exaggerated (Lanteigne 2020). Yet the Chinese government has been insistently using this term ever since 2013, shortly before the country was granted observer status in the Arctic Council (Lanteigne 2020). The definitive step in enshrining this Arctic identity for China was made in the 2018 white paper, as the document expressly stated (People's Republic of China. The State Council Information Office 2018):

The natural conditions of the Arctic and their changes have a direct impact on China's climate system and ecological environment, and, in turn, on its economic interests in agriculture, forestry, fishery, marine industry and other sectors.

The Chinese government, thus, justifies this growing interest by the need to research the climatic change in the Arctic, as the Arctic airstream seems to be determining extreme weather conditions in the country. This way, China claims that the Arctic concerns directly its economic and social development, as well as its security (Alexeeva 2012: 83). At the same time, the state invokes UNCLOS provisions, which categorizes the resources of the Arctic as a common heritage of all mankind. This way, China claims that it has the legal right to take part in the exploration of the region (Alexeeva 2012: 83).

#### **2.2.4 Chinese interests in the Arctic**

As it was set out in its Arctic strategy, China pursues three main interests in the region: economic development, scientific research and lawful international governance of the Arctic.

Chinese economic interests in the region are linked to the perspectives of a melting Arctic. Mainly, this refers to new shipping opportunities (cheaper and shorter routes for trade with Northern Europe and North America), fishing, natural and energy resources (Jakobson and Peng 2012: 10). In what regards shipping, as the Arctic was included in the Belt and Road Initiative, China becomes more and more active in sponsoring the construction of the necessary infrastructure on the northern sea routes and passages. In 2016, the Chinese company Poly International Holding Co. expressed its intention to pay for the construction of Russia's Arkhangelsk deep seaport; the China Ocean Shipping Company (COSCO) proposed repeatedly to co-



finance the construction of such deep seaports in Iceland; such proposals were also handed to Lithuania (regarding Klaipeda) and Norway (Kirkenes) (Pelaudeix 2018: 2). The same interest was expressed in developing the railway infrastructure in Arctic zones of Russia and Norway (Pelaudeix 2018: 2). Moreover, China offered generous credit proposals for building airport infrastructure in Greenland (on three major sites: Nuuk, Ilulissat and Qaqortoq), yet Denmark became strongly concerned about the risk of falling into a Chinese debt trap that the country is known to have used for implementing its Belt and Road Initiative (Pelaudeix 2018: 2). China's Polar Silk Road Initiative envisages the construction of a "link to Europe's Blue Economic Passage via the Arctic ocean", meant to connect the Mainland China's coastal ports to European ports via the Northeast Passage, thus spreading for over 8,000 nautical miles (Kin-Chung 2020: 13). The Sino-Russian cooperation in this regard will be further explored in the third chapter, as a field for both cooperation and potential confrontation between the two powers.

The Arctic region is also a major interest in China because of its richness in energy and natural resources, as the country is one of the biggest energy consumers in the world. As it was presented in the first part of the second chapter, the Arctic is hosting vast undiscovered oil and gas reserves. Major Chinese energy companies, like *China National Petroleum Corporation* (CNPC) and *China National Offshore Oil Corporation*, as well as the *Silk Road Fund* and the *China Development Bank*, made major investments in energy plants and projects, especially in Russia (an attempt was also made in Iceland, yet it failed) (Pelaudeix 2018: 3). This indicates not only the great Chinese interest in Arctic energy resources but also the country's readiness to get actively involved in building the necessary infrastructure for energy production, that would ultimately bring huge revenues and benefits for the Chinese economy.

Another major Chinese interest in the Arctic is also stemming from economic reasoning - the country argues that the changing climate in the region is endangering its agricultural production and thus threatening its national security (Kai Sun 2014: 48). In this regard, China is actively involved in scientific research in the Arctic. It is aiming primarily to build Chinese confidence and knowledge of the Arctic, which would ultimately contribute to the legitimization of its increasing presence in the region (Pelaudeix 2018: 3). In fact, "Deepening the exploration and understanding of the Arctic" stands as the priority of China's Arctic strategy released in 2018. According to the latter, the main scientific areas of Chinese involvement are: "geology, geography, ice and snow, hydrology, meteorology, sea ice, biology, ecology, geophysics and marine chemistry" (People's Republic of China. The State Council Information Office 2018). This is to be done through the construction of research stations, vessels and platforms, as well as through the construction of icebreakers for research missions (People's Republic of China. The State Council Information Office 2018). A central emphasis is put on research in the field of climate change in the Arctic since it impacts the economic productivity of China. Yet it is to be noted that in its scientific research China is actively engaging in bilateral and multilateral actions in the Arctic. Foreign

scientists are casually participating in Chinese Arctic expeditions (Jakobson and Peng 2012: 10). This phenomenon is usually referred to as “Chinese science diplomacy”, which not only fosters cooperation between scientists but also enforces a positive image of China in Arctic exploration (Pelaudeix 2018: 3).

Finally, China is a strong advocate of lawful international cooperation in the Arctic, being interested in maintaining the legal status quo. In its Arctic strategy, China repeatedly asserts its respect for the existing international legal framework regarding the Arctic, stating that it does not challenge and calls for respecting the sovereign rights of the states in their respective territorial waters. Yet it also calls for respect of the UNCLOS provisions that allow scientific research and exploratory fishing in the high seas portion of the Arctic, that is essentially a guarantee for non-circumpolar states (like China) to have access to explore the region. From this perspective, it would be in the detriment of China if the countries’ claims overextending their continental shelf were to be accepted by the UN Commission on the Limits of the Continental Shelf (Pelaudeix 2018: 5), as it would effectively mean restricting the access to regions of high economic interest for China. Yet for now, China is not intending to involve in any conflicts or clashes in the Arctic - it is strictly obeying the international rules in place and is encouraging other players to follow them. Maintaining the status quo is the winning strategy for China nowadays, yet for how long? Are there any conflicts at the horizon, as the stakes in the Arctic are rising and the players are getting more active? This is the question to be answered in the next chapter.

### **3: Potential Sino-Russian disputes in the region**

#### **3.1 Sino-Russian cooperation in the Arctic**

As was described in the previous chapter, the Arctic plays a central role in Russia’s economic development and national security. Yet it is also a region that requires astounding state investments for its development. Supplying and maintaining its Arctic regions is a highly costly affair for the Russian government - its economic and industrial development is stagnating, while social issues, like unemployment, tend to have more drastic figures here (Stronski and Nicole 2018: 26-27). At the same time, the main “ace in the sleeve” for Russia in the Arctic - the Northern Sea Route - still requires major investments to become more practicable and economically feasible. These factors determined Russia to seek foreign partners ready to invest in its Arctic zone. After the 2013 conflict over Crimea and the setback in Russian relations with the West (most notably, the US), this quest for partners became even more challenging. This is when China stepped up, manifesting initiative to get involved in the Russian-Asian Arctic cooperation (Stronski and Nicole 2018: 26-27).

The relations between China and Russia regarding the Arctic have not been smooth between 2013. The latter was particularly sceptical about granting China the status of observer in the Arctic Council, arguing that China is merely seeking to

expand its influence for the sake of satisfying its economic interests (Zysk 2014: 33). Non-circumpolar countries' accession to the council was generally perceived by Russia as a potential destabilization of the balance of power (Zysk 2014: 33). The pressure put by other members, as well as the intentions to build closer ties with the fastly growing China, determined Russia to soften its position. Yet several weeks later, the Russian Prime Minister made a statement that made clear the country's position towards the newcomer: "We can trust China, but the rules of the game need to be imposed by the Arctic countries." (The Russian Government 2013) Thus, while accepting China's involvement in the region, Russia is keen to maintain the upper hand in decision-making and is certainly not willing to give up its dominant position. The turning point in Sino-Russian relations in the Arctic was the *Pivot to Asia* foreign policy initiative announced by President Vladimir Putin in 2013, which marked the beginning of a closer economic and strategic partnership in the region (Lanteigne 2015: 1).

Firstly, the Sino-Russian cooperation in the Arctic is manifested in the energy sector, mostly in the Russian Far East and East Siberia. In 2014, Russia and China signed a gas deal for developing new gas fields in Eastern Siberia for sale through the planned Power of Siberia pipeline (Mankoff 2015: 73). The Chinese investment of cca 20 billion USD was aimed at developing reserves from the Chayanda and Kovykta gas fields and building the pipeline (Mankoff 2015: 73). In the same year, a memorandum was signed for a second gas pipeline from Western Siberia to western China (Mankoff 2015: 73). In 2017, China Development Bank signed a memorandum of understanding with Novatek (the largest independent Russian natural gas producer) in 2017 for the joint project *Arctic LNG 2*, with a production capacity of 19.8 Mt/year (Pelaudeix 2018: 3). At the same time, a major interest in Chinese energy investments in Russia is the oil sector. The China National Petroleum Corporation (CNPC) holds a 20% share and China's Silk Road Fund a 9,9% one in the Yamal LNG plant, which is the largest production site in Russia with a capacity of 16.5 Mt/year (about 15% of the world market) (Pelaudeix 2018: 3). Chinese companies have a growing role in the Russian energy sector. Yet this role is not necessarily the result of natural rapprochement between Russia and China in the Arctic (meaning the intersection of strategic interests of these two countries). After the Crimea crisis and the break of its relations with the West, Russia turned to China more from inevitability rather than from a deliberate choice. The proof for this statement is the fact that Russia agreed to lower its price for energy resources in 2014, after more than a decade of negotiations with China (Mankoff 2015: 74). The perspectives of this partnership are yet hard to predict, however, considering Europe's struggle to become more independent energetically from Russia, we can expect that Sino-Russian cooperation in the energy sector is to become stronger.

Secondly, Russia and China established a platform for cooperation in the fields of transportation and communications. In 2017, during an Arctic policy gathering in Arkhangelsk, the Chinese Vice Premier Wang Yang announced the country's

commitment to invest in the development of Siberian infrastructure projects (Lanteigne 2018: 4). Two main projects were outlined in this regard: the deepwater port in Arkhangelsk and the Belkomur railway link connecting the White Sea with the Ural region (Lanteigne 2018: 4). Both the port and railroad projects share the same investors - *China Poly Group Corporation* and *China's Exim Bank* (Stronski and Nicole 2018: 29). Another major infrastructure project proposed by China was the construction of a rail network connecting the northern regions of Finland and Norway with China via the Siberian coast, which would connect northern Russian railways with European lines (Lanteigne 2018: 4). The future of this project, however, is yet to be seen. China is also planning to develop in Siberia a fibre-optic cable system connecting China with northern Europe (Lanteigne 2018: 5). This plan was formalized in 2017, involving Finland, Russia, Norway and Japan (Lanteigne 2018: 5).

Finally, a crucial sphere of Sino-Russian cooperation in the Arctic is shipping, where the central role is played by the Northern Sea Route. The role of the latter in the relations between China and Russia will be further explored in the next paragraph.

### 3.2 The role of the Northern Sea Route in Sino-Russian relations

In 2012, the icebreaker *Snow Dragon* was the first Chinese vessel to navigate successfully through the Northern Sea Route to the Barents Sea (Sørensen and Klimenko 2017: 33). One year later, the 19.000-tonne cargo vessel *Eternal Life* performed the first Chinese commercial shipping through the NSR. The ship sailed the 15.000 km distance between Dalian and Rotterdam in 33 days, which was one and half times faster than the journey would take through the Suez Canal (Sørensen and Klimenko 2017: 33). This is when China realized the great transportation potential of the Northern Sea Route. In May 2015, during the second Sino-Russian Expo, Russian Deputy Prime Minister Dmitry Rogozin proposed the Chinese Vice Premier Wang Yang to establish a cooperation between the two countries in the Northern Sea Route (Sun 2018: 3). The same year, conversations about a potential "Polar Silk Road" emerged (Sun 2018: 3). On a high level, however, an invitation came in 2017. In May 2017, during his participation at the Belt and Road Forum in Beijing, President Vladimir Putin hopefully claimed that "China will utilize Arctic shipping routes and connect them to the Belt and Road." (Sun 2018: 3) Several months later, his counterpart Xi Jinping declared after a meeting with Prime Minister Dmitri Medvedev that cooperation will be established on Arctic shipping routes, in order to develop a "Polar Silk Road" (Sun 2018: 3).

For China, there are several benefits for shipping through the Northern Sea Route. Firstly, it cuts the distance between China and Northern Europe, making the shipping period 10 days shorter than it would be through other routes (see Annex 1). Secondly, it is an alternative solution to China's *Malacca dilemma* (Lanteigne 2018: 2). Shipment through Malacca strait carries several risks for China, mainly piracy and direct interference of another government seeking to impede Chinese trade (Lanteigne

2018: 2). Thirdly, China relies on hydrocarbon shipments through the Northern Sea Route from Russia (Gordon 2019). The Sino-Russian partnership on the Northern Sea Route is also beneficial for Russia - as it was stated by the Russian ambassador in Beijing, Russia cannot afford to develop the Arctic by itself (Goble 2019: 1). Thus, Russia relies on Chinese investments for developing the necessary infrastructure to make NSR more navigable and safe. Moreover, Russia set an ambitious target for the volume of cargo traffic along the route to 80 million tons by 2025 (Passeri and Fiori 2019: 464). In order to reach this goal, the partnership with China, the world's largest shipping country, is highly beneficial from the economic point of view.

Currently, the Sino-Russian cooperation on the Northern Sea Route is purely economic. The Chinese official transportation company - China Ocean Shipping Company - holds the key share of the transit shipments through the Northern Sea Route (although the majority of shipments on the NSR are internal) (Staalesen 2019). The number of Chinese vessels transiting the NSR has been growing throughout the years. According to the Main Directorate of the Northern Sea, in 2013, 7 Chinese ships passed the Northern Sea Route, in 2014 – 1, in 2015 – 3, in 2016 – 6, in 2017 – 9, and in 2018 – 7 (Miheeva 2019: 5).

However, some experts argue that beyond the ambitious plans and over-optimistic declarations from both sides, the cooperation between China and Russian on the Northern Sea Route is mostly limited to political declarations, preliminary consultations and media speculations (Passeri and Fiori 2019: 463). On the one hand, the Russian government is still uncertain about the future of its jurisdiction in its Arctic zone, which is yet to be ruled upon by the Commission on the Limits of the Continental Shelf (Passeri and Fiori 2019: 463). Russia is thus reluctant to allow massive Chinese involvement in the section of the Arctic that it considers as rightfully hers. On the other hand, triggered by Russia's reluctance, China's interests in investing in Russia's Arctic zone is attenuating (Passeri and Fiori 2019: 465).

Considering the aforementioned, it can be stated that the Northern Sea Route is envisaged to play a key role in Sino-Russian relations in the Arctic, a fact asserted by high-level officials of both states. It especially comes to the forefront in the context of Russia's strained relations with the West after the annexation of Crimea and the activated "pivot to Asia". However, despite the optimistic plans for the centrality of the NSR in Sino-Russian relations, both states are reluctant to trust each other and prioritize purely economic relations in the Arctic. This is also determined by the uncertainty around Russian jurisdiction over the Northern Sea Route. The latter, as well as potential tensions between China and Russia stemming from it, are to be further analysed.

