

ACTA UNIVERSITATIS CAROLINAE  
STUDIA TERRITORIALIA IV – 2002



ACTA UNIVERSITATIS CAROLINAE

**S T U D I A**  

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## Předmluva

Fakulta sociálních věd UK, založená v roce 1990, patří k nejmladším fakultám Karlovy univerzity. Na dynamicky se rozvíjející fakultě vznikaly a vznikají obory, které před rokem 1989 nemohly být v plně šíři pěstovány nebo obory úplně nové. K nim se řadí i mezinárodní teritoriální studia, která se vyprofilovala na čtyřech katedrách: německých a rakouských studií, ruských a východoevropských studií, amerických studií a naposledy v roce 1997 na katedře západoevropských studií.

Nejmladší katedra Institutu mezinárodních studií se zabývá problematikou dějin, politických systémů, právních systémů, ekonomické problematiky a kultury západoevropského teritoria. Největší důraz je kladen na klíčové země: Spojené království Velké Británie a Severního Irska, Francii, země Beneluxu, Skandinávie a jižní Evropu. Zvláštní pozornost je věnována problematice evropského integračního procesu v jeho celé šíři a rozmanitosti.

Katedru tvoří tým stálých členů a široký okruh externích spolupracovníků z různých akademických, státních a mezinárodních institucí. Každý semestr na katedře působí hostující profesori z Velké Británie, Dánska, Švédska, Německa, Švýcarska a dalších zemí. Součástí programu se stala tzv. francouzská studia. Každý semestr probíhají tři až pět kursů ve francouzštině přednášených francouzskými kolegy, kteří buď žijí v Praze trvale nebo dojíždějí.

Nezastupitelnou roli hrají pro život katedry interní a externí doktandi, kteří se podílejí na výuce, výzkumu a mnoha projektech katedry. Občanské sdružení absolventů a přátel katedry EUROPEUM je toho dynamickým důkazem.

Významným krokem k provázání kursů s evropskou problematikou na celé FSV UK a k posílení vnitřní spolupráce na fakultě přispělo vytvoření programu vzdělávání státní správy v evropských záležitostech EURO-

PEUM. Program koordinovaný katedrou západoevropských studií dostal pochvalná hodnocení v mnoha vládních dokumentech a je považován za ojedinělý svého druhu v celé ČR.

Evropská studia ve všech svých podobách mají na FSV mnohovrstevnatý život. Naše aktivity získaly unikátní ocenění Jean Monnet Centre of Excellence v Evropských studiích, jediné ve střední Evropě. Ze šesti Jean Monnet Chairs v ČR obdržela dvě ocenění naše fakulta, jedno katedra západoevropských studií. Katedra západoevropských studií FSV UK byla přizvána do prestižních „klubů“ EUROMASTERS a EUROPÆUM právě díky evropským kursům.

Časopis INTERGRACE vydávaný občanským sdružením EUROPEUM, jediný svého druhu si již získal své čtenáře a na summitu v Nice měl nejpočetnější zastoupení akreditovaných novinářů. Jeho zpravodajství přebíraly mnohé deníky. Grant TEMPUS „Institution Building – European Studies“ napomohl nejen k navázání mnoha důležitých kontaktů, ale i vybudování učebny Evropských studií se špičkovým technickým vybavením a zárodku knihovny Evropských studií.

Katedra hraje rovněž významnou roli v European Community Studies Association (ECSA) se sídlem v Bruselu v České asociaci pro evropská studia ([www.ecsa-czech.cz](http://www.ecsa-czech.cz)), v jejíž Radě zasedají tři učitelé FSV UK včetně předsedkyně. ČAES připravuje v současné době velký projekt vzniku Koordináčního centra evropských studií na podporu vzniku center evropských studií po celé ČR.

V rámci přípravy České republiky na vstup a následné členství v Evropské unii hrají nezastupitelnou úlohu Evropská studia. FSV UK reflektuje nejen tuto realitu, ale i společenskou poptávku v mnohovrstevnatosti této problematiky. Evropská témata prolínají studijní programy jednotlivých institutů: IES založil katedru Evropské ekonomické integrace, na IMS na katedře západoevropských studií byl akreditován obor Evropská studia, IPS vytvořil specializaci na evropskou problematiku v rámci katedry mezinárodních vztahů, kursy evropské mediální politiky jsou přednášeny na IMKŽ a evropské sociální politiky na ISS.

Evropská studia a centra evropských studií sice se zpožděním oproti Polsku a Maďarsku vznikají na všech českých vysokých školách. FSV UK i v tomto učinila významný krok vpřed před dvěma lety, když připravila za intenzivní spolupráce čtyř institutů a jednotlivců z IPS multidisciplinární magisterský program Evropských studií. Tento program byl konzultován i s nejprestižnějšími pracovišti evropských studií v Evropě, s nimiž



katedra západoevropských studií úzce spolupracuje (College of Europe v Bruggách, European University Institute ve Florencii, EIPA v Maastrichtu, Jean Monnet Centre of Excellence v Limericku, Jean Monnet Centre of Excellence v Bath, Paris III, Kolín nad Rýnem a další) a odezva byla velmi příznivá.

Magisterský program evropských studií byl akreditován v prosinci 2001 a zakotvil na katedře západoevropských studií jako druhý magisterský program garantovaný katedrou.

Aktivity katedry, stejně tak i odborné zaměření jejích členů představují multidisciplinární mozaiku. Tou se právě katedra představuje ve svém sborníku.

Doc. PhDr. Lenka Rovná, CSc.  
Jean Monnet Chair  
vedoucí katedry západoevropských studií  
IMS FSV UK

Praha, únor 2002



**THE CONSERVATIVE PARTY –  
“IS THERE ANY?”**

*The division of the Conservative Party in Great Britain  
over Europe in the 1990s!*

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MARTIN BABIC

*I declare that I have written my thesis “The Conservative Party- ‘Is There Any?’- The division of the Conservative Party in Great Britain over Europe in the 1990s” myself. I have used the sources as they are listed at the end of the thesis.*

**Preface**

The goal of my thesis is to present an analysis of the situation in the Conservative Party in Great Britain in the 1990s. The Tories struggled with inner division over European issues. I shall try to present an overview of the continuous inclination of the party towards Euroscepticism. The European policy of the Conservative Party in the 1990s was dominated by three major issues- the Maastricht Treaty, the ERM and the EMU. I will analyse the divisive potential of these issues and their impact on the split of the Party. I will also question the role of each leader and each faction in the Party and their contribution to the situation.

Chapter 1 shall analyse the extent of Major’s contribution to the division, and present achievements and failures of the Major Leadership. Subchapter **1.1.** presents an overview of the first pillar on which John Major built his policies, political career and which caused his inevitable down-

fall- 'ERM'- the Exchange Rate Mechanism. Section *1.1.i* contains economic and political pros and cons, as same as overall perception of the ERM in Great Britain before joining the system. It also monitors the importance of Major's influence as a Chancellor. Section *1.1.ii.* presents the continuous declination of British economic situation under the ERM. It analyses the impact of German reunification in 1990 and Danish referendum in 1992. Section *1.1.iii.* underlines the importance of the Black Wednesday phenomenon presenting the uniqueness of the devaluation in the Conservative Party connotations.

The second subchapter *1.2.* concerns the second pillar- the 'Maastricht Treaty on European Union'. The first section *1.2.i.* considers the first signals of misunderstanding between the leadership and the Eurosceptics during the pre-Maastricht period. Major's opinion on the European issues was not consolidated and therefore led to various antagonistic speeches. Section *1.2.ii.* concerns the implications and the main features of the TEU. The third section *1.2.iii.* presents the ratification process, which was the most progressive period of division of the Conservative Party.

The final subchapter *1.3.* will concern Major's post-Maastricht era, and the way he continuously faced party rebellions and attacks both from the Tories, the public and the opposition. I tried to list down examples of the party members' rebellions in section *1.3.i.* The rebellions are to point out how John Major continuously lost the credit as a leader. Section *1.3.ii.* compares John Major to his predecessor Margaret Thatcher, shows attempts to consolidate the party by a shift to Euroscepticism. The last section *1.3.iii.* questions the success of Major's leadership, because John Major is often perceived as the leader who divided the Conservative Party. I would like to point out that this is a simplifying description. Even though he made several political mistakes, he cannot be the only person to be blamed.

Chapter 2 demands a different division because the main focus is given to the second subchapter *The EMU*. The first subchapter *2.1.* follows the election of the new leader William, Hague a young politician who should bring the Conservatives to the 21<sup>st</sup> century. He realised the only chance to do that was with a strong united party standing behind him. However, the topic of the second subchapter *2.2.* the EMU provoked further tensions in the party. Section *2.2.i.* concerns the history of the monetary projects of the EEC. Section *2.2.ii.* lists new issues of the debate on the EMU. The new issues are- transferring sovereignty, creation of European superstate, accountability of European institutions, and giving up the pound.

I shall assess whether the young leader has been able to consolidate the Party and unite it over Europe in the final subchapter 2.3. I would like to show the development of the perception of Europe within the Party and the British public too.

Since there are almost no sources concerning the British Conservative Party in the 1990s in the Czech Republic, I had to mostly rely on English literature. An exception is the MA thesis "*Vliv thatcherismu na evropskou politiku Velké Británie*" by David Rýc which helped introduce the topic to me.

I managed to work with updated literature thanks to both a good library at the Institute of International Studies and the help from my friends in England. The history of the British participation in European integration is well presented in Pilkington's "*Britain in the European Union today*". The book does not go much in depth, but it gives a good informative overview of Britain's role in Europe. The Book also sketches the perception of Europe within the British political spectrum, the society, the economy and the media. Robin and Jones further enhance these issues in the edition "*Half a century of British politics*". Aspects of latest developments of the European issues are analysed in the editions of Manchester University Press (*Developments in British Politics 5 and 6*) or Clarendon Press, Oxford (*Britain for and against Europe*). These editions embrace all the issues of British politics (*Developments...*) as well as an overall British attitude (*Britain for and against...*). Seeing that there were almost no essays dealing exclusively with the Conservative stance toward Europe, I had to research the topic in texts concerning different topics. I also used specialised literature concerning the Conservative stance on Europe. I especially appreciated "*Tories and Europe*" by John Turner. The monograph is valuable for its clear, descriptive and balanced analysis of the Tory Party European policies. Even though that there are rather a lot of typing mistakes in the book, it is an excellent piece of political analysis. An excellent analysis from a more economic and historical point of view can be found in Philip Stephens' "*Politics and the Pound*". The book underlines the importance of economic interrelation between Europe and Britain and its impact on decision making regarding European issues.

I very much appreciated the Internet since the information from the books was incomplete for my thesis, especially as far as the coverage of William Hague's leadership was concerned. I found the most valuable sour-

ces at the House of Commons Library website. The research papers mostly cover the Labour attitudes while they are very often compared either with Conservative attitudes or with the attitudes in the rest of Europe. Excellent sources can be found also at the homepages of Eurosceptical think tanks (the Bruges Group) or initiatives (Business for Sterling or 'Keep the Pound'). The fact is that these institutions are much better funded, as far as the information is concerned, on their homepages than the Conservative Party. Its homepage is inadequate. It lacks any analysis or archives. The Internet versions of the daily (*the Times*, *the Daily Telegraph*) and weekly press (*the Economist*, *the Spectator*) helped me with following situation on the Isles in the recent past.

## Chapter 1

### "Mr. In-Between"

The nick name-"Mr. In Between"- was given to John Major by Andrew Marr shortly before the 1997 General Election. He thought that Major would go down in history as a man between Margaret Thatcher and Tony Blair<sup>1</sup>. It is at least a disputable opinion, which will be discussed later. More importantly, the statement is descriptive of Major's position in the Conservative Party during his leadership. He certainly was a person who stood between various factions of his widely divided party. When he entered Downing Street No. 10 in 1990, he realised that his policy concerning Europe had to be different to that of his predecessor.

According to Turner, there were five tactics of Major's new access to European issues. Firstly, Major wanted to limit the divisive potential of the issue. This was to be achieved by paying attention to other issues such as economy. Secondly, the European issue had to be maintained in the limits of the foreign policy without interfering in domestic policies. Thirdly, more pragmatic stance was adopted, different from Thatcher's ideological approach to international affairs and politics in general. Fourthly,

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<sup>1</sup> In John Turner: *The Tories and Europe*, p. 212.

the Prime Minister did not want to allow the Labour Party to gain political credit from the potential division of the Tories. Finally, according to the third step, he endeavoured to extend co-operation on European issues both with European partners and his own cabinet and party.

## 1.1. The ERM

*“... all my life I have seen British Governments driven off their virtuous pursuit of low inflation by market problems or political pressure. I was under no illusion when I took Britain into the ERM. I said at the time that membership was no soft option. The soft option, the devaluer’s option, the inflationary option would be betrayal of our future; and it is not the Government’s policy...”*<sup>2</sup>

John Major at Scottish CBI conference; September 1992

### 1.1.i. The Path to the ERM

The quotation above gives us a rather clear answer to the question of Major’s position on the Exchange Rate Mechanism. He understood it was no panacea to the British stagnating economy, but he believed the mechanism was the best solution under the circumstances. There were two significant circuits of arguments for this stance.

Firstly, he had to pay heed to economic circumstances in Britain. Firm exchange rates most suited his emerging policies as a Chancellor, after having become the head of No. 11 in October 1989. He wanted to tame inflation, which had reached the level of 8 per cent and was about to rise continuously to unbelievable 10.3 per cent at the beginning of 1990. Another of his goals was to avoid any further increase of the interest rates. If we add it to the failures of the Government domestic policies which

- had brought mortgage rates to 15 per cent,
- had not protected house prices from steady fall,
- had introduced the poll tax, unpopular as it was, at twice as high a level as promised a year before, we can imagine the position in which John Major found himself.

Secondly, there were also political arguments. Major, strongly supported by the Foreign Secretary Douglas Hurd, saw Britain’s future in stron-

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<sup>2</sup> Martin Holmes: John Major and Europe, p. 9.

ger co-operation with the institutions and the Member States of the Community. The year 1990 was dedicated to persuading Margaret Thatcher that joining the ERM is inevitable. Any perceptive observer could realise that after Jacques Delors had launched his three-stage plan of monetary union, the Community would not only stick to the further enhancement of the single market but would also be heading for an 'ever closer' relationship of the Members. The economic and political integration was inevitable and the Foreign Office together with the Treasury feared that Britain could be left behind. Neither Hurd nor Major desired anything that would have just distantly reminded them of loosing Britain's powers embodied in the national veto, or any further transfer of national sovereignty to the institutions of the Twelve. They, however, shared the view of Geoffrey Howe, the former Foreign Minister, that it was impossible to see Europe as 'anything other than the necessary vehicle, the central fulcrum, the basic lever for Britain to exercise the influence it wishes to exercise in the world.'<sup>3</sup> If Britain were to have its say in approaching the Inter-Governmental-Conference (IGC) on monetary union, it would have had to join the ERM.

This had become a widely accepted consensus. Those who accused Major after Black Wednesday must have forgot about their enthusiasm or at least about the support they had showed for British entry in 1990. The Confederation of British Industry (CBI) made it clear that British economy and industry need an assurance of economic stability. They saw the stability in the mechanism and believed it could provide Britain with low inflation. They also shared the same opinion as Chancellor Major that the fixed exchange rate would allow enterprises to adjust and plan their investments and export. The City of London feared that remaining outside the mechanism would continuously deprive the City of its position as a financial centre No. 1. The general consensus had even overflowed to the Conservative backbenches in The House of Commons. The backbenchers had inclined toward pragmatic strategy rather than to their personal feelings not too distant to those of Margaret Thatcher as described by Stephens: "Kohl wanted a European Germany, but Thatcher Feared a German Europe."<sup>4</sup> Nevertheless, the need for creating an alternative to the Franco-German axis in negotiations on monetary union won over their personal belief.

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<sup>3</sup> Philip Stephens: *Politics and the Pound*, p. 127.

<sup>4</sup> Philip Stephens: *Politics and the Pound*, p. 150.



Margaret Thatcher finally agreed on joining in June 1990 since she had no other alternative. She had been weakened by her long-lasting struggle against her ministers resulting in criticism of her leadership together with calls for her resignation.<sup>5</sup> Allowing the entry was the major political defeat of her career. She therefore wanted to gain as much credit as possible to loosen its impact. She declared that the interest rate would be reduced from 15 per cent to 14 per cent on the same day as the Treasury announced that Britain was prepared to join the ERM. It was just a cosmetic arrangement for the electorate. The interest rates had reached an enormous level by autumn 1990, and Thatcher wanted to present the reduction as her personal interference. The other condition - setting the central rate at DM 2.95 did not meet strong support from the Bank of England and the Treasury. These institutions wanted to negotiate the central rate with the Bundesbank, in order to set the rate at the most suitable level possible. The later history showed that worries about setting the exchange rate at DM 2.95 had proved to be founded. They also believed that the cut in the interest rate had been imposed too soon and that the effect on the economy was not as great as if it had been introduced later. Thatcher was not, however, willing to make any further compromises. The pound joined the ERM, but it was not a strong currency at all. Together with the peseta, the pound was allowed to fluctuate 6 per cent on either side of its central parity. Other currencies, on the other hand, had their fluctuation set at 2.25 per cent either way<sup>6</sup>. It was an inevitable solution to high inflationary rate, which had crept up to 10.8 per cent when the United Kingdom was entering. The question of the interest rates has already been discussed above.

We can see that Britain did not have a very stable and advantageous position when entering the system. Better said, the Government's criteria for entry summed up by John Major in the House of Commons in October 1989 had not been met:

*"We will join the ERM when the level of UK inflation is significantly lower, there is capital liberalization in the Community, and real progress has been*

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<sup>5</sup> In 1989, the situation in the party over Europe escalated when vice-chairman of the Tory Backbench Committee on Europe Sir Anthony Mayer decided to challenge Thatcher in leadership contest. This expression of disloyalty, unique at the time, was a result to Thatcher's ambiguous European Parliament Election campaign, which had led to the defeat of the Conservative Party by Labour. Mayer lost by 33 votes to 314 of Thatcher's, but the abyss between the two major wings of the party had begun to open wide.

<sup>6</sup> Stephens: *Politics and the Pound*, p. 168.

*made towards completion of the single market... But there should be no doubt: when these conditions are met we will join.*"<sup>7</sup>

### **1.1.ii. ERM- The Dream or Reality?**

Although the conditions had not been met, Britain joined. What can we say about the ERM? Was it more an economic or a political project? Were its real aims to maintain inflation stability or prepare Europe for a single currency? Helmut Schlesinger, the president of the Bundesbank and one of the most powerful bankers in Europe at the beginning of the 1990s, was not in favour of the ERM. He saw little economic advantage in the fixed exchange rates and perceived them as interference in the Bundesbank's autonomy over setting its own domestic monetary policy. The economic role of the system might be disputable but the political message was clear. Europe was heading towards a single currency and a monetary union. This was an issue the United Kingdom had to pay attention to.

After John Major had become the Prime Minister and the leader of the Conservative Party, he decided to adopt a new political stance in foreign policy, especially as far as the relationship with Germany was concerned. The ambivalence between Margaret Thatcher and Chancellor Kohl had been well known as well as Thatcher's attitude towards German reunification. At first, Thatcher together with M. Mitterrand had attempted to thwart the reunification. When they had acknowledged it was not possible, they wanted to retard it as much as possible. Nevertheless, the French president had soon changed his mind and gave way to the new strategy of incorporating the newly reunited German state to deeper European integration. Margaret Thatcher remained alone as she had done many times before.

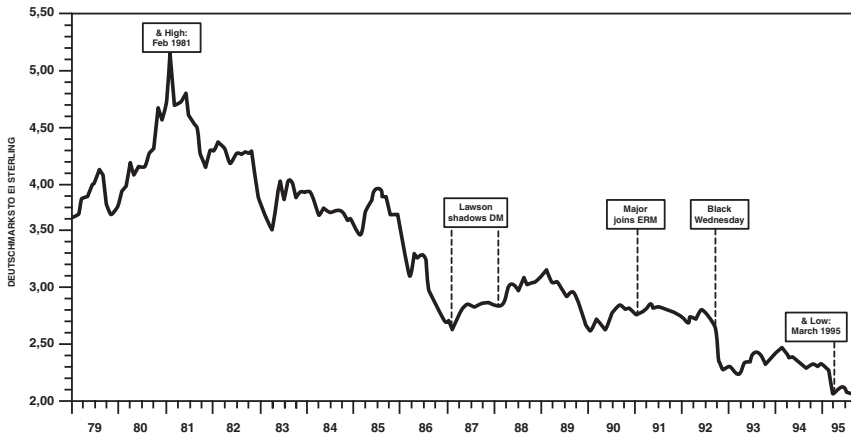
Because of the identification of Major's economic policy with the ERM, the on-good-term relationship with Germany represented a crucial guideline to British economy. The Bundesbank played a very important role in the ERM, which reacted very sensitively to the Bundesbank's decisions to adjust interest rates in Germany. Major could add a point to his list of achievements, as far as the relationship with the Chancellor was concerned, since 'he made friends with Helmut Kohl - referring to him as "my good friend Helmut" rather than "Herr Bundeskanzler".'<sup>8</sup>

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<sup>7</sup> Stephens: Politics and the Pound, p. 144.

<sup>8</sup> Martin Holmes: John Major and Europe, p. 3.

Figure 1.1: *Deutschmark Doldrums*



Source: Philip Stephens: *Politics and the Pound*

The effect had become visible. The pound remained roughly at the central parity which is clearly visible in figure 1.1.

The pound started to decrease slightly in the autumn of 1991 after the first months of light increase and relative stability in the spring and summer of the same year. Thanks to this increase, could Major turn his attention to other issues, such as: the IGC on Maastricht Treaty, taming the divisions in the Conservative Party and General Elections in 1992. There were, however, two important processes to which the success and the later failure of British membership in the ERM were related. Firstly it was the process of German reunification, secondly, the ratification process of TEU<sup>9</sup>.

Helmut Kohl perceived the German reunification as one of the most important legacies of his political life. He was, therefore, willing to sacrifice economic stability to make sure the process would be successful. At the beginning of 1990, he decided that the monetary union with the ostmark would be based on parity between currencies. There were set limits to this enormously benevolent choice. This advantage was to be taken only by citizens for their personal need, and also by small enterprise.

<sup>9</sup> Treaty on European Union, also the Maastricht Treaty.

Nevertheless, the price for the generosity was enormous. Politics had overpowered economics. The Bundesbank strongly opposed such a solution. Then Bundesbank president Pöhl had suggested setting the rate between the marks at 1:5 ratio. On the contrary, the government had burdened the budget with a deficit by increasing government spending instead of raising taxes. This solution led to a rise in inflation to 4 per cent, which under German conditions meant a disaster. The further step - the raise in interest rates to bring down inflation - was to be followed. This kept causing tensions within the ERM for the next two years.

Despite the fact that British interest rates managed to decrease to 10 percent in 1992 from 15 per cent in 1990, some specialists, such as Stephens, believe that this could have been achieved during a much shorter period, had the rise of German interest rates not caused strains within the ERM. Major's economic agenda had managed to tame inflation to 4 per cent, but it did not provide any solution to improved, yet still rather poor, economic situation at such a high level of interest rates.

The ERM also suffered political losses especially in the summer of 1992. On June 2nd the outcome of the Danish referendum on Maastrich froze the ratification process all over Europe. Britain was not an exception. The Euro-sceptics on the backbenches called for halting the ratification or even abandoning 'a treaty Britain never wanted'. The reaction of the financial sector was rather predictable under the circumstances. The sterling kept falling down and it had reached DM 2.90 in June and DM 2.85 in the middle of July. The Eurosceptics made themselves be heard. They openly called for withdrawal from the ERM. The Bank of England released an analysis of the situation, which stated that there were the only two possible solutions - either keeping to the central rate fixed on the DM, or a withdrawing, which would mean devaluation. Major had decided for the first one. Chancellor Lamont shared his endeavour. 'The result of leaving the ERM, combined with large cuts in interest rates, would be a fall in the pound probably unprecedented in the last forty years.'<sup>10</sup> The Prime Minister and the Chancellor tried to find a way out from the sinking ship. Both directions had proved to be wrong.

Firstly, they wanted to persuade the French to accept the revaluation of the Deutschmark. But this strategy did not fulfil the expectations. On one hand, the French president Mitterrand would not take a risk with his policy of 'franc fort' that had been launched earlier that year. Devaluati-

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<sup>10</sup> Stephens: Politics and the Pound, p. 213.

on of the franc would mean a serious damage, also totally undermining the project of a monetary union and a single currency, which was a hot political issue on French political scene. On the other hand, the devaluation would cause a political scandal of far-reaching consequences as far as the French referendum on Maastrich was concerned. People in France were not much in favour of the Treaty, and instability of the ERM would have convinced them of possible difficulties and failures of a potential single currency. That was what Mitterand would not have permitted. He saw the Maastrich Treaty same as Major, but from different reasons, as his personal achievement. France refused to help.

Secondly, they wanted to urge the Bundesbank to reduce interest rates. The 'German' solution was perhaps even more naive than the 'French' one. Lamont took the opportunity to put pressure on the Bundesbank during the Bath summit of the finance ministers and central bankers at the beginning of September. He openly attacked the president of the Bundesbank and urged him to decrease interest rates. The only result of Lamont's behaviour was the alienation of the Bundesbank and of the majority of the delegates. The result of the Bath meeting was significant of the whole struggle for saving the sterling. As John Major characterised the meeting: "No realignment, no interest rate cut, lots of bad blood."<sup>11</sup> What can we learn from the way Lamont acted in Bath? It could be interpreted as complete despair since the Government saw the meeting as the last chance to make Germans and other partners undergo steps on behalf of the pound. There is no doubt that, at the beginning of September, the government had to count with the possibility of devaluation of the pound. But as John Major and many members of the Conservative Party had, perhaps too often, emphasised, the Tories had not been the party of devaluation. So it remained until Black Wednesday on September 16th, 1992.

### ***1.3.iii. Black Wednesday***

The Black Wednesday phenomenon had bankrupted the whole political career of John Major. One of the pillars his strategy stood on had been torn down. It did not happen quietly, and it was perhaps the most expensive funeral of a politician's strategy in the British history. The total cost of the two-day financial transactions and operations had climbed to unbelievable heights.

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<sup>11</sup> Stephens: Politics and the Pound, p. 234.

- The government sold over £ 30 billion from its reserves.
- It borrowed a large amount of foreign exchange to cover its exhaustion (e.g. a compulsory Bundesbank's intervention had caused \$ 23.6 billion debt at the European Monetary Co-operation Fund.)
- It spent 5 billion ecu-credit it had received at the beginning of September.
- The sterling had fallen by circa 20 per cent against the Deutschmark and the dollar.
- The total cost to the taxpayers was £ 3-4 billion on one single day.
- The rise in unemployment had reached 2.8 million

There is one word that could say it all – the end. Yes, Black Wednesday was the end of the Government's economic policy since it had been based on the relation to the ERM. The whole inflationary policy was gone. Major believed that inflation was a social and economic evil that had to be fought and beaten. The ERM was its shield. The shield had broken apart. Why was Black Wednesday so disastrous?

Firstly, the perception of the ERM in Britain was different to that in other Member States. The countries on the Continent saw the mechanism as a preparation step on the staircase leading to monetary union and the single currency. However, the reality on the Isles was far from that. The system had become a matter of national pride and success of economic policies - primarily of taming inflation. Britain had agreed with the rest of Europe on one thing. The ERM was to a great extent a matter of politics, even though both sides of the Channel had perceived it differently. For the continent, the mechanism had mainly embodied an inevitable part of their European policy for reasons described above. Britain had mainly embodied the success of the mechanism with her domestic economic policy.

Secondly, there is a specific of British politics that might be called the 'devaluation syndrome'. Devaluation from the economic point of view might be seen as a recovery arrangement, and when done at the right time, the economic outcomes can be good. Nevertheless, in British environment, where the pound of sterling incarnates not only a currency, but also a portion of British history and position of the United Kingdom as a superpower, is devaluation perceived as a political loss and an evidence of the Government's incapability of leading the economy. Until Black Wednesday, only the Labour Party suffered from devaluation illness. Both Attlee's Government in 1949 and Wilson's Cabinet in 1967 had never fully recovered from the devaluation. Both governments also found out that

the electorate had not forgot and lost following general elections. This was the pathway paved for Major too.

Who was to be blamed for the failure? The fact was that everybody accused everybody else. 'In Whitehall, the Bank was censured for its handling of sterling's defence. The politicians were criticised by officials for taking too long to face up to reality. The politicians blamed their favourite enemy, the Germans.'<sup>12</sup> Yes, the Germans had their share of guilt. They were fully responsible for the tensions in the ERM caused by their reunification. As Heathcoat-Amory put it: "German unification was an event which tested the existing ERM to destruction."<sup>13</sup> The politicians also had their share. They waited too long. But had they withdrawn earlier, they would have bore responsibility for disrupting the ERM. This would have led to a loss of credit and of the position in Europe.

## 1.2. Maastricht- 'a treaty too far'?

*"That would be entering a federal Europe through the back-Doors."*<sup>14</sup>

Margaret Thatcher on the imposition of the single currency

### 1.2.i. *The Major Decision*

John Major was elected as the most suitable compromise candidate in December 1990. The Eurosceptics feared Haseltine for being the person who would take Britain to the abyss of European superstate and the Europhiles feared John Redwood for his isolationist, even Europhobic attitude, which might have brought Britain to the outskirts of political influence in the Community. On the contrary, Major had been known for his excellent performance as a Party Whip, precise teamwork at the Treasury, and his communication skills and feeling for management. He was no ideologist like his predecessor, but rather a pragmatic politician with willingness to solve actual problems with tools free from ideological burden. Shortly, he was seen as the opposite of the 'Iron Lady' and thought to be a remedy for the party, which had become divided by ideological and autocratic leadership. At the beginning

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<sup>12</sup> Stephens: Politics and the Pound, p. 247.

<sup>13</sup> David Heathcoat-Amory: A Single European Currency, p. 11.

<sup>14</sup> Stephens: Politics and the Pound, p. 179.

he was admired for not being like Thatcher, later he was blamed for exactly the same thing.

*“Nothing highlights Mr Major’s real problems than comparisons with his predecessor... Mrs Thatcher, love her or loathe her, was a leader. She made her share of tactical retreats, but her strength was such that they were perceived as tactical even at the time. When she failed, she paused and then advanced again. She saw party divides as a challenge to be overcome, not a fact of life to be worked around.”*<sup>15</sup>

He had started as the man of unification of the Party but ended as the man who had divided it.

John Major had inherited the duty to negotiate at the IGC which led to the establishment of the Maastricht Treaty. He decided to take a different stance to that of Thatcher and adopt more positive view of Europe. Nevertheless, he realised that such an attitude had its boundaries since the Treaty was an issue the successful party reunification was to be based on. Martin Holmes, one of the strongest critics of John Major’s leadership, sees the first two years of Major’s leadership, which cover the negotiation process, as the time when Major appeased both wings of the party by sometimes ‘schizophrenic’ statements.

*“We can’t go on as we were in terms of Europe: we should be at the centre of Europe if we are going to properly protect our interests.”*

*“But being in the centre of Europe doesn’t mean we’ve sold out, doesn’t mean we’ve suddenly become Europhiles and adopt every fetish that emerges from the European Commission. Of course not”.*

*“What it does mean is that we are in better position to influence the way which Europe goes”.*<sup>16</sup>

The first sentence copies the idea of the ‘heart of Europe’ speech Major gave during his visit in Germany in March 1991.<sup>17</sup> The Prime Minister was

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<sup>15</sup> The Economist: March 1997, p. 53

<sup>16</sup> Martin Holmes: John Major and Europe, p. 4.

<sup>17</sup> Very much disputed speech, which in some its interpretations discovered the true federalist face of John Major. The criticism from the backbenches was so strong that Major was forced to admit that the words he had chosen had not been the right-ones. The speech could be seen as the beginning of doubts in Major’s position on Europe, especially among Eurosceptics.



rather strongly supported by his cabinet then. This pro-European atmosphere might have two explanations. Firstly, the government had to prepare profitable bases for negotiation on the TEU. Therefore the ministers were willing to back their Prime Minister up, even though some did not really agree with the policies. We have to understand that the principle of loyalty had not been corroded yet. The open cabinet rebellions became a feature later during the Major term. Secondly, corresponding to the first point, there was an inevitable need for dramatic change in German-British relations. This idea has already been presented in 'The ERM' part of the thesis.

The other two quotations respond to the reaction of the Eurosceptics on the backbenches and in the Lords. Thatcher, joined by Tebbit and Ridley, attacked the Cabinet for making friends with the Germans who wanted to dominate Europe, labelling the single currency as unnecessary. Tebbit returned to the popular topic of national sovereignty, which has been one of the favourite arguments against the single currency and the monetary union till present. He called pooling sovereignty a 'cliché ... dangerous because it obscures reality ... If pooled it creates a new sovereignty in the hands of another entity.'<sup>18</sup> The Bruges Group, an influential Euro-sceptical think tank, of which Thatcher had become an honourable chairman in 1991, did not hesitate to release a memorandum calling for a potential split in the party, had the Cabinet adopted a treaty on the monetary union. Thatcher even called for a referendum on the Maastricht Treaty, even though she had strongly opposed the only referendum on Europe during the Callaghan Government. Her arguments for a referendum were the following:

*"The fundamental issue that will confront the Government at Maastricht is that the draft treaties propose an enormous -and to me unacceptable- transfer of responsibility from this House, which is clearly accountable to the British people, to the European Community and its institutions which are not accountable to the British People ... It is about being British and about what we feel for our country, our Parliament, our tradition and our liberties. Because of that history, that feeling is perhaps stronger here than anywhere else in Europe." ...<sup>19</sup>*

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<sup>18</sup> John Turner: The Tories and Europe, p. 145.

<sup>19</sup> John Turner: The Tories and Europe, p. 156.

In 1991, however, John Major's leadership had not suffered from any serious rebellions, and the vociferous reaction of Thatcher and her allies could be explained both by her overall vision of Europe and by her growing personal antipathy to the once favoured candidate. After completing the negotiations with his own party, Major could start concentrating on the negotiations in Maastricht, which finished with the drafting of the Treaty on European Union. John Major saw the Treaty as his major political success.

### *1.2.ii. The Impacts of the Treaty*

What were the implications coming from the Treaty?

- The opt-out on the first pillar of the Union –economic and monetary union and the single currency was definitely seen as the greatest achievement. This was the crucial issue on which Britain had built her strategy. The Prime Minister could not return with a different result but the opt-out to survive politically. The majority of the Conservative Party was strongly opposed to the principle of the monetary union. It embodied a threat to their national sovereignty through abolishing the pound, creation of European Central Bank and setting a 'one-fits-all' interest rate. This would mean the partial loss of the sovereignty of the Parliament and its rights to set domestic monetary policy. The Treaty reads as follows:

*"The United Kingdom shall not be obliged or committed to move to the third stage of economic and monetary union without a separate decision to do so by its government and Parliament."*<sup>20</sup>

- The second most important opt-out was that on the Social Chapter of the Treaty. Social issues represented a circuit on which the Conservative Party shared a unanimous view. The conditions the Chapter contained were far distant to the Government's vision of social policy. One of the Cabinet ministers put it: 'The government will not tolerate unwarranted interference in people's lives from Brussels which would put extra costs on employers, make firms less competitive and reduce number of jobs.'<sup>21</sup>

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<sup>20</sup> Stephens: Politics and the Pound, p. 200.

<sup>21</sup> Colin Pilkington: Britain in the European Union today, p. 167.

- Major also succeeded in replacing the word-‘federal’- from the Treaty for-‘ever closer union’.
- Since the other two pillars interfered to the Conservative Party’s perception of national sovereignty, the foreign and security policies and interior and justice issues were amended to the Treaty and therefore left for further negotiations.
- Major insisted on incorporating of the principle of subsidiarity into the text. According to Title II, Article 3b:

*“The Community shall act within the limit of powers...In areas which do not fall within its exclusive competence, the Community shall take action, in accordance with the principle of subsidiarity, only if and so far as the objectives of the proposed action cannot be sufficiently achieved by the proposed action, be better achieved by the Community.”*

The concessions to Britain were not for free.

- The areas in which the qualified majority vote had been used were enlarged.
- There was further enhancement in powers of the European Parliament.

Reactions to the Treaty within the Conservative Party could be described as contradictory. On one side, there were the Euroenthusiasts, Eurofanatics respectively, as Holmes calls them rather pejoratively- Heath, Haseltine, Hurd, Howe and Clarke. This faction of the party, accompanied by the loyalists, shared Major’s enthusiasm and impression of victory. The opt-out on the EMU meant that Britain had paid attention to its own national interests by protecting its national sovereignty, but at the same time left the door open and thus secured its position in Europe. The Euroenthusiast could be content. They managed to influence Major to such an extent that he was willing to accept the treaty, which decreased the distance between Britain and continental Europe. Since, and it is no doubt about the fact, the Treaty enhanced further integration. And Britain was to be included.

On the other side, there were the Eurosceptics represented by Thatcher, Tebbit, Redwood, Cash or Portillo, who later during the ratification process called the Treaty as one that ‘Britain never wanted’ (Portillo 1992). The sceptics saw it as a treaty “too far” (Thatcher 1992), and did not feel satisfied by the concessions to such an extent as to ease on the

complaints. The government, as they would have done, should have used the British veto to abandon the Treaty. Even though the opt-outs on the EMU and the Social Chapter had been secured, it did not provide Britain with complete exclusion of these policies. The economic situation on the Isles would be strongly influenced by the Continent's endeavour to fulfil commitments to the first two stages on economic and monetary union because of the interdependence between British and European economy through trade, financial markets and the pound participating in the ERM. They also believed that such steps, which would lead to the single currency, would impose federal constitution on European matters. The discussion that the EMU was about to start will be discussed later in the thesis.

Major's tactics of taming the Eurosceptics' fears of the federal superstate was represented by the principle of subsidiarity. The incorporation of the principle to the text should provide the Community with much greater accountability and responsibility to the electorate. The vague formulation of the principle in the body of the Treaty allowed both sides to pick up what they wanted to.

This is a common feature of the Treaty. Each faction of the Party could find its pros and cons, and so could the Community. This is the explanation of the contradictory statements related to the same text. This is also the key to the success of Major's first attempt to consolidate the Tories. This solution, however, was to be temporary. Signing of the Maastricht Treaty was only the starting point on its track of coming into force. The factions within the party seemed to have been appeased by their own interpretations at the beginning of 1992 (the Maastricht Treaty was signed in February). Together with the fact that the general elections were approaching, they had to express at least some appearance of unity. This was to be achieved by underprioritising Europe on the pre-election campaign. John Major proved to be a good manager once again, though perhaps for the last time. The Conservatives won the General Elections that took place in April 1992, rather surprisingly. The strategy John Major decided to pay heed to - one which projected the Tories as the only party able of economic management of the country based on anti-inflationary policy, relying on the ERM and anti-devaluation stance - proved to be victorious. Even though it had secured him only 21-seat majority in the Commons.

### *1.2.iii. The Ratification*

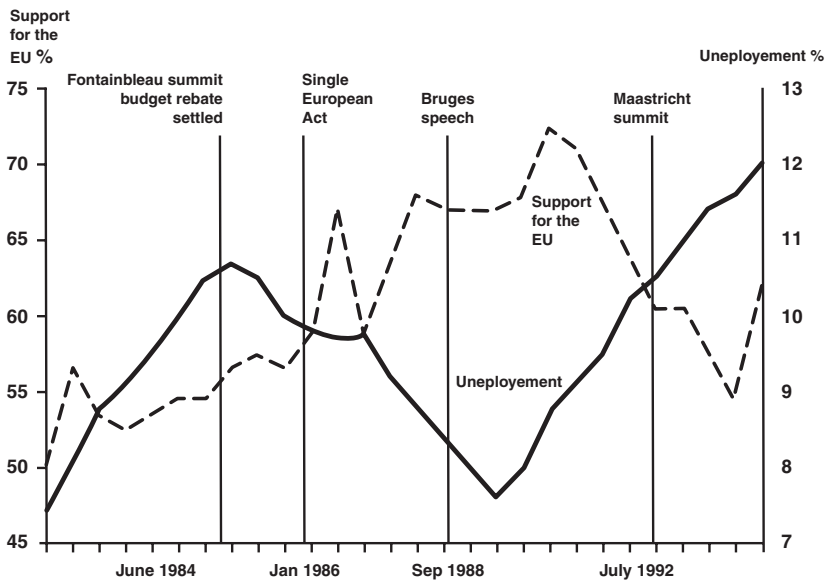
It was the ratification process, not the entire Treaty, which had torn the Tories apart definitely. At the beginning, the opposition to the TEU was located on the far right pole of the party. Nevertheless, events between spring 1992 and late autumn 1993 irreversibly shifted the common mood and opinion towards more sceptical position on Europe. Change in the thinking of the party left John Major with the dilemma of which direction he should lead his party in. Was it the way of making concession to growing Euroscepticism and strengthening the position of Michael Portillo, William Cash together with the troublemaking Margaret Thatcher? Or, was he to stand up to them and side together with Europositives Douglas Hurd, Michael Haseltine or Kenneth Clarke?

Major chose the second option during the ratification period. There were two reasons for such a decision. The first reason was his renewed confidence he had gained from his performance in Maastricht. His deepest persuasion was that he had achieved much more in protecting British national interest by various opt-outs than for example Thatcher with the Single European Act in 1986, or Heath when having joined the Single Market in 1973. The Maastricht Treaty was only a consequence of these deeds, which had engaged Britain in European integration, and he had done the best under the conditions.

Secondly, passing the Treaty through the Parliament had become a matter of his political survival. Since he had curtailed his European policy to successful introduction and duration of the ERM and the TEU, he could not do anything else, but keep campaigning for them. Had he not done so, he would have had to leave his post. It was the matter of his personal pride to get the Treaty through.

He, however, underestimated the situation on the backbenches. The first open disagreement with the Government came on May 21<sup>st</sup> when there was the 2<sup>nd</sup> reading of the Maastricht Treaty on program. Even though the Government had secured the Labour abstention, the Eurosceptics had made a decision to show their opinion and in spite of a strong interference of the party Whips, 22 MPs voted against the Cabinet. John Major was to respond. He had to wait some time to do so. On June 2<sup>nd</sup>, the Danes rejected the Treaty in a national referendum and triggered off the worst expectations of the Union's officials and all supporters: that the growing public dissatisfaction with the policies of the Union might lead to a halt the emergence of the EMU.

Figure 1.2: *Support for EU membership and levels of unemployment across European member states*



Source: John Turner: *Tories and Europe*

If we look at figure 1.2 we can see that the dissatisfaction was related to growing unemployment all across the Union. Even though the support stayed above 50 per cent after Maastricht, the decrease in public support for the Union was to become a common feature of the 90s. The Danish referendum was therefore the first warning and everybody in European politics had to pay heed to it. So did Major and the Eurosceptics. Thatcher called for halting the ratification process, and Major, on the contrary, accused Lady Thatcher of being a 'Little Englander'. On the following day, the 70 MPs who were joined by 19 others by June 4th published a manifesto of the Fresh Start Group. The manifesto expressed a commonly shared persuasion of inevitable need for change in the Conservative Party and Britain's European policy. They suggested that the TEU should be abandoned and that Britain should start a new policy of further enlargement and deepening of economic integration, which they felt had yielded to political integration. The Cabinet, the bastion of loyalty to

the PM until then, showed its own division. Portillo, Howard and Lilley sang the same song together with Thatcher and the sceptics. The divisive potential of the European issues had appeared in its whole complexity. The Eurosceptics started to push harder. They pointed to the worsening position of the pound and to the economic recession in general. The main cause of the situation was Britain's participation in the ERM, which did not allow British officials to operate with interest rates to Britain's best satisfaction. Together with the unwillingness of the Bundesbank to decrease its own interest rates, the ERM was presented as ineffective. Since the ERM embodied the pre-step to the EMU and the single currency, and since these represented the core of Maastricht, the Treaty was to be abandoned. Major followed the opposite path. He used the British presidency, in the second half of 1992, for bringing Denmark back into the embrace of the European Union. He had thus again adopted the stance he had expressed during the 2<sup>nd</sup> reading on Maastrich in May of the same year:

*"What we kept out of the Maastrich Treaty is as important as what is in the treaty."*<sup>22</sup>

His critics, especially those of the Bruges Group background, see the Danish Referendum and the events that followed as a clear evidence of Major's failure as a leader. Holmes suggested that 'following the Danish referendum, Major could have argued 'No' vote technically invalidated the Treaty and that therefore it would not proceed in the British parliament.'<sup>23</sup> Holmes is convinced that had Major rejected the Maastricht in June or on two following occasions he would have succeeded in uniting the party.<sup>24</sup>

The disaster came on Wednesday, September 16<sup>th</sup>, when the government devaluated the sterling. It meant a humiliating end to the Government's economic policy that had been fixed to the membership in the ERM. Extensiveness of the crisis was greatly influenced by the perception of the British membership. Since the Major Government identified with the mechanism and made it the first and the last mean of its economic success, the deeper

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<sup>22</sup> Stephens: Politics and the Pound, p. 204.

<sup>23</sup> Martin Holmes; John Major and Europe, p. 11.

<sup>24</sup> The following two occasions were Black Wednesday and Party Conference in October 1992. Both signalled shifts to sceptical direction of the party which, however, Major failed to listen to and accept. For further analysis of the problematic, see Martin Holmes: John Major and Europe, part 2.

and more painful the deprivation was.<sup>25</sup> The Government had to start seeking new ways of approaching the economy. Nevertheless, the Cabinet, divided as it was, was not able to deal with the situation. Norman Lamont and John Major failed to co-operate, each standing for different views especially on the matter of interest rates. Major announced a fixed schedule of continuous cuts in interest rates, and thus standing for strong governmental interference in domestic monetary policy. Lamont, on the contrary, urged the Prime Minister not to do so, and to transfer a significant portion of decision-making authority on interest rates to the Bank of England, which Major strictly refused. It is believed that Lamont should have resigned, or that Major should have sacked him himself. That had been the political tradition so far. Major, however, perceived any attempt to attack his Chancellor as an attack oriented at his person. He also considered the fact that bringing a new official, untrained and inexperienced in fine negotiating procedures in European institutions, might have seriously damaged Britain's interests and his model of continuing co-operation with Europe. If he had fired Lamont, he would not have had any other option than appointing a strong Eurosceptic to calm down the turmoil on the backbenches. The Eurosceptics gave a clear response to Major's attempts to leave the door open for a possible re-entry. They proclaimed that in the autumn they would not hesitate to bring the Cabinet down, as they had not dared during the summer. Under such pressure Major had no other chance than to retreat. He told the Commons that he '...[did] not believe that we [Britain] shall be able to go back into the mechanism soon, or go back into the same mechanism we left.'<sup>26</sup>

The Tory Party Conference, held only a month after Black Wednesday, was stigmatised by the debacle of devaluation. The delegates understood the uniqueness of the devaluation phenomenon in British politics well. The reality was that the Tory had built on their reputation of a non-devaluation party only six months earlier. In October, they were being associated with the worst sterling defeat ever.

Re-accommodation of stances on the European issue was perceived as crucial. Ball in his coverage of motions on Europe presents how almost 20 per cent of all conference motions concerned Europe. This was to remain for the several following years.

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<sup>25</sup> On the contrary, memberships of other Member States were, apart from identification with price stability and aim of low inflation, concerning the ERM as a platform to a single currency.

<sup>26</sup> Stephens: *Politics and the Pound*, p. 272.



Table 1.1: *The Party Conference motions on Europe 1992-95*

	1992	1993	1994	1995
Motions in Foreign Affairs & Europe section	188	91	83	134
Motion in other categories	47	68	47	83
Total of European motions	235	159	130	217
% of total motions	19.80%	12.40%	11.20%	17.40%
Position in subject ranking	1st	2nd	2nd	1st

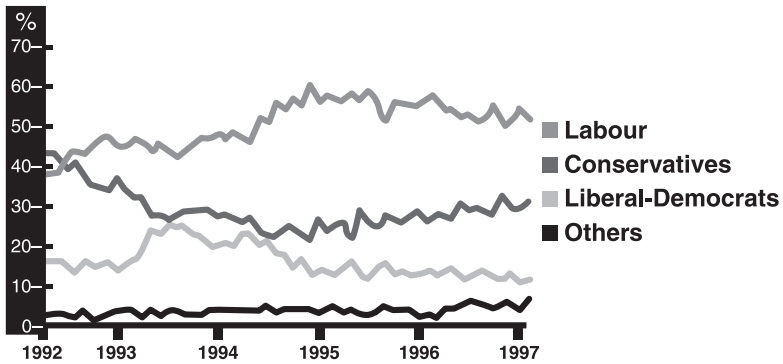
Source: John Turner: *Tories and Europe*

Even though the Government insisted on keeping its pragmatic approach to Europe, they could not ignore the support for the Eurosceptics during the conference. Audience applauded Lord Tebbit after he had presented his most Eurosceptical speech calling for abandonment of the TEU. The Government would not accept it, but promised to delay the Treaty until the summer of 1993.

Dissatisfaction of the electorate, which had been growing through the whole year, escalated after Black Wednesday by 10 per cent fall. The Government, however, continued with unpopular policies after Black Wednesday. Michael Haseltine's announcement of the pit closures in mid-October and Lamont's increases in VAT on domestic fuels in the 1993 Budget caused further plunges in public support for the Government. Voters expressed their dissatisfaction with the Tories on the first possible occasion, which occurred in May 1993. The Conservative Party suffered heavy losses in by-elections and local elections. The Tories lost one of the safest seats in Newbury by a 28 per cent shift to the Liberal Democrats, together with more than 500 seats in town halls throughout the country. The decrease in public support is recorded in the MORI polltrack on voting intentions.