### 3.3 Potential tensions between Russia and China in the Arctic

While China and Russia have established close economic cooperation in the Arctic, there are still areas in which the interests of the countries diverge in the region. These could potentially lead to a conflict between the two powers. In this paragraph,



I intend to analyse the initial hypothesis formulated for my research: With the increasing accessibility of the Northern Sea Route due to the climate change in the Arctic, jurisdictional controversy around it could cause rising tensions between Russia and China in the region. Firstly, I will analyse the jurisdictional controversy around the Northern Sea Route, then I will look into the divergence of Russian and Chinese positions regarding it and finally will outline potential areas of tension flowing out of them.

The jurisdictional controversy around the Northern Sea Route concerns the diverging perception over its legal status. On the one hand, Russia treats it as a legitimate part of its jurisdiction in the Arctic. Firstly, this argument flows for the persistence of the Sectoral Principle asserted in 1926. Willy Østremg underlines that even though largely disputed and unrecognized officially, there is still unclarity and ambiguity about the application of this principle in Russia - it was neither rejected nor reaffirmed or reconsidered after 1991 (Østremg 2010: 7). Even though in 2010, when Russia settled its territorial disputes with Norway in the Barents Sea, is derived from the sectoral principle; in 2015, in its revised submission to the Commission on the Limits of the Continental Shelf, Russia re-asserted its e area of the continental shelf beyond 200 nautical miles according to the sectoral principle in the eastmost segment (see Annex 2) (Jensen 2016: 75). Three states find these claims highly inconvenient: Denmark, Canada and the United States (Jensen 2016: 83), a fact which determines the persistence of jurisdictional controversy in the Arctic. As a result, the latter also extends to the jurisdiction over the Northern Sea Route.

Secondly, the ambiguity about the control over the Northern Sea Route stems from the diverging claims enshrined in Russian legislation and international law. As early as 1990, the USSR, in the Regulations for Navigation on the Seaways of the Northern Sea Route, qualified the Northern Sea Route as a coastal one, within internal and territorial waters of Russia (Østremg 2010: 7). In independent Russia, the basic principles of the view of the legal status of NSR have been set in the 2012 Federal Law on Amendments to Certain Legislative Acts of the Russian Federation Related to the Governmental Regulation of Merchant Shipping in the Water Area of the Northern Sea Route (Gavrilov 2015: 256-257). The latter describes the Northern Sea Route as “a historically developed national transportation communication of the Russian Federation” and sets a broad definition for it, so as to say that even the alternative paths of the route (to which it is necessary to appeal in case of severe ice coverage on traditional paths) fall within the 200 nm of Russia’s exclusive economic zone (Gavrilov 2015: 257). The act allows international navigation on the NSR according to provisions of international law, yet imposes the transiting vessels to request permission for transit, icebreaker assistance, pilotage, radio communication and others (Gavrilov 2015: 257). The main opposition to Russia’s legal claims over the NSR comes from the United States, which refers to provisions of international law. The US doesn’t recognize the Vilkitsky, Shokalsky, Sannikov and Laptev straits as Russian internal waters, thus underlining that only some sectors of the NSR are under legal Russian jurisdiction,

but not the entire route (Gudev 2018). Moreover, they qualify the necessity to request permission for transit as a violation of the freedom of navigation within the exclusive economic zone, at the same time denouncing the prohibition to use foreign icebreakers in the NSR (Gudev 2018). Thus, even though Russia's claims over complete jurisdiction of the Northern Sea Route are not recognized and highly disputable, the country still de facto exercises absolute control over the transit of foreign vessels through it (Gavrilov 2015: 257). How does this discrepancy affect Russia's relations with China in the Arctic?

As for now, China is not challenging the status quo of the Northern Sea Route. Its 2018 white paper recognizes the sovereign rights of the states in their territorial waters, but also calls on the circumpolar powers to respect the rights of the other states to benefit from the region in the limits of international law. Asserting its status of a "near-Arctic state", China claims that the Arctic belongs to all mankind (Trenin 2020). In fact, China is more interested in supporting the position of the United States regarding the freedom of navigation in the NSR - the Chinese government insists that navigation along the route shouldn't be regulated by national laws (Trenin 2020). This is especially relevant considering the fact that the two straits currently used by China for its trade with the West - Malacca and Hormuz - are under the legal undisputed sovereign control of Indonesia, Malaysia and Singapore and Iran, respectively. It is thus convenient for China that the Northern Sea Route maintains its status as international waters, contrary to Russia's ambitions to legalize an absolute control over it. This is the first area where tensions between China and Russia could arise regarding the Northern Sea Route. Yet the evolution of Chinese position in this regard is still unpredictable, especially considering the Chinese actions in the South China Sea.

Another potential for growing tensions is in the ambiguity around Russian claims in the Arctic according to the sectoral principle (which served as a basis for its claim submitted in 2015 to the Commission on the Limits of the Continental Shelf). For China, the legal recognition of Russian claims over this sectoral area of the Arctic is a highly undesirable scenario. As the ice is receding in the Arctic, the need of the ships to stay close to or within the existing Russian exclusive economic zone) or to rely on Russian navigation devices or icebreakers to make the passage decreases (Goble 2019: 1). In this case, if Russia's claims to the Commission on the Limits of the Continental Shelf are not accepted, China can proceed to a more active presence in the Arctic. The Chinese vessels could thus ship goods north of the NSR, without any need to intersect waters under Russian sovereign control (provided that the global warming will advance as to melt the ice in this area). This would be the best-case scenario for China. For now, China is happy with the status quo - it is patiently waiting to see how the climate change will influence the accessibility of the Arctic beyond the NSR and how the Commission on the Limits of the Continental Shelf will regulate Russia's inquiry regarding its jurisdiction in the region. Yet the Chinese government is not passive - it is getting more active and present in Arctic affairs, to the extent that some experts are predicting that Russia is actually the one risking to become a junior

partner in this bilateral relation (Goble 2019: 1). China is building new hardened-hull cargo ships, gets involved in massive energy projects in the Arctic and actively invests in projects in almost every Arctic state (Lino 2020). The United States has already expressed concern about the growing Chinese presence in the region, even referring to a possible deployment of nuclear submarines in the future (Sengupta and Mayers 2019).

For now, considering its tensioned relations with the West and the NATO membership of the rest of the Arctic Five, Russia is drawn to closer cooperation with China in the Arctic. President Vladimir Putin has enthusiastically expressed readiness to foster cooperation with its Asian partner in numerous meetings with his counterpart, Xi Jinping (Sengupta and Mayers 2019). Yet it is important to state that Russia is only happy about this partnership as long as China doesn't interfere with its vital interests in the region, among them - instauration of absolute legal control over the Northern Sea Route. This is where potential tensions between the two states could arise. Firstly, it is most probable that Russia will not accept a potential intervention of China in the decision-making process over its jurisdiction in the Arctic. The Russian government has repeatedly stressed that Arctic affairs are only a matter of discussion among indisputably Arctic states. Considering how sensitive the issue of the Northern Sea Route is for Russia, it will most probably be even more reluctant to admit non-Arctic states' interference in the decision-making. Thus, if China, who expressly stated its interest in maintaining the status of the NSR as an international route, is to stress on its position, it is very likely that the Sino-Russian partnership will be jeopardized.

Secondly, as China is getting more actively involved in the Arctic, it is a matter of time when Russia will grow uncomfortable with the growing power of China in the region that it considers legitimately hers. Russia has already forbidden the transit of international icebreakers on the NSR, yet China proceeded to the construction of Snow Dragon 2 (Sengupta and Mayers 2019). The latter also has superior economic potential, which allows the Chinese governments to make generous investments in the region, while Russia is largely incapable to follow its lead. Moreover, at the moment, the Sino-Russian partnership in the Arctic is a predominantly circumstantial one, focused around their common interest to prevent the strengthening of the US power in the region. From a geopolitical point of view, it is yet unclear how stable and sustainable this partnership can be in the future, shall any major shift in international relations occur. Until now, the Sino-Russian cooperation in the Arctic has been purely economic, thus it is yet unclear how it will change if political factors get into the picture.

In conclusion, even though the Sino-Russian partnership in the Arctic is currently running rather smoothly, it is yet possible that tensions between the two countries could arise in the region. The latter is stemming not only from the essentially different views on the legal status of the Northern Sea Route and the Arctic in general, but also the asymmetry of the country's potential to impose themselves. Thus, returning to the

initial hypothesis formulated for this research, it can be concluded that the jurisdictional controversy around the Northern Sea Route could indeed cause rising tensions between Russia and China in the region.

## Conclusion

In this Article, I attempted to answer to three research questions:

- (a) How have the geopolitical interests in the Arctic region evolved throughout time (from the 19th century until the present day)?
- (b) What is at stake for China and Russia in the Arctic region?
- (c) What disputes could appear between aforementioned actors in the future and why?

I have divided my work into three parts accordingly, each of them including an analysis of the indicated questions. The main findings of my work will be further listed in this conclusion.

In the first chapter, I tried to reflect how the interest in the Arctic shifted over the centuries, determining it to become a legitimate geopolitical region by the 20th century. While the first acknowledgements of the far northern realms date back to ancient Greeks, the attempts to explore them were rather sporadic and unsystematic until the 18<sup>th</sup> century (except the Vikings, who became well acquainted with these regions during the 8<sup>th</sup> until late 10<sup>th</sup> century). As modern states emerged in the region and the existing ones grew stronger, the interest in exploring the Arctic boosted. A facilitating factor was the technological progress, especially in shipbuilding, which allowed explorers and adventurers to go further north, unravelling new routes and mapping new territories. The most prominent countries in Arctic exploration in the 18<sup>th</sup>-19<sup>th</sup> century were the United Kingdom, Sweden, the Russian Empire, Denmark, Norway and the United States. The short twentieth century marked a new era in Arctic development, shifting the interests in the region from a mainly scientific one to geostrategic and economic ones. The development of performant submarines and icebreakers, as well as the progress in meteorological science, aviation, communication technologies and nuclear science determined a radical change in the way the Arctic was perceived and exploited by the great powers. During the Cold War, the region witnessed strategic militarization of both conflicting powers, gaining strategic importance for the defence strategies of the USSR and NATO. As the iron curtain tumbled down, the Arctic opened up for multilateral cooperation and was subjected to provisions of international law. However, this didn't diminish the competition of state interests in the region; if something, it only raised the stakes for both experienced Arctic powers and newcomers. Among them, two specifically stand out – Russia and China.

In the second chapter, I reflected on what is at stake for Russia and for China in the Arctic. For Russia, domination in the Arctic is a question of principle. The government is actively asserting an Arctic identity, claiming that Russia has a historical

legitimacy in the region. At a large extent, this rhetoric is inherited from the Soviet Union, who created the myth of “Red Arctic” during the Stalin years and largely invested in the development of its northernmost territories and the exploration of the route they baptised the “Northern Sea Route”. China, on the other hand, has no direct border with the Arctic, created an Arctic identity by attributing itself the status of a “near-Arctic state”. Aiming to justify its observer status in the Arctic Council, China relies on its sporadic intervention in the region in the 20<sup>th</sup> century (the 1920 Spitsbergen Treaty and the scientific exploration started in the 1980s) and the argument that the climate change produced in the Arctic is affecting its economic productivity. In general, we can outline an essential difference in the Russian and Chinese interests in the Arctic: while Russia is prioritizing the security and economic dimension of its Arctic activity, China is primarily focusing on economic activities and scientific research. At the same time, the latter is interested in maintaining the status quo in the region and preserving the status of the NSR as international waters. Russia, on the other hand, is struggling to obtain legal recognition of its “legitimate” control of its Arctic zone (defined primarily by the sectoral principle). Thus, I concluded that while for Russia domination in the Arctic is a question of legitimacy and national security, for China it is a matter of getting involved in yet another world region as part of its global strategy.

The third chapter explored the Sino-Russian cooperation in the Arctic, with a specific emphasis on the Northern Sea Route, as well as potential tensions that could arise between the two powers in the region. It was outlined that the cooperation between China and Russia in the Arctic is not necessarily natural, but rather a circumstantial one: after the Crimea crisis and the worsening of Russia’s relations with the West, the latter turned to China as part of its “pivot to Asia”. Besides Chinese investments in Russia’s energy sector in the Arctic, a central role in this partnership is played by the Northern Sea Route. For Russia, the Sino-Russian cooperation on the NSR is a chance to develop the necessary infrastructure of the route in order to raise its attractiveness and practicability. For China, which is eager to invest in major infrastructure projects in almost every Arctic state, the Northern Sea Route is a crucial and promising element of its Belt and Road Initiative. As Vietnam and India are posing more competition to Chinese export goods and China is striving to rise to a new standard for the products “Made in China”, it is essential that the latter finds ways to maintain its competitiveness on the global market. One way to do this is to find a solution for cheaper shipping. The Northern Sea Route, if being developed with the necessary infrastructure (and provided the continuity of global warming trends), could be a perfect solution in this regard. Thus, it is for now mutually beneficial for Russia and China to cooperate on the development of the Northern Sea Route infrastructure. However, while these plans look good on paper, there are still some factors hindering this cooperation: firstly, the countries don’t fully trust each other and tend to be over-optimistic in their plans and secondly, there is too much ambiguity around the legal status of the NSR. This is where I tested the initial hypothesis set for my article: “With the increasing accessibility of the Northern Sea Route due to the climate change in



the Arctic, jurisdictional controversy around it could cause rising tensions between Russia and China in the region.” After having made an incursion on the diverging claims about the legal status of the NSR, I concluded that there is a vital point of divergence between China and Russia regarding Arctic jurisdictions: while Russia is determined to defend the legalisation of its absolute control over the Northern Sea Route, China is more likely to take the position of Russia’s opponents in this question by pleading for maintaining the status of the NSR as international water. Thus, the outcome of the jurisdictional controversy around the Northern Sea Route could potentially be a cause of dissent between the two powers, especially since Russia will most likely not tolerate the involvement of a non-Arctic state (China) in the decision-making process. Moreover, as China is getting more active and present in the Arctic, it is a matter of time when Russia will become uncomfortable with the strengthening Chinese position in the region. The Russian government is well aware of the economic superiority of China, thus while counting on it to develop its Arctic zone, it is constantly keeping an eye on China’s movements in the region. As a result, I managed to confirm my initial hypothesis.

My general conclusion is that even though for now the Sino-Russian partnership in the Arctic is beneficial for both parties (and worrying for the West), it is very likely that, due to diverging interests and asymmetric economic powers, the countries could turn against each other on the question of Russian jurisdiction in the Arctic, a question which is yet to be resolved by the international community. This finding is relevant both for further academic research on the topic and for policymakers who would like to take into account potential scenarios for the development of the situation in the Arctic. It is especially useful for those interested in studying the dynamic and dimensions of Sino-Russian cooperation in the 21<sup>st</sup> century.

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## **Annexes**

### **Annex 1.**

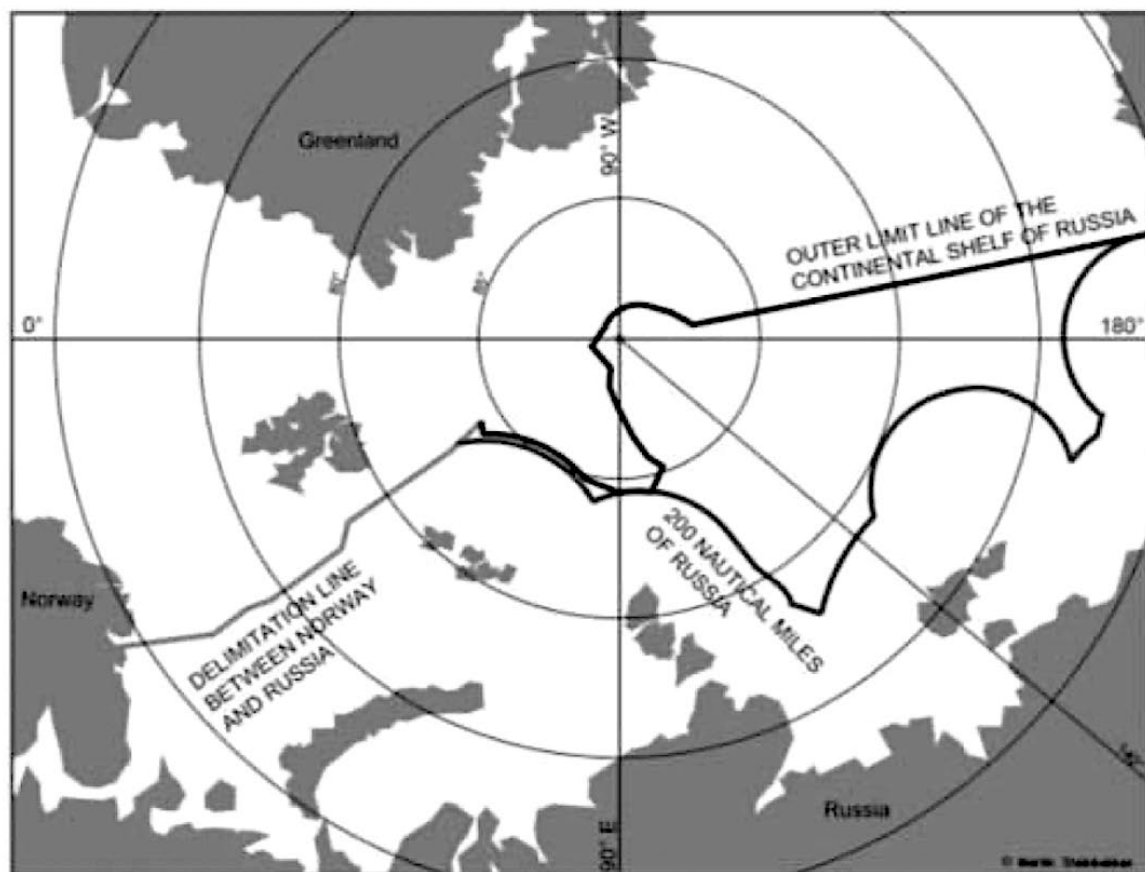
**Fig. 1 The advantage of the Northern Sea Route for Chinese shipping**



Source: Vorotnicov, Vladislav. "Fresh floes: What does the Northern Sea Route mean for automotive logistics?". *Automotive Logistics*. 2019.

## Annex 2.

Fig. 2 Russian claims in the Arctic, submitted in 2015 to the Commission on the Limits of the Continental Shelf in New York



Map created by Martin Steinbekken cited by Jensen, Øystein. "Russia's Revised Arctic Seabed Submission" *Ocean Development & International Law* 47, no. 1 (2016): 75.





## Solidarity with *Solidarność*? British diplomacy towards Poland during 1980, the first year of the Polish *odnowa* (renewal)

Robert Smith

### 1. Introduction

In its obituary for Margaret Thatcher following her death in April 2013, *The Economist* described the former British Prime Minister as someone who “left behind a brand of politics and a set of convictions which still resonate, from Warsaw to Santiago to Washington” (Economist 2013). The essence of this article is the extent to which Britain influenced events in the first of those places, Warsaw (that is, Poland), during the first year – 1980 – of a decade which has been called the Polish *odnowa*<sup>1</sup> (renewal), in which the country began as a communist, one-party state and ended as a multi-party democracy on its way to a free-market economy. The emergence of the movement which was crucial to this renewal – the trade union, *Solidarność* – aligns with Margaret Thatcher’s coming to power in the United Kingdom. Indeed, Thatcher became Prime Minister less than a month before John Paul II visited his native Poland for the first time as Pope – an event, as Timothy Garton Ash argues, which marked the beginning of the end for Polish communism<sup>2</sup>.

This article aims to provide answers to the following questions: did Britain have an active policy towards Poland during this period? What were the key issues facing Britain, and what foreign policies did it pursue? To what extent did the UK seek to promote liberal (or anti-communist) values in Poland, or was it more concerned with maintaining stability, trade and relations with the communist government? To what extent did British diplomats predict events that ultimately transpired? And, finally, to what extent were there disagreements between three key institutions: Downing Street, the Foreign & Commonwealth Office (FCO)<sup>3</sup> and the British Embassy in Warsaw? As implied by that final question, this article will not only follow the typical focus in the literature on British politicians, but concentrate on the correspondence of its diplomats, particularly those based in Warsaw. Today, one may assume Britain would have shown “solidarity with *Solidarność*”, but this article will set out the complexities

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<sup>1</sup> I am reluctant to describe the events which transpired in Poland throughout the 1980s as a ‘revolution’. The changes brought about by Solidarity were piecemeal, gradual and negotiated. Timothy Garton Ash has described the process as a “refolution” (Garton Ash 1989). Although the term *odnowa* was often used by the Party, I believe it is appropriate for this article as it, one, reflects a period when the fundamental communist nature of the Polish state was little questioned and, two, was used frequently in correspondence by British diplomats.

<sup>2</sup> ‘If I was forced to name a single date for the “beginning of the end” in this inner history of Eastern Europe, it would be June 1979. The judgement may be thought excessively Polonocentric, but I do believe the Pope’s first great pilgrimage to Poland was that turning point.’ (Garton Ash 1999: 133).

<sup>3</sup> The FCO became the Foreign, Commonwealth & Development Office (FCDO) in September 2020.

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behind such an assumption. Indeed, in the FCO's own *Documents on British Policy Overseas* (DBPO) series, the "dilemmas" facing British policymakers with regards to Poland during this period (but also applying more widely to other Soviet "satellites") are described comprehensively:

How to support opposition to Communism without dangerously destabilizing the whole region; how to promote human rights without provoking a repressive crackdown; how to promote British trade without strengthening Communist regimes; how to encourage national independence within the Communist bloc without provoking Russian intervention; how to maintain links with opponents to a regime without alienating the government; how to promote reform without seeming to interfere excessively; and finally, how to maintain unity among Western Allies who held a range of views. (Tombs and Smith 2017: IX)

I will consider the research questions through two paradigms. First, between a "proactive" and "reactive" foreign policy. Secondly, between a "cautious" and "interventionist" one. A "proactive" foreign policy would predict events and prepare for them; a "reactive" foreign policy would be somewhat surprised by events and have less influence in shaping them. Meanwhile, a "cautious" foreign policy would prioritize warm governmental relations and/or believe that Polish events were an overwhelmingly domestic matter; an "interventionist" foreign policy would play a greater role in shaping events, such as by providing support to the opposition. I will avoid terms common to International Relations such as "realist" and "liberal". What would have been a "realist" or "liberal" British policy towards Poland during 1980? If by "realist" we mean a foreign policy focused on national interest (*realpolitik*), then one would expect Britain to have focused on trade and maintaining government relations, with less of a focus on human rights or democracy. However, if by "realist" we mean a "competitive" or "conflictual" form of international relations (Stanford 2017), were not President Reagan's later more antagonistic instincts towards the communist bloc – he called the Soviet Union an "evil empire" in March 1983 – fundamentally "realist"? Moreover, if by "liberal" we emphasize "cooperation" between nations (Stanford 2017), could a case not be made that it would have been "liberal" for British diplomats to engage significantly with the *Polish United Workers' Party* (PZPR), despite fundamental political differences? Therefore, in this context, the liberal-realist paradigm is of limited value, while proactive-reactive and cautious-interventionist have the potential to be more useful.

This article comes with limitations. First, it will not provide a comprehensive account of British foreign policy towards Poland during the Polish *odnowa*, but rather focus on 1980, the year Solidarity emerged. It is divided into two long chapters: the first (see 2), which covers the run-up to the events in Gdańsk, the accords signed in August, and the emergence of Solidarity, the Eastern bloc's first independent trade union; and the second (see 3), which looks at the latter months of 1980, high-level contact between the two countries, and above all, considers key issues which arose from the formation of Solidarity, namely the threat of Soviet military intervention and

the question of whether Britain would provide financial assistance to Poland. Secondly, it will focus on “high-level” political and diplomatic figures such as the Prime Minister, Foreign Secretary and Her Majesty’s Ambassador in Warsaw; and not, for example, on Members of Parliament, opposition parties or trade unions. (The attitudes of British trade unionists towards Solidarity alone makes an interesting study. A recent analysis by Stefan Berger suggested, however, suggested that “initial slowness to react gave way to strong political and practical support” (Manchester 2010)). Thirdly, this article is primarily a study of British foreign policy and not of Polish politics, nor Polish policy towards Britain. It therefore relies on documents in English, although Polish-language sources could have provided additional insight. Finally, there are several elements of British foreign policy with relevance to Poland which the article does not cover in depth; for example, Britain’s approach to nuclear armament and its relations with the Soviet Union, Britain’s diplomacy in Brussels, or even the influence of British cultural products (e.g. the BBC). In all, a more comprehensive study would make an appropriate doctoral thesis.

But why study this subject at all? In some ways, it is a niche one. Warsaw was by no means the most important diplomatic posting from a UK perspective during most of the Cold War. Commenting from a U.S. angle, Daniel Fried, Washington’s former Ambassador to Warsaw, says that specializing in Poland was regarded as “a nice, provincial, charming study – but without significance” (Fried 2020). That of course changed during the months covered by this article. Nevertheless, Britain was a less influential player in Poland than the Soviet Union and United States, and perhaps less even than France and West Germany. Mrs Thatcher was also said by some to have reached Number 10 with little interest in international affairs. According to Charles Powell, the Prime Minister’s foreign policy adviser (1983-91), “foreign policy was not an area she was particularly familiar with” (Powell 2007). She certainly had a radical domestic programme which competed for her attention, but this claim does her something of an injustice. She had, for example, visited the USSR as a Shadow Cabinet member in 1969, Romania and Bulgaria as Education Secretary in 1971, and Yugoslavia as Leader of the Opposition in 1977. The Conservative Party manifesto of 1979 also accused Labour of cutting Britain’s armed forces and reducing its contribution to NATO (Conservative Party 1979), signalling a more combative approach to the Communist bloc. Indeed, Powell added that Thatcher did have “certain strong instincts”, one of which was “that communism was evil and had to be confronted” (Powell 2007). As such, one should not assume that Poland was insignificant diplomatically, or that Britain had little influence. As well as there being significant historical links between the two countries, it was of course Poland which was the catalyst for the fall of communism in Central and Eastern Europe (CEE). As Garton Ash succinctly put it: “In Poland [the transition from communism to democracy] took ten years, in Hungary ten months, in East Germany ten weeks: perhaps in Czechoslovakia it will take ten days!” (Garton Ash 1990). Poland was not alone in resisting communism – the Hungarian Uprising (1956) and the Prague Spring (1968) are perhaps better known than the Polish protests in Poznań (1956) and on the Baltic (1970) – but the

formation of Solidarity in 1980 was the event which set the region's political transition in motion. Certainly, by the end of the 1970s, the British government believed Poland – with its powerful Catholic Church and traditions of independence – to be the most likely to break away from the Eastern bloc (Tombs and Smith 2017: XII) (although throughout the 1980s it vied with Hungary for this title). Furthermore, the fact Margaret Thatcher is credited as being among a group of politicians who “won” the Cold War – rhetoric which unfortunately can downplay the role played by the Poles themselves – suggests that her government's approach to the largest Eastern bloc country after the USSR itself is worth further attention. Wałęsa himself later reflected he had “long admired [Thatcher's] ideas about free enterprise-society and its system of rewards” (Wałęsa 2016: 166) – although there is little doubt during the period covered by this article that Wałęsa was a socialist and trade unionist. Thatcher, however, had few doubts about the importance of British diplomacy. “We in this country have had quite a major role in the great events that are happening today,” she said in November 1989, reflecting on the revolutions of that year – although this focused in particular on her “talent spotting” (Thatcher 1989) of Mikhail Gorbachev in December 1984, when she invited the ascending Soviet politician to Chequers. The visit was a good example of the diplomatic side of Thatcher's character – “I like Mr Gorbachev. We can do business together” – however, she was no archetypal diplomat. Therefore, it is also worth investigating her relations with British diplomats over the issue of Poland in 1980, particularly as many key players have said she held a sceptical attitude towards the FCO<sup>4</sup>. As Lord Carrington, the Foreign Secretary for the whole period covered by this article, reflected: “Margaret Thatcher evinced at times a distrust of the Foreign Office, a determined attitude that it didn't stick up for Britain and was softly conciliatory where the reverse was needed... This sentiment was never far from the surface, and could erupt in impatient hostility unless ably countered.” (Carrington 1988: 285) Was this the case with regards to events in Poland?

Several anniversaries also make this article more relevant. Shortly before it was completed, Poland marked forty years since the Gdańsk accords and the emergence of Solidarity, with many commentators highlighting the importance of that event and the lessons it offers to politicians and diplomats today. These lessons are particularly worth considering given the ongoing protests in Belarus. Secondly, this article was conceived shortly after the thirtieth anniversary of the semi-free elections in Poland, which led to the country's first post-war non-communist government under Tadeusz Mazowiecki. More to the point, the thirty-year rule in the UK (whereby official government papers are released after a period of thirty years) means that much of the content in this article has newly come to light and has thus been little studied, if at all. Thirdly, in 2018 the British Embassy in Warsaw launched a campaign titled “100 years of friendship”, marking a century since the UK's recognition of Józef Piłsudski's newly independent Poland in 1918. How strong was said “friendship” during the emergence of Solidarity? Certainly, the past century of British-Polish relations has not

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<sup>4</sup> Both positive and critical accounts of Thatcher's foreign policy record have suggested this. See Renwick (2013: xx, xxii, 2, 49) and Urban (1996: 16, 26, 28)

been entirely free of controversy. Although the UK supported Poland's regained independence, Lloyd-George advocated "somewhat lame compromises" (Sixsmith 2018: 57) such as the Danzig settlement and the Upper Silesian plebiscite. Although Chamberlain guaranteed Polish independence, Britain's guarantee and then declaration of war did little to help a Poland caught between Hitler and Stalin. (In any case, Chamberlain had guaranteed Polish *independence* rather than its territorial integrity.) Although No. 303 Polish Fighter Squadron was famously one of the most prolific in the Battle of Britain, it took until 2005 for Polish veterans to be invited to a British Victory Parade, following a formal government apology (Madera 2016).