Perhaps the most awkward rebellion against Europe took place at an unexpected occasion. On July 23rd, the Commons were to debate a Social Chapter Amendment proposed by Labour. Even though the issue of social policy acted as the uniting feature of the Tories, 23 MPs voted with the Labour Party, thus removing the opt-out. MP rebels did not fully agree with the Social Chapter, but they chose this shocking and unpredictable way of expressing their dissatisfaction with the leader. Were they also willing to bring down the Government? No! Not, under the given circumstances. The arithmetic was not that difficult. Labour had been leading the opinion polls since Black Wednesday by roughly 20 per cent. Every

Figure 1.3: *Voting Intention between 1992 and 1997*



Source: [www.bbc.co.uk/elektion/framedir/pollsframe.htm](http://www.bbc.co.uk/elektion/framedir/pollsframe.htm)

rebel realised that putting down Major would mean bringing Smith, the Labour Party leader after Kinnock, to Downing Street. The leadership, therefore, decided to associate the passing of the TEU with a confidence vote. The confidence vote came on the following day after voting on the Social Chapter Amendment and it was won smoothly.

The leadership had set the passing of the TEU as their prior goal. Even though Major refused to force the Treaty through, he agreed with the tactics used in the Commons to persuade the MPs to vote with the Government. Turner suggests that these tools, firstly, made use of an unquestionable and most advantageous weapon of the Conservative Party- party unity. Secondly, the leadership threatened the Party with resignation as it happened in late July. Thirdly, the leadership attempted to present the Maastricht Treaty as not so federalist as the Eurosceptics perceived. The Eurosceptical authors characterise this feature as significant for the government's understanding of Maastricht and later of the EMU. It was their unwillingness to accept the fact that the Community was ready for further integration, and that this would lead to some sort of federalisation. Fourthly, the Party Whips used old and often effective means - a patronage by threatening their careers etc. Finally, it was simple bullying.<sup>27</sup>

<sup>27</sup> John Turner: *The Tories and Europe*, p. 165.

The division in the Government escalated after Major's off-the-record statement, which leaked to public. John Major said:

*“What I don’t understand, ..., is why such a complete wimp like me keeps winning everything. The way people who oppose our European policy go about it is to attack me personally. Think of it through my perspective. What happens if they resign? Where do you think most of the poison has come from? It’s coming from the dispossessed and never-possessed on the back benches. Would you like three more of the bastards out there?”<sup>28</sup>*

There was no doubt that these ‘bastards’ were in fact ministers Portillo, Lilley and Redwood. We can read from the statement certain despair of being trapped in his own party. And even though Major tried to escape from the trap and come with a new campaign to reinforce his own post, the credit of the Party and electorate support, the campaign ‘Back to Basics’ failed to deliver the message. John Major told the 1993 Tory Party conference ‘I am fit, and I am well. I am here. I am staying.’ But virtually he was not!

### 1.3. ‘Wait and See’

*“Mr Major’s difficulty is that no one seems to be impressed by him: not even the left of his party (who think he is weak on Europe) nor the right (who also think so, for opposite reasons); not pundits, even in most of the Tory press; and not voters, who are dissatisfied with the way he is doing his job by nearly two to one.”<sup>29</sup>*

The Economist, March 22<sup>nd</sup> 1997

#### 1.3.i. *The Rebellions*

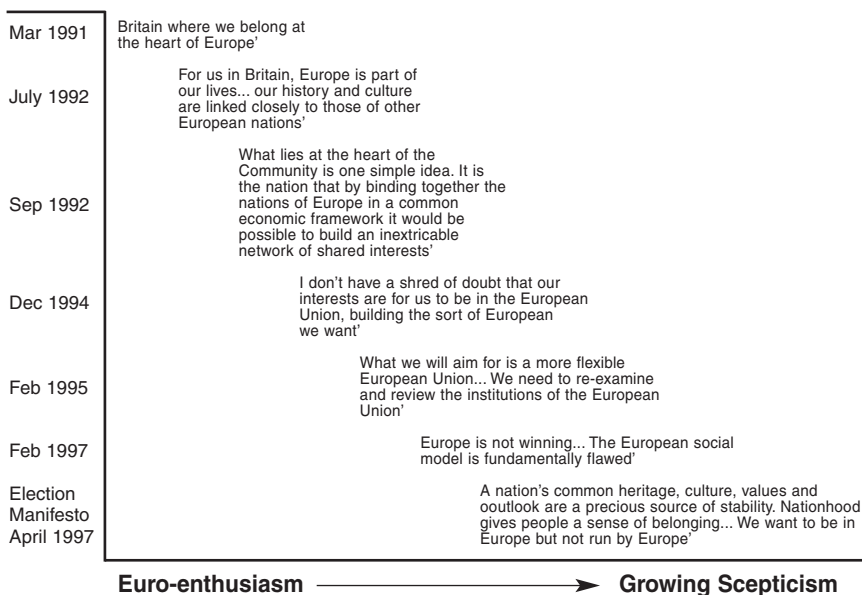
The House of Commons passed the TEU at last. The second of Major’s pillars remained standing. John Major’s leadership, however, sprinted to failure. Since Maastricht was not the issue of the day anymore, the attention had drawn to an implication of the text – the EMU. The EMU issue has moved the whole Party to the Euroscepticism. It should not be blamed on the leader, but more on sceptical ministers of the Cabinet,

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<sup>28</sup> Stephens: Politics and the Pound, p. 307.

<sup>29</sup> The Economist, March 22<sup>nd</sup> 1997, p. 47.

Figure 1.4: *Major's changing perspective on Europe*



Source: John Turner: *Tories and Europe*

influential backbench lobby and a general shift of public opinion. The Prime Minister only followed the trend. He had exhausted himself as a leader during the ratification of Maastricht, and after the 'successful' end he returned to his job of a party manager. Again, he adopted the somewhat divided stance on Europe. According to Holmes, '...he uttered strong sentiments in favour of European integration, as strong as those which he expressed between 1992 and 1993. But equally in the same period, sometimes only weeks apart, Major could sound rather distinctly Eurosceptical.'<sup>30</sup> Turner recorded the growing scepticism in John Major's statements as we can see in figure 1.4.

The period of the final four years of Major's leadership could be described as that of open rebellion and disagreement with the Governmen-

<sup>30</sup> Martin Holmes: John Major and Europe, p. 15.

t's policy on Europe, both from the ministers and the MPs. In the Cabinet, The Prime Minister had become an interpreter of two alienated camps neither, of which he was able to satisfy. It was identical in Westminster. Let me present six examples of tense situations or rebellions against Major's leadership.

The first blow came in May 1994, when John Major's junior minister Portillo gave a television interview. To the question whether he supported the EMU he replied 'No', and thus openly disagreed with the official governmental line. The tradition has been that only the Prime Minister has the privilege to announce governmental stances officially. The ministers, according to the principle of subordination, had to obey the unanimous stance of the Cabinet, and act unanimously in public. Self-confident Portillo had placed himself into the role of a leader of the right wing of the Tories. By this unusual disloyalty with the Cabinet, which is an extraordinary approach in British politics, he only publicly demonstrated what the ministers (Howard, Lilley, Aitken, and Redwood) talked about among themselves.

Secondly, the European Parliamentary elections in June proved that a divided party had no appeal to public. After an ineffective, disunited campaign, the Conservatives gained only 18 of 87 seats with a 29 per cent on national vote.<sup>31</sup> The defeat evoked doubts about Major's leadership skills. The maverick on backbenches, MP Tony Marlow, urged Major to resign as a consequence of the defeat. That was a deed the Commons had not seen for past half a century.

Thirdly, the growing self-confidence of the Eurosceptics could be most clearly observed from the 1994 Party conference. The sceptics did not limit themselves in their demands to preventing further European integration, but aspired to re-examine the role of Britain in the Union and her possible withdrawal. Major, the Europhiles and realists termed Lamont's contribution as a 'speech too-far', but not everybody found it so shocking. The far right of the Party welcome the alternative as a rather appropriate argument.

Fourthly, John Major proved that European issue possessed certain privilege among the issues of the Government. Major had to pass a bill concerning the increase of resources available to the Union. Since he expected a long and temperate debate on the bill, he decided not to

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<sup>31</sup> John Turner: *The Tories and Europe*, p. 178.

inform the ‘bastards’ in the Cabinet about the Cabinet’s intention of making the voting a matter of confidence because they would not have agreed. They found out only after the decision had been taken. The Government secured the vote, but eight MPs abstained. Major deprived the eight MPs of the Whip, despite previous rebellions on domestic policy issues in Westminster. The ‘Whipless Eight’ enlarged to the ‘Whipless Nine’ on the following day. Sir Richard Body who sympathised with them, and withdrew from the whip, joined them. John Major was to realise soon that his reaction to abstaining was exaggerated. Whipless MPs could do more harm with no party control over them. His act only led to further alienation of the right of the Party and thus failed to present Major as a leader who had regained his power.

Fifthly, the situation in the Party in 1995 was fully dedicated to the mood of an inevitable leadership contest. The Europositives expected Norman Lamont, who would be the one to react to John Major’s challenge ‘put up or shut up’ to run as a candidate, but finally it was John Redwood who did so. Redwood had resigned from his ministerial post to be able to use the right of every Conservative MP to challenge the Prime Minister for leadership. His greatest disadvantage was his Euroscepticism bordering with Europhobia.

Table 1.2: *The European spectrum within the parliamentary Tory Party (1992-97)*

Pro-European	Loyalist			Euroseptic
	Pro-European	Undecided	Euroseptic	
65 (19%)	21 (6%)	70 (20%)	82 (23%)	110 (32%)
Europhile (25%)			Euroseptic (55%)	

Source: John Turner: *Tories and Europe*

According to table 1.2, we can see that even though the majority of Tories were Eurosceptics (55 per cent to 25 per cent of Europhiles), there were enough loyalists (49 per cent) together with extreme Europhiles (19 per cent) to outweigh the votes for Redwood. John Major secured his victory with 218 votes against Redwood’s 84, with 20 abstentions. The Euros-

ceptics had managed to 'put up', but they certainly did not 'shut up'. This was mainly because of the fact that Major allowed them to continue with their attacks. The appointment of Michael Portillo to his reshuffled Cabinet<sup>32</sup>, and the introduction of Malcolm Rifkind to the Foreign Office reflected the Cabinet's shift to the right. Rifkind, who replaced Hurd after his resignation, did not share his predecessor's enthusiasm for Europe. He had several times expressed his grave doubts about British participation in the single currency project. He also revived Lord Palmerston's<sup>33</sup> dictum of the goal of the British foreign policy, which sets for its priority 'the furtherance of Britain's national self interest.'<sup>34</sup>

Sixthly, in the second half of 1995, two Conservative MPs crossed the floor of the Commons to join opposition parties. Alan Howarth (to New Labour) and Emma Nicholson (to Liberal Democrats) left the Tory Party with the majority of 3 seats, compared to a 21-seat majority in 1992. John Redwood commented their decisions in March 1996:

*"Both Alan Howarth and Emma Nicholson have said amongst many points they think the Conservative Party has moved away from its One Nation roots that they used to be happy to support."*

*"Emma Nicholson's attack is, however, much more lethal and wide ranging than just saying the government is no longer a One Nation government. What makes her attack so much the more dangerous, is that it is directed at John Major himself. She states that the party has taken a wrong turning in the 1990s... she condemns what she calls, "indecision and weak leadership on Europe."<sup>35</sup>*

### **1.3.ii. Towards Euroscepticism**

The Prime Minister had to keep responding to the rebellions. He understood that he had no other chance than driving the Party right-

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<sup>32</sup> It is believed that Major made a severe political mistake by letting Portillo stay. Ambitious Portillo had been perceived as the man to put up the leadership challenge, but it would be disastrous for his political career, as happened to Redwood, to wear a label of a disloyal member of the Cabinet. He therefore decided to wait for his chance. The post of Defence Minister provided him with more space to secure his leader position of the right of the Party.

<sup>33</sup> The founding father of the politics of 'splendid isolation' policy of the 2<sup>nd</sup> half of the 19<sup>th</sup> century.

<sup>34</sup> Stephens: Politics and the Pound, p. 332.

<sup>35</sup> John Redwood: Action not Words, p. 22.

wards. It was inevitable. If we look at the whole Major leadership, we can see that this period is certainly a U-turn in his political performance. Still, willing to make concessions to the Party, he supported Britain's active role in European institutions. On several occasions, he made it clear that he disagreed with the concept of federal Europe, but refused to shut the door of British 'entrance' to the EMU. The refusal of total withdrawal from the EMU and the securing of the Maastrich opt-out formed a crucial factor of his 'wait and see' policy. Britain should have waited what the development of the project would be, and then see when the conditions are fair and the best for Britain to enter. Together with enlargement, enhancement of the competitiveness of the Single Market, model of multi-speed Europe or, in other words, a 'variable geometry' strategy and questions of European defence identity and foreign policy, the issue of the single currency constituted a Conservative agenda for the 1996 IGC. John Major told the Welsh Conservative Conference in July 1995:

*"We believe in an effective Single Market with rules fairly applied to all. A Europe which strengthens its competitiveness instead of undermining it. A Europe built around the free cooperation of sovereign nation states. A Europe which, as it enlarges, recognises that it must be more flexible and cannot become too rigid. We will not ride on an escalator that takes us where we do not want to go. We will battle for the right sort of Europe-and Britain's interests in it- in all circumstances and at all times. That is why, as long as I am Prime Minister, our opt-outs and our right to say no will not be negotiable."*<sup>36</sup>

At various occasions during 1995, the Prime Minister said on behalf of the key points of the Governmental approach to the IGC:

On enlargement:

*"What everyone recognises across the European Union is that a Union of 20 or more states ...is bound to be more flexible and less prescriptive than the original tenets of the European Community when it began... Unbending centralisation will simply not be feasible in a wider union."*<sup>37</sup>

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<sup>36</sup> Europe: the right approach, p. 336.

<sup>37</sup> Europe: the right approach, p. 344.



On defence:

*“NATO has been the most successful defensive alliance in the history. It must remain the bedrock of Europe’s security and its capabilities should not be duplicated. However, we also need a stronger Western European Union so that European countries can take on their proper share of the burden and act effectively in situations in which the United States may not wish to be involved.”*<sup>38</sup>

On a single currency:

*“If I thought it [a single currency] would damage the nation state, I would choose the nation state.”*<sup>39</sup>

Let me compare these statements with those of Mrs Thatcher, which she had outraged continental Europe with in the late 80s. She stated in her ‘Bruges Speech’ from September 20<sup>th</sup>, 1988:

On the future of Europe:

*“...willing and active cooperation between independent sovereign states is the best way to build a successful European Community... Europe will be stronger precisely because it has France as France, Spain as Spain, Britain as Britain...”*<sup>40</sup>

On defence:

*“Europe must continue to maintain a sure defence through NATO... We should develop the WEU, not as an alternative to NATO, but as a means of strengthening Europe’s contribution to the common defence of the West.”*<sup>41</sup>

Paradoxically, even this substantial change had not satisfied his opponents. The Eurosceptics shared, of course, more less the same view<sup>42</sup> as the leadership expressed in IGC agenda, but they opposed British membership in the EMU in principle. Therefore, Major once again failed to get the point. The leader had recognised that his party had adopted a more

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<sup>38</sup> Europe: the right approach, p. 349.

<sup>39</sup> Europe: the right approach, p. 351.

<sup>40</sup> The Bruges Group: Bruges revisited, p. 5.

<sup>41</sup> The Bruges Group: Bruges revisited, p. 8.

<sup>42</sup> The Eurosceptics on the backbenches urged Major to take a firm stance against extension of the QMV, against significant enhancement of power of the European Parliament, on seeking reform of fisheries policy and retroactive judgements of the European Court of Justice.

Eurosceptical direction, but was not capable of responding with the right moves, which would at least secure the status quo in the Conservative Party. The 'wait and see' policy, so much characteristic of his political style of compromise, cost him the credit he could have gained from his shift to Euroscepticism.

On the other hand, he made enemies in Europe. Peterson suggests that 'British negotiating positions on a range of key issues were perceived in Brussels and Strasbourg as extreme and miles from the European consensus.'<sup>43</sup> The relations with the European partners suffered a serious crisis in March 1996 after the Government had to admit that worries of possible relation between BSE and Creutzfeld-Jakob brain disease had been proved to be in place. 'Mad cow disease,' as BSE is also called, spread to British herds during the 1980s when the Thatcher Government failed to secure an appropriate protection to farmers. The European Commission, together with the European Ministers of Agriculture, had imposed bans on British beef, later extended to gelatine and tallow. When a Brussels veterinary experts meeting on May 20th refused to lift the bans until the British eradication of the disease on the Isles was carried out by a large scale culling, Major announced a policy of 'non-co-operation' on the following day. The atmosphere of hysteria in Britain, strongly nourished by tabloids and the press, highlighted the Commission as being the 'bad guys'. Literally, 'non-co-operation' could not last very long, and thus was finally suspended a month later at the Florence European Summit. Even though Major proclaimed it to be a victory for Britain, the opposite was true. The Governmental policy of 'non-co-operation' had brought no advantage for Britain. On the contrary, the bad political move with no exit greatly undermined the Prime Minister's credibility.

### *1.3.iii. The Successful Leadership?*

Could the European Policy of the Major Government be called a success? If we consider the goals John Major had set at the beginning of his premiership, we can state the following.

Firstly, Major had not fulfilled his aim to limit the divisive potential of the issue. The result of his approach to his party had led to a division that he would not have even imagined in 1990. His tactic to concentrate

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<sup>43</sup> John Peterson: Developments in British Politics, p. 24.

on other issues also missed the wicket. It was only economy that had triggered his steady downfall.

Secondly, Europe started to play a decisive role in domestic policy. Various local election or by-election defeats had their origin in the Party's divisions over Europe.

Thirdly, his pragmatic stance had proved to be more a weakness than a virtue. He was often criticised, for example by Lamont in his resignation speech, for taking shortsighted decisions and seeking only short-term solutions- all this because of his reconciliatory, appeasing style of leadership.

Fourthly, Labour, if anything, was allowed to gain a lot of electoral support just for having been an alternative party to the Conservatives. A 'need for change' factor played a very important role during the 1997 elections, and addressed mainly undecided voters. It was caused by the leader's incapability to tame his party's rebels and unite it under strong leadership.

Fifthly, Major succeeded in extending co-operation with his European partners, especially during the first half of his leadership. He had been welcome by his counterparts for not being like Thatcher. He had negotiated important concessions at Maastricht for which he had been both blamed and adored, depending on factions in the party. The co-operation had, however, continuously faded away. The cause was to be found once again in his approach to his party. Together with its shift to the right, Major's Euroscepticism had been overweighing his pragmatism. This stance reached its peak with the May and June 'non-co-operation' policy during the 'beef' crisis. Co-operation within his Cabinet and Party had been extended since his approach greatly differed from the directive, patronising style of Thatcher's. Time had proved that this approach to leadership failed to bring results in its primary goal - uniting the party.

John Major's greatest disadvantage was that he had not been born as a leader. A leader - that was exactly the type of a politician most suitable for the situation of the Tories in 1990s. Unfortunately, the Party had been living under the rule of a sovereign leader for the previous fifteen years. It was a strong, directive leadership that had been the starting point for the division.

A co-operative, pragmatic leadership under Major also proved to be ineffective both for John Major's abilities and personality, and for the par-

ty's general incapability to search for compromises and consensus. Yes, John Major was really a 'Mr In-between', but more in the second meaning of the nickname. He could go down in history as a politician who brought the TEU to Britain. To be able to do that, he had to manage a broadly divided party of which neither wing really influenced.

## Chapter 2

### Hague the Vague?

The leadership contest of summer 1997 was strongly affected by the landslide in the General Elections one month earlier, when the Conservative Party suffered the worst electoral defeat in the 20<sup>th</sup> century. John Major decided to resign from his leadership post soon after the election. Nevertheless the pro-European MPs urged him to remain and provide the leadership contest with a strong candidate who might succeed against the Eurosceptical candidates, until the Eurooptimists consolidated their powers. The shift towards Euroscepticism in the Party was evident and the pro-Europeans felt it was particularly the Eurosceptical stance of the Tories, which they had adopted during the General Election campaign, which was responsible for the fiasco at the ballot boxes. Partly it was a good point. The main reason for the defeat, however, was the Party's overall division on the issue and not the temporary inclination Euroscepticism.

#### 2.1. New Conservative?

*"Insofar as people know him at all, their overriding image was his speech at the age of 16 to the Tory party conference, with his floppy hair and his coy grins at Margaret Thatcher, then Tory leader. Nor did he exactly reinforce his reputation as a heavyweight by agreeing to stand down as a leadership contender in favour of Michael Howard over champagne on night, then changing his mind over coffee next morning."*

The Economist, November 29<sup>th</sup> 1997

Five candidates decided to run for leadership, but only one of them pro-European. Kenneth Clarke relied on the support of the left wing of the Party. As a member of the former Government he was known for his pro-European stance. He decided to run his election campaign on low key issues, having avoided the divisive issues that may alienate the right wing. This was to represent his ability of consensual political approach he wanted to adopt for his leadership. Nobody among Eurosceptics, however, doubted his real attitude towards Europe. The leadership contest was, nevertheless, to be decided by the centre of the party, by the undecided MPs (as far as the European issue was concerned).

The other four candidates – William Hague, John Redwood, Peter Lilley and Michael Howard – represented the Eurosceptics. John Redwood openly played the most Eurosceptical card that gained him the strongest support of the Eurosceptics. He overtly criticised Major's government for its flaws in European policy, urging the Conservatives to apologize for Black Wednesday, also rejecting the 'wait and see policy'. On the other side of the Eurosceptical camp stood young William Hague. Hague, as it became later clear, proved to be the most suitable compromise candidate from all. He managed to address both the Eurosceptics and the undecided. It was not an unequivocal support however. He was often blamed for not having enough experience, for his youth and for his vague position in the party. Paradoxically, he could succeed only with such a reputation. The Party needed new faces. Hague's youth had potentials to contest. Tony Blair's young and vital appeal to the electorate. Having been a junior minister in the Major Government he could not be connected to the past of the Conservative Party and its flaws. Hague's vague position in the party secured him the leadership, since he had to rely on the support of the right in the third ballot after the other three Eurosceptical candidates had stepped down. A lot of them decided to '... vote for Hague because he is easier to kill.'<sup>44</sup> The potential of rebellion against the leader was therefore set even before his election. Hague was to be replaced by a more suitable candidate in the future. A 'more suitable candidate' was to be found in Michael Portillo, the ex-Defence minister in the Major Government, a charismatic politician, who had failed to be re-elected in the 1997 general elections. Consequently it was only Portillo who was perceived to be the next leader

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<sup>44</sup> John Turner: *The Tories and Europe*, p. 234.

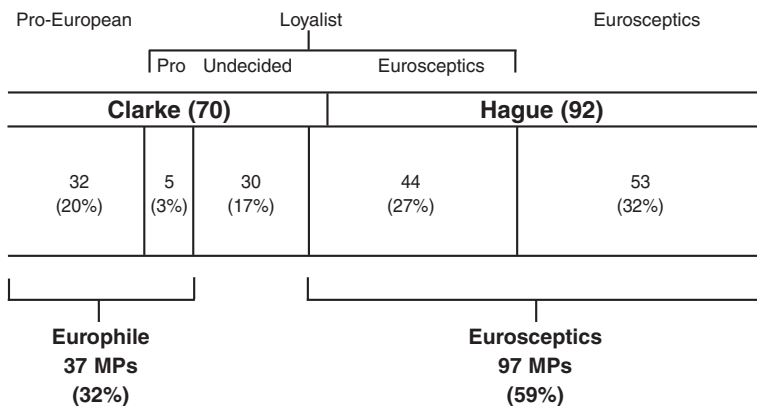
after Major. The 'Portillo effect' played the decisive role in the leadership contest decision making on the Eurosceptical wing.

William Hague was elected by 92 votes to 70 votes of Kenneth Clarke's, and thus became the second youngest leader in the Conservative Party history, after William Pitt the Young.

William Hague set himself two major tasks he had to face and attempt to solve. Firstly, it was the solution to the European question of the Conservative Party. Secondly, he wanted to create a new party with a future, a party that could take care of British affairs.

In the first case, the new leader stood for an opinion that the Party had to adopt a firm line on European issues. Hague stated several times during his leadership campaign that one of the lessons of the past few years is that it is easier to unite the party behind a clear position than constantly shifting fudge. This was to be represented by his sceptical statements on behalf of the EMU, and on consequently adopting a policy of opposing the British entry for the 'foreseeable future' at the Tory Party conference in October 1997. The 'foreseeable future' strategy was a complete rejection of Major's 'wait and see' or 'negotiate then decide' policy. The Conservative Party expressed its aim to refuse joining the EMU during the 1997 Parliament and the next Parliament. Why did the Tories take such a strong stance?

Figure 2.1: *Third ballot candidates across the party divide (1997)*



Source: John Turner: *Tories and Europe*

## 2.2. The EMU

*“The most ridiculous claim made for the euro is that it will mean lower interest rates. Now I could talk. Now I could talk to you at length about why Britain’s monetary needs to diverge from those on the continent. But it is much easier simply say – ‘Remember ERM’”.*

Sir Michael Edwardes in ‘The Implication of the Single Currency’

### 2.2.i. *The History of the European Monetary Projects*

The idea of a common economic and monetary policy has been following the integration process for approximately thirty years. The committee, presided by Prime Minister of Luxembourg Pierre Werner, issued a report that carried his name in October 1970. The Werner report suggested that the community was to achieve a full monetary union by 1980 through ‘total and irreversible convertibility of currencies, the elimination of fluctuation in exchange rates, the irrevocable fixing of parity rates and the complete liberation of movements of capital.’<sup>45</sup> National budgets were to be decided by a special European body accountable to the European Parliament. The project, however, shipwrecked on the cliffs of the Bretton Woods System collapse in 1971.

The year after, the second attempt to co-ordinate the monetary policy within the Community was to be introduced. The so-called ‘snake’, where the currencies were permitted to fluctuate against each other by 4.5 per cent from their basic parity, did not have a long duration either, since 1973 and 1974 oil-shocks led to a continuous dropping of the ‘snake’.<sup>46</sup> The project of a monetary union remained kept under the surface until the late 1970s when the ‘Nine’ launched the European Monetary System (EMS). This system was based on a creation of a common European Currency Unit (ECU), which could be described as a ‘basket’ of the strongest currencies, and represented the system’s accounting unit. Fluctuation limits of the currencies were set at 2.25 per cent against the ECU (apart from Italy, which entered with 6 per cent fluctuation in both directions)<sup>47</sup>. This mechanism was to be protected and ruled by an “exchange rate mechanism” (ERM). The Single European Act allo-

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<sup>45</sup> David Heathcoat-Amory: A Single European Currency, p. 5.

<sup>46</sup> Petr Luňák: Západ, p. 269-270.

<sup>47</sup> Petr Luňák: Západ, p. 269-270.

wed further economic and political integration, where a monetary union played a significant role. The Delors Report of 1989 was evidence that European states endeavoured to move forwards to a deeper Community. The report suggested a completion of the main idea of Rome- the Single Market. This was to be achieved by a monetary union of the Member States. The report proposed three stages of the economic and monetary union (EMU). The starting point of the first stage was suggested for July 1990. It triggered a chain of reforms leading to closer co-ordination of economic performance, strengthening of ECU and ERM and extension of powers of central banks governors. The second stage was to begin in January 1994 when the European Monetary Institute (EMI) - a predecessor to the European Central Bank (ECB) was created. The second stage was characteristic for further co-ordination of economic policies to achieve price stability and technical preparation within the Union. The third stage was proposed to begin either at the beginning of 1997 or, if all the convergence criteria had not been met, in January of 1999, which lately proved to be the year for the launch of a single currency – the euro. The EMI transformed into the ECB was created according to the model of the Bundesbank, with its headquarters in Frankfurt under Dutch presidency.

British participation in the project of the monetary union has always been rather difficult, and British economy found it uneasy to accommodate to more European like dealing with monetary policies. Firstly, it was the 'snake'. The principle under which the 'snake' worked was shadowing exchange rates against dollar and the fluctuation of the European currencies against each other by 4.5 per cent each direction. Britain was forced to withdraw after series of oil-shocks, when the European currencies failed to respond to a devastating increase in the exchange rate of the dollar. Britain's membership did not last even two months. Secondly, Britain refused to participate in EMS at the beginning of the 1980s. There are two explanations. On one hand, it was Britain's scepticism gained under the experience of the participation in the 'snake'. On the other hand, it was Margaret Thatcher's leadership, which opposed any transfer of British right to influence its exchange and interest rates in principle. Thirdly, Thatcher was, however, manipulated into the ERM in 1990 (see Chapter 1, 'The ERM' part). The overall performance of British economy under the ERM could be described as unconvincing and irreversibly heading to the debacle of Black Wednesday in September 1992.



## 2.2.ii. *New Issues of the Debate on the EMU*

The aspects as they are listed above have to be considered in order we understood the British stance on the EMU. The overall historical experience with the Community's attempts had, been mildly said, – discouraging. The single currency has brought new issues to the debate. These are –

- Transferring a portion of economic sovereignty from the hands of the Parliament to Union level.
- Transferring sovereignty or pooling sovereignty would explicitly lead to federal constitution of the European Union, in other words to the creation of a European superstate, claiming possession of such rights as raising taxes.
- The power to decide monetary policy would be transferred to European Central Bank. Its governors are not elected and thus unaccountable to anybody.
- Giving up a currency - the pound.

The Conservative Party acted as divided on the issue from the very beginning. The question did not really stay 'whether Britain should join the EMU now or never?' but rather 'whether Britain should join in foreseeable future or never?' In Maastrich, in 1991, John Major secured this Tory stance when he negotiated an important opt-out on the EMU. This was, however, only a starting point for a clash of opinions, which has been influencing the party politics to present day. The Europhobes embraced members of the Tories who have felt totally opposed to the idea of the EMU and thus personifying 'never'. Lady Thatcher, who opposed EMU membership when she was in Downing Street, has led the Europhobes for a long time. Another political heavyweight, who has always been Thatcher's supporter, is Lord Tebbit who could be quite easily placed on the right side of the Europhobes together with Norman Lamont who openly called for a withdrawal from the European Union after Black Wednesday. Bill Cash, a very influential backbencher, runs one of the Europhobic groupings in the Commons – the *Fresh Start Group*. Another such group is the *Bruges Group*, which summons intellectuals, politicians and businessmen of strongly sceptical background.

The Eurosceptics could be described as members arguing for 'foreseeable future' which means as late as possible. Michael Portillo, John Redwood, Peter Lilley or William Hague identify themselves and are identified as the Eurosceptics. The Eurosceptical groupings are the *No Turning back Group* or the *Conservative Way Forward*.

Europrogressives are those who see British participation in the EMU as necessary but are willing to agree on entry when the right conditions are met. The former Prime Minister John Major, Malcolm Rifkind, Nigel Lawson and Geoffrey Howe would fall into this category. The *Tory Reform Group* or the *Positive Group for Europe* represents Europrogressive opinions.

On the left of the party we can find the Euroenthusiasts or Europhiles who are represented by always supportive Edward Heath, Michael Heseltine or Kenneth Clarke. These MPs have supported joining the euro as soon as possible. *The Conservative Group for Europe* represents them.

Sovereignty has played an important role in the arguments of the Tories. The sovereignty to influence state's interest and exchange rates is believed, especially among the Conservatives, to be one of the basic evidences of economic sovereignty of the nation state.<sup>48</sup> This right would be abolished if the United Kingdom joined the EMU. This would lead to an adaptation of 'one-size-fits-all' interest rate, which means that all members of the Euroland<sup>49</sup> would work under a common interest rate. This may be very disadvantageous for the economy on the Isles. Interest rates in such a large area that contains various economies at different levels of development cannot fit all members, even though a majority of the convergence criteria have been met. For example, inflation in Ireland has risen to 6 per cent since the launch of the Euro in 1999.<sup>50</sup> The weaker economies such as that of Spain, Ireland and Portugal cannot benefit from the same interest rate as Germany or France. There is also a threat to the employment in Euroland. A 'one-size-fits-all' interest rate may cause serious deprivation of economy in a particular region and thus lead to sharp rise in unemployment rates. European labour market is, however, not as flexible as that of the United States, to which the Euroland is often compared. The labour force in Europe has traditionally not been used to migrating for jobs. There are also several barriers, such as language, culture and various social security systems that represent serious obstacles for improvements in labour mobility.

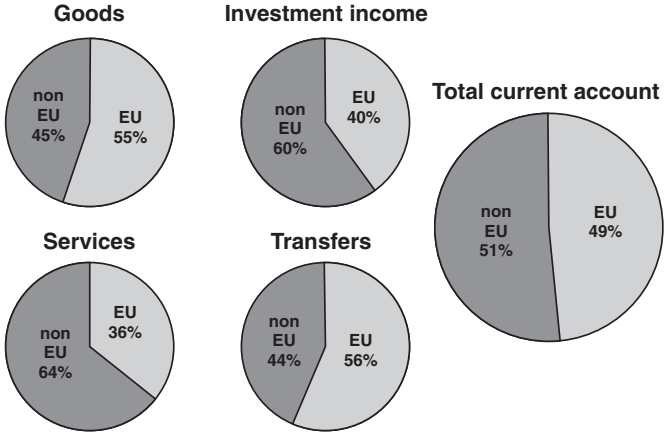
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<sup>48</sup> For an opposite opinion see Richard Ware: EMU: the constitutional implications; p. 9. The difference is mainly visible in a perception of a role on central banks and their influence on state's monetary policy.

<sup>49</sup> The countries which have adopted euro.

<sup>50</sup> see for other economic figures related to the issue of single currency.

Figure 2.2: EU and non-EU British Trade



Source: [www.bfors.com/business/reason4.asp](http://www.bfors.com/business/reason4.asp)

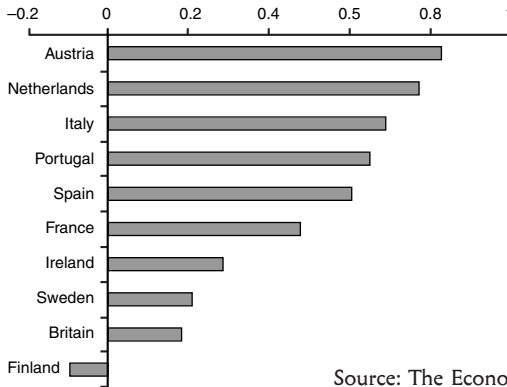
Britain has its particular position in the world economy. It has been a crossroads of trade with Europe, United States and the Commonwealth. At the same time it is the fifth largest economy in the world. Tim Melville-Rose states:

*“Britain tends to be out of line with Euroland ... partly because of our close economic links with North America ... The majority of our external business-investment and trade combined- is dollar based. We are the world’s largest investors in the US and Britain receives twice as much investment from the US as the whole of the EU combined.”<sup>51</sup>*

The fact is that only a minority of enterprises in Britain would profit from fixed exchange rates directly, since a majority of British foreign trade operates in dollars, and therefore would be disadvantaged by the conditions of the euro-based British economy and the euro-dollar exchange rate.

<sup>51</sup> Tim Melville-Ross: EMU.

Figure 2.3: *Correlation with German Business Cycle 1980-96*



Source: The Economist; October 25<sup>th</sup> 1997

There is also significant difference between economic cycles in Britain and in the rest of Europe. What both the Eurosceptics and the Europhobes can agree with altogether, is the fact that Britain should join the EMU when it is the best for Britain. The difference is in the perception of ‘the best for Britain’. Even the New Labour have, however, agreed with this fact. Chancellor Brown said in the Commons:

*“Currently Britain’s business cycle is out of line with our European partners... This divergence of economic cycles is, in part, a reflection of historic structural differences between the UK and other European economies, in particular the pattern of our trade and North Sea oil. These differences are becoming less distinct as trade with the rest of Europe grows and the single market deepens.”*<sup>52</sup>

The Economist suggests:

*“...Britain is near the top of its economic cycle, while the big continental economies are only part of the way up... Were Britain to join EMU, its interest rates would be set by the European Central Bank, which would be guided by the inflationary outlook in the whole single-currency area.”*<sup>53</sup>

<sup>52</sup> Timothy Edmonds: EMU: the approach to the Third Stage and the state of economic convergence, p. 16.

<sup>53</sup> The Economist, October 25<sup>th</sup> 1997, p. 51.

There are also doubts, again mainly among the Tories, that the single currency is a platform for a European state under one government. Peter Lilley told the House of Commons in the debate on the Governmental approach to the single currency:

*“The key issue is whether entry into the single currency requires centralisation of taxation and borrowing powers. Will there be the power at the centre to transfer resources from prosperous counties to those that are handicapped by joining the single currency?... to most of our continental partners, this is not primarily, or to some extent even at all, an economic venture, but a political venture? Does he not recognise that, up to now, there has never been a currency without a Government to run it, or a Government worthy of the name without a currency to run? The attempt to establish a single currency in Europe without a Government to run it is intended by many to be temporary, not permanent.”<sup>54</sup>*

Such a Conservative opinion was nothing new. Margaret Thatcher reacted to the Delors report that it would mean ‘entering a federal Europe’ as has already been cited. The speech also clearly represents the whole perception of Europe by the Conservative sceptics. In Britain, Europe has always been perceived more in the limits of its original goal - economic co-operation. The terminology commonly used in the United Kingdom after it had joined in 1973 did not stand for European Community, but Common Market. This was even more enhanced during the period when Thatcher was in power. Improving the economic situation played a decisive role in the application for membership in the EEC in the beginning of the 1970s. For this reason, the Community had to fight hard to obtain any concession from Britain in the sphere of political powers. Britain under Thatcher was the main ‘troublemaker,’ as far as the questions of QMV, rights of the European Parliament or adopting European legislation were concerned. The tradition was interrupted neither under Major, who strongly opposed any enhancement of QMV during 1996 IGC, nor by Hague who has clearly expressed himself against joining the EMU during the duration of this or next Parliament. Any transfer of rights from the Commons to European level has been perceived as a political loss with consequences damaging national sovereignty of the British people whose the Parliament is a representative.

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<sup>54</sup> Richard Ware: EMU the constitutional implications, p. 5–6.

*“Under the combined effects of EMU and the Stability Pact, which regulates deficits, we will lose our currency, our £; we will lose our fluctuating exchange rate; we will lose control of our interest rates, we will lose the control of our money supply; we will lose our ability to deficit finance (except in very narrow limits); and we will lose our national bank and management over our national reserves. And I say this: that no nation can be properly regarded as an independent political entity without these rights and, further, that the European Union, through the European Central Bank will be acquiring, effectively, almost all of the characteristics of a Sovereign State.”<sup>55</sup>*

The question of taxation is perhaps the most delicate one, since it embodies the Parliament’s basic right to influence Britain’s monetary policy. It also represents an evidence of Britain’s democratic constitution and has a long tradition going back to the 13<sup>th</sup> century and the *Magna Charta Libertatum*. Apart from emotional reasons there are clear economic quotas. If Britain joined the EMU, the taxes would increase by a sixth. This would affect especially little entrepreneurs and public opinion in general. Since, thanks to the Thatcher revolution of the 1980s, the amount of the population in private sector represents a bigger portion than in continental Europe.

According to the Standard Eurobarometer polls from November 1997, March 1998 respectively, the United Kingdom placed the last with 61 per cent of respondents opposed to the euro in 1997 and 59 percent in 1998. The overall support for the single currency is not strong within the Union either. It struggled at the level of 50 per cent in both years presented. The most interesting fact is the stance of Germany as the strongest European economy and a state responsible for the whole idea of the euro. Its public support for the euro fluctuated between 30 and 40 per cent.<sup>56</sup> Causes of this situation vary, there are, however, some common doubts which influence the relatively poor result of the opinion polls in favour of the Union.

One of them is certainly the topic of political accountability of the EU institutions. In Britain, the idea revived after the European Central Bank (ECB) had been established. According to the 1946 Bank of Eng-

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<sup>55</sup> Jeremy Nieboer: The pros and Cons of Economic and Monetary Union.

<sup>56</sup> For all quotas see Vaughne Miller: EMU, Views in the other EU Member states, p. 40.

land Act when the Bank had been nationalised, the role of the Bank had been reduced to what Lawson called – ‘We [the Government] take decision but they do the work.’<sup>57</sup> The monetary policy had been possessed in the hands of the Government and therefore accountability to the electorate had been secured. It forms one of the basic economic policies of the Tories and neither Lawson under Thatcher in 1988, nor Lamont under Major in 1992 had not succeeded with their proposals to provide the Bank of England with more independence. This was changed in 1998 when the New Labour transferred a significant portion of powers to the Bank, we cannot, however, speak about a fully independent central bank, as for example in Germany. This different historical tradition of dealing with monetary policies between Britain and the Continent has been a trigger for many vociferous debates in the Commons. The ECB was, however, founded as an independent central bank. The Amsterdam Treaty also secures a portion of accountability to the European Parliament. Some find this means as ‘an adequate framework arrangement’ (the House of Lords European Communities Committee) and others, such as Ware, point out that:

*“...the European Parliament is not universally accepted, even by its own members, as an effective forum for holding the European institutions to account. Most of those who appear before the Parliament as representatives of these institutions to answer questions and explain policies cannot be removed from the office by the Parliament; other sanctions or measures of censure available to the Parliament are much less strong than the equivalent mechanisms in national parliaments.”*<sup>58</sup>

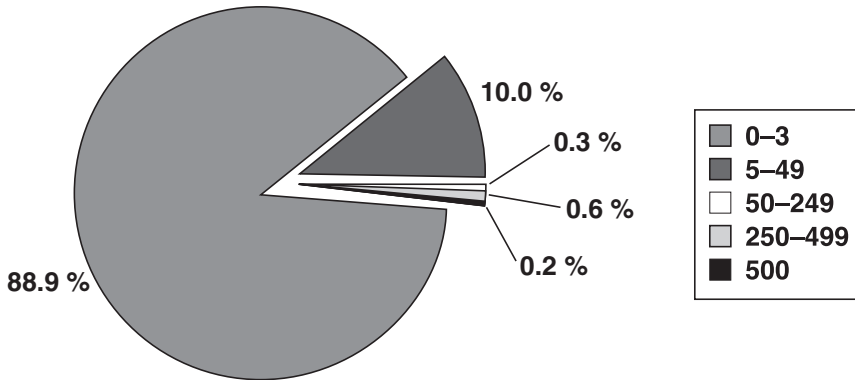
There are also several factors interfering with the debate on EMU, such as the media and an economic lobby. Confederation of British Industry (CBI) has been presenting itself as a pro-European body, since it is a home of bosses of the largest British enterprises who see the greatest advantage of the euro in cutting transaction costs. If we, however, look at figure 2.4, we can read that British industry is mainly small – or medium-size-enterprise based.

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<sup>57</sup> Philip Stephens: Politics and the pound, p. 278.

<sup>58</sup> Richard Ware: EMU the constitutional implications, p. 17.

Figure 2.4: % of British Businesses by Number of Employees



Source: [www.bfors.com/business/reason6.asp](http://www.bfors.com/business/reason6.asp)

Small and medium size enterprises (SMEs) oppose the euro, since their main interest lies in domestic trade across Britain and does not interfere with the European level. The advantage of a single currency would have little impact on their business because 'one-fits-all' interest rate would not respond to the changes in British economy sufficiently. The leading organisation of SMEs- the Institute of Directors (IOD)- therefore adopts a strong anti-European stance.

The media, especially the press, reflect the overall thinking in the single currency matter. The Financial Times and the Economist support the idea of a single currency, since they believe in the economic advantages it would bring for Britain. They have also stood for an opinion that Britain should not remain aside while others decide about its future. On the other hand, they warned against a potential loss of sovereignty. The Guardian, the Mirror and the Observer have generally stood in the pro-European camp, overtly supporting Tony Blair's position on Europe. Conversely, there is an anti-European press dominated by Rupert Murdoch. The owner of the most influential tabloid in the United Kingdom - the Sun - opposes the EMU because '...the coming of the euro is part of a process involving the centralisation of economic power and decision-making in pan-European bodies... [which implies]... the rise of an increasingly power-



ful pan-European regulator, with uncongenial ideas about 'local content' requirement and cross-media ownership...'<sup>59</sup> Together with the Sun, Murdoch owns the Times, which represent one of the most influential papers. The fact that 'Murdoch Empire' is followed by the Daily Telegraph, the Sunday Times, the Mail and the Express, gives rather large coverage of Euro-sceptical opinions in Britain. Its impact on the public is therefore obvious which the growing opposition of the public towards EMU represents.

William Hague adopted his European policy to the fact that the public is openly Euro-sceptical in adopting the Euro-sceptical stance in his 'foreseeable future' strategy. On the other hand, with the European issue he can visibly distinguish himself and the whole Tory Party from Tony Blair and his New Labour. Since the New Labour has more the less incorporated basic economic policies of the Tory and the overall performance of the party (party leadership, party unity etc.), William Hague found it difficult to make a clear difference between him and his counterpart. Therefore, the unanimous Euro-sceptical stance on Europe was the only issue, which he could address the electorate with. He made himself clear after 1997 Party conference when Euroenthusiasts in his shadow cabinet threatened the leadership by resignation, having said that

*"It is better to resign if they have a genuine disagreement with the party than if we tried to cover it up. I would rather people resigned so that we have a united team and so that we can get a clear message across the country."*<sup>60</sup>

A 'clear message' - the Tory oppose EMU membership in 1997 and in the next Parliament - was confirmed when a ballot on the British membership was held at the 1998 Tory Party conference. 84 per cent of delegates expressed their support to the leader's stance on Europe.<sup>61</sup>

William Hague secured his position in the Euro-sceptical majority of the Party. However, the Euroenthusiasts who embodied the dissent and opposition within the party than, refused to obey the leadership and negotiated with the New Labour and the Liberal Democrats on forming inter-party movement to campaign in favour of the single currency. The lea-

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<sup>59</sup> The Economist, May 2<sup>nd</sup> 1998, p. 38.

<sup>60</sup> Martin Holmes: William Hague's European Policy, p. 2.

<sup>61</sup> John Turner: The Tories and Europe, p. 254.

ding figure was in Kenneth Clarke who had not given up hopes for becoming a leader after Hague would be removed from office.

### 2.3. Securing leadership

*“Mr Hague has set a target of a million members by the millennium. He has also emphasised his desire to recruit more young, black, brown and female Conservatives.”*

The Economist, October 11<sup>th</sup>, 1997

The other aspect of Hague’s new approach to leading the Tories was his understanding of the need for reforming the party’s image by distancing his leadership from the past. The Economist wrote in autumn:

*“The short-term problem is that in a battle of images, the Tories are way behind... Ask people why they hate the Tories and two words tend to recur- greedily and mean. A succession of scandals have left the impression of Tory snouts in the public trough.”*<sup>62</sup>

The first step he made straight after his election was somehow opposite to this strategy. He appointed all his leadership contest opponents to the shadow cabinet. On one hand, there was a slice of doubt about credibility of Hague’s statements about distancing the Tories from the past. The most controversial person – Michael Howard - was commonly perceived as a person connected and discredited by his performance in previous Major’s governments. The same could be stated about John Redwood or Peter Lilley. On the other hand, a strategic move that was to eliminate any opposition in the party by connecting the rivals to official party line. It is obvious that placing the rivals on the front benches would do less harm than if they had sat on the backbenches. The reality after the leadership contest was that Hague, despite having won, did not receive strong support from the party. This support was to be gained continuously.

William Hague had sketched the second step, as the only one from the contenders, during his election campaign. It was represented by deep reform of the Party structure. He came with his proposals at the Party

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<sup>62</sup> The Economist, October 4<sup>th</sup> 1997.

conference in Blackpool in 1997. The reform was firstly oriented to creating more open, public party and secondly to strengthening leader's position. Firstly, the openness was to be achieved by giving more powers to the members of the CP. The reform allowed members to participate in direct election of the leader which had been a privilege of the MPs. Furthermore, the new constitution would allow members to influence leadership policies and adopting manifestos. This was rather a revolutionary step, since until then the party politics had been a domain of narrow elite of party membership-MPs. It is not surprising that the reform did not gain a very strong support from their lines. Those opposing could be found among the Euroenthusiasts. Members generally tend to adopt less compromising stances, especially as far as the European issues are concerned. What the pro-Europeans understood well, was that the general public opinion had shifted to anti-European sentiments. This was strongly nourished by the Tory approach. Euroenthusiasts feared that the influence of the members would lead the Conservative Party to an isolationist position on Europe. On the other hand, this was exactly what William Hague relied on which he proved later in 1998 when he held a vote on support of his European policy at the Party conference. Secondly, the reform suggested a unified structure of the Party. Until then, separate structures for MPs and MEPs, Central Office and local associations were to be unified under a governing body presided by the leader. The most important reform from this point of view was that concerning party discipline. An ethics committee would impose penalties for misconduct or an open opposition to the leadership, where the strongest form of punishment might even be an expulsion from the Party. This is an evident attempt of the new leader to avoid rebellions, and provide the leadership with sound means, in case such a situation occurred.

As the third step, William Hague had to start working on his image of a young, broad-minded, smart, tough and understanding politician or more a leader. It has been a difficult challenge because he has continuously been compared to his counterpart, Tony Blair. Hague started well. He decided to abandon the official Conservative line of perception of basic social values. Apart from supporting Major and Thatcher's support of traditional family values, he expressed his more tolerant attitudes towards homosexuality and gay marriage. It seemed he caught up to the New Labour, which presented itself as open-minded, with four MPs in the Commons being homosexuals. He also expressed more

understanding and interest of the issue of single mothers, one of the hot issues in Britain. His overall image of a young leader, however, suffers from serious flaws. He has always been perceived as a little beyond his age. It is the legacy of the speech at the Party Conference at the age of 16, and his out-of-date appearances in public. The smart, gifted politician, who has gained a reputation of an excellent speaker in the Commons, does not necessarily have to be popular with the electorate and especially with young voters. Since the Conservative Party lacks support especially from this rank of the electorate, a new 'lifestyle' politics is as important as the old fashion politics of high issues and erudite approach.