There are further examples of this occasionally bumpy friendship. Indeed, the "Western betrayal" narrative is still common in Poland, focusing on limited British military help in 1939 and the Yalta conference of 1945 (which conceded Poland to the Soviet sphere of influence). As Stanisław Mikołajczyk, Prime Minister of the Polish government-in-exile in London (1943-44), reflected: "We fell even before the war had ended because we were sacrificed by our allies." (Mikołajczyk 1948) But from a British perspective, this "betrayal" was a calculation of *realpolitik*. As Andrea Mason concludes: "The Polish issue was not one which affected Britain's vital strategic interests, and it could not be allowed to further damage Anglo-Soviet relations." (Mason 2018: 7) Might a similar calculation have been made with regards to Solidarity in the 1980s? Indeed, the subject of Thatcher's initial relations with Solidarity briefly came to light in February 2012 in *Der Spiegel*; suggesting her government had "deep reservations" about the movement. According to a previously classified German Foreign Ministry document seen by the magazine, in September 1981, Lord Carrington, the Foreign Secretary, had told a private audience in New York that the UK sympathized with Solidarity and supported it "out of respect for public opinion" but had also considered whether a more "rational" position would be to align more closely with the Polish government (Spiegel 2012). There was little detail in this story, but this article sparked a personal interest to discover more.

Finally, my personal circumstances – being a Briton living and studying in Warsaw, with an interest in the history of diplomacy, the United Kingdom, and CEE – played a significant role in the choice of this thesis. Of course, there are many more people in the reverse circumstances; that is, Poles living in the UK. As of 2019, Polish was the most common non-British nationality in the UK (900.000 people) and Poland the second-most common country of birth (818.000) (ONS 2019). This, in my view, gives the topic of Anglo-Polish relations ever increasing relevancy.

Overall, this article will add value by relying heavily on primary sources, such as diplomatic correspondence between Warsaw and London (including the yearly "annual reviews", as well as more regular despatches), as well as Downing Street documents such as the Prime Minister's papers and weekly Cabinet minutes. The more obscure documents (particularly correspondence from the Warsaw Embassy) I was able to consult at the UK's National Archives in Kew, London, while many of the Downing Street documents are available online at the National Archives' website. I



also relied heavily on *Documents on British Policy Overseas: The Polish Crisis and Relations with Eastern Europe, 1979-1982* (Tombs and Smith 2017), a volume in the DBPO series, which is a curated selection of primary documents held by the FCO on the topic<sup>5</sup>. I am grateful to the Library of the Polish Parliament (*Sejm*) for lending me this valuable book. I am also grateful to the College of Europe in Natolin for purchasing a later volume, *Britain and the Revolutions in Eastern Europe, 1989* (Smith 2020), which I read with interest, but have ultimately not required for this article. I have also made use of Cambridge University's British Diplomatic Oral History Programme (BDOHP), as well as the extremely resourceful Margaret Thatcher Foundation website. Unfortunately, Brian Barder, HM Ambassador to Poland (1986-88), is the only Ambassador to Poland to have been interviewed in the BDOHP series. In his interview he emphasized the difficulties he overcame to maintain contacts with Solidarity while in post: "Solidarity represented democratic, liberal principles against repression, totalitarianism, communism and all the values that stood against us." (Barder 1997) Was the approach of the Ambassador in post for the period covered by this article, Kenneth Pridham, similar? I am also grateful to Daniel Fried, former U.S. Ambassador to Poland (1997-2000), for agreeing to be interviewed and being generous with his time and perspectives. Although not a British official himself, as a seasoned diplomat, Fried – who was at the consulate in Leningrad during 1980 – was able to offer valuable insights into both Solidarity and "Western" policy in general.

In terms of secondary literature, while plenty has been written on topics which are relevant to this article (such as Solidarity, the Cold War, Thatcher's foreign policy, the FCO and so on), rather little has been published on the specific topic of British diplomacy towards Poland in the 1980s, not to mention specifically 1980. Robert Ledger's 2015 article "'From Solidarity to Shock Therapy': British Foreign Policy Towards Poland Under the Thatcher Government, 1980-1990" proved a useful starting point. Ledger describes the Thatcher government's position towards Poland in 1980 as "fragile" and suggests it acted "pragmatically and primarily politically". During this period, Ledger concludes, particularly pointing to Britain's reluctance to assist Poland financially in late 1980, "national interest took preference over anti-socialism and neo-liberalism. These, however, were to align more easily as the decade wore on" (Ledger 2016: 102,104). Robin Harris, biographer of Margaret Thatcher, agreed, arguing that her policy towards Poland in 1980-81 "reflected her instinctive nationalist priorities, which those viewing events from an exclusively Cold War perspective are inclined to overlook" (Harris 2013: 258). Otherwise, Ben Sixsmith's *Kings & Comedians* (Sixsmith 2018) provides an overview of British-Polish diplomatic history but devotes only a brief twenty-two pages on the communist period. I have also consulted Timothy Garton Ash's *Solidarity: The Polish Revolution* (Garton Ash 2002), the veteran journalist's detailed account of Polish events between the emergence of Solidarity and martial law, Roger Boyes' biography of Lech Wałęsa, *The*

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<sup>5</sup> The FCO classified Poland as 'Eastern European' between 1968 and 1991. In 1991 the FCO department with responsibility for Poland was renamed 'Central European'.

*Naked President* (Boyes 1994), Charles Moore's three-volume Thatcher biography, particularly *Not For Turning* (Moore 2014) – as well as various memoirs such as Thatcher's *Downing Street Years* (Thatcher 1993), Carrington's *Reflect on Things Past* (Carrington 1988) and Geoffrey Howe's *Conflict of Loyalty* (Howe 1995). While less relevant to the topic of this article, any student of Poland in general should consult Norman Davies' work, particularly *God's Playground* (Davies 2005) and *Heart of Europe* (Davies 2001). For a broader sense of Thatcher's foreign policy, I consulted Robin Renwick's *A Journey...* (Renwick 2013), George Urban's *Diplomacy and Disillusion...* (Urban 1996) and, above all, Paul Sharp's *Thatcher's Diplomacy*. However, perhaps because of Thatcher's contribution to economic policy – "Thatcherism" – literature on the diplomatic side of her premiership is comparatively small. Nevertheless, for Sharp, "Thatcherism" in foreign policy was a "vision of an international order sustained by liberal great powers acting in accordance with their national interests" (Sharp 1997: xviii). He suggests, however, that a distinctive Thatcherite foreign policy towards the Communist bloc took a while to emerge, and certainly had not done so by the end of 1980. Indeed, Sharp suggests, the Thatcher government in 1980-81 was caught somewhere between supporting East-West détente and the much tougher U.S line (Sharp 1997: 183-185). Unfortunately, diplomatic memoirs relevant to the topic at hand are few and far between. "Politicians are likelier than officials to be driven by the desire to vindicate themselves and to polish their reputations in the eyes of future historians: diplomats generally prefer anonymity," (Barder 2017) suggests Brian Barder. Overall, however, I hope the value of this article is in its focus on declassified primary sources. Finally, my thanks to my supervisor, Professor Richard Butterwick-Pawlikowski, for his advice and support.

This article is dedicated to my father, Philip, who passed away a few months before I started at Natolin. He occasionally drove across the Iron Curtain in the late 1970s to visit my grandparents, who for a few years lived in Włocławek, central Poland (my grandfather having been a senior engineer at the oil refinery near the city). Their stories of this period – as well countless conversations with Polish friends I've made over the past decade – explain my interest in Poland particularly, but also CEE more widely.

## **2. The road to Gdańsk, the August accords and the emergence of Solidarity**

### **2.1 Background**

The elevation of Karol Józef Wojtyła in October 1978 to become the first Polish Pope – and his homecoming pilgrimage in June 1979 – may have provided spiritual inspiration, but fundamental political change in Poland required conscious social and political organisation which would not be realised until more than a year later. Indeed, the British Ambassador to Warsaw, Kenneth Pridham, concluded in his Annual Review for 1979: "The Church has gained in confidence from the Pope's visit but there have yet been no concrete advances towards its specific aims." (Pridham 1980a: 1) It was not, however, the Pope's style to launch a crusade against communism, but rather to

“plant seeds [...] of ideas about freedom, human rights, governmental obligations, the imperative of living honestly in a country that was being dishonestly governed” (Boyes 1994: 51). The movement which flowered from those seeds was Solidarity, the first independent trade union in the Eastern bloc.

The emergence of Solidarity in late 1980 did not, however, represent the emergence of criticism directed against the PZPR. According to Roger Boyes, “the surprising feature of the worker revolt in Poland [in 1980] is that it took so long to crystallise. All the complaints and grudges that poured out in August 1980 were part of the daily grumbling in the 1960s” (Boyes 1994: 27). To name the most notable outbreaks, in 1956 protests in Poznań over pay and working conditions were violently suppressed, leading to the deaths of seventy-four people (Davies 2001: 8), but ultimately forcing a period of de-Stalinisation known as “Gomułka’s thaw”; in 1968, following dissatisfaction over this temporary period of liberalisation, students in Poland’s university cities launched protests over issues such as the economy and state censorship, which were again violently suppressed; two years later, in 1970, at least forty-two workers were killed after the Polish security forces put down revolts on the Baltic coast over price rises for basic foodstuffs (a monument to the “fallen shipyard workers” was to become a key Solidarity demand); and finally, in June 1976, after a government plan for more foodstuff price rises, demonstrations broke out in Radom, Ursus and Płock, among others. Although the price hike plan was shelved, and the Prime Minister dismissed, the violent way in which the protests were put down led to the formation of the *Workers’ Defence Committee* (KOR, *Komitet Obrony Robotników*) in September, an important predecessor to Solidarity.

Polish communism had therefore become rather used to sporadic disturbance, followed by government attempts to quell protests either with force or short-termist measures to conceal the cracks of weak economic performance, poor living standards, food shortages, high prices, long working hours, and so on. Perhaps unsurprisingly, Ambassador Pridham concluded at the end of 1979 that “if the [Polish] Government can maintain roughly the current standard [of living], avoiding a dramatic fall, they should be able to contain outbreaks of discontent with their usual mixture of concession, cajolery and intimidation”. He added: “On the whole I think a major outbreak more unlikely than likely in the early future.” (Pridham 1980a: 5)

Despite this history of dissident activity in Poland, it is the formation of Solidarity – following the signing of the August accords in 1980 – which is, today, seen as the straw that broke the camel’s back with regards to Poland’s one-party, communist system – and thus prove the Ambassador’s prediction wrong (although it would take another nine years before democratic elections took place). Certainly, August 1980 had both long-term and short-term causes. Daniel Fried, former U.S. Ambassador to Poland, argues that during the twelve years since 1968, underground resistance had become “built in” – although with the emergence of Solidarity this was on a much larger scale (Fried 2020). In addition to economic issues (particularly price rises), it was the firing of crane operator Anna Walentynowicz which brought

workers out on strike at the Lenin Shipyard in Gdańsk on 14 August 1980. Walentynowicz had been active in the Free Trade Unions of the Coast which, under the leadership of Lech Wałęsa (who had been fired from the shipyard in 1976), and drawing upon the support of groups such as KOR, formed the Inter-Enterprise Strike Committee (MKS, *Międzyzakładowy Komitet Strajkowy*) on 18 August. It was MKS's "twenty-one demands", immortalised on large wooden boards (and now on show at the European Solidarity Centre), which led to the Szczecin, Gdańsk and Jastrzębie-Zdrój agreements, signed on 30 August, 31 August and 3 September respectively. Both the process by which the agreements had come about, as well as their content, were ground-breaking in terms of the grip the PZPR had on the country. They recognised a right to establish independent trade unions, a right to strike, a relaxation in censorship, the release of political prisoners, and more freedoms for the Church. They had also been the result of negotiations in which the government and workers were on something of an equal footing – a "novel equality" (Garton Ash 2002: 58) – with the government represented by the Deputy Prime Minister, Mieczysław Jagielski, who had to negotiate on the workers' own turf, and with "intellectuals" such as Tadeusz Mazowiecki and Bronisław Geremek offering the strikers support. Furthermore, the negotiations were conducted amidst a carnival-like atmosphere at the Lenin Shipyard, and all under the glare of significant media coverage.

According to Garton Ash, "the example of Solidarity was seminal. It pioneered a new kind of politics in Eastern Europe" (Garton Ash 1999: 134). Indeed, as Timothy Snyder recently reflected:

The creation of Solidarity [was] one of the most important events in the history of Poland and the world at the end of the 20th century. It became a moment that changed the essence of the Leninist system. Before that, the communist party [...] had a monopoly on power. This changed when Solidarity was founded (Snyder 2020).

For Daniel Fried, the Gdańsk accords

were a foundation for what happened later. What the legalisation of Solidarity meant was that in a few months you had a multi-million-person organisation springing up, with structures, all over Poland. Then in its wake, you had all kinds of little clubs, political associations, discussion groups, that were different in every city. You had suddenly a flowering of civil society [...] which meant that, after martial law, you had an organised, underground democratic movement of tens of thousands of people [...]

That meant by "88-89 you could organise society, you could organise strikes, and you could organise elections and a new government [...] That was a big, big deal." (Fried 2020)

This chapter will focus on what British diplomats and ministers thought about the period, as well as what policies towards Poland, if any, London put in place. Did British diplomats appreciate the importance of the events on the Baltic coast at the time? Did they see the events as an opportunity, or a threat? And to what extent did



Britain provide support or encouragement to the nascent Solidarity movement? Such questions will be considered with a focus on the events of August and September 1980, but also the months leading up to the “Polish awakening” (Darnton 1981).

## 2.2 The road to Gdańsk

The 1970s were “quiet times” (Sixsmith 2018: 113) for Anglo-Polish relations. This is the impression one gets from the memoirs of Sir Nicholas Henderson, Ambassador to Warsaw (1969-72)<sup>6</sup>, who amusingly describes organising a series of table tennis matches with staff from the Chinese Embassy (Henderson 2000: 30-34). Nevertheless, his disillusionment at London’s approach to Poland signals changes ahead:

As London saw it, the satellite countries, by siding abjectly with the Soviet Union over the invasion of Czechoslovakia<sup>7</sup>, had lived consummately up to their name. They were, therefore, not worth bothering about and any effort to be made towards the Communist world should be directed to Moscow. From the Warsaw Embassy we reacted strongly to this view which seemed to us to be a self-fulfilling policy of doom; and I think we helped to bring about a swing in the pendulum. (Henderson 2000: 22).

Almost a decade later, on 7 December 1979, a significant despatch from the Foreign Secretary, Lord Carrington, confirmed the swing in this pendulum. Writing to the Ambassador in Moscow – and copying in key East European posts, including Warsaw – Carrington signalled a change in how Britain would deal with communist bloc countries and opposition groups within them. The British government’s role was

to do what we can to undermine Soviet power by encouraging existing tendencies towards diversity within the Warsaw Pact, tendencies exemplified by Romania’s foreign policy, Hungary’s new economic mechanism and Poland’s particular brand of pluralism.