The 1999 European Parliament Election gave evidence of a partial success of the Hague leadership. The Conservatives won the election having gained 36 seats against 28 of Labour Party's and 13 of Liberal Democrat's.<sup>63</sup> The Conservatives campaigned on a clear position on Europe - opposing the euro. The leadership and the whole party perceived the victory as a clear satisfaction and evidence of a generally shared Euro-sceptic public opinion. On the other hand, the EP election falls into a so-called second-order election category.<sup>64</sup> This means that the general turnout of the electorate is significantly lower than at the first-order election, since people do not find the EP elections and local elections of such a great importance as General Elections. The general turnout at the 1999 EP election was 26 per cent.<sup>65</sup> The majority of these were Conservative supporters, since the supporters of the governing party tend to have lower turnout because they are not motivated to vote. The European elections also represent a preparation for the main contest. Hix suggests that 'European elections are not about European issues, but are about the fight for national government office between national party leaders.'<sup>66</sup> We can only agree with this suggestion.

However, William Hague will have it far more difficult to be an adequate opponent for Tony Blair, since the only issue - the single currency and EMU - will not win the General Election after year 2000 for the Tories.

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<sup>63</sup> John Turner: *The Tories and Europe*, p. 259.

<sup>64</sup> Reif and Schmitt's thesis presented in *Developments in British Politics 6*, p. 64.

<sup>65</sup> John Turner: *The Tories and Europe*, p. 259.

<sup>66</sup> Simon Hix: *Britain, The EU and the euro*; in *Developments in British Politics 6*, p. 64.

## Conclusion

Europe divided the Tories in the 1990s. The beginning of the 1990s was dominated by British participation in the ERM. The mechanism did not suit the British economy and ended by a disaster in September 1992 when the pound was devaluated. The debacle had much stronger impact on domestic policies and on the perception of the Government, than in the rest of Europe because the Government had related the economic policy to the mechanism. John Major suffered the most from the debacle, since the ERM constituted one of the pillars of his policy, and he never recovered from the defeat. The doubts in his leadership emerged during the ratification process of the Maastricht Treaty when he had to face several rebellions from the backbenchers. It was not the Treaty itself, because it secured Britain the important opt-outs on the EMU and on the Social Chapter, but the ratification process, which made irreversible damage to Party unity. This damage could be especially seen in the interruption of the basic Conservative Party pillars such as loyalty to the Prime Minister, both of the MPs and the Cabinet. The post-Maastricht period was significant because of its clear distinction between the alienated camps of the Eurosceptics and the Europhiles. The atmosphere of permanent struggle and unwillingness to adopt a consensual stance, as well as the position of the Eurosceptical wing, paralysed the Party in all spheres - from economic to political. The Tories continuously lost contact with the electorate by struggling in inner party collisions. On one hand, it was caused by the consensual style of Major's leadership which kept appeasing each wing of the Party by making concessions to them. On the other hand, the party factions did not seek any kind of a solution. They refused to make concessions to each other. Since the atmosphere in the Party and in the public too had been reversing to Euroscepticism, John Major "U-turned" his policies on Europe in the second half of his leadership from Europragmatism to Euroscepticism. The Party was, however, so weak under his leadership that it was defeated in the 1997 general elections. It was the worst electoral defeat in modern history of the Tories, and it left the Party in a depression. New attitudes had to be adopted.

The election of William Hague to the leader's post represents this new attitude. The election was, however, more significant of the crisis in which the Party found itself. The factions were not able to agree on a strong candidate and therefore decided to elect the weakest one. The MPs sho-

wed their unwillingness to compromise once again. William Hague, however, decided to take a strong stance on the European issues by adopting a hard Eurosceptical line. He openly rejected British membership in the EMU for the 'foreseeable future'. Hague attempted to reconsolidate party unity, loyalty and position of the leader by reorganising the Party structure. Even though he was partially successful, the opposition, located on the Europhile wing of the Party, was not silenced and rebelled several times against the young leader. The British membership in the EMU had become the dominant part of the European issues. William Hague was therefore able to unite the party on the issue, since the Conservative stance was opposite to that of Labour. However, this is the only issue on which William Hague and the Conservatives are able to distinguish themselves from the New Labour and it certainly will not be enough to win the next elections.

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## ARMED FORCES AND THE DISINTEGRATION OF THE SOVIET UNION

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MILOŠ BALABÁN

Despite the Armed Forces' actual political influence on taking political decisions was relatively limited in the mid-1980s, it still represented one of the most reliable mainstays of the Soviet regime. That is why it was important for the appointment of Mikhail Gorbachev as the Secretary General of the Central Committee (CC) of the Communist Party of the Soviet Union (CPSU) in March 1985, that the military accepted the change in the country's leadership affirmatively, which strengthened Gorbachev's position. Gorbachev's positive acceptance by the military also occurred due to his policy aimed at overcoming the economic stagnation and speeding up modernisation of the Soviet economy, as it was declared at the plenary session of CC CPSU in April 1985. A sustainable technical progress offered by Gorbachev was to ensure gradual modernisation for the Armed Forces as well. It was absolutely necessary, because, in the 1980s, the military's function began to be limited plainly to a mere consumption of human and material resources. Huge funds were spent on maintaining the Armed Forces, which inappropriately impaired on Soviet economy, totally regardless of the deepening economic and social crisis.<sup>1</sup> At the same time, effectiveness of military expenditures was very disputable in

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<sup>1</sup> In extensive publication "Sovětskaja vojennaja mošč ot Stalina do Gorbačova" (Izdatělskij dom "Vojennyj parad", Moscow, 1999) were published the following data on defence expenditures in the USSR during 1960–1990 period (Chapter 3, "Planirovanije i finansirovanije vojennoj promyšlennosti v SSSR", p. 105):

many instances and, for example, the military-industrial complex frequently supplied to the Armed Forces low-quality military hardware. The military leadership, represented in the second half of the 1980s by Chief of General Staff Akhromeyev, did not oppose certain reduction of the expenditures initially, which was to be one of the factors of economic sti-

	1960	1970	1980	1985	1986	1987	1988	1989	1990
GDP (billion roubles) National Budget	203.1	397.6	661.9	777.0	798.6	825.0	863.3	924.1	963.0
Expenditures (billion roubles)	73.1	154.6	294.6	386.5	417.1	430.9	459.5	481.4	510.1
Defence Expenditures * (billion roubles)	15.3	29.2	48.9	63.4	67.7	72.7	76.9	77.3	71.0
Share of the Defence expenditures to national budget expenditures (%)	20.9	18.9	16.6	16.4	16.2	16.9	16.7	16.1	13.9
Defence expenditures ratio to GDP (%)	7.5	7.3	7.4	8.3	8.4	8.8	8.9	8.4	7.5

\* The authors of Chapter 3 J. D. Maslyukov and J. S. Glubokov claim these data were published for the very first time. It includes expenditures for procurement of weapons and military hardware, scientific, research and engineering works and expenditures of other branches intended for the defence, The overall data on defence expenditures were top secret until 1988. Only a limited group of people was aware of the data (leadership of the National Planning Committee and selected members of Central Bureau of CC CPSU). The data were not permitted to be type-written and were added to the documents by authorised personnel in hand-writing.

The stated data on defence expenditures in the 1987–1990 period generally match the data published in Russian version of annual report of the Stockholm Institute for Peace Research Internationally. (See Yezhegodnik SIPRI 1998. Vooruženije, rozoruženije i međunarodnaja bezopasnost' /Russian version/, Nauka, Moscow, 1998, p. 258.)

Year	Military Expenditures (billion roubles in current prices)	Gross Domestic Product (Billion roubles in current prices)	Military Expenditure (percentage in GDP)	Military Expenditures (Percentage in the overall national budget)
1987	69.4	825	8.4	16.1
1988	72.8	875	8.3	15.8
1989	76.9	943	8.2	15.9
1990	70.7	1000	7.1	13.8

mulation, which could furnish a more extensive modernisation in turn. However, confronted with considerably crisis-like condition of the Soviet economy, Gorbachev was forced at last to opt for a policy of military expenditures cuts, because it was the expenditure, which constituted the significantly hampering factor undermining the possibilities of Soviet economy development. In this respect, the problem also consisted in an uneven orientation to heavy and more particularly armaments industry, which drew off basically the whole technologic, science and research potential<sup>2</sup>. In the whole complex, this put a considerable obstacle to the effort to carry out essential economic reforms. Therefore, Gorbachev, together with the “progressive” section of the new political leadership represented especially by Minister of Foreign Affairs Shevardnadze and CC CPSU Secretary Yakovlev, endeavoured to put through and implement in the practice the process of military expenditures reduction<sup>3</sup>, downsizing of military personnel numbers and conversion of armaments industry<sup>4</sup>, the bottom line of which was to acquire greater aid from abroad as well as investments critical for modernisation of the Soviet economy. Simultaneously, Gorbachev and his reform colleagues decided to put fundamental doctrine issues under a review. This meant chiefly abandoning the offensive posture withheld so far, on which the Soviet military strategy was based, and to replace with the principle of “defensive sufficiency”, i.e. maintaining the military on the levels posing a maximum risk to an enemy possibly attacking the USSR<sup>5</sup>.

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<sup>2</sup> For instance according to Valentin Pavlov, Soviet Prime Minister in 1991 and one of the leaders of the coup d'état attempt in August, approximately 25 billion roubles were allocated yearly to science and development in the USSR's national budget, but roundabout 20 billion out of that were allocated to institutes and factories of the military-industrial complex. (See Pavlov, V., *Av gust iznutri. Gorbachov – putč.*, Moscow, 1993, p. 15.)

<sup>3</sup> The defence expenditures in real calculation in the 1980s reached its peak in 1987 (16.9% share in the USSR's budget). Since that year the amount of defence expenditures began to drop. The expenditures were lower by 2.2% in 1990 (see chart in the note No. 1 above). Real data on defence expenditures in the last year of USSR's existence (1991) are not available, according to the said SIPRI Annual Report due to very unstable economic situation of the time.

<sup>4</sup> The goal of the conversion was to achieve a transfer of military-industrial complex's extensive capabilities in favour of the civilian production, which was, inter alia, to help to secure bigger supplies of consumer goods to the market. However, this goal was not achieved in the conditions of central planning.

<sup>5</sup> Frequently the term “Non-offensive defence” is used as an equivalent to the 0 “Defensive sufficiency”.

Such policy obviously meant further diminishing of military's influence in the whole complex of the domestic and foreign policy. The military's leadership accepted these Gorbachev's steps with distrust and attempted to deal with them, inter alia, by repeatedly emphasising that the changes taking place cannot be implemented at the expense of the Soviet Union's military security. In this context, the top military leadership tried to interpret the "defensive sufficiency" principle themselves. They came up with a thesis, that there is no big discrepancy between the defensive doctrine and maintaining of a large offensive force. But Gorbachev largely disrupted this conclusion through a range of disarmament measures, which obviously contradicted the vision of military leaders. Critical steps in this direction was signing of the Treaty on Intermediate-Range Nuclear Forces between the USSR and the USA in December 1987, which placed an obligation on the Soviet Union to withdraw approx. 1,500 already deployed SS-20<sup>6</sup> missiles as well as Gorbachev's initiative of December 1988, when he announced in a speech given on the UN ground a unilateral personnel downsizing of the military by 500 thousand members. This step, of which the top military leaders were virtually uninformed, probably affected the relationship of the military or the whole military-industrial complex vis-a-vis Gorbachev most negatively. Nevertheless, this inimical position, until the August 1991 coup attempt, did not go on into an open confrontation with the Armed Forces commanders.

Why it was not the case, is determined by the fact that such a confrontation in the prevailing system was not possible in a way. On the one hand, Gorbachev was aware of fact that the military's leadership opposed him and the reforms he pushed through in the domestic and foreign policy, on the other hand he realised though, that the military represents a major power in the society. To fall out with them completely, under circumstances, when he needed to keep the situation in the country under control, was not an interest of his. The military itself was strongly brought up over the decades of the existence of the Soviet regime towards an absolute loyalty and subordination to the Communist party. Any attempt by the military to interfere with the loyalty could end up very badly for the Armed Forces' leadership and they knew it. However, Gorbachev committed two serious mistakes in personnel policy, for which he had to pay final-

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<sup>6</sup> The Agreement eliminated a significant disproportion vis-a-vis the US in this category, which is confirmed by the fact that the American party was to withdraw only 350 missiles.

ly during the coup attempt in August 1991. Upon the “Rust Affair”<sup>7</sup> in 1987, he appointed Marshall Dmitriy Yazov as the Minister of Defence and, after Marshall Akhromeyev resigned of the post of the Chief of General Staff (he resigned in a protest to Gorbachev’s initiative concerning the above-mentioned reduction of Armed Forces members by 500 thousand) he appointed Colonel-General Mikhail Moysheyev as the new Chief of General Staff. Thus, strongly conservative military officials assumed high posts in the Armed Forces, who basically entirely opposed Gorbachev’s policy. It is a markedly big paradox that the only actual ally of Gorbachev’s, Marshall Akhromeyev, who was second to none in realising the crisis of the Soviet system, and tried to attain a favourable position for the Soviet Union during a number of disarmament negotiations, critical for implementation of political and economic reforms, left the military’s leadership<sup>8</sup>.

Nevertheless, Gorbachev’s personnel affairs measures could also be a signal that regardless of his absolute power he did not know exactly how big resistance prevailed within the military against his reforms, which was due to the military self-containment vis-a-vis the community. Gorbachev attempted, admittedly scoring some success, to initiate a public discussion on a variety of issues connected with the role and existence of the military. Thus, the military found themselves under a strong pressure of the society, which the leadership of the military of the time referred to as “a massive anti-military campaign”. Obviously, this was a completely extraordinary happening throughout the whole existence of the Soviet Union. The range of the discussion was very broad, and various entities joined it. Officials of major scientific institutes – especially the Institute of Global Economy and International Relations, Institute of the United States and Canada and Institute of the Global Socialism’s Economy presented their positions on the issues of the USSR’s security policy and on the need for reforms. For instance, in September 1988, popular magazine “Viek XX i Mir” came up with a radical reform aimed at restructuring the

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<sup>7</sup> In June 1987, young German pilot Matthias Rust flew through the Soviet airspace with a sport aircraft and landed undisturbed in Moscow centre near the Red Square. The affair resulted in recalling the Commander of Air Defence General Koldunov and retiring of then Minister of Defence Marshall Sokolov.

<sup>8</sup> Upon leaving the post of the Chief of General Staff, Marshall Akhromeyev became a military advisor to M. Gorbachev. In the time of the coup attempt in August 1991, he committed suicide.

Armed Forces. The plan was based on conclusions that the military was not to consist of career soldiers and conscripts, but rather made up of local territorial units – armed and trained for defence purposes and of a central small-size all-professional mobile body<sup>9</sup>. Even notwithstanding the improbability of implementing such a reform, that was probably the very first alternative proposal of military reform available to the general public during the whole period of the USSR existence. Media played an important role in the discussion, conveying an open debate of the condition of the military as well as possible changes within. The public was struck by information on actual state of the situation in Afghanistan and release of frequently outrageous instances of conscripts' bad position. As the military was gradually losing its privileged position and dismantling of bureaucratic structures took place in the community, a broader social movement occurred in the Armed Forces as well as its immediate social environment. Movements having vocational and political nature came into being, within which mostly career soldiers were associated, but also citizens in relation to the military. For instance the Association for social protection of armed forces members and their families (for which "Stit" abbreviation is used), lead by Lieutenant-Colonel Viktor Ourazhtsev, which focused on providing social security to the career soldiers, especially to those who found themselves homeless after their units were withdrawn from the Central and Eastern Europe. Another organisation was the Military Mothers Committee (these days acting under the name "Association of Russia's Committees of Military Mothers), which chiefly concentrated on protection of interests of conscripts currently in the army, who were often confronted to inhuman conditions of the military service. In November 1989, "Officers' assemblies" were re-established, which had been a traditional military institute in the Tsar army. Apparently, the social movement in the military of the time was largely hampered by the Party's monopoly in the Armed Forces. The Head Political Administration and the subordinated authorities gradually lost control of the situation in the military, which indicated a step-by-step disintegration of the Soviet power structures. In addition to that, Article 6 of the Soviet Constitution laying down the Party's leading role was abolished at the 3rd assembly of Peoples Deputies in March 1990. Nevertheless, the political bodies, although with a limited authority, remained active within the military, which

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<sup>9</sup> See *Viek XX i Mir*, No. 9/1988.

was permitted, *inter alia*, by the fact that the Party's leading role was abolished by President's directive in June 1991 only. That is why the Head Political Administration could be re-organised into the Army-wide Party Committee after the XXVIII CPSU assembly in July 1990.

But there existed also strong conservative powers in the military refusing both political and economic changes. Particular understanding of such powers' activities can be gained through the acting of the Assembly of the Peoples Deputies – Russia's new top representation body since 1989, which was elected with a substantially greater scope of democracy than the previous Soviet parliaments<sup>10</sup>. Precisely in the time of the venue of the 2nd Assembly of Peoples Deputies in December 1989, a group of deputies called Soyuz (Union) was established. Initiator of the group's establishment was Colonel Viktor Alskins<sup>11</sup>, a Lithuanian, who was a tough adversary to Gorbachev's policy. At the end of 1990, Soyuz was supported by approximately seven hundred and thus became the greatest group of the Assembly. The political programme of Soyuz stemmed from the idea that a democratisation of the society was unacceptable, because it undermined the strength of the Soviet Union and that is why it was important to do away with those pushing through democracy. Soyuz also refused any reform of integrated federal union state and larger independence of the union republics. At the same time, a strong pro-Russia nationalism was perceptible in the Soyuz's programme. Definitely, the influence of this grouping was not insignificant, which was confirmed e.g. by the fact that, under the pressure of Soyuz, close Gorbachev's colleagues resigned from their posts – Minister of Interior Bakatin and Foreign Minister Shevardnadze. At the same time, Alskins openly admitted during the assembly venue what was his creed:

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<sup>10</sup> Assembly of Peoples Deputies totalled 2250 members – members of parliament. Its venue was to take place once or twice a year. Election of deputies was conducted on the basis of dividing them into three categories – in the first category 750 MPs were elected in the so-called national area districts, in the second one 750 MPs in republic districts and in the third category 750 MPs were elected from social institutions (also from CPSU and the Komsomol). The assembly then elected a 542-member Highest Soviet of two chambers – a Parliament in permanent session. The first and simultaneously the last elections of the Assembly of USSR Peoples Deputies took place in March 1989.

<sup>11</sup> Alskins' curriculum vitae is definitely worth mentioning. His grandfather was Commander of Soviet Air Force during the period of J. V. Stalin's government. In 1937, he fell victim to Stalin's repression. Therefore, Alskins' father grew up in an orphanage, but regardless of that he became an orthodox communist. Viktor Alskins became a member of CPSU in 1973 and was elected peoples deputy in Military Institute in Vilnius.

“Of course, I am a reactionary. I am a reactionary and an imperialist”<sup>12</sup>. It was not surprising then that people started to refer to Alskins under a nickname “Black Colonel”. It does not come as a surprise, that Soyuz enjoyed a support of the military’s “hard core”, which included a number of top officers and generals of the Soviet Army. The military leadership dissociated themselves from extremist positions of Soyuz, but did not prevent it to act function within the military in any way.

The existence and activities of Soyuz thus markedly strongly signalled the fact the military is rather discontent with the situation in the country. But it was also evident from the party of the military’s leadership, which began to realise the major danger – gradual termination of the power and ideological monopoly of CPSU, which immediately entailed a threat of the USSR disintegration and thereby also of the Soviet Army. Ever more present was the frustration spawned by the lapse of superpower position of the Soviet Union, which especially linked to the loss of positions in the Central and Eastern Europe. The military’s leadership responded to the situation in two levels – by a return to Russian nationalism ideology (which was not overly difficult, in a situation when the overwhelming majority of the military’s commanding corps was of a Russian origin) and by attempting to preserve the existence of the USSR especially through all possible political influence, but also utilising power tools available to the military.

Many top military officials concluded that the influence of the Communist ideology started to disappear and that the ideology cannot represent a means that would agglutinate the military from the viewpoint of ideology. They responded to the situation by deciding to re-new the notion the traditions of the Tsarist Russia and Tsarist army. In a specialised periodical of the Ministry of Defence *Voyenno-istoricheskiy* journal, many articles started to be featured, in which the military was eulogised as the backbone of the nation and a sacred institution with a thousand-year history, which is professed to save the country from a decline. The military did not present itself as the bulwark of Marxism-Leninism, but appealed to the security and fame of the Russian state. Consequently, the trend was followed by all military magazines and newspapers, which started to publish articles on the Tsar period on a broader scale and in a more positive light as well. The curricula of political

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<sup>12</sup> Murray, D., „Demokracie despotů“, G PLUS G Publishing House, Prague, 1997, p. 82.



training no longer included Marxism-Leninism, and, instead of that, lessons were held on Tsar Army in the classes<sup>13</sup>. However, this “new” Russian nationalism became a warning signal for those Soviet federal republics, which began to strive for achieving of national independence in the second half of 1980s.

Naturally, the military’s leadership was aware of such effort, because it was in direct relation with the military. “Separatism” of some republics, especially on the periphery of the USSR, firstly began to make itself felt in performance of conscription. Chiefly the patriotic parts of republics’ political representations, whose influence increased gradually, refused the existing Soviet practice of sending recruits for conscription beyond their home territory. This effort was led by Estonia, whose top legislation authority passed a resolution in 1989 on claiming the rights of Estonian citizens in Estonia only. Some other republics followed the process next year after. Gradually, the Soviet Army recruit system started to disintegrate into individual republics, which was also connected with the growing number of recruits who dodged the drafting<sup>14</sup>. At last, several republics completely abolished recruitment to the Soviet Army on their territories – Estonia in April, Armenia in May, Lithuania in August and Moldova in September 1990. The Ukraine went even further – in July, the Ukrainian Parliament passed a resolution stipulating that Ukrainian troops cannot be deployed out of the republic into locations of ethnic conflicts. Likewise, it was very disconcerting for military leadership that a process of establishing domestic armed forces already started in some countries that were most striving for achievement of independence. For instance, the Georgi-

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<sup>13</sup> During the existence of the USSR, official “rehabilitation” of Tsarist Russia and its army took place for the first time in the years of the Great National Liberation War in 1941-1945. In that period, Stalin replaced the Marxism-Leninism ideology with ideology of democratic anti-fascist fight. The reign of Nicholas II was not to be referred to as a sanguine police regime, Ivan Grozny became hero again, which was also supported by a grand movie shot regardless of the tough years of the war. Other legendary of the Russian history were brought back – Alexandr Nievsky, Dimitriy Donsky, Kuzma Minin, Dimitriy Pozharskiy, Alexandr Suvorov and Mikhail Kutuzov. Based on Stalin’s decision, military decorations of Suvorov, Kutuzov, Bohdan Khmelnytsky, Alexandr Nievsky, Nachimov and Ushakov were introduced. Stalin realised that necessary to support Russians’ pride in their history in the war situation, which was to be done also through publications on excellent generals distributed to the servicemen in the front lines. The return to the traditions of the Tsarist Army also appeared through the fact, that shoulder straps of Tsarist Army (so-called “pogon” returned onto the uniforms.

<sup>14</sup> In this context, Georgia can stand as an example, where 94% of recruits appeared for recruitment procedure in 1989, whereas in the following year 1990 only 11% of them turned up.

an Parliament decided in December 1990 to develop Georgian National Guard and, in January 1990, passed a resolution introducing compulsory conscription. Peoples Fronts in the Baltic republics, which constituted major political platform of independence there, put forward a position, that the Soviet Army, whose troops were located in the Baltic region, is an army of occupation.

The military leadership's reaction to those tokens of separatism was naturally very sharp. Chief military officials realised that trends were occurring, which could result in a split of multi-national Soviet Army. They expressed their fears frequently in the public too. During 1990, a number of articles of these officials warning against disintegration of the military and the USSR appeared in nation-wide daily papers - especially in those in a way opposing reforms in the Soviet Union. Defence Minister Yazov did so on the pages of CPSU's nation-wide "Pravda" newspaper in June 1990, when he condemned nationalists' endeavour to establish domestic armed forces as a "backward step leading to elimination of the military's combat readiness and the defence capabilities of the country"<sup>15</sup>. From the side of military, appeals were increasingly raised to the state power and especially to president Gorbachev, who was called upon to clamp down on separatist tendencies more intensively. But Gorbachev refused to proceed in that way. He also had a rational reason for that, consisting in his attempts focused on pushing through a new model of Soviet Union functioning, the existence of which would follow a new Union Agreement<sup>16</sup>. The Union Agreement presumed there would be a centralised state with a limited division of power between the centre and union republics in areas such as economic and social policy. The centre would retain control over tax policy and natural resources. The Union Agreement denied the republics to have any competence in areas such as defence and foreign policy. Of course, some republics striving after independence did not accept it and insisted on having full control over the defence matters. Yet, the new draft of the Union Agreement included possibility of republics' independent decision-making in matters related to recruitment and stationing of units on their territory.