The policy would have its limits, however. “We have no interest in provoking a crisis in the area, which would again be ended by invasion if the Russians thought it necessary.” (Carrington 1979) This “differentiation” was not a new idea. In the late 1960s, the FCO looked at how it could play a more active role in the region and, following the Helsinki Final Act of 1975<sup>8</sup>, Foreign Secretary James Callaghan saw increased economic and cultural links as a way to make it harder for the Soviet Union to pull the central European states eastwards if it wished to abandon its commitment to *détente*.<sup>9</sup> Nevertheless, following Conservative criticism of the Labour government for taking “a too benign view” of the Soviet Union, Carrington’s despatch brought a new focus on the policy (Tombs and Smith 2017: XI).

The Soviet invasion of Afghanistan in 1979 only served to convince Carrington that this policy of “differentiation” was the correct course, as he outlined to the

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<sup>6</sup> Later HM Ambassador to Washington, 1979-82

<sup>7</sup> Warsaw Pact invasion of Czechoslovakia in August 1968 to quell the “Prague Spring”

<sup>8</sup> The result of the Conference on Security and Co-operation in Europe, which acknowledged principles such as the “territorial integrity of states” and “non-intervention in internal affairs”

<sup>9</sup> A period of relaxed tensions between West and East in the late 1960s and early 1970s



Ambassador in Poland on 18 January 1980: “We shall draw greater and more demonstrative policy distinction between the USSR and the Eastern Europeans, so as to avoid associating the latter with this Soviet act.” (Carrington 1980a: 22) This official change in strategy from the political leadership at the FCO followed discussions at a lower level with regards to Britain’s policy towards dissident groups. On 24 May 1979, the Third Secretary in Warsaw, Charles Gray<sup>10</sup>, had written to the British Embassy in Prague saying that Warsaw wished to take a “fresh look” at its policy of communications with dissidents, following what Gray saw as the U.S. Embassy taking a lead in this regard (Gray 1979a: 25). A minute by Christopher Mallaby<sup>11</sup> almost a year later to Ewen Fergusson<sup>12</sup> on 24 March 1980 laid out in more detail the Warsaw Embassy’s strategy. It acknowledged that in Warsaw the Americans had been “a good deal more active” in cultivating opposition contacts. Furthermore, it clearly dismissed the suggestion that cultivating dissidents was “improper” and stated that the Ambassador approved Embassy staff “taking the initiative to arrange rather more contacts with dissidents”. Nevertheless, there was a need for caution. “In some posts – e.g. Warsaw,” Mallaby warned, “we have bilateral interstate interests which could be harmed by going too far in cultivating dissidents”. The bottom line, therefore, was that there was “scope for a bit more contact” (Mallaby 1980: 25).

This was a typically diplomatic compromise, but it is not surprising considering the Embassy around this time believed Edward Gierek’s<sup>13</sup> government represented the best available option for Poland. This is reflected in a memorandum from December 1979 by David Joy, Counsellor and Head of Chancery (1978-82). While describing Gierek’s “socio-economic experiment” (involving the cancellation of food price rises, higher workers’ wages and significant foreign borrowing) as being in “serious trouble”, and leading to increased dissident activity, what is notable about the despatch is the relatively positive picture Joy paints of Gierek’s record. “The Poles, by and large, enjoy considerable material prosperity in contrast to their situation 10 years ago,” he reports. “All Poles can be, and most are, proud of the progress of the last decade [and] have little reason to want a change of leader.” He continued:

The overall picture then is one of a populace with little more than normal disgruntlement and grievances over shortages and similar inconveniences against the Government, but with a greater deal to be thankful for, more to lose materially than ever before and vivid and perpetually-renewed memories of infinitely worse times not too long ago (Joy 1980: 20-22).

Today, it is quite striking to read a British diplomat line up so squarely in support of the Polish communist government, and downplay the complaints of the growing dissident movement, only some eight months before the August strikes on the coast. And this remained the Embassy’s line well into the following year. As Ambassador

<sup>10</sup> Third Secretary, Warsaw, 1976-79

<sup>11</sup> Head of the Eastern European and Soviet Department, FCO, 1979-80; Head of Planning Staff, FCO, 1980-82

<sup>12</sup> Assistant Under-Secretary (Europe), FCO, 1978-82

<sup>13</sup> First Secretary, PZPR, 1970-80

Pridham put it straightforwardly in April 1980: “The Gierek regime represents the best available compromise for the interests of Poland, the West and the USSR” (Pridham 1980b: 30-31).

However, a shift in the Embassy’s approach is noticeable in the Ambassador’s despatch of 23 May 1980 to the Foreign Secretary, titled “Dissidents in Poland” (Pridham 1980c: 35-40). Pridham begins by reporting, understatedly, that in the previous few months, “the picture has changed somewhat”. It might be unfair to say the Embassy had been dismissive of dissident groups to this point, but the despatch sees the Ambassador pay greater attention to the make-up and effectiveness of said groups (a memorandum by Charles Gray in the previous year had concluded that “divided dissident groups had virtually no influence upon public life” (Gray 1979b: 35)). That said, the Ambassador describes the dissident groups – particularly KOR – as being “mostly intellectuals” and suggests “they seem to have made little impression on either the urban or the agricultural workers. Nor have they much in common with the Roman Catholic Church”. That situation would change a few months later with the formation of Solidarity, a movement noted for its synthesis of workers and intellectuals, as well as its use of Christian ideas and imagery. Pridham continued with a look ahead:

I see no prospect of the dissidents changing the system itself. Apart from anything else it is generally agreed that the Soviet Union would prevent by force any attempt to take Poland out of the socialist camp [...] Changes will come, but by the effluxion of time, by the growth of new generations and new ideas or by major outside events.

From the vague and rather resigned, laidback tone of this prediction it is clear the Ambassador did not, at this point, anticipate the change that would occur in August 1980. Finally, he reiterated the UK’s pragmatic policy on dissident engagement:

[Dissidents’] contacts with the West and the information they feed to foreign newsmen [...] serve as a constant goad to the Polish Government. These, if not pressed too far (in which case they would be counterproductive) can have the effect of lessening those abuses of human rights which are not necessary to preserve the system.

Here, the Ambassador portrayed the increase in opposition activity in Poland as both an opportunity and a threat, but was not contemplating a fundamental change in “the system”. It is also striking to see the Ambassador refer to human rights abuses which were “necessary”, although perhaps it is the role of a good diplomat to portray the mindset of his/her host government.

Up to this point, the views of Margaret Thatcher towards Poland are yet to emerge. Although her political career had taken her to the Soviet Union (in 1969), Romania (1971 and 1975), Bulgaria (1971) and Yugoslavia (1977) by this point (Thatcher 1995: 154, 354, 369), she had yet to engage in any significant sense with Poland. As far as I have been able to research, the only reference she made to Poland as Leader of the Opposition was during a typically Thatcherite speech on the economy,

disparagingly comparing the share of incomes in the UK to those in Poland (“a rather shattering conclusion to reach” (Thatcher 1975)). She then exchanged conventional correspondence with two Polish prime ministers during her first year in office: first, responding to a letter on broadly commercial matters from Piotr Jaroszewicz (Thatcher 1979) and, second, offering her congratulations to his replacement, Edward Babiuch (Thatcher 1980a). However, the earliest substantial comment I have been able to find from Mrs Thatcher with regards to Poland is illuminating. It highlights how different her instinct – and tone – was in comparison with her diplomats. On 8 August 1980, the Prime Minister’s Private Secretary had informed her that the Polish Ambassador to London had complained to the FCO that Alasdair Hutton, a Scottish Conservative MEP (1979-89), had claimed on a recent visit to Poland that his contact with Polish dissidents had the “authority and encouragement” of the PM. While it appears Hutton was overstating his case, Thatcher’s handwritten reply was unequivocal: “I do not know Mr Hutton personally but would certainly be pleased if he made contact with ‘dissidents’ on his visit. The very word condemns the governments of those countries.” (Thatcher 1980b: 88) Notably, Thatcher underlines the word dissident and puts it in inverted commas.

### 2.3 The shipyard strike and August accords

On 14 August, workers went on strike in their thousands at the Lenin Shipyard in Gdańsk. The British Ambassador reported the news to the Foreign Secretary with a short, factual telegram marked “immediate” at 3.15pm the following day (Pridham 1980d: 51). “Yesterday 16,000 workers at the Lenin Shipyard in Gdańsk stopped work and presented ten demands to the management,” he began. The Ambassador reported the demands included pay rises and better allowances – and that the management had agreed to reinstate two workers who had been fired (although he did not mention Wałęsa or Walentynowicz by name). During the standoff and negotiations, which lasted until the end of the month, Lord Carrington commissioned the Foreign Office to provide an assessment of events, to be sent to the Prime Minister. On 22 August, the FCO’s David Neilands wrote to the PM’s Private Secretary, Michael Pattison. In his view, the demands being put forward by the strikers – namely, for free trade unions, the abolition of censorship, and the release of political prisoners – were “virtually impossible for the regime to concede”. The impossible would, of course, become possible in a matter of weeks. What would change rather less, however, were Lord Carrington’s instincts. Neilands communicated it was Carrington’s view that Britain should keep a “low profile [...] and he hoped the countries in the surrounding area would take the same view.” (Neilands 1980) The British Embassy in Warsaw subsequently updated the FCO with telegrams on 25, 27 and 30 August. The first saw the Ambassador report on the government reshuffle<sup>14</sup>, which replaced “men resistant to change” and opened the way to “a more flexible approach” towards the strikers (Pattison suggested Thatcher take a glance at the telegram, but said it “add[ed] little

<sup>14</sup> Józef Pińkowski replaced Babiuch as PM, among other changes. Garton Ash, *op.cit.*, *Solidarity*, 60-61

to BBC coverage" [Pridham 1980e]). In four separate telegrams on the 27<sup>th</sup>, the Ambassador raised the issue of Soviet intervention ("not thought likely" at that stage) and questioned whether strike leaders would "have the restraint to stop at the right moment" (Pridham 1980f). Finally, in the telegram sent by the Ambassador on the 30<sup>th</sup>, the imminent agreement between government and strikers still seemed difficult to predict. In his words: "The chances that the government will make further concessions is perhaps a little more likely. But they seem to have gone as far as any communist government can afford to go if it is not to allow the break-up of the one-party state. To concede the genuine type of free trades union structure that the strikers are demanding would be a step in that direction." (Pridham 1980g).

By the following day, the government had conceded exactly that. It was not until 3 September however – following the signing of the August accords – that the Ambassador expanded on the events that had taken place in the north. He did so with three successive telegrams to the Foreign Secretary, timed 12pm, 12.20pm and 12.35pm. In the first, he reported that the Polish government "guarantees the new unions, which will be separate from the existing council of trade unions, full respect for their freedom and self-government both as regards organisational structure and functioning" – but that "they are not going to form a political party: they accept the leading role of the PZPR" (Pridham 1980h: 54-56). In the second, he looked at the political significance of the agreements, particularly as they had been negotiated "in the glare of radio and TV publicity" and had been "enshrined" in formal documents. He concluded: "To return to the status quo ante will, short of Soviet intervention, be almost impossible [...] to yield at all in such circumstances was of course a shattering defeat for the regime." The new unions, he added, "can hardly fail to become a force in the country parallel to the Party/Government and the Church". These assessments show that the Ambassador understood the significance of the Gdańsk agreements at the time, was quick to recognise the force the new unions would become, and raised the concern of Soviet intervention at an early stage. Overall, the Ambassador's reports combine both optimism and concern: "So many of the strikers demands [...] will in the short run exacerbate economic difficulties [...]. Without an economic miracle or large new borrowing, the Government's promises of more food and more flats cannot be made good." He finished the second telegram with a policy recommendation: "The logic of all of this is that the West needs to help to keep Poland afloat rather as we kept Tito afloat in the 1950s for different reasons." (Pridham 1980i: 56-57) The third telegram added more, concluding: "Poland's only hope must be for massive outside assistance." (Pridham 1980j: 57-58) Such assistance from the UK would encounter critics in Whitehall, as will be explained later.

Only a few hours after the Ambassador's despatch, Lord Carrington sent an important telegram to key embassies to explain the British government's position. Marked "line to take", he said:

We wish to restrict comment on the situation in Poland to a minimum, both to avoid appearing to substantiate the Soviet allegation that Western support for the strikers is aimed at subverting the socialist order in Poland and to avoid making

more difficult the task of the Polish authorities in implementing the reforms agreed [...]. We continue to regard events in Poland as a strictly internal matter to be settled by the Polish authorities and people themselves (Carrington 1980b: 58-59).

British policy at this point was therefore clearly limited, with London backing the Polish government to implement the reforms it had promised. The British Ambassador in Moscow, Sir Curtis Keeble<sup>15</sup>, summed up the UK's dilemma in a thoughtful despatch on the situation in Eastern Europe: "The problem [...] is that of pursuing policies which will facilitate the decay of Soviet power in Eastern Europe at a rate slow enough not to reach the point of explosion." (Keeble 1980a: 60-64) A day later, however, in a long despatch titled "The Polish Crisis", Ambassador Pridham suggested: "Poland will never be the same again [...] boundaries which Gierek said were uncrossable have been crossed." (Pridham 1980k)

On 3 September, Margaret Thatcher made her first high-level communication on the Poland issue. It was, however, a reply to a letter from the President of the United States, Jimmy Carter, on 27 August – that is, before the agreements had been concluded. The President thought events in Poland could have "far-reaching consequences" for East-West relations, but that the "best outcome would be accommodation between the authorities and the Polish people leading to a more liberal and democratic system" (Carter 1980a: 65). Much had occurred between the two letters. In her reply – showing an appreciation of both the content of, and process behind, the Gdańsk accords – Thatcher wrote: "The concessions which have been won by the shipyard workers and the coal miners, and the way in which they have been won, are of enormous political consequence." On the issue of financial help from the West, she suggested that such help should benefit the Polish people rather than the "shoring up of an unreformed system" (Thatcher 1980c: 65-66). Importantly, this final letter differed in several respects from the original FCO draft. The draft suggested London would "continue to avoid 'any comments' [my emphasis] on the situation which might make [the Polish authorities'] task more difficult" (Tombs and Smith 2017: 65). The final letter, however, went with the softer "we here intend to continue to take a careful and restrained attitude in public to events in Poland". The difference might seem small and semantic, but it suggests the Prime Minister was seeking a little more leeway to engage with reformers, at least in private.