There were doubts of the contents of the new Union Agreement among military leadership and officers' corps. Nevertheless the top military officials supported conducting of a referendum, which was to survey whether

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<sup>15</sup> Otvěťstvennosť za mošć rodiny, Pravda, 27 June 1990, p. 5.

<sup>16</sup> See new Union Agreement draft, Pravda 24 November 1990, p. 3.

the citizenry agrees to preserve the Soviet Union as a federation of sovereign republics. However, the legitimacy of the referendum was partially impeached through the fact that it was to take place in 9 federal republics only. Five republics refused the referendum to be carried out<sup>17</sup>. The results of this “limited” referendum showed a relative support of the “renewed federation” project – out of 80% eligible voters, 76% voted for it. In the military, 90% of its members voted for “renewed federation”<sup>18</sup>. Such an answer indicated, that Gorbachev could rely on the military altogether, regardless of the military leadership’s critical position on his policy.

In a way, there were two factors for such a support – first, the logic of military’s nature, which was really an international community united by history, traditions and the manner of military service in the Soviet period and second, the current response to the fact that Gorbachev probably strongly realised, especially in the second half of the year 1990, the significance of the military as a certain stabilising element to the Soviet society. After five years of conducting reform policy, he found himself in a political vacuum. Political and economic reforms were not entirely successful, rather powerful fronts of opponents to his policy developed, both from the left and the right. The main power instrument, which he headed, the CPSU, was gradually falling apart. Two institutions remained, on which could rely and through which he could exercise government – the military and the security agencies. When the situation in the Soviet Union got into a critical point in the turn of 1990–1991, the side effects of which were economic disruption, national conflicts and everincreasing endeavour of some republics to achieve independence, Gorbachev as the top official of the country and supreme commander of the armed forces decided to make use of the institutions. In a way he reacted affirmatively to continuous appeals of the power structures telling him to do so. This is confirmed by e. g. open letter of the Chief of General Staff Moysyev, Deputy Defence Minister Varennikov and Commander of Navy Tsherniavin, published in December 1990, through which Gorbachev was urged to use his presidential authority, which could stop separatism in some of the Soviet republics<sup>19</sup>.

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<sup>17</sup> This was the question of Armenia, Georgia, Estonia, Lithuania and Moldova.

<sup>18</sup> For referendum results see Pravda 27 March 1991, p. 1–2.

<sup>19</sup> See S naděždoj i věroj: Obraščenje k tov. Gorbačevu M. S., Sovětskaja Rossija, 22 December 1990, p. 1.

However, the alliance with power structures, which Gorbachev might have possibly perceived as a certain tactical maneuver, represented a great risk to him. It can be concluded that during the past period of the Soviet Union's existence, he was not able to fully control what was happening within these structures. Such an assumption is completely legitimate when we consider the fact that their leading representatives opposed Gorbachev's policy – Minister of Defense Yazov, Minister of the Interior Pugo and KGB Chief Kryuchkov (all of them then became the main leaders of the coup in August 1991). The evidence of it was the events of the so-called January Baltic crisis. The military, Ministry of the Interior and KGB attempted, making use of force, to regain the central control over the developments in those Baltic states, where supporters of the independence were becoming ever politically influential. Such situation was most obvious in Lithuania, which had declared its independence already in March 1990. Of course, the central leadership, including Gorbachev, did not recognize the independence and started making decisions that were to discourage the Lithuanian Government from following such a political course. In the moment when a dispute erupted within the Lithuanian political leadership, particularly between President Landsbergis and Prime Minister Prunskienova, concerning an increase in prices, Gorbachev thought he could take advantage of the situation to “definitely” restore order. Therefore, on January 10 he issued a Presidential Decree ordering the Lithuanian Government to renew the validity of the Constitution of the USSR. Immediately after that, Gorbachev was informed by Minister of Defense Yazov, Minister of the Interior Pugo and KGB Chief Kryuchkov on measures to be taken in case the situation in Vilnius would become complicated. However, Gorbachev did not receive precise information on the plans to use force against the independence supporters. Based on the information provided by the aforementioned ministers heading power agencies, he expected only a certain demonstration of power to support the importance of the issued Presidential Decree. Instead, military, interior and KGB units were deployed to occupy TV and radio buildings, which resulted in many casualties and injuries among civilians, who defended the buildings<sup>20</sup>. Later on, Gorbachev admitted this event had occurred outside his control. “It was a political provocation aimed at discrediting the “perestroyka” and

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<sup>20</sup> During the attack to TV and radio centre in Vilnius, 14 persons were killed and hundreds were injured.

the President personally in the eyes of the local people as well as abroad.”<sup>21</sup> Nevertheless, the events in Vilnius were followed by other actions taken by the power structures in the Latvian city of Riga. In March 1991, he decided, based on KGB Chief Kryuchkov’s initiative, to deploy 50,000 military and militia members to suppress an announced demonstration of Yeltsin’s supporters. However, he met with such a crushing disagreement expressed by almost all political authorities and forces that he had to retract the decision. This clash represented a great memento to Gorbachev, which was reflected in his confession that “after that, all the following efforts – and there were many – to make me use force had no effect”.<sup>22</sup> This Gorbachev’s position certainly induced the conservative forces to make a final decision on the necessity to execute a coup followed by a declaration of a state of emergency, even though such an act had been in preparation for a considerably long time.

In 1990–1991, the power structures were undergoing many organizational changes, which indicated their efforts to prepare for a possible use of force against the reform supporters. This included augmentation of internal troops falling under the responsibilities of the Ministry of the Interior and commanded directly by Colonel-General Boris Gromov, who became the First Deputy Minister of the Interior. The internal troops were augmented also by several armed forces divisions. In September 1990, a part of the airborne troops were moved to Moscow in full combat readiness. It consequently turned out that this was an exercise to deploy troops in emergency situations – i.e. deployment after declaring state of emergency<sup>23</sup>. In January 1991, combined patrols consisting of soldiers and police officers started patrolling in largest Soviet cities. This all indicated the conservative forces’ effort to involve the military further in coping with problems in internal security.

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<sup>21</sup> Gorbachev, M., Mlynář, Z., “Reformátoři nebývají šťastní”, Victoria Publishing, Prague, 1995, p. 108.

<sup>22</sup> Ibid, p. 108. Gorbachev also wrote in the book that the “Prerestroyka opponents did not succeed to corner me, harness me. They wanted to bind me with blood, according to bandit law, when the man does not have a chance to escape then. I was to be faced with a definite fact of such situation, but they did not achieve that.” (p. 109)

<sup>23</sup> In the autumn 1990, the Main Operation Administration of the General Staff started to prepare updating of “Blizzard” (“Metiel”) operation, which consisted in a plan for introduction of state of emergency. The plan was developed in 1970s for management of possible large-scale public unrest.

Nevertheless, in this respect the armed forces already had their own experience, because since the second half of the 1980s they had been deployed, based on the decisions by the political leadership, in operations in the “separatist” republics or in the regions where there was necessary to deal with ethnic violence. The number of places, where this occurred, was not low: Kazakhstan (Alma Ata, December 1986), Azerbaijan (Sumgait, Nagorno Karabakh, February 1988, Baku, Fizuli, Kirovabad, November-December 1988, Baku, January 1990), Armenia (Yerevan, Kirovakan, Leninkan, February-March 1988), Georgia (Tbilisi, April 1989), Tajikistan (Dushanbe, February 1990), Kyrgyzstan (Osh, Uzgen, Kara – Suu, June 1990)<sup>24</sup>. Military units directly participated in all of these interventions, which claimed a considerable death toll. Participation of the Soviet Army in the conflicts ranged from enforcement of interest of a party to the conflict to endeavour to manage violence by separation of fighting factions. In that time, this was a relatively new role for the military, because after 1945 it was called to manage domestic disturbances within the Soviet Union in two instances only<sup>25</sup>. Obviously, the consequence of armed forces’ extensive engagement in ethnic conflicts in the second half 1980s and in the beginning of 1990s were very negative for soldiers themselves as well as for military’s position within the society. Chiefly a long-time developed myth of the military as the chief defender of “content and quiet life of the Soviet citizens” was collapsing – it was hard to further maintain the myth in circumstances when Soviet citizens were killed in these conflicts by precisely those Soviet troops. Internationalism that was reaffirmed for many years, disrupted by the war in Afghanistan already, sustained another blow due to the ethnic conflicts. Their victims were especially the members of national minorities, which, of course, invoked disaffection with those mem-

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<sup>24</sup> In two instances the case was that, with respect to the length of military units interventions, in the beginning the units were of the Soviet Army, but later on, due to disintegration of the USSR, the units consequently became a part of the newly established Russian Army. In particular, this was the question of Georgia (Southern Osetia, January 1991 – June 1992) and Moldova (Dniestr region, August 1991 – July 1992).

<sup>25</sup> In particular this was the question of interventions against rioting citizens in Novochoerkask in 1962 and, ten years later in 1972, in Lithuanian city of Kaunas. In Novochoerkask, a strike of the local workers, who protested at difficulties in foodstuff supplies and against prices growth. Employment of the military against the strikers claimed an extensive death toll. In Kaunas, a demonstration of several thousand young people broke out on the day of burial of nineteen-year old student Romas Kalanta, who burned himself to death. The protesting people shouted out: “Freedom for Lithuania”. Military airborne units were employed to disperse the demonstration. Approximately 500 persons were apprehended.

bers of the armed forces, who belonged to the national minorities in question. In the beginning of the 1990s, this disaffection even began to disrupt combat readiness of many military units. For the military, this brought another, considerable effect. Part of the officers' corps began to realise that the Soviet Union cannot continue to exist in the standing shape. That is why they started to connect their future not with the centre, but with republics – they started to engage in political life of the republics, especially through their active participation in the activities of the legislation authorities. Likewise, first claims for establishment of independent armed formations in some of the republics started to arise.

In the mid 1991, the military – and especially its leadership – became an ever more active participant in the politics. The political program of the military's leadership was clear – to preserve a centralised union and thereby also an independent multi-national armed forces. However, this contrasted with Mikhail Gorbachev's plan to enter into the new Union Agreement, which he was negotiating with the representatives of nine federal republics<sup>26</sup> since the end of April till August 1991. In August, rather complicated negotiations were completed by adoption of a preliminary draft of new Union Agreement. It particularly implied that the Soviet Union would transform into a real federation, within which individual federal republics would be largely autonomous, and the centre would have more of a co-ordinating role. The military leadership viewed it as posing a direct threat to the existence of integrated armed forces, and therefore they attempted to mobilise the public opinion against the Union Agreement. This was demonstrated most significantly on 23 July 1991, by publishing an appeal titled "A Word to the Peoples"<sup>27</sup>, which was initiated, inter alia, by Deputy Defence Minister and Soviet Army Ground Forces Commander Colonel-General Varennikov and the first Deputy Minister of Interior Gromov. The appeal openly stated that it is essential to establish a patriotic movement in order to save the homeland and to declare a state of emergency. Thus, according to the signatories to the appeal, "chain reaction was to be stopped, which threatens to disintegrate the country". This especially referred to signing the new Union Agreement, which was to take

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<sup>26</sup> This was the question of talks in 9 + 1 format (9 federal republics + centre). Apart from Gorbachev and other representatives of the central Soviet power also the leaders of Azerbaijan, Belorussia, Kazakhstan, Kyrgyzstan, Russia, Tadjikistan, the Ukraine, Uzbekistan and Turkmenistan.

<sup>27</sup> See Slovo k narodu, Sovětskaja Rossija, 23 July 1991, p. 1.

place on 20 August. But it was not the case due to the coup d'état, which was commenced on 19 August, with a large military participation.

The coup in August 1991 clearly showed that the existing major power structures, including the Communist Party, are in such a state of decomposition, which precluded the coup being successful. As it showed later during investigation of the coup's circumstances, there was no integrated plan how to carry out the coup. The so-called National Emergency Committee (Gosudarstvienniy Komitet Tchrezvychaynovo Polozheniya - GKCP), consisting of eight officials of key Soviet institutions<sup>28</sup>, improvised extensively virtually from the very beginning of the coup. Measures carried out within the coup's framework were limited to the capital and narrowed down further to several buildings and locations. No force was applied to the powers of "democratic opposition", no censorship was introduced to the media. By leaving the "democratic opposition" intact, the rebels let them to have two symbols of legitimacy - Russian President Boris Yeltsin and the Russian Parliament. And of course Yeltsin took advantage of that appropriately, not only did he become the leader of anti-coup powers, but also, in the longer run, the foremost political representative of the disintegrating USSR. Failure of the coup was also caused by the fact, that its leaders did not offer to the society any fundamental alternative of further political and economic development in the country. GKCP statement of 19 August included only ideas on the necessity of resurrecting the USSR's super-power status, restore justice, law and order as well as phrases of support efforts of reforms, which would lead to economic and social prosperity<sup>29</sup>. Nevertheless, this would be very little for them to expect a more substantial support from the society. The society awaited concrete steps instead, in order to improve the ever-deteriorating social-economic position – and GKCP was not able to offer that. Actually there was no real significant political and social power that would be able to push through the GKCP's "ideology". Apart from that, the coup was topical basically only to Moscow. It did not occur markedly

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<sup>28</sup> The members of National Emergency Committee were Gennadiy Yanayev, USSR vice-president, Valentin Pavlov, Chairman of USSR Ministers' Council, Vladimir Kryuchkov, KGB Chairman, Boris Pugo, Minister of Interior, Marshall Dmitriy Yazov, Minister of Defence, Oleg Baklanov, First Deputy Minister of Chairman of the Security Council, Vasiliy Starodoubtsev, Chairman of Farmer Trade Union, Alexandr Tizyakov, Chairman of State Enterprises Association.

<sup>29</sup> For GKCP's statement see *Krasnaja zvezda*, 20 August 1991, p. 1.



in other parts of Russia and, in the periphery, contrarily to initiators' expectations, it just accelerated the process of federal republics becoming sovereign<sup>30</sup>.

The military played a very important role in the coup, even though its activities in the concerned period can be described by two absolutely contradictory conclusions – through initiation of a major part of its leadership, the military prepared themselves for conducting the coup and supported it, but, at the same time, it also contributed to its defeat. This seemingly contradictory statement reflects the situation prevailing in the military in that time. Preparations for military's engagement in the coup were being made long time before and were known to all main officials of the armed forces. Defence Minister Yazov himself belonged to a close circle of coup leaders and also became a member to GKCP. Military units also fulfilled Defence Minister's order and moved to Moscow and deployed in pre-planned positions. But it was the maximum the military did. From the moment when the GKCP had started to lose control of the situation gradually, the military was not willing to act in any particular way in order to possibly support the coup's success. Employment of force by the military to coup opponents in the atmosphere, which prevailed in Moscow in that time, was excluded. Yazov realised this very well and refused to issue any orders providing for it<sup>31</sup>. A strong limit of possible military's more intensive participation was posed by the fact that the armed forces were in a way internally weakened and its employment in an event of violent nature bore

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<sup>30</sup> Already in the time of the August coup and in the following four months, an avalanche-like declarations of independence occurred in the former federal republics in the following manner: Estonia on 20 Aug 1991, the Ukraine on 24 Aug 1991, Belorussia on 27 Aug 1991, Moldova on 27 Aug 1991, Azerbaijan on 30 Aug 1991, Uzbekistan on 31 Aug 1991, Kyrgyzstan on 31 Aug 1991, Tadjikistan on 9 Sept 1991, Armenia on 23 Sept 1991, Turkmenistan on 27 October 1991, Kazakhstan on 16 Dec 1991. Three of the former federal republics declared their independence even prior to the August 1991 coup – Lithuania on 11 Mar 1990, Latvia on 4 May 1990 and Georgia on 9 April 1991. It is interesting that independence of Russia was never declared officially.

<sup>31</sup> In this context it is worth mentioning that a surprisingly new view of the issue of violence employment in the time of the coup was brought by former high officer of the General Staff of the Soviet Army Viktor Baraniec in his book "Lost Army". He wrote that the objective of the military operation in support of the coup was defined at the general staff so that it was necessary to "preserve the political power in a big city with dense estate with support of military units, without shooting at an unarmed enemy." (Baraniec, V., Potěrjannaja Armija, Soveršenno sekretno, Moscow, 1998, p. 122).

a risk of its fragmentation. This was also confirmed by opinion of a considerable part of officers' corps and conscripts, who did not show much willingness to support GKCP when deployed to Moscow. There was no unanimous position among the military leaders themselves on the coup and the related measures, which significantly undermined leadership's integrity and ability of action. In the moment, when majority of top military officials found out that the coup is to suffer a total defeat, they changed sides to Yeltsin. But the key players in the military – Air Force Commander Marshall Shaposhnikov and Airborne Forces Commander Lieutenant-General Grachov were doubtful of the coup's feasibility even before. As it was discovered later, Grachov was in contact with Yeltsin during the coup and directly consulted with him the course of action of the subordinated units during the coup. Nevertheless, the rather contradictory image can be complemented by the fact, that Grachov also fulfilled tasks set by GKPC<sup>32</sup>. The decisive moment of the defeat was disapproval of several top military commanders (apart from Shaposhnikov and Grachov, also of Deputy Minister of Interior Gromov) to possible Yazov's order to attack the seat of the Russian Parliament – the White House – on 20 August. It was the main reason why Yazov decided on the following day to withdraw all military units from Moscow. Thus the coup was defeated once for all and the military got on the side of its winners. After Grachov refused, Marshall Shaposhnikov became the new Minister of Defence.

In spite of that, the military had to tackle the syndrome of its co-participation in the coup's preparation and conduct. Immediately upon the coup, on 22 August, the Collegium of the Defence Minister attempted to interpret the coup as a matter of Yazov and several isolated individuals, who acted virtually on their own, without support of other main military officials<sup>33</sup>. This version was consistent with apprehension of

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<sup>32</sup> Since the beginning of August, General Grachov, based on an order of the Defence Minister Yazov examined possible consequence of introducing state of emergency in the country, together with other MOD and KGB staff. On 19 August, he alerted the Kursk Airborne Division with the order to approach Moscow. He also issued an order to bring all his subordinated airborne troops to full combat alert in the whole territory of the USSR.

<sup>33</sup> Collegium of Minister of Defence denied that they had approved of Yazov's membership in GKCP. The members of Collegium reaffirmed they were not even informed of this decision of Yazov's. (See report of the Collegium of Minister of Defence session, Krasnaja zvezda, 23 August 1991, p. 3.)

Marshall Yazov and Colonel-General Varennikov on 21 August, i.e. on the day the coup was definitely defeated. However they were the only soldiers to be arrested on the grounds of their participation in the coup. On 23 August, the newly appointed Defence Minister Marshall Shaposhnikov, regardless of Defence Minister Collegium's decision of 22 August, conducted a far-reaching "personnel cleansing" in the armed forces control structures – he recalled Chief of General Staff Moyseyev, eight Deputy Defence Ministers, nine chiefs of the head divisions of the Ministry and seven commanders of military districts. More than 300 generals had to leave the armed forces in the months following August 1991 and the "cleansing" also hit commanders on lower echelons. Within a year – until August 1992, over 65,000 officers were dismissed, out of which 80% were former political instructors<sup>34</sup>.

On the other hand, a number of top military officials were not recalled, although they very much engaged in the preparation and conduct of the coup. It did not happen even after investigation of individual top military officials' activities during the coup, which was done by Presidential Commission headed by General Volkogonov<sup>35</sup>. The investigation was carried out in the Ministry of Defence and the General Staff in the course of August and September 1991. Neither were any officials recalled after investigation conducted by the Russian General Prosecutor's Office. Apart from mentioned Grachov, they were for instance Deputy Defence Minister General Achalov, Commander of Moscow Military District General Kalinyin, Commander of Leningrad Military District General Samsonov, Commander of Siberian Military District General Pyankov and Deputy Minister of Interior General Gromov<sup>36</sup>. Not only were these generals not dismissed or held liable, but they were even gradually appointed at very high posts – immediately after the coup in the

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<sup>34</sup> See Baraniec, V, *Potěrjannaja armija*, p. 161.

<sup>35</sup> Certainly it remains a historical paradox that Colonel-General Volkogonov acted as the Deputy Chief of the Head Political Administration of the Soviet Army and Navy. He was reckoned as the "chief ideologist" of the military. After 1991, he became an advisor to president Yeltsin.

<sup>36</sup> General Achalov was present at a conspiracy session of GKCP members on 17 August, where a decision was taken on seizing the power in the country. He was immediately involved in controlling the coup. He engaged in preparation of the White House attack. After the coup, he remained a Peoples Deputy of the Highest Soviet (Parliament) of Russia. Request of the Russian General Prosecutor's Office for handing him over was rejected by the Highest Soviet of the Russian Federation.

Soviet Army yet and consequently in the independent Russian Army or in the Command of Armed Forces of Commonwealth of Independent States (CIS). For example Grachov became a Russian Minister of Defence for a long period, general Samsonov assumed the post of the Chief of General Staff, General Pyankov became Deputy Defence Minister and General Gromov was the First Deputy Commander of Land Forces. In this connection, it is certainly very important to ask why that happened? Perhaps it is likely that there existed limits to a full “cleansing” in the top commanders corps, which the most influential statesman of the time, Russian president Boris Yeltsin, might not wished. Extensive discharging could largely destabilise situation among the military leaders, which could be disadvantageous to Yeltsin. In the period to come, he needed the military on his side for implementation of his plans for dissolution of the USSR and declaring of Russia’s full sovereignty. He also realised that in the given moment it was possible, through certain “tolerant” and even accommodating attitude to a part of armed forces leadership, to gain their full loyalty.

On the other hand, the coup, to the failure of which the military contributed, accelerated the process, which the military had strongly opposed in the previous years – dissolution of integrated Soviet Union. The military leaders were confronted to the situation of quick disinte-

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General Kalinyin was appointed, in the time of the coup, as the military commander of Moscow pursuant to an order by Defence Minister Yazov. After the coup had failed, he resigned from the post of Moscow military commander and was appointed as the Chief of the Armoured Troops Academy. Nevertheless, he never began his function at the post. General Samsonov fulfilled GKCP’s orders on declaring a state of emergency in Leningrad and announced measures implied by its introduction in the local TV and radio station, which also pertained to limitation of media’s activities.

General Pyankov sent a crypto-telegram to GKCP members on 19 August 1991, in which it is also stated, that “the military council of the district expresses its disapproval of low-efficiency activities in relation to Russia’s leadership, which continues to deceive the peoples, which is called upon not to fulfil GKCP’s decisions. Majority of the working peoples want decisive deeds. The military council supports the requirements of the working peoples”.

General Gromov fulfilled the orders of General Varennikov in the course of the coup. On 20 August, Gromov along with General Varennikov, Achalov and Grachov participated in a session, which was to assess the cooperation of units of the military, KGB and the troops of the Ministry of Interior during attack on the White House as well as apprehension of president Yeltsin and other top officials of Russia.

(For more information on activities of some top commanders in the course of the coup see Pravda 20 August 1991, p. 3, Sovětskaja Rossija 20 August 1991, p. 2, *Geněraly ně v čem vinovaty...*, *Novoje Vremja* No. 10/1992, p. 6–7, Nėvzorov, A., *Avgust 1991, Zavtra* No. 28/1994, p. 2.)

gration of the federal state. Gorbachev did not succeed in implementing the new Union Agreement, which shipwrecked due to two factors – through the effort of the second most important federal republic of the Ukraine aimed at achieving independence and policy of Yeltsin, who realised that in order to acquire an absolute political power it was necessary to do away with the Soviet central government and thereby also the USSR. He managed to attain this goal on 8 December 1991, when, together with Ukrainian top official Kravtchuk and Belorussia's top official Shushkevich, he signed a treaty formalising dissolution of the USSR, instead of that establishing the Commonwealth of Independent States. Consequently, eight other republics entered into the agreement at the Summit in Alma Ata on 21 December<sup>37</sup>.

However, the whole process was not accepted unambiguously in the military. It was possible to note with a part of army leaders and officers' corps certain discontentment with the fact of definite disintegration of the USSR; some even reckoned the policy, which led to it, as treachery<sup>38</sup>. The armed forces leadership faced two alternatives: either to refuse Union's disintegration, while considering options how to achieve its preservation. In the practice, this would require support of Gorbachev, who strove after it (and even regarded the military as his ally)<sup>39</sup>, and to assume a stand against Yeltsin. Or, contrarily, to fully support Yeltsin, and thus assist Union's disintegration and establishment of a new commonwealth. At last, the military leadership opted for the second alternative. The key reasons for that were probably the following:

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<sup>37</sup> This was the question of Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan, Moldova, Tadjikistan, Turkmenistan and Uzbekistan. Georgia joined CIS in September 1993.

<sup>38</sup> For more information on military's positions on agreements on dissolving the USSR and establishment of the CIS see Makarov, D., *Armija meždu prošlym i buduščim*, Argumenty i fakty, No. 44/ 1993, p. 8–9.