Poland was raised as a main agenda item at the UK Cabinet (the executive body of the government) on 18 September 1980 – the first time this had occurred since 22 December 1970, when Edward Heath's cabinet had discussed the protests on the Baltic coast and the replacement of Władysław Gomułka by Gierek as First Secretary (UK Cabinet 1970) (although brief references had been made to Poland over commercial shipbuilding matters on 16 December 1976 and 17 February 1977). The Cabinet on 18 September was the first to be held since 7 August, which explains why Poland had not been raised earlier. The minister responsible for raising European affairs at Cabinet in the Foreign Secretary's absence, the Lord Privy Seal, Sir Ian Gilmour, reiterated Britain's public stance that events in Poland were an "internal

<sup>15</sup> UK Ambassador to Moscow, 1978-82



matter”, but warned that although Moscow was reluctant to intervene militarily, “the danger of such intervention was by no means over”. The Prime Minister added that Polish developments were of “exceptional significance”, and that Soviet interests would suffer “severely, whatever happened” (UK Cabinet 1980a).

Mrs Thatcher and President Carter again exchanged correspondence the following month, with the Prime Minister writing on 20 October to Carter’s letter dated 7 October. In that letter, the President raised the threat of a Soviet invasion of Poland and suggested the PM warn the Soviets of the consequences of such an invasion “in whatever way and whenever you seem it most appropriate and effective” (Carter 1980b: 66). Thatcher duly did so in her speech at the Conservative Party Conference on 10 October<sup>16</sup>. The speech is best known for the phrase “the lady’s not for turning” – symbolising the heat the government had been receiving domestically, on the economy – but in a wide-ranging passage on foreign affairs, the Prime Minister said:

The workers of Poland in their millions have signalled their determination to participate in the shaping of their destiny. We salute them. Marxists claim that the capitalist system is in crisis. But the Polish workers have shown that it is the Communist system that is in crisis. The Polish people should be left to work out their own future without external interference (Thatcher 1980d).

The issue of “external interference” is worth examining when considering whether Britain pursued a “cautious” or “interventionist” foreign policy, as laid out in the introduction. The implication might be that a “cautious” policy was indifferent towards events in Poland from a Solidarity perspective. My research has so far shown that, while inter-governmental contacts were certainly maintained, Britain was far from indifferent in its approach. Rather, as Thatcher alluded to in her conference speech, the problem with being seen to take too “interventionist” an approach was that this might encourage – or justify – the Soviets doing the same. This would have risked charges of British hypocrisy and fuelled Soviet propaganda. Reform in Poland was welcome from a British perspective, but avoiding a Soviet intervention was the overriding priority.

The UK therefore continued with its delicate balancing act. As the Ambassador put it on 16 October, the events in Poland presented a “golden opportunity” to further Britain’s policy of “differentiation”. However:

I recommend that we should firmly eschew any temptation there may be to offer encouragement to those few elements in Polish society whose objective is the revolutionary overthrow of the communist system. That would be to encourage useless violence and bloodshed (Pridham 1980: 74-76).

The Embassy therefore privately differentiated between the different dissident movements. To return to the Prime Minister’s reply to the President on 20 October, she suggested that Moscow was leaving it to the Polish government to “reassert

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<sup>16</sup> Only the second time Thatcher had raised Poland in a speech as Prime Minister. She had previously done so on 19 September 1980 at the Franco-British Council, commenting on the ‘moral, political and economic bankruptcy of Soviet Marxism’. See: <https://www.margarethatcher.org/document/104424>

control". The build-up of military activity in the west of the USSR were "contingency moves". Nevertheless, she assessed, "the Russians would intervene if they believed that communist control was in jeopardy". Therefore, the PM gave her support to work ongoing at an official level between the countries (alongside France and Germany) to ensure the West was "ready to react quickly if an intervention seemed imminent" (Thatcher 1980e: 77). The letter did not provide any detail on what exactly this response might entail.

This chapter has focused on the road to Gdańsk, the August accords and the emergence of Solidarity from a British diplomacy perspective. It has brought to light – through recently declassified correspondence – the views and perspectives of key British figures, such as the Prime Minister, Foreign Secretary, HM Ambassador, as well as senior officials in London and Warsaw. The following chapter concentrates on the most significant issues which arose from the outbreak of Poland's *odnowa*.

### **3. Lord Carrington's visit, the threat of Soviet military intervention and the issue of British financial assistance**

The previous chapter looked at the road to the Gdańsk accords and the emergence of Solidarity, in a broadly chronological sense, assessing how key British politicians and diplomats perceived and reacted to developments. This chapter will look more closely at the issues and events which faced British policymakers with regards to Poland at the end of 1980; namely, Lord Carrington's visit in October, the question of British financial assistance and, above all, the threat of Soviet military intervention.

#### **3.1 Lord Carrington's visit**

Lord Carrington, the experienced Foreign Secretary, visited Poland on 29-30 October 1980. It was the first Western ministerial visit to the country since the Gdańsk accords. The visit – requested by Warsaw – was organised prior to the events in August, but said events clearly made it timely. In his memoirs, Carrington reflected:

A demonstration of Western interest was particularly important [...] Poland was thawing a little [...] thawing nervously, unevenly and with eyes cocked in different directions, attempting little by little and no doubt inadequately that near-impossible reconciliation between ideological purity and practical economic advance (Carrington 1988: 330).

Carrington met Stanisław Kania<sup>17</sup>, who later the same day flew to Moscow, amidst, according to Carrington, much speculation that the Soviets believed the Polish government had been "insufficiently vigorous" (Carrington 1988: 330) in dealing with dissent. Shortly after the visit, Ambassador Pridham sent a telegram to the FCO on

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<sup>17</sup> First Secretary, PZPR, 1980-81

the value of the trip. "Its timing made it exceptionally important for the Polish Government and people," he wrote. "All Poles were pleased (and relieved) by your clear statements that the Polish troubles were entirely a matter for Poles." Describing Carrington's "guarded statement" regarding the possibility of financial help (explained in more detail below), the Ambassador expressed his wish that a concrete decision would be made by December. He concluded:

A major achievement of the visit is that the two main leaders of the Polish regime [Kania and Józef Pińkowski<sup>18</sup>] have for the first time been exposed to the Western point of view put forward by a Western minister (Pridham 1980m: 82-83).

The Minister of State for Trade, Cecil Parkinson, followed in Carrington's footsteps, visiting Poland in November for a trip focused on the UK's £300 million in yearly exports to Poland (Pridham 1981a). Overall, the visits reflected the UK's differentiation strategy in action. As George Walden, Principal Private Secretary to the Foreign Secretary (1978-82), put it,

the fact the SoS has recently visited Romania, Hungary and Poland and has at present no plans to visit Bulgaria, Czechoslovakia or the GDR reflects a justifiable discrimination between the countries of Eastern Europe [...] we should be ready to pick our horses and to make a special effort where the circumstances and personalities are right (Walden 1980).

Poland was one such place. And one such personality was Henryk Kisiel, Deputy Prime Minister (1980-81), who visited 10 Downing Street on 9 December 1980. The minutes (PM's Office 1980: 103-05) from his meeting with Mrs Thatcher show the extent to which the British government maintained constructive channels with their Polish counterparts. Thatcher, however, communicated that events in Poland were

very exciting for someone who believed, as she did, in liberty. The socialist system had succeeded in suppressing the human spirit for a surprisingly long time. But she had always been confident that eventually there would be a breakthrough.

(Thatcher's rhetoric was generally different from that of her Foreign Secretary. Indeed, following his visit to Poland, Carrington told the House of Lords that Britain's policy was that "the Polish Government and people should themselves resolve the great questions that face them. Britain has no other thought than this" (Carrington 1980c)).

Notably, in her meeting with Kisiel, the Prime Minister described the interest of the British people in Poland as being "qualitatively different" from their interest in other countries. Nevertheless, she suggested that "Western governments, strongly though they felt, had been careful to be restrained in their reaction". Kisiel replied that the Polish government had been "conscious of the wisdom and patience of Western governments". It should be noted that this meeting took place at the height of concern regarding a Soviet invasion of Poland; as explained below, Mrs Thatcher had received only two days previously the U.S.'s assessment that an invasion may be imminent. The British view was not quite as alarmist, but nevertheless, in response to Kisiel's comment

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<sup>18</sup> Prime Minister, Poland, 1980-81

that Warsaw was in a “more relaxed state of mind” following a visit to Moscow the week previously, Thatcher urged him not to relax and to “remember Czechoslovakia”.

### 3.2 Soviet intervention

By almost all accounts, the threat of a Soviet military intervention into Poland was the most significant issue facing British policymakers at the end of 1980 (and throughout 1981). According to Garton Ash, it was in early December 1980 when Moscow came closest to giving the go-ahead. Since declassified records show plans were in place for Warsaw Pact forces to enter Poland on 8 December – and according to the memoirs of Kania, at the Warsaw Pact summit in Moscow on 5 December, his country was very much “on trial” (Garton Ash 2002: 358). A Soviet invasion would have brought significant human costs on Poland, which likely would have resisted. It would have caused a dramatic increase in East-West tensions and would have marked another nail in the coffin of détente and 1975’s Helsinki Act, which guaranteed the territorial integrity of the CEE states. It also would have been costly to the Soviet Union itself – which explains why, ultimately, an invasion did not take place. Nevertheless, the British intention was to avoid a military intervention at all costs, and therefore any British policy on Poland must be assessed with this fundamental goal in mind.

The Lord Privy Seal told the Cabinet on 30 October – while Lord Carrington was in Poland – that the Foreign Secretary had met key Western leaders before his departure. “The French remained surprisingly optimistic there would be no Soviet military intervention,” he said. “But the Americans were less so and the Germans much less.” He added:

The Poles were expected to resist if invaded. Any invasion would be likely to be preceded (as in the Czech case) by sizable Soviet troop movements, of which there was so far no sign (UK Cabinet 1980b).

This would become a common theme over the coming months, with the British position on the likelihood of a Soviet invasion positioned somewhere between the optimistic French and concerned Americans. On his return to Cabinet the following week, however, Lord Carrington said he had been “struck by the realistic approach of the Polish leadership to their social and economic problems”. Contrary to speculation, Carrington had gained the impression on his visit that Kania and Pińkowski had gone to Moscow “at their own suggestion to explain and obtain clearance for their intentions, rather than in response to a Soviet summons” (UK Cabinet 1980c). (It must be said that Carrington’s report from Cabinet here differs somewhat to his account in his own memoirs<sup>19</sup>!) Some two weeks later, the British Ambassador reflected on the threat of a Soviet intervention in a telegram titled *The Polish Crisis: Act Two* (Pridham 1980n: 88-95). There were two circumstances, he suggested, in which Moscow would intervene militarily to “stop the rot”. First, if concessions to Solidarity began to cross a line unacceptable to the Soviet Union, and second, if the Polish government was no longer able to govern effectively. “It seems likely,” Ambassador Pridham wrote,

<sup>19</sup> ‘Kania flew to Moscow, summoned for what some people anxiously fancied might be the fate of the Czech, Dubcek!... I think there was relief when Kania returned next day.’ (Carrington 1988: 330)

given the distance the Poles have already travelled in the few short months of their *odnowa* (renewal) that Moscow is unwilling to intervene [...] however, whilst, in the first case, Moscow is more or less a free agent in deciding whether to intervene, she would have little or no choice in the second.

He added that the second situation could arise – that is, a state of ungovernable chaos – “if, say, martial law were declared in Poland and the Polish army were unwilling to enforce it”. It may seem ironic that the Ambassador raised the subject of martial law here, almost a year before it was eventually introduced by General Jaruzelski – because it is often thought that martial law was introduced in December 1981 to ward off a Soviet intervention, rather than to precede one<sup>20</sup>. However, the Ambassador was by no means wide of the mark; subsequently released documents from the Polish Ministry of the Interior reveal that Jaruzelski had sought Moscow’s assurance that Soviet military assistance would be available if martial law in Poland led to violence, strikes and chaos (Gompert, Binnendijk and Lin 2014: 143). The Ambassador continued with a warning to London that the USSR would not necessarily continue to allow Poland to flex its muscles, following a pattern, as some saw it, in which it had long tolerated certain Polish “idiosyncrasies” (Stalin had famously once quipped that imposing communism on Poland was like trying to “saddle a cow”): “No one would want to copy Poland’s agriculture and no one can copy her Church. The idiosyncrasies that have emerged of late on the other hand are of the infectious type.” Finally, the Ambassador referred to certain “extremist” elements in Solidarity and suggested it was on the union to play its part in preventing the development of conditions in which Moscow would decide to intervene. Wałęsa, he clarified, was not among these so-called extremists. “He does see the need for caution. So, on the other hand, does Kania. If these two and their supporters can maintain power in their respective fields, Poland may just pull through.” Overall, however, concluded the Ambassador, “I think the chances of confrontation building up in the New Year are quite high.”

A day after receiving the Ambassador’s telegram, Ewen Fergusson, Christopher Mallaby, Julian Bullard<sup>21</sup> and David Manning<sup>22</sup> at the FCO in London discussed the threat of a Soviet intervention in a series of discussion minutes (Fergusson, Mallaby, Bullard and Manning 1980: 95-99). Some of the ideas discussed – particularly by Fergusson – are eye-opening and provocative, however it should be emphasised that the purpose of these minutes was for the officials to bounce ideas off each other, and they do therefore not necessarily reflect UK government policy. Nevertheless, among the most interesting suggestions was that of Fergusson on 20 November inquiring as to “whether there were not circumstances in which Soviet intervention which brought an imposed stability to Poland might not be more in our interest than chaos”. He added:

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<sup>20</sup> Jaruzelski’s assertion he introduced martial law to prevent a Soviet invasion has long been the subject of debate. Garton Ash argues it is disingenuous to say there was a binary choice, and that a less compliant politician than Jaruzelski might have faced down Moscow and brought about the changes of 1989 at an earlier stage. (Garton Ash 2002: 360-63)

<sup>21</sup> Deputy Under-Secretary of State (Europe), FCO, 1979-82

<sup>22</sup> Eastern European and Soviet Department, FCO, 1980-83



The immediate risk in Poland is that internal forces will provoke change in such a way as to de-stabilise the system. This is not in the Soviet interest. But it is not in ours either. The West therefore shares an important common interest with the Soviet Union.

Even more provocatively, Fergusson asked, in the event of a Soviet invasion, “would the military consequences of tying down 40 [Soviet] divisions in Poland necessarily be to our disadvantage?” Furthermore, Mallaby’s reply the following day included an interesting admission:

The best thing in many ways would be if it was the Polish regime which won the next confrontation with the workers. That would be the best way of reassuring the Russians and gaining time for the gains of democracy to become established.

Bullard and Manning, however, were critical of Fergusson’s broad suggestion. Bullard wrote on 24 November:

I think it is in the interests of the West that “socialism” should be seen to fail [...] It would in my opinion be worth accepting a bit of instability in Poland for the sake of progress towards the objective [of demonstrating socialism’s failures].

Manning concurred: “I would suggest our interests and those of the Russians are sharply divergent [...] The tension surrounding the Polish events should be seen as creative, in that for the Russians it is disruptive.” He continued, presciently:

It is just possible that the Polish situation will develop in such a way that the Communist system is incrementally and progressively eroded [...] Polish Communism may become little more than a *façade*.

In a rather good summary of the overall UK approach to Poland, Manning suggested: “We want to see the pot continue to bubble but not boil over.” Finally, he offered a vision of Poland’s future: “I have little doubt that the Poles would be quite capable of establishing a democracy of a recognisably West European kind, with strong Catholic, Peasant and Socialist parties. It would be a democracy that sought to rejoin the Western mainstream from which the Poles feel they have been unnaturally separated by their barbarian neighbours to the East.” This was strong language from Manning, but prescient. Fergusson may have been playing devil’s advocate, and it is desirable for officials to consider important issues from different angles. Nonetheless, it is interesting to discover the views being exchanged within the FCO – and certainly this exchange of minutes reveals there was no such thing as a single “Foreign Office view” on the events in Poland, which is worth considering when concluding whether or not there were differences in opinion between Mrs Thatcher and her diplomats. It is unclear whether Fergusson’s minute ever reached the PM’s desk, however, on the evidence considered so far, there is little chance she would have agreed with its suggestions.

The Prime Minister’s more hawkish instincts are displayed again in her response to an idea floated by Lord Carrington to establish a “back channel” by which London could confidentially communicate with Moscow in an attempt to prevent a further

escalation of events in Poland. This idea followed Carrington raising, at Cabinet, the possibility that Polish forces themselves may be used to clamp down on the ongoing dissent (UK Cabinet 1980d). The Foreign Secretary raised the “back channel” idea in a telegram to Nicholas Henderson, now Ambassador in Washington, on 29 November (Carrington 1980d: 100-01). He wrote:

We have been considering very tentatively whether there is anything more that the West might do either to arrest what appears to be a gradual drift towards crisis point inside Poland or at least to minimise the international consequences if this point should be reached.

Rather candidly, the Foreign Secretary added:

Western policy on Poland appears to consist of not much more than waiting upon events and hoping for the best [...] In all this we are in the position of reacting to events, not guiding them.

Carrington’s idea was to establish “private exchanges of an exceptionally intimate and confidential character” to de-escalate events, and his draft suggested Anatoly Dobrynin (Soviet Ambassador to the U.S., 1962-86) as an ideal candidate. Mrs Thatcher, however, having been sent a draft of the telegram the day before it was sent to Washington, was unimpressed. In handwritten comments, the Prime Minister said she was “very unhappy” with the idea of reaching out to the Soviets, which she thought could be seen as “the West backing up the Soviets in turn backing up the Polish Government” against Solidarity (Thatcher 1980f: 17). Ultimately, the words “very tentatively” were added into the final version – and neither did the final version mention Dobrynin by name. Once again, Thatcher had insisted on small, largely semantic changes, which shifted a FCO communication in a slightly more pro-Solidarity direction.

Although Thatcher was clearly keen to avoid being seen to do anything to harm Solidarity, it may also have been the case that her somewhat sceptical view on the likelihood of a Soviet intervention may have played a part in her reaction to Carrington’s initiative. Although Thatcher did not by any means dismiss the threat, she certainly saw the costs of an intervention from a Soviet perspective. George Urban, one of the PM’s informal foreign policy advisers, wrote in his diary after a working lunch in January 1981: “She couldn’t conceive how the Soviets could justify any such move seeing that it would lead to economic penalties, the collapse of détente and other undesirable consequences.” (Urban 1996: 18) On 7 December, however, President Carter had written to the Prime Minister saying that preparations for a Soviet intervention into Poland were largely complete. In the President’s words:

We have some evidence which indicates that the Soviet Union has made the decision to intervene with military force and that the entry into Poland by a substantial Soviet force, possibly under the guise of a joint maneuver, may be imminent (Carter 1980c).

She replied the following day, however, saying: “This goes further than our own judgement.” (Thatcher 1980g: 102) The British government’s assessment would have

been influenced by a despatch from the Embassy in Moscow on 6 December, in which the Ambassador – following a Warsaw Pact summit in Moscow on 5 December – concluded the Soviet Union had decided to apply maximum political pressure on Poland rather than intervene militarily. Poland was, the Ambassador said, “on probation” (Keeble 1980b).

Nevertheless, the threat of a Soviet invasion of Poland remained a distinct possibility, considered with utmost seriousness in London. Following a meeting of NATO foreign ministers on 11-12 December which was dominated by the events in Poland<sup>23</sup>, Lord Carrington wrote to the PM that “the situation in Poland is such that Soviet intervention might occur at any time and with very little warning” (Carrington 1980e: 106-07). A week later the Foreign Secretary sent a telegram to all CEE and major missions. Commenting that the situation of the previous weeks had been marked by an “uneasy calm”, he wrote:

Soviet forces are at a high state of readiness [...but] the Russians clearly recognise that an invasion would bring many costs [...] While invasion may be the measure of last resort they will use it if they judge the situation has become intolerable.

For Carrington, therefore, the key British foreign policy goal was to do everything to discourage a Soviet intervention: “Warnings, and a strict policy of non-interference on our part, contribute to this end.” (Carrington 1980f: 110-13) Nevertheless, as the Foreign Secretary said at the final Cabinet meeting of the year, Poland remained “on a knife-edge”, with the Soviet Union “now in a position to intervene militarily whenever it wished” (UK Cabinet 1980e).

### 3.3 Financial assistance

The threat of a Soviet military intervention had a significant – to use a Solidarity-esque word – self-limiting effect on British action in Poland. However, one area where Britain – and the West – considered a more tangible role was over the issue of financial assistance to help Poland address its dire economic circumstances. At the end of 1980, Poland had a hard currency debt of \$23-24 billion, owed to both governments and commercial lenders. Food and fuel were rationed. Production and exports had dropped through the floor. Poor economic conditions had been a cause of Solidarity’s rise, but large-scale strikes and disruption had hurt productivity and naturally exacerbated them. (In the Ambassador’s words: “If the economic situation has had a useful political side-effect, in itself, it is little short of disastrous” (Pridham 1981a)).

The question of financial help, and its political implications, was, however, complicated; and to suggest that more or less financial assistance from the West would have been either good or bad for Solidarity is too simplistic. Would Western

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<sup>23</sup> The Final Communiqué said: ‘The Soviet menace which hangs over Poland give[s] cause for grave concern... [Détente] could not survive if the Soviet Union were again to violate the basic rights of any state to territorial integrity and independence. Poland should be free to decide its own future.’ See: [https://www.nato.int/cps/en/natohq/official\\_texts\\_23035.htm?selectedLocale=en](https://www.nato.int/cps/en/natohq/official_texts_23035.htm?selectedLocale=en)

money not help prop up the Polish communist government? Was economic hardship not a key cause of the emergence of Solidarity, and might not an element of economic pain be crucial to reform? Or, as Thatcher put it in her memoirs: "If we continued to provide food aid and to proceed with plans for Polish debt relief would this benefit the Polish people or play into the hands of the hardliners in Poland who were struggling to survive the consequences of their own misgovernment? These were not easy judgements to make." (Thatcher 1993: 252-53) This sort of deliberation, or lack in clarity of thought, was not Thatcher's style. But clearly the Polish issue was multi-faceted enough to not present straightforward solutions. Nevertheless, as shown, the key British foreign policy aim was to prevent the development of conditions which might precede a Soviet intervention. It is through this prism that British financial help should be considered. The argument in favour was that assistance would prevent Poland sliding into a state of ungovernability. Thatcher, however, was adamant – as she wrote to President Carter on 4 September – that any British money should go to "benefit the Polish people rather than to the shoring up of an unreformed system" (Thatcher 1980c).

The assistance which did ultimately come from London – following the expression of a range of internal views – was limited, with the UK deciding it would not exceed its European counterparts. For Garton Ash, however, it was too limited. Writing following the imposition of martial law in December 1981, he suggested that a lack of Western political imagination around the turn of 1980-81 led to a situation by summer 1981 in which Poland's economy was so dire that a compromise between the government and Solidarity became increasingly difficult to achieve. "A carefully co-ordinated western plan of large-scale new credits and economic aid [...] would have significantly increased the always small chances of a historic compromise," Garton Ash argued. What he had in mind was an "unsung Marshall Plan" to the tune of \$20 billion over five years (Garton Ash 2002: 339-40).

The British Embassy in Warsaw had been making the case for increased financial assistance since the outbreak of dissent in August. On 16 October, the Ambassador made his case clear:

If we fail now to set an example to our Western partners by providing generous financial help to Poland, we shall have lost much of our status for complaint and protest when the Soviet Union steps in with its 'fraternal' help [...] I recommend Western financial aid as the best hope of encouraging a more liberal Polish regime and society, of avoiding Soviet intervention and of maintaining stability in the world (Pridham 1981).

This fell on receptive ears at the FCO. Four days later, the Lord Privy Seal wrote to the Prime Minister making a similar case. "Poland needs external credits to stay afloat until the economy can be restored to health," he wrote. "If we refuse to help therefore the implication will be that we are indifferent to events there, which is not the case[...] We shall be expected to play our part, and I think on balance we should." (Gilmour 1980: 78-80) Gilmour said that a decision on the matter would be welcome before

Lord Carrington's visit to Poland on the 29<sup>th</sup>, even if no details had been agreed upon by that stage. The Chancellor, Geoffrey Howe, duly replied two days later. He accepted that "politically, help may have to be given to the Poles, but did not want to see the UK getting ahead of other major countries involved" (Howe 1980: 80). Understandably, Howe was balancing political and economic concerns. The Bank of England had, for example, long been against the idea of providing increased financial help to Poland, believing it was a case of throwing "good money after bad" (Tombs and Smith 2017: 106). Indeed, the Bank's Anthony Loehnis<sup>24</sup> wrote a rather blunt letter to the FCO's Brian Fall<sup>25</sup> in early 1981:

Poland is a profligate country now bankrupt, which must face up to its moment of truth and go on to deal with its external indebtedness to the West on the same tried and tested principles which have been used with other bankrupt countries (Loehnis 1981: 116-17).

By this point, however, the government's direction had been agreed. On 23 October 1980, the Defence and Overseas Policy Committee (DOPC)<sup>26</sup> had concluded it was in Britain's interest to assist Poland financially, albeit in a way which ensured that "Britain did not get out in front of other Western countries" and, in the Prime Minister's words, was "only to the extent justified by our own economic circumstances". The Committee instructed the Foreign Secretary not to go beyond the UK's "general willingness to help" on his upcoming visit to Poland (DOPC 1980a). The meeting of the DOPC on 10 December set out the UK's commitment in more detail. Indeed, Ministers decided to commit to providing two-thirds of what Poland had requested from the UK, with the final third only on the table "if this was necessary to keep in line with her main partners" (DOPC 1980b). (Poland had requested £160 million of credit refinancing during 1981, as well as £120 million of new credit in the same year. Warsaw also sought trade liberalisation; for example, asking Britain to relax its quotas on Polish leather and electronic products (Wade-Gery 1980)). At the DOPC on 18 December, Lord Carrington added momentum to the issue, suggesting that, in their contact with the French and West Germans, the Poles were being led to believe the British were "inhibiting the general Western response" (DOPC 1980c).

Ultimately, aid to Poland was coordinated at the European Community level. In October 1981, an FCO minister told the House of Lords that, following agreements in December 1980 and April 1981, the EC had offered to Poland at substantial discounts – fifteen per cent below market prices – "452.500 tonnes of barley, 272.500 tonnes of wheat, 45.000 tonnes of butter, 100.000 tonnes of meat and 100.000 tonnes of sugar" – assistance calculated at some £48 million. (The British contribution to this package was all the 452.500 tonnes of Barley, as well as 10.000 tonnes of butter and 3.000 tonnes of beef.) The restructuring of debts, however, was done at a governmental level. Following an agreement in July 1981, the British government restructured £75

<sup>24</sup> Associate Director (Overseas), Bank of England, 1980-81

<sup>25</sup> Head, Eastern European and Soviet Department, FCO, 1980-81

<sup>26</sup> The DOPC was a Cabinet committee, chaired by the Prime Minister, which met to review the government's defence and foreign policies



million in Polish debt due between 1 May and 31 December, which was to be paid back over four years from the start of 1986. It also agreed to new credit during 1981 totalling £65 million (Trefgarne 1981).

The end of 1980 in Poland may have been marked by an “uneasy calm”, but the British government remained at a state of alert over the threat of a Soviet intervention throughout 1981. Indeed, 1981 saw as much British interest in Poland, if not more. (Poland was raised as a main agenda item at Cabinet seventeen times in 1981 compared with eight times since the strikes in August 1980. The overwhelming interest of the Cabinet throughout 1981 would remain the threat of Soviet intervention, with the level of concern going through peaks and troughs.) It also saw the Ambassador in Warsaw become increasingly critical of elements in Solidarity for the increased tensions. As he wrote in early February 1981: “There is an increasing section of Polish opinion which, encouraged by President Reagan’s recent statements<sup>27</sup> (which are carefully produced in the Solidarity newspaper), wants to press on and damn the consequences, hoping for World War III to rescue Poland.” (Pridham 1981b: 118-19) During 1981, Mrs Thatcher would not be immune from taking this more critical view. In April 1981 she had suggested to Al Haig, the U.S. Secretary of State, that “there were signs that Solidarity was seeking political power for its own sake”. Charles Moore suggests therefore that this was one of the rare occasions where Thatcher accepted the “Foreign Office line” (Moore 2014: 575), although it has to be said I have found very little evidence that the PM was at all critical of Solidarity in 1980. A more detailed study of how the Embassy – and British government – assessed different elements within Solidarity would therefore be of interest. As would a study of how the British government dealt with the incoming Reagan presidency over the issue of Poland (martial law would, for example, be the catalyst for perhaps the biggest Thatcher-Reagan dispute, over the issue of U.S. sanctions.).

However, as for the issues covered in this chapter, we can make the following broad conclusions: first, Britain was concerned at the military threat the USSR posed to Poland almost from the moment dissent broke out in Gdańsk – however it believed an invasion was less likely than the Americans did. Second, Britain deliberated over providing significant financial help to Poland, but it eventually did so on par with its allies. Third, there were a range of views among senior FCO figures over the political implications of both the emergence of Solidarity and the threat of a Soviet intervention.

#### **4. Conclusion and epilogue**

This article has explored a niche aspect of what is only a partial story. After 1980, Poland would see worse days – martial law – before it saw better ones. I had initially intended to study British diplomacy during the whole of Poland’s final communist decade – from the Pope’s visit in June 1979 to the semi-free elections of June 1989 –

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<sup>27</sup> On 29 January, President Reagan said détente had been a ‘one-way street’ that Moscow had used to pursue its own aims

but soon concentrated on just the first year of the Polish *odnowa*. This was due to the necessity of paying sufficient attention to the events and correspondence which took place during 1980, although I am also glad to have brought attention to British policy towards Poland during a period which, today, it may be possible to forget, simplify or misinterpret. Nevertheless, there remains an opportunity for British policy between 1981 and 1989 to be studied in more depth.