<sup>39</sup> In the beginning of November, Marshall Shaposhnikov met with Gorbachev, who was seeking an ally in that period for pushing through the new Union Agreement, thereby preventing total disintegration of the USSR (but also postponing the end of his own political career). Gorbachev said to him here, inter alia, that himself and Shaposhnikov must consider all "alternatives to avoid the crisis" (i.e. split of the USSR), at the same time regarding the best possible alternative to do so the following: "Yourselves, the military, must take over the power, to install yourselves-controlled government, stabilise the situation and then fall back." "Into the prison perhaps, while singing a song", replied Shaposhnikov and added: "Isn't it something similar to August?" "What'd you think, Zhenia", said Gorbachev. "I do not propose to you nothing, I simply outline alternatives, thinking aloud". (Shaposhnikov, J., *Vybor*, PIK, Moscow, 1995, p. 137–138.)

2. In the process of federal republics becoming sovereign, the Soviet centre lost control of finance resources, which would, in case of military's orientation to the centre, would mean armed forces dependence on support by all signatories to the Agreement – i.e. all new independent republics.

The military viewed the establishment of CIS in the planned shape as a possible step towards creating a new (and perhaps more vital) centre. Indeed this was confirmed by the agreement on establishing the commonwealth, which reckoned with keeping uniform armed forces. Here, the main role would be played by Russia, which, inter alia, stemmed from the fact that the Soviet Union would cease to exist, but the Soviet Ministry of Defence would remain in the practice. It was assumed, that it would only transform into a control structure of CIS member states' armed forces. Feasibility of such vision in that time was confirmed by the fact, that, at the summit in Alma Ata, the last Soviet Minister of Defence Marshall Shaposhnikov was, following his nomination by Yeltsin, approved by all leaders of states of the newly established CIS, as the commander of CIS armed forces. At the same time, the Commonwealth countries agreed to preserve an integrated control of the nuclear potential including the fact that the Russian president took over the responsibility for codes and communication systems necessary for usage of nuclear weapons<sup>40</sup>.

Visions of possible functioning of CIS uniform armed forces were almost immediately disrupted by the Ukraine, which decided, already in the beginning of January, to nationalise the troops of the former Soviet Army in the Ukraine's territory to include its possessions, which they had available. This applied, inter alia, to the Black Sea Fleet, which Russia regarded as a part of CIS armed forces. Ukrainian Minister of Defence Morozov ordered disconnection of direct communication links between military units stationed in the Ukraine and the General Staff in Moscow. The then Ukrainian president Kravtchuk appointed a group of officers, whose task was to start developing independent Ukrainian armed forces. It was also announced that all soldiers serving in the territory of the Ukraine

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<sup>40</sup> Leaders of Belorussia, the Ukraine and Kazakhstan pushed through at the Alma Ata summit, that Yeltsin would have to consult with them possible utilisation of nuclear weapons. This stemmed from the fact, that a substantial potential of nuclear weapons was located on the territory of those countries.

(except of strategic mission units), would be obliged to sign a new oath of allegiance to the Ukraine. Majority of officers serving in Kiev, Odessa and Carpathian military district did so and Ukraine subsequently took over the full control of the concerned military districts located on its territory. The Ukraine's action showed in practice that the idea of preserving uniform armed forces was not well-founded. The steps of the second biggest CIS state, which were clearly aimed at establishment of domestic national armed forces, had influence on the CIS member states, which gradually began to develop their own armed forces.

Such development of situation has met, in the military command, which, if it can be put aptly, lost its state, with a negative reaction. This is confirmed by the data of public opinion poll conducted with members of All-Russia Officers Assembly of 17 January 1992, when 71% of them stated they were in favour of re-establishment of the former USSR. On top of that, 79% expressed an opinion (which could arise considerable concerns in that time), that the military should have a decisive influence on determination of its future<sup>41</sup>. However, the aforesaid opinions did not ever project into practical action of the military. This was determined by several factors. The armed forces leadership were disoriented after the defeat of the August coup by the newly arisen political situation and had to make extensive efforts in order to overcome criticism of the military's activities during the coup, which was expressed from the side of some media and the general public. Naturally, this rather constrained the opportunities for armed forces' influence on political happening in the country. At the same time, there was quite a strong loyalty of the armed forces leadership vis-à-vis Yeltsin, who assured them that all Union integrated military structures were to be preserved even upon disintegration of the USSR. The top military officials were not able to orient themselves sufficiently in the rapidly progressing political development of the time and therefore did not contemplate much on feasibility of developing a model, where the military would exist without its country. In such a situation, it was unlikely that the armed forces could come out as an independent political power against disintegration of the USSR. "Armed forces without a country" at last did not come out against Yeltsin and the new political representation neither in the spring 1992, when it was absolutely clear that uniform armed forces could not exist. Through issuing of Presidential Decree

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<sup>41</sup> See *Nězavisimaja gazeta* 5 February 1992, p. 2.

on “Development of Armed Forces of Russian Federation” of 7 May 1992<sup>42</sup>, nearly seventy-five year’s history of Soviet Army existence was brought to an end definitely. British military expert Richard Sakwa commented on this step aptly, that “Finally, Russia forced itself simply to re-name the Soviet Army to Russian Army, thus taking over the worst as well as the best of the old tradition”<sup>43</sup>. Nevertheless, the fact remains that a split of such a gigantic military machinery, which the Soviet Army constituted, took place, as well as the disintegration of the USSR, without any greater shocks, which were, to an extent, expected in the neighbouring world with fears. That was not, in the then not overly stabilised situation at the end of the Cold War, a little achievement.

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<sup>42</sup> See Krasnaja zvezda 9 May 1992, p. 1.

<sup>43</sup> Sakwa, R., “Russian Politics and Society”, Routledge, London & New York, 1993, p. 311.



## HARMONIZACE EVROPSKÉ AZYLOVÉ POLITIKY

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HANA KABELOVÁ

*Evropská unie se dnes pokouší harmonizovat svoje azylové politiky a dospět ke společnému jednotnému azylovému systému. Tento proces je komplikovaný a zahrnuje řadu významných, často provázaných otázek. Jednak musí Evropa dostát závazkům, které vyplývají z Ženevské úmluvy o ochraně uprchlíků z roku 1951, musí projevit dostatek solidarity s potřebnými, ale zároveň musí chránit zájmy vlastních občanů, jejich výdobytky státu blahobytu a musí předcházet sociálním a kulturním střetům. A navíc je nutné se shodnout na společném nadnárodním systému v oblasti pevně spojené se suverenníou jednotlivých členských zemí.*

Amsterdamská smlouva byla ohledně harmonizace azylové politiky mezníkem, protože oblast imigrace a azylu, která byla do té doby projednávána na mezivládní úrovni v rámci třetího pilíře, přesunuta mezi záležitosti prvního pilíře, které jsou řešeny společně, na úrovni komunitární. Zatímco Amsterdamská smlouva vytýčila dlouhodobou agendu sblížení azylových politik Evropského společenství, tzv. Vídeňský akční plán z roku 1998 stanovil časový rozvrh odpovídajících opatření. Ve finském Tampere pak byla v roce 1999 znovu vyslovena politická vůle progresivního vytváření společného evropského azylového systému.

Podívejme se, jak si zatím Evropa při vytváření společného otevřeného demokratického azylového systému vede. Jaký vývoj Amsterdamské smlouvě předcházela a jaké kroky EU podnikla od uzavření smlouvy?

## Poválečný vývoj

Po druhé světové válce byly politiky všech západoevropských států vůči imigrantům veskrze otevřené. To vyplývalo nejenom z historické zkušenosti masových migračních přesunů nedávné minulosti a také sílící polarizace Východ-Západ. Hlavním důvodem byla potřeba zajistit přísun manuálních pracovníků, kteří by se podíleli na obnově válkou zničeného Starého kontinentu. K tomu účelu byly ve Francii, Německu nebo Velké Británii zřizovány úřady s nejrůznějšími jmény, v zásadě však sloužící jedinému účelu – náboru levné pracovní síly převážně ze zemí třetího světa.

Přísun pracovních migrantů ale v důsledku rozpadu koloniálního systému přesáhl hranici kontrolovatelnosti shora. Zatímco v letech 1946–1955 přišlo například do Francie 66 400 lidí, v období 1956–1967 následovala masivní imigrační vlna asi 248 800 imigrantů. Ropná krize v roce 1973 následována prudkým nárůstem nezaměstnanosti a ekonomickou recesí byla příčinou zavedení restriktivní imigrační politiky. Zákony či nařízení později označené za *stop-politiku* byly zavedené v roce 1973 v Německu, o rok později ve Francii a Velké Británii. Evropské imigrační politiky vycházely z přesvědčení, že je možné efektivně zastavit imigraci. Ve skutečnosti ale stop politika selhala, nesplnila vůbec svůj účel a měla řadu nečekaných důsledků. Jednak se předpokládalo, že pobyt cizinců-imigrantů bude dočasný, což se ukázalo jako zcela mylné. Migranti, kteří přišli ilegálně nebo legálně (skrže vládní náborové programy) během období růstu do počátku sedmdesátých let, neodcházel – ale naopak zůstávali a za nimi přijížděly jejich rodiny. Růst v počtu imigrantů po vyhlášeném imigračním stop tak nebyl způsoben novými pracovníky, ale rodinnými příslušníky, kteří přicházeli na základě práva na spojování, sjednocování rodin (anebo se prostě začínali rodit již na území nové vlasti).

Obtížnější podmínky příchodu do západoevropských států znamenaly, že řada těch, kteří by možná své rodiny zanechali v zemi původu a pouze dočasně pracovali v hostitelské zemi, raději zůstávali a neriskovali, že by při příštím opuštění země nemuseli být vpuštěni zpět. Pokus snížit počet pracovní migrace na minimum vedl k tomu, že se dramaticky navýšil počet žadatelů o azyl. V době po zavedení restriktivních imigračních politik se tak formuje problém rozlišování ekonomických a politických imigrantů, uprchlíků. Všichni, bez ohledu na důvody, kvůli nimž přicházeli a usilovali o vstup do země, se nyní začali ucházet o politický azyl, protože to byla v podstatě jediná cesta, jak se do země dostat. Také z imi-

grantů hledajících práci se začali stávat žadatelé o azyl. V zásadě je velmi těžké rozlišit tzv. ekonomické a politické imigranty. Jednak proto, že *všichni* žádají o azyl z politických důvodů, protože jiná kategorie neexistuje. Dále proto, že všichni, tedy i prokazatelně perzekuovaní uprchlíci, kteří azyl obdrží, dříve nebo později v hostitelské zemi pracují, a tedy se podílejí na ekonomice, případně ve smyslu populistického slovníku – zabírají místo na trhu domácím – stejně tak jako ti, kteří přicházejí z čistě ekonomických důvodů. Nehledě na to, že *ekonomický důvod* je také relativně vágní termín, protože někteří lidé nemohou najít ve své zemi práci právě z politických důvodů.

V devadesátých letech se výrazně skokově zvýšil počet žadatelů o azyl v Západní Evropě nejenom v souvislosti s pádem železné opony, ale také válkou v Jugoslávii a nárůstem občanských konfliktů. Příliv imigrantů ze Střední Evropy byl ve skutečnosti daleko menší než se předpokládalo, naopak počty lidí přicházejících z bývalých sovětských republik stále rostou. Evropské státy nebyly na příliv imigrantů v podstatě vůbec připraveny. Podle údajů UNHCR se počet žadatelů o azyl v zemích tehdejších ES pohyboval kolem 420 000 v roce 1991 a 560 000 v roce 1992. První reakcí států byl obecně velmi vysoký počet odmítnutých žádostí – asi devadesát jedna procent. Následovala revize vnitřních zákonů a přiosazení imigračních politik (zejména v případě Velké Británie a Francie). Vše se paradoxně odehrávalo na pozadí jednání o vzájemném otevření hranic a vytvoření společného trhu.

Vývoj v poslední dekádě potvrdil, že i přes liberálně demokratické principy a proklamovanou otevřenost jsou evropské státy v případě vlastních imigračních politik velmi restriktivní. Přístup k cizincům se stal ožehavým politickým, sociálním a kulturním problémem. Zatím se zdá, že žádný způsob, jak zároveň vyhovět liberálním principům, požadavkům voličů, ekonomickým tlakům a důsledkům evropské integrace, neexistuje. Stačí se podívat na případ Německa, které platilo i po zavedení stop politiky na počátku sedmdesátých let za stát s nejliberálnějším imigračním zákonem.

## **Od liberální k restriktivní politice – případ Německa**

Od poloviny sedmdesátých let se ale počet cizinců využívajících článku o poskytnutí azylu v Základním zákoně zvýšil o téměř 8000 procent. V roce 1992 zažádalo v Německu o azyl asi 450 000 lidí. Příchod etnických

Němců z bývalého Sovětského svazu, kteří měli na občanství automatický nárok, spolu s vlnou imigrantů z Balkánu, kteří přicházeli v důsledku konfliktu v oblasti Turků, Kurdů a dalších žadatelů o azyl ale v situaci, kdy se německá ekonomika potýkala s důsledky sjednocení, kdy Evropu zasáhla recese a kdy Němci platili největší díl evropského komunitárního rozpočtu, vedl nevyhnutelně ke změně Základního zákona a zavedení restriktivní politiky v roce 1993.

Němci si za tato opatření vysloužili kritiku. Německá restriktivní politika ale skutečně fungovala a počet žádostí o azyl se výrazně snížil. Podobně reagovaly i všechny ostatní evropské státy – ať už skrze změnu imigračních procedur, které v důsledku znamenaly odmítnutí žádostí, nebo zavedením principu bezpečné třetí země, která přesunula povinnosti spojené s procesem udělování nebo zamítnutí žádosti o azyl na třetí státy. Restriktivní imigrační politiky jsou diskutabilní i z demografického hlediska. Jak uvádí studie odboru zabývajícího se populací v rámci OSN, pokud by například Německo chtělo udržet stabilní počet lidí v produktivním věku i za padesát let, muselo by každý rok „importovat“ asi 487 000 lidí. Francie by potřebovala 109 000 lidí a Evropská unie jako celek 1,6 milionu lidí. Aby se počet těch v produktivním věku a těch v penzi vyrovnal, byla by čísla ještě daleko větší (dosahující 3,6 milionů ročně v případě celé EU).

## Harmonizace azylové politiky Evropské unie

Klíčovým dokumentem v otázkách uprchlíků je Ženevská úmluva o právech a ochraně uprchlíků z roku 1951 spolu s doplňujícími Protokoly z roku 1967. V době příprav konvence byl status uprchlíka v Evropě chápán jako svým způsobem privilegovaný. Státy počítaly s tím, že udělování statutu uprchlíka bude v budoucnosti spíše výjimečnou událostí. Konvence definovala status uprchlíka, přičemž centrálním bodem se stal oprávněný strach z perzekuce. Dále zakotvila v článku 33 princip non-refoulement, neboli zákaz vracení uprchlíků do země původu, pokud zde trvá nebezpečí perzekuce. Konvence zaručuje uprchlíkům v zásadě stejná práva jako občanům země, která jim status uprchlíka udělí. Těmito principy by se měla evropská úprava řídit.

Potřeba nějakým způsobem sblížit imigrační politiky států uvnitř EU není v Evropě tématem novým. Zpočátku se ale vyvíjela mimo struk-

tury EU, protože logicky vyplynula z příprav Schengenské smlouvy ve druhé polovině osmdesátých let. Francie, Německo a státy Beneluxu, které mezi lety 1985 a 1990 připravovaly Schengenskou smlouvu, musely přijmout řadu opatření týkajících se oblastí vnější kontroly hranic, spolupráce policie, vyhoštění nebo pohybu lidí, kteří nebyli jejich občany, včetně žadatelů o azyl. Podle Schengenské smlouvy nebylo napříště možné požádat o azyl ve více zemích Schengenu, ať už simultánně nebo konsekventně.

Stejný princip pak převzala i Dublinská úmluva, první výsledek mezivládních jednání členských států Evropské unie o harmonizaci nebo alespoň koordinaci azylových politik. Dublinská smlouva vstoupila v platnost v září 1997 a nahradila azylovou kapitolu Schengenské smlouvy. Dublinská úmluva stanoví, že za projednání žádosti o azyl je zodpovědná první členská země EU, na jejíž půdu žadatel vstoupí (včetně letištních přestupů). Dále konvence zavedla termín bezpečná třetí země a bezpečná země původu, což znamená, že evropské státy mohly napříště vracet žadatele o azyl do zemí, přes něž se do EU dostali, pokud tyto země z nějakého důvodu shledaly bezpečnými. Konečně, Dublinská úmluva počítala s vytvořením jednotného systému snímání otisků prstů všech žadatelů o azyl. Oprávněná kritika se začala ozývat prakticky od okamžiku vstupu Dublinské úmluvy v platnost. Nejenom, že konvence byla v rozporu s mezinárodními závazky Ženevské úmluvy (především princip bezpečné třetí země), takže vyvolala nesouhlas odborné veřejnosti a NGOs, ale také samozřejmě znevýhodňovala i některé členské státy oproti jiným (ty s vnější hranicí EU, s frekventovanějšími letišti). A především se ukázalo, že Dublinská konvence v praxi prostě nefunguje.

## Vývoj po Tampere

V říjnu 1999 se členské státy EU na summitu v Tampere dohodly, že budoucí společný evropský azylový systém musí jasně vymezovat zodpovědnost státu za vyřízení žádostí o azyl, společné standardy pro spravedlivé a efektivní administrování udělení azylu, společné shodné podmínky přijetí žadatelů o azyl a sblížení pravidel pro udělení azylu a statusu azyllanta.

Tampere bylo pro evropské státy velkou příležitostí vybrat to dobré z široké palety politických a praktických nástrojů členských států v oblasti

migrace a využít je při budování společného evropského systému. Evropské státy se měly opřít o dva základní body: (A) plnou a inkluzivní interpretaci Ženevské konvence o uprchlících a dále (B) koncept sdílení odpovědnosti a nákladů spojených s problematikou uprchlíků v Evropě. Na tyto body navázala dvě legislativní opatření. Prvním bylo vytvoření Evropského fondu pro uprchlíky v září 2000 a druhým Směrnice o dočasném útočisti v případě masové migrace z července 2001.

Evropské komise také připravila legislativu ve všech oblastech, které jsou označovány za tzv. stavební bloky evropského azylového systému. Kromě Evropského fondu pro uprchlíky a Směrnice o dočasném útočisti jde zatím pouze o návrhy: byla navržena změna Dublinské konvence (návrh z července 2001), změna minimálních standardů azylových procedur (návrh ze září 2000), podmínek přijetí azylantů (z dubna 2001) a definice statutu uprchlíků (září 2001). Směrnice týkající se definice statusu uprchlíků měla zahrnovat také ty, kteří potřebují ochranu, přestože nespádají do definice Ženevské konvence.

Při bližším studiu se dá říci, že ani jeden z navrhovaných kroků nesměřuje k vytvoření žádoucího, tj. skutečně otevřeného, demokratického a spravedlivého společného azylového systému.

## **Evropský fond pro uprchlíky a EURODAC (v platnosti)**

V návaznosti na závěry finského summitu byl vytvořen Evropský fond pro uprchlíky (2000/596/EC). Protože mezi jednotlivými státy existují rozdíly v počtu žadatelů o azyl, cílem fondu je dorovnávat náklady států s největšími počty azylantů. Fond v podstatě přerozděluje část peněz ve společném rozpočtu tak, aby se na nákladech zemí, do nichž směřuje největší počet uprchlíků, podílela celá Společenství. Vyčleněné prostředky zatím bohužel nejsou dostatečné. Také distribuční mechanismus je podle některých nastaven příliš retrospektivně a zvýhodňuje země, které měly největší počet žádostí o azyl v minulosti, na úkor těch, které budou s velkou pravděpodobností hrát při přijímání azylantů stále větší roli, a proto potřebují prostředky na vybudování žádoucí infrastruktury. Pro rok 2002 tak Řecko, Španělsko a Portugalsko dostanou dohromady 5 % z celého fondu, zatímco Německu připadne 23 % a Velké Británii 20 %.

V prosinci 2000 bylo také schváleno nařízení ustavující EURODAC (2725/2000/EC). EURODAC je kontroverzní systém automatického sní-

mání otisků prstů všech žadatelů o azyl v zemích EU, který vychází z Dublinské konvence. Sejmuté otisky žadatele o azyl ve společné databázi mohou ale nemusí být zničeny až do doby, než získá řádné občanství, anebo po uplynutí deseti let. Systém má řadu kritiků, kteří upozorňují na apriorní kriminalizaci žadatelů o azyl.

## Směrnice o dočasném útočišti (v platnosti)

Směrnice o dočasném útočišti (*temporary protection*) vstoupila v platnost 7. 8. 2001 (2001/55/EC). V principu je systém udělování statusu dočasného útočiště v některých případech praktičtější, než udělování azylu. Především v situaci masové migrace by bylo individuální vyřizování žádostí o azyl neefektivní. Pro evropské vlády je tento systém velmi přitažlivý z několika důvodů. Především je tento status *dočasný*, takže po vypršení dané doby nemá osoba užívající dočasného útočiště právo zůstat v zemi a může být vyhoštěna (viz. Německo po ukončení války v Jugoslávii). Ani v krizových situacích nebudou rozvolněny vízové požadavky a další restrikce (kromě případů evakuačních programů). Navíc podle směrnice neexistuje nárok na odvolání v případě zamítnutí statusu dočasného útočiště a konečně, status dočasného útočiště může být odebrán v případě, že si daná osoba zažádá o azyl.

Podle materiálů Evropské rady pro uprchlíky a exulanty (ECRE) byly standardy během jednání o směrnici značně sníženy. V době přijetí byla maximální doba trvání dočasného útočiště zvýšena ze dvou na tři roky a navíc již nemělo jít výhradně o případy masových migračních pohybů. Proto existuje mezi nevládními organizacemi a odbornou veřejností obava, že evropské vlády budou využívat statutů dočasného útočiště, kvalitativně nižšího stupně ochrany než statusu uprchlíka, i v případech, kdy by bylo udělení azylu vhodnější.

## Směrnice o procedurách (v jednání)

Směrnice o procedurách udělení statusu uprchlíka v zásadě zachovává jednotlivé postupy praktikované národními vládami: ať už je to zadržení v záchytných střediscích (například ve Velké Británii k tomuto účelu stále slouží vězení), vyřizování žádostí o azyl na hranicích, letištích nebo v pří-

stavech. A především směrnice zachovává tzv. zrychlený postup vyřizování azylových žádostí, který jednak znamená ve velké většině zamítnutí žádosti, jednak nezaručuje, že žadatelé nebudou nakonec vráceni do země, z níž uprchli a kde jim hrozí nebezpečí.

Některé body navrhované směrnice o podmínkách přijetí žadatelů o azyl naopak ustavují adekvátní minimální standardy, například poskytování informací žadatelům, přístup k nevládním organizacím nebo poradcům, možnost využít základní zdravotní ošetření, sjednocování rodin nebo speciální péči pro některé zvláště ohrožené skupiny žadatelů. Některé body jsou dlouhodobě kontroverzní, například povinné lékařské prohlídky, které mohou být z hlediska přijímacího státu pochopitelné, ale zároveň mohou znamenat porušení soukromí podle článku 8 Evropské konvence o lidských právech.

## **Směrnice o definici (v jednání)**

Klíčovou součástí nového společného azylového systému bude tzv. Směrnice o definici. Zdá se nepochopitelné, že jde o poslední ze stavebních bloků celého systému. Ostatní legislativa přece nemůže být dost dobře projednávána a zaváděna do praxe, aniž by panovala všeobecná shoda o tom, o čem vlastně hovoří a na koho se vztahuje. V zásadě jde o to, že přes veškeré deklarace o tom, že politika EU v této oblasti je a nadále bude v souladu s Ženevskou úmluvou o ochraně uprchlíků, realita je jiná. Zatímco ostatní regionální organizace ve světě (například Organizace africké jednoty) podepsaly úmluvy, které rozšiřují definici uprchlíka, perzekuce nebo původce perzekuce oproti Ženevské úmluvě, Evropská unie se stále nebyla schopná shodnout ani na společné interpretaci Ženevské konvence. Zdálo by se logické začít budování společného evropského azylového systému právě srovnáním interpretací Ženevské konvence, ale Evropská společnost se vydala odlišnou cestou. Až do současnosti existuje v rámci EU odlišné chápání termínu původce perzekuce. V podstatě jde o to, že některé státy (například Německo a Francie) považují za původce perzekuce pouze stát a státní složky, jiné definici chápou v širším smyslu a uznávají i perzekuci páchanou například polovojenskými skupinami, které kontrolují dané území. To se stalo zejména problematické, když vstoupila v platnost Dublinská konvence, která umožnila vracet žadatele o azyl do první země EU, na jejíž půdu vstou-



pil. Vzhledem k odlišné interpretaci ženevské konvence mezi členskými státy EU vlastně mohlo docházet k tomu, že žadatelé byli vraceni do země, z níž uprchli. Za obrovský krok vpřed proto lze pokládat, že směrnice o definici jako původce perzekuce zahrnuje jak státní, tak nestátní složky.