To note one of the most interesting events in this period, following the imposition of martial law in 1981, the UK and its otherwise erstwhile U.S. ally had a significant policy dispute following Washington's policy of sanctions on the USSR on Christmas Eve 1981 as a reaction to Poland's imposition of martial law. President Reagan described European leaders as "chicken littles" at the National Security Council on 22 December (U.S. National Security Council 1981) and ultimately sided with his hawkish Defence Secretary, Casper Weinberger, over his Secretary of State, Al Haig, who correctly predicted sanctions would create a U.S.-Europe split. The sanctions incensed Thatcher, who was concerned about "extraterritorial" U.S. policy-making, the impact they would have on Europe's economy and, above all, the fact they would prevent British companies – in particular, John Brown Engineering – from honouring contracts with respect to the Siberian pipeline project (Aldous 2012: 62). The sanctions were eventually lifted in November 1982, following measures agreed to by the U.S. and European governments. Although Poland was perhaps only the catalyst for this wider, international dispute, it nevertheless shows the Thatcher government acting in a way which might contradict its stereotype – that is, not being as hawkish as the U.S. following martial law, prioritising British business over making an ideological stand, and seeking common ground with European Community members at the expense of its relationship with Washington. I would argue the UK's policy during this dispute was a continuation of the more limited, cautious policy towards Poland it pursued in 1980. The influence of the pragmatic Lord Carrington is clear in both: he was strongly committed to Britain's "no interference" policy towards Poland and, generally speaking, was a known critic of sanctions. He was also, fundamentally, a diplomat. In his own words: "There is nothing foolish or faint-hearted about people...pinning after better East-West relations." (Carrington 1988: 386)

Returning more directly to Poland, the immediate years following martial law witnessed a lull in dissident activity (not least because many Solidarity members had been arrested), as well as British opportunities for making overtures. "It will be a dark, hard winter for Poland [...] it is possible that more blood will flow and more oppressive measures yet will be applied," wrote the new Ambassador, Cynlais James, in his Annual Review for 1981 (James 1981). A year later he concluded bilateral relations had been "poor" and that "the West may need to show more carrot" (James 1982). Political stagnation continued in 1983, despite the lifting of martial law in July and the fact the UK became Poland's second largest Western European trading partner (British exports totalled £112 million) (Morgan 1983). The mid-1980s, however, saw an uptick in diplomatic overtures, particularly after Geoffrey Howe's beefed-up version of

Carrington's "differentiation" strategy<sup>28</sup> increasingly saw London encourage communist states in Europe to open up economically, in terms of human rights and then politically – in that order. Following Thatcher's first visit as Prime Minister to an Eastern bloc country – Hungary – in February 1984<sup>29</sup>, later that year Malcolm Rifkind, Minister of State at the FCO, visited Poland and laid a wreath at the grave of Father Jerzy Popiełuszko (who had been murdered by three agents of the Polish secret police) at St Stanislaus Kostka Church in Warsaw. He then met three then-banned Solidarity leaders – Tadeusz Mazowiecki, Bronisław Geremek and Janusz Onyszkiewicz – at the British Embassy (Rifkind 2018: 10-15). This went against the wishes of General Jaruzelski, as well as the advice of the FCO itself (Scruton 2016). According to the *Telegraph*, this visit "was significant in setting an example which other visiting Western politicians felt obliged to emulate, frustrating the regime's attempts to marginalise the Solidarity movement" (Telegraph 2012). The following year, in April 1985, Geoffrey Howe became the first Foreign Secretary – indeed, Western foreign minister – to visit Poland since martial law, repeating Rifkind's example of laying a wreath at Father Popiełuszko's grave and meeting opposition figures at the Ambassador's residence. In his memoirs, Howe explains that while he argued the case of Polish democracy and partnership with Solidarity on his visit, he also believed that Jaruzelski was a "genuine patriot" (an estimation Thatcher would share (Thatcher 1993: 777-82)). Howe writes:

When a girl student at a sixth-form conference I had been addressing asked me to name the three most interesting statesmen I had met, I surprised myself by including Jaruzelski as the third, alongside Gorbachev and Deng Xiaoping (Howe 1995: 433-35).

Above all, in 1988, Thatcher herself visited Poland in a visit described by the British Ambassador as a "very great success" (Barrett 1988). The visit had been at Warsaw's invitation, although it took a letter from Thatcher in July – once again against FCO advice – to persuade Jaruzelski to permit her to visit Gdańsk, the home of Solidarity (Moore 2019: 200). Over the course of three days (2-4 November), the PM met both Jaruzelski and Wałęsa, and memorably made a visit to the Solidarity church, St Brygida, amidst cheering crowds in Gdańsk. During talks, Thatcher encouraged Solidarity to develop specific goals and pressured the government to embark on political, not just economic, reform – and to treat Solidarity as a genuine player in Round Table negotiations, which by now were being discussed (Moore 2019: 200-02). Overall, to be welcomed warmly by both sides required diplomatic skill; Thatcher soon after quipped that she had "learnt how to walk on a tightrope" (Thatcher 1988, quoted in Moore 2019: 204). In this sense, British foreign policy towards Poland retained the pragmatism and moderation it had shown in 1980. Nevertheless, Thatcher said to Jaruzelski that her instincts told her Solidarity was "far more than a trade union – it was a political movement whose power could not be denied"

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<sup>28</sup> Howe commissioned the FCO to develop 'a twenty-point menu of proposals for specific action'. (Howe 1995: 310-11)

<sup>29</sup> 'In retrospect, my Hungarian visit was the first foray in what became a distinctive British diplomacy towards the captive nations of eastern Europe.' (Thatcher 1993: 457)

(Thatcher 1993: 780). Lech Wałęsa himself later reflected that without Thatcher's visit to Gdańsk, "there would have been no victory" (Wałęsa 2002). Certainly, the visit would have not been as significant had Thatcher not been, by this point, the most senior leader in the West, her name associated with a free-market ideology which, although controversial at home, had obvious appeal to Poles.

The period covered in this article, however, was less triumphant and certainly more uncertain. This was a time of crisis management – at best, the green shoots of reform – but not victories. Polish communism lacked legitimacy, but its existence was rarely questioned. British foreign policy displayed much of the *realpolitik* common throughout history. Thatcher – although labelled the "Iron Lady" by the Soviets – was not the international stateswoman she would shortly become, particularly following the Falklands war (Moore 2015: 3). (One senior diplomat privy to events suggests that, by summer 1982, however, Thatcher's authority was "absolute" and that she would treat Cabinet members like "a headmistress dealing with recalcitrant staff", particularly following the resignation of Lord Carrington (Goodall 2005, quoted in Moore 2015: 4)). The implication of this is that she took Carrington's view seriously while he was serving as Foreign Secretary.) Furthermore, the fear of Soviet intervention lurked in the background and a figure such as Gorbachev had yet to emerge. Indeed, it is difficult to underestimate the significance of Gorbachev's ascent. This was not lost on Thatcher herself, who was always keen to emphasise her role in "talent spotting" the future Soviet leader. In this sense, the Polish *samizdat* writer Marek Turbacz was right to suggest in 1977 that

the restoration of Poland's sovereignty [...] would be possible only if preceded by a fundamental change in Russia itself [...] for this we may have to wait as long as a quarter of a century (Turbacz 1977, quoted in Bromke 1979: 90).

Poland would have regained its national independence but, partly thanks to Gorbachev's unwillingness to use force to save socialism *à la* Brezhnev, the wait was half as long as predicted by Turbacz. It is largely for this reason that John Lewis Gaddis suggests Gorbachev – while no Western liberal – was perhaps the "most deserving recipient ever of the Nobel Peace Prize" (Gaddis 2007: 257).

This article, however, has focused on British foreign policy towards Poland in 1980, particularly its latter months. In the introduction I posed several research questions. Did Britain have a "proactive" or "interventionist" policy, or a "reactive" and "cautious" one? Would it be possible to say whether it had a "liberal" or "realist" one? Did British diplomats predict the events which transpired in Poland or did they come as a surprise? What were the key issues facing Britain following the emergence of Solidarity? To what extent did the UK encourage the developing unrest towards the Polish communist government, or was it concerned with stability, trade and bilateral relations? What were Mrs Thatcher's instincts following the recognition of the Eastern bloc's first independent trade union; was there any sense that she viewed them as she had trade unions at home? And finally, how did the British Embassy in Warsaw report on events, and how did its perspective differ from that of Downing Street and the Foreign Office?

The first conclusion to make is that there is a substantial amount of correspondence on the issue. This reflects significant British interest in Poland, the complexity of events, and the extensive international monitoring capability of the British state. I was able to study a significant amount of correspondence, but by no means was I able to cover it all. There is therefore a great deal of correspondence, particularly at Kew, which future researchers will be able to bring to light. As argued in the first chapter (see 2), British diplomats at the Embassy in Warsaw – such as Ambassador Pridham and David Joy – were not predicting an event on the scale of the Gdańsk accords. Indeed, their advice until mid-1980 was that the Gierek government should be supported on realist grounds. However, they were quick to recognise the significance of the emergency of Solidarity at the time – not merely in retrospect. There had also been conversations initiated by the Embassy prior to August 1980 suggesting the UK should play a more active role in engaging with dissident groups in Poland. This idea coincided with the development of Lord Carrington's "differentiation" strategy in late 1979.

There is little evidence of the Prime Minister, Margaret Thatcher, paying much attention to Poland prior to 1980, although she later wrote she had "always felt the greatest affection and admiration for this nation of indomitable patriots" (Thatcher 1993: 777). However, her instincts when she addressed the issue were clearly more pro-dissident and anti-regime than those of her diplomats. Several times she amended correspondence to make it less – to use the most Thatcherite of words – "wet". Her response to Downing Street officials raising concern at how the Scottish MEP, Alasdair Hutton, had been meeting Polish dissidents being just one example. That said, Number 10 was somewhat less active on the issue than the White House, as shown by how the PM was generally responding to President Carter's letters. This may have been due to the fact – as suggested by Daniel Fried (Fried 2020) – that Zbigniew Brzezinski, the Polish-American U.S. National Security Adviser, was particularly active on the issue. At Fried's prompting, I searched for correspondence between Brzezinski and British representatives on Poland, but was only able to find the fairly unremarkable minutes of a meeting between Brzezinski and the Cabinet Secretary, Robert Armstrong<sup>30</sup>, in September 1980 (Armstrong 1980). A deeper search, particularly in the archives at Kew, may reveal more.

In all, I have found little evidence to suggest the Thatcher government had "deep reservations" about Solidarity in 1980, as suggested by *Der Spiegel*. Rather, the British government had reservations about doing anything to encourage a Soviet intervention or being seen to interfere too explicitly in Polish affairs – a rather different concern. Although a committed anti-communist, the Prime Minister also believed in national sovereignty, British interests, and realism on the international stage – and these are all apparent in her position towards Poland. I also believe the experienced Lord Carrington was given substantial leeway to craft Britain's approach. The British policy in 1980 was, first and foremost, that the issue was a matter for the Poles to deal with internally. Rather than being a "passive" policy, however, this policy was deliberately

<sup>30</sup> Cabinet Secretary, 1979-87



followed to avoid accusations by the USSR of Western interference, which would risk excusing Soviet interference in turn. It was also evidence of the UK committing itself to the Helsinki agreements, which it hoped Moscow would respect. The overriding priority, therefore, was to avoid a Soviet military intervention in Poland. This is not to say that British policymakers did not wish they could do more. As Lord Carrington revealingly said in November 1980: “Western policy on Poland appears to consist of not much more than waiting upon events and hoping for the best.” (Carrington 1980d) In the medium and longer term, Carrington’s policy of “differentiation” saw Britain try to encourage liberalisation in CEE by, one, drawing a greater distinction between Moscow and its satellite states, for example by paying ministerial visits, and, two, increasing contacts between British Embassies and dissident groups. However, this was done relatively quietly in the early 1980s. Indeed, judging by Thatcher’s memoirs, it was not until 1984 – with her visit to Hungary – that the “differentiation” strategy became a priority for the Prime Minister (Thatcher 1993: 457).

I have already touched on how Thatcher’s instincts and rhetoric differed from those in the diplomatic arm of the government. Another example is from her first letter to President Carter on Poland, when she altered the FCO draft to say Britain would take a “careful and restrained attitude” to events, rather than “avoid any comments” which might not be welcomed by the Polish government (see 2.3). These were fairly small differences however, discussed internally in a manner which one would expect when correspondence is drafted between more than one element of government. Indeed, I have found little evidence that there was a fundamental policy disagreement over Britain’s limited, cautious approach towards Poland in 1980. One issue where there was more of a divide, however, was over the question of British financial assistance (see 3.3). The British Embassy and FCO were clearly more supportive of providing support, while the Treasury, and particularly the Bank of England, were critical. It is not clear which camp the PM stood in – and ultimately something of a compromise was reached.

This article has been a historical study – but are there lessons from Western diplomacy towards Poland during 1980 worth heeding today? These are questions which commentators have touched on in light of Solidarity’s recent fortieth anniversary, but are particularly pertinent given the ongoing situation in Belarus. There are many differences between Poland in 1980 and Belarus in 2020, but one cannot help but notice the similarities: an unexpected mass of people emerging onto the streets, workers downing tools, protesting at an undemocratic, authoritarian state; one that offers its people less freedom and prosperity than those elsewhere enjoy in Europe. However, just as in Poland forty years ago, the possibility of violent repression, as well as outside intervention, remains a threat in Belarus. Therefore, as the *Gazeta Wyborcza* journalist Bartosz Wieliński warned in a recent piece: “It will be the West’s task to use all diplomatic means to keep Mr Putin away... In the 1980s, the West invested a lot in Poland — not only in money, but also by sharing knowledge with our universities and media and helping us toward democracy. Belarus needs the

same support today.” (Wieliński 2020) In my interview with Daniel Fried, the former U.S. Ambassador to Poland – while emphasising the differences between the two countries – was cautiously optimistic:

Don’t assume the authoritarians always win [...] There’s a whole cottage industry that says populism, nationalism and authoritarianism represents the way of the future. I’m not sure that’s right [...] But don’t be in a hurry and impatient. Be prepared for the long game (Fried 2020).

Overall, this article has reinforced the suggestion in the introduction that the terms “realist” and “liberal” are of limited value. As is often the case in the study of international relations, the answer here is that British diplomacy was a mixture of the two. Much of the evidence above suggests a fundamentally “realist” approach, however there were also “liberal” elements to British policy; for example, the Embassy reaching out to dissident groups or the government engaging on the issue at the European level. Furthermore, the dichotomies laid out in the introduction are not entirely useful either. British diplomacy towards Poland in 1980 was more “reactive” than “proactive” – as Lord Carrington admitted. And it was certainly more “cautious” than “interventionist”. As this article has set out, however, there was good reason for it to be cautious. And it is perhaps too easy to point the finger, in retrospect, at where British diplomats failed to predict events that followed. As Fried reminds us, the consensus was that Soviet-led communism was here to stay (Fried 2020). Historians are known for bringing attention to diplomatic failures, but in the longer term, British – and by extension, Western – diplomacy towards the Eastern bloc in the 1980s turned out to be a significant success story. Above all, however – and this is the fundamental point regarding Britain’s limited role – the emergence of Solidarity was a Polish success story<sup>31</sup>.

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<sup>31</sup> In a recent poll, 85% of Poles approved of the country’s shift to a multiparty system and market economy. (Pew Research Center 2019)

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