Závěrem lze říci, že dosavadní legislativní vývoj v oblasti harmonizace azylových politik EU reflektuje nedostatek politické vůle shodnout se na společných standardech a zabraňování vstupu spíše než ochrana tak zůstává hlavním zájmem členských států EU.



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OTOMAR L. KREJČA

V šedesátých letech u nás vrcholil spor o souvztažnost formy a obsahu uměleckého díla. V tehdejších specifických poměrech šlo o eliminaci ideologických vstupů, toužících direktivně předurčit fungování toho, co bychom zpětně mohli nazvat *kulturním prostorem*. Úsilí, motivované snahou o uchování autonomní sféry uměleckého vyjádření, se stalo součástí celospolečenského pohybu; kulminovala v něm všeobecná touha po znovunastolení *komplexně* pojímané lidské problematiky – jako výsostného hlediska, skrze něž a jímž je třeba vnímat individuum, společnost i jejich interakci, a zároveň jako základu, ze kterého by mělo vycházet společenské uspořádání. Od těchto zdrojů je zřejmě třeba odvozovat tehdejší organicky vzniklou a objektivně působící prestiž umění a kulturnosti vůbec – specifickou situaci, která navzdory veškerému zpochybňování stále představuje výzvu. Nepřinesla jen všeobecný rozmach umělecký a myšlenkový, působivý i v mezinárodním kontextu. Reprezentuje reziduum palčivější a zásadnější: připomínku, že kulturnost může být *konstitutivní* složkou života společnosti.

Po normalizačních peripetiích je dnes literární text (a ovšem jeho televizní vizualizace) znovu oceňován pro své funkce *instruktivní* – jako možnost „adekvátního znázornění“ určitých aspektů historie; za součást umělecké kvality filmu je vydáván zpracováváný námět a úhel pohledu, kterým je traktován – v podstatě tedy jeho způsobilost suplovat „osvětové“ působení. Problematika autenticity uměleckého díla a jeho pozice ve společensko-politickém kontextu nás znovu dostihla.

Aktuálním tématem se stal *veřejný prostor*, míra jeho svébytnosti a neodvislosti. Jde však o prostor politický, sociální, ekonomický – řekněme povytce „civilizační“ – anebo (stále ještě) i kulturní? Pokud ze zvyku přitakáme, kterou jeho rovinu umění představuje, jakým způsobem v něm spolupůsobí? Přežívá v obecném vnímání – především ale prakticky – jako složka reálně jej spoluurčující, nebo představuje jen jakýsi paralelní azyl, pro většinu z nás chvilkové, pro někoho i zásadní útočiště těch, které skutečné dějiště života unavilo, či se jim z nejrůznějších důvodů zdá, že je pro ně (přechodně anebo definitivně) neperspektivní? Sféra umění se stává hospicem, rekreačním centrem, závětrím regenerace sil, pověstným normalizačním „kulturním vyžitím“. Autonomní nárok uměleckého prožitku, aspirující na komplexní postižení lidské situace, nese stigma vyvrženosti. Nevykročilo umění již od první světové války novověku, té třicetileté (s jejím *karteziánským zvratem* a perspektivou *totální autokracie člověka*, dosahované pomocí stále specializovanějších technických postupů), na cestu k marginálnosti? Nepředstavují *technologické zvraty* v epoše moderního umění (revolta romantismu, realistická snaha svébytně uměleckými metodami ozřejmit skutečnost, lartpouurlartistická sebestřednost, společenská alternativnost avantgardy, průnik modernismu k intimní skrytosti existence ...) jen milníky procesu postupné eliminace již překonaného způsobu osvojování skutečnosti, který se přinejmenším ocitl před neodhadnutelnou transformací? Pochybnost, má-li ještě smysl blíže se uměním zabývat, pokud se nechceme uzavřít do ezoterického hájemství podivínů, je zcela legitimní.

Když paleoantropologie uvažuje o vzniku Homo sapiens sapiens, hovoří o zásadní spojitosti mezi naším vědomím, řečí a uměleckým projevem (srv. např. R. Leakey, *Původ lidstva*, Archa, Bratislava, 1996). Chronologie, kauzalita zde ustupuje představě nedílné, jakkoli dynamické a mnohvrstevné *souvztažnosti*, která reprezentuje «mentální svět, jenž se neliší od našeho». Leakey si všímá, do jaké míry moderní názor na funkci umění («potěšit a zdobit») znesnadňuje pochopení prehistorických výtvarných děl (l. c., s. 110). Překročíme-li rámec, diktovaný soudobou perspektivou, lze uvažovat zhruba o dvojí aktivitě, přítomné v uměleckém procesu: jde o akt *průniku* k hlubinným, vpravdě bytostným rovinám individua (příčemž obecné sdílení umožňuje společná neurální architektura lidského mozku) – a zároveň o akt periodicky obnovitelného zážitku *zasazení individua do řádu společnosti a universa* („Je téměř jisté, že alespoň některé

prvky umění ... se týkaly způsobu, jak lidé ... organizovali ideje o svém světě – představu o jejich duchovním kosmu“, l. c., s. 113).

Na půdě IMS bude vhodnější věnovat se druhé zmiňované „hemisféře“ působení uměleckého artefaktu. Je stále ještě schopen aktivní a relevantní výpovědi i v této oblasti?

Skepse vůči „mimoumělecké“ funkčnosti jako osobité kvalitě díla nepopírá, že proces uměleckého ztvárnění je výrazem praktické interakce se skutečností. Pro člověka je tato interakce z povahy věci samé svébytným aktem poznání. Tam, kde probíhá umělecký proces, ať v rovině autorské či na úrovni vnímání, přisvojujeme si a prožíváme *komplexně pojímanou lidskou existenci* v bohatém souhrnu vnitřních i vnějších dimenzí – v podobě autentické konkrétnosti. Rozumíme-li nějakým způsobem antické tragédii, neznamená to zajisté, že si ozřejmujeme historickou situaci athénskému občana anebo tehdejšího státu–obce; dotýkáme se však obecných konstant lidské situace, vymaňujeme se ze sevření vlastní momentální nahodilosti místní i časové a otevíráme před sebou možnost stát se „občany historie“ tak, jak o tom kdysi nikoli náhodou snili romantikové. Hamlet není především hrou o středověkém Dánsku (s nímž se snad autor obeznámil během diplomatické, případně konspirativní mise, z níž je některými vykladači podezírán), anebo hrou o renesanční Anglii; není však ani hrou pouze o tom, co z ní nápadně rezonuje v tom kterém historickém okamžiku – tragédií romantického básníka drčeného brutální přízemností, tragédií myslitele narážejícího na pragmatický mechanismus společenského fungování, tragédií ideálů mládí, ničených světem, který se jimi cítí zásadně ohrožen, tragédií nerozhodnosti v prostředí, jež vyžaduje čin, tragédií rozmyslu ve světě akce, anebo tragédií občana v zemi, která se stala vězením... Podstatnější než sebevíce převratný „aktuální“ výklad je pro nás tušení (a dosahování) mnohovrstevnaté úplnosti, *zásadní potence přesahu*, která je v díle specifickým způsobem naakumulována a trvale skryta: tak, že nás za snahu – nutně klopotnou – o průnik do svého hájemství odměňuje novým a nečekaným odkrytím.

Vpravdě umělecký artefakt, oživený naším zájmem, generuje otevřený prostor prožitku *autentických rovin* existence; *poznání* nikoli instrumentálního, nýbrž takového, které se nesnaží racionalitu, jednoznačnost, utilitární zakotvení pominout, ale zařadit do širokého životního kontextu – a tak i přesáhnout. V tomto smyslu by umění nebylo jen „vyprávěním jednotlivých příběhů“, které svým řetězením pomáhají v proudu času stále

znovu zakládat naši existenci, ale *příběhem základním*, zprostředkujícím dotyk s jejími konstitutivními, druhově danými východisky.

Obecně je medializován názor, že «humanitní vědy už dávno ztratily dech a tempo diktované především technickými disciplínami». Lze jistě namítat, že «humanitární vědy, např. v literatuře a literární vědě, dávno na mnohá úskalí pokroku ... upozorňovaly a svým způsobem důsledky předjímalý». Jádro diskrepance tkví však patrně hloub. Literatura a umění, vlastní dějiště „humanitního poznání“, jsou reliktem přístupu, v jehož rámci byl *vnitřně celistvý člověk* schopen participovat na *koharentním prožitku světa*, chápaného jako souborný celek, a na komplexně založené reflexi tohoto prožitku. Zrod moderny a jejích hybateľů, instrumentálnosti a pokroku, je podmíněn rozpadem takto celistvého životního konceptu. Modernita je specializace, akcelerovaná preferováním účelnosti, přivlastnění, efektivity růstu. Specializace člověka vyděluje, atomizuje jeho prožitky, myšlení i konání, přetváří společnost na čím dál sofistikovanější mechanismus, mašinerii podmíněnou stále perfektnější souhrou spolehlivě evidovaných součástí. Vnitřně soudržný homo faber se rozkládá na škálu nositelů jednotlivých produkčních a společenských funkcí. Veřejný prostor, kdysi sféra zprostředkující vzájemné pochopení a duchovní interakci, se transformuje na nástroj nového druhu: „médium“, jež musí depersonalizovat člověka na funkčního společného jmenovatele, transmisní jednotku, umožňující efektivní chod stále diverzifikovanější (a tudíž potenciálně konfliktnější) společnosti. Masovost a masmediálnost není vedlejším produktem zvratu pojmenovaného kdysi Mandevillem a skotskými osvícenci, ale jeho logickým vyústěním a podmínkou sine qua non přežití naší životní orientace. Žádný vnější činitel, sám *moderní masový člověk*, který přijal roli společenského faktoru, subjektivně dezintegrovaný v té míře, v níž je integrován jako součást (nad)státního *mechanizmu*, je zdrojem zplošťování veřejného prostoru na rovinu politicko-ekonomicko-sociální. Masmediální utopie, završující celoživotní paradigma antiutopického myšlení K. Poppera, jen podtrhuje *bezmoc rozmyslu tváří v tvář reálné zakotveným společenským pochodům*.

Míra atrofie umění je v této perspektivě přímo úměrná procesu marginalizace duchovní sféry uvnitř veřejného prostoru moderní společnosti. Umělecké, vpsledku humanitní téma – neustávající řešení kryptogramu autenticity života – je tím anachroničtější, čím méně *funkční* jsou jeho

nástroje v rámci toho, k čemu je soudobá životní aktivita skutečně napřena, co vnímáme jako její reálnou náplň. Příběh umění v epoše moderny je historií stále grotesknějších snah o obnovení spřízněnosti a vzájemné podmíněnosti dvou disparátních a dramaticky divergujících oblastí životní orientace. Je sledem donkichotských pokusů o nastolení reálné alternativy – ústících do vytištění prázdné stránky a vystavení bílého plátna. Se světem, který na hodnotovou osu nanáší výhradně pozitivní, měřitelné, materiálně vymežitelné údaje, se umění bytostně mívá, neboť v něm nemá co traktovat, a tudíž ani co k němu podotknout.

«Je jedním z trestů reality a společnosti v technické civilizaci, že nemůže mít umění», soudil na sklonku života Jan Patočka, hluboce znepokojený «přemocí technosofie» v soudobém světě. Absenci umění chápal jako Ultima Thule generální linie moderny, výslednici jejího nejvlastnějšího založení. Úvodní připomínka intermezza šedesátých let překračuje v těchto souvislostech obligátní „politický“ rámec. Šlo nevyhnutelně o slepou uličku, bezperspektivní anomálii? Dnes tak samozřejmě *eliminace* tendencí, kakofonických vůči globálním aspiracím informační společnosti, se může vrátit „na pořad dne“ způsobem, o kterém dosud nejsme ochotni uvažovat. Tehdejší naděje byly možná skicovány neúnosně vypjatým způsobem. Kulturními ohledy motivované ohlédnutí netouží negativní koordináty té doby přehlížet. Relativizuje jen její ideologizující, intelektuálně vykoštěné převyprávění, upřednostňující jako samozřejmost politicko-ekonomický zřetel.

O *povaze moderní doby* nevydává ovšem svědectví pouze osud jejího umění. Jako klíčové téma se zpřítomňuje v uměleckých dílech samých. Neobyčejně svérázně a s ponorem patrně nedoceňovaným zachycuje proces formování měšťáka jako nastupující materie moderní masové spotřební společnosti Émile Zola. Dotkli jsme se otázky společenské prestiže umění, problematiky jeho ideologické služebnosti, příznaků atrofie, do nichž ústí jeho vývoj; mnohovrstevnatosti uměleckého díla a proměn jeho vnímání v průtoku času; rozpadu koherentní reflexe skutečnosti, který vede ke stále zjevnější dichotomii poznání vědeckotechnického a humanitního, jež údajně za pokrokem technovyvědy osudně zaostává; a konečně charakteru soudobého „veřejného prostoru“, emancipujícího se od přítěže své (byvší) „duchovní dimenze“. Zolovo dílo se dnes při bližším pohledu jeví jako analýza momentu, ve kterém se tato témata protínají a vyrážejí na cestu ke své současné, znepokojivé podobě.

«...a celá věda je jen záměnou  
nevědomosti v jinou její formu...»

Z této byronské perspektivy jako by vycházel odsudek, jímž F. X. Šalda roku 1903 předznamenal české vnímání Zolova díla – pokusu o „vědeckou“, „experimentální“ anlyzu klíčového období, v němž vrcholil zrod moderního člověka a jeho společnosti:

«Zola *teoretik* způsobil nedorozumění, jehož byl Zola *umělec* ... obětí ...»; «... přenáší na literární tvorbu ... špatně pochopené termíny teorií přírodovědných ...»; «... nejhlubší a nejzákladnější, *osobnostní* poměr k dílu schází mu úplně...» V jeho románech «není ... *metafyzické revolty* ... žízň a vášně po spravedlnosti...»; «... figury nevypravují nic o svém původu...» «U Zoly schází ... příbuzenské teplo ... hlavní osoby jsou ... pojaty v úplné mravní indiferentnosti ... nahodilé objekty, na nichž demonstruje ... literární nebo soi-disant vědecká teorémata...»; «... osobní i osobnostní vztah a poměr k látce ... u Zoly úplně mizí»; «... demonstroval všude svou ... povrchní nauku o dědičnosti a atavismu a ... dogma o ústředí a jeho vlivu, z něhož není mu uniknutí.» «Odtud mechanicky chladný ... dojem jeho děl: jsou především tezí ... a ne výkřikem úzkosti ... nemůžeš utéci se k nim v duševní krizi ... Tu vidíš teprve, jak jsou hluchá a němá»; «... nenalezneš *individua* ... zná jen hromadné bytosti...»; «... stačí ... srovnati jej ... s ... Tolstým nebo Turgeněvem ... aby se objevila celá jeho pozorovatelská ... prostřednost, mdloba a nuda.» «Zolova ... díla jsou ... nesena *obrazností* ... kterou bych ... nazval rekonstruktivnou ... která násobí a zveličuje ... právě proto, že nevníkla do ... vnitřní pravdy věcí...» «Zola blíží se k životu s apriorismem ... trpí zvláštní plebejskostí, která počítá s velikými davy, s hrubými masami...»; «... své poznání nestrávil a nepřekonal ... jest jen příležitostné a tendenční, dekorační... Neovládá je, nepřechlo v jeho krev...»; «... člověk jest mu ... trpnou výslednicí fyzických zákonů a vnějších vlivů, obětí ... hnanou slepě do tmy a zmaru.» Uzavřenou etapu naturalismu překonává Šaldovi «mohutný proud v duševním životě dneška ... po pádu naturalismu a materialismu ... jež ve Francii etiketují „renesancí idealismu“ ... nechtějí opisovati povrchovou realitu *jevů* ... nýbrž touží opraviti ... oklamáný svět v skutečnou říši života, pravdy, síly a lásky.» I Zola je tím prý ovlivněn, píše svá evangelia, ale «není nikomu ... dáno vystoupiti ze sebe...», a proto pouze «...za utopickou skutečnost dává nyní skutečnou utopii...» (srv. O předpokladech a povaze tvorby, Českosl. spisovatel, 1978, s. 259–265; item přísl. heslo v OSN).



Zola navazoval na Balzaca, současníka A. Comta. Balzac se ještě mohl domnívat, že jeho *Lidská komedie*, nikoli pozitivistické ukotvení moderních věd, korunované sociologií – projektem nauky o tom, jak jednou provždy vědecky zabezpečit bezkonfliktní společenskou rovnováhu – zachytí pravdu o jeho době. O málo pozdější obdobný projekt Zolův, cyklus Rougonů–Macquartů, vznikl za situace podstatně odlišné. Věda již *předběhla* a tudíž *nabradila* poznání zprostředkovatelné literárním dílem a jeho rozvrhem. Introspekce lidského nitra i vzájemnost mezi člověkem a vnějším světem (včetně vztahu individua a společnosti) se staly doménami speciálních disciplín. Zola se snaží integrovat jejich zjištění i jejich postupy do *moderní* podoby románu (naturalismus definoval jako formuli moderní vědy, aplikovanou na literaturu) a znovu tak nastolit vnitřně soudržný prostor „totální“ reflexe člověka a jeho světa. Lze to označit za heroické úsilí diletanta, na něž umění rezignuje; po «pádu naturalismu» se «mohutný proud v duševním životě dneška» vydává – «renesancí idealismu» – vstříc nadějím 20. století. Čím to, že *mechanicky chladný, mravně indiferentní* Zola (slovy A. France «moment lidského svědomí» za Dreyfusovy aféry), *zajatec dogmat, z nichž není uniknutí*, vnímal na základě svých *pseudovědeckých analýz, prováděných bez osobitého vztahu k látce*, budoucnost s tak nemilosrdnou, až neprognostickou prozíravostí? Kdo by však tehdy bral vážně projekce pouhé obraznosti – zveličené, *pitoreskní* výkřiky *úzkosti* autora, který přece *nevnikal do vnitřní pravdy věcí*, jemuž byl člověk jen *trpnou výslednicí vnějších vlivů, obětí hnanou slepě do tmy a zmaru...* a jenž znal jen *bromadné bytosti*, protože tak *tezovitě* a navíc *plebejsky* počítal s *masami*?

Ještě roku 1913 zařadil Šalda stať o Zolovi do Duše a díla. Výmluvný titul – v předvečer *totalního* zhroucení, které vtiskne ráz celému století, předznamená jeho *totalitní* tendence a stane se kolébkou všech jeho dalších *-ismů* a *válek*, včetně té studené, s jejímiž konsekvencemi se nejsme schopni (nebo ochotni) rozloučit ani na prahu století našeho: bude jednou nazváno „dlouhé“, anebo „krátké“?

Šaldův pohled, také na Zolu, byl pronikavý. Nahlédl mnohé jeho reálné slabiny, metodické i ryze umělecké. Zároveň to byl pohled vymezený střeoevropanstvím. Stále v něm ještě žil vklad toho, co Claudio Magris nazve «hráz proti politice ... politickému totalitarismu modernosti», který «si podřizuje prostor jednotlivců a jednotlivého vůbec; Mitteleuropa je mýtus chránící nás proti „velkým“ dějinám, vrací se v něm motiv antihistorismu». Navíc šlo o pohled příslušníka emancipujícího se národa, a étos

této emancipace byl nesen měšťanstvem. České moderní dějiny právě začínaly, tenze a krizové jevy moderní doby, její brutální nároky a zničující odpovědnost, do nich v nezprostředkované podobě teprve vstoupí. Naproti tomu Šalda již přijal za své vydělení duchovní a estetické dimenze z celistvě chápané reflexe lidské problematiky – třebaže např. jeho oblíbený Tolstoj kontaminuje Vojnu a mír zřetelně mimoestetickými pasážemi, aniž by se mu je dařilo inkorporovat do jednotné struktury díla, dokonce aniž by o to usiloval.

Zola se naopak ocitá na hrotu společenských změn a snaží se metamorfózu, jejímž je účastníkem i pozorovatelem zároveň, uchopit a zachytit. Uchopit v procesu zachycování a zachytit na základě uchopování, které se průběžně děje a je touto průběžností ověřováno a současně dokumentováno. Na tomto základě vnímá jako prubířský kámen nového umění «smysl pro skutečnost», v tomto rámci je pro něj román «vědecký proces, jehož pochod a rezultat zapisuje nezúčastněný spisovatel». Neklade *rovnítko mezi pravdu a jev*, snaží se naopak nahmatat *kořeny* jevů, aniž by některé z nich pomíjel jako nehodné uměleckého zájmu. Ohledává jev v jeho pravdivém zasazení, ve flaubertovsky zdrcující banalitě jeho kontextu, postihuje však i jevy nově vyvstávající a ovšem mutace jejich působení. Především však vynáší na světlo základní rys proměny, o níž vydává svědectví: to, jak se povrch, jevová stránka životů i věcí, neokázale stává jejich *reálným obsahem*. Zřejmě ne náhodou odkazuje provokativní nelíbivost a okázalá nezáživnost Zolova textu, jeho nutková schopnost vyvolávat ve čtenáři dojem rozpačité odtažitosti, k experimentům prózy 20. století.

Neúspěch *Břicha Paříže* nesl Zola velmi těžce. Dodnes je román řazen mezi jeho díla spornější, zřejmě jen atraktivní lokalizaci vděčí za jistou popularitu. Bývá vykládán jako výraz autorovy záliby v malířství, která měla vést i k tomu, že se v něm poprvé projevila později proslulá Zolova záliba ve svérázně pojatých, svrchovaně plastických popisech, jakýchsi dynamických panoramatech prostředí, pojímaného jako svébytná, postavy spoluurčující mohoucnost. Naše akademické Dějiny francouzské literatury zároveň konstatují, že popisy tu «jsou často nefunkční, netvoří logicky nutnou část děje ... odvádějí pozornost od věcí podstatných ... a překrývají je».

Co je však centrem pozornosti v tomto textu, co se v něm vskutku děje, co je funkční, co podstatné, a konečně co – a proč – ono podstatné překrývá? Příběh Florenta, ústřední postavy, zdánlivá osa románu, je vzdor

své výjimečnosti málo atraktivní, fabulačně chudý, nezáživný a ve výsledku banální. Právě *neatraktivnost výjimečnosti* poukazuje tu však zřejmě ke kořenům vlastního smyslu.

Je noc, kolona zelinářských vozů se v mechanickém polospánku valí do tržnice. Kůň paní Françoisové se zastavil, *zvíře* odmítá přejet lidské tělo. Hlasy na ženu naléhají, aby nepřekážela. Ona přesto zjistí, že Florent je živ, a naloží jej na vůz. V Rouenu mu došly peníze, pokračoval pěšky do Paříže, živil se listím; krást nedovede. Teď vjíždí do ústřední tržnice, «pravého obrazu naší doby ... řady paláců, lehkých jako křišťál». Ocitl se «v neznámu žrádla, jehož bujení cítí kolem sebe». Stává se zajatcem labyrintózního nadbytku, v němž omdlévá hladem – *marně se však pokouší nalézt cestu ven*. Nový středobod, *turniket proměny*, je tu teprve pět let; uprchlý trestanec jej lokalizuje jen díky pozůstatku tradice – věži kostela.

Florent je kriminálník, nebezpečný živel, naší terminologií extremist. Před lety se ocitl za prosincových nepokojů uprostřed střelby. Měl štěstí, policie jej neutloukla ani nezastřelila. Řetěz náhod a byrokratických úkonů skončil odsouzením k deportaci. V lednu je již jen částičkou nekonečné řady trestanců, která překáží reji rozesmátých masek. Nyní s údivem zjišťuje, že tehdejší masopust tu trvá již celých sedm let. Město je tučné, překypuje jídlem, a «to vše vyrostlo, rozvilo se v této kolosální tržnici, jejíž obří dech, ještě těžký po včerejším přejedení, počínal slyšet».

Od počátku je zřejmé, že skutečnou osou románu bude tržnice. Překvapivým protagonistou je jediná věc, instituce – «stroj na zažívání», «kovové břicho», «motor» [24; čísla v hranatých závorkách odkazují na strany vydání překladu E. Outratové, Odeon, Praha 1969]. Nově vyvstalé *neznámo*, které z hloubi určuje a aktivně ovlivňuje život města i jeho obyvatel – stále zřetelněji pouhých faktorů jeho autoreprodukce. „Jevem“ je tu zdání, že autor zachycuje *vnější vzhled* tohoto fenoménu. Zjišťujeme naopak, že popisy jsou akty průhledu do jeho *fungování* – hybné síly *přerodu lidí i jejich vzájemných vztahů*. Ve zvěčnělé mašinerii tohoto mechanismu nového typu, transformujícího pocity i motivace individuů – materiálu, který si přizpůsobuje v zájmu bezproblémovosti svého chodu – hledá román relevantní zdroje proměn, jež touží blíže prozkoumat. Šalda se domníval, že Balzacův učeň Zola «daleko nedostihuje mistra ve vnitřním spětití osob – živlu opravdu „sociologickém“». Snad si pouze odmítal do dna připustit, proč a jakým způsobem přestává být lidský svět výsledkem

tohoto «vnitřního spětí», aby se stal jevištěm spolunažívání jiného typu: Předscénou mechanické souhry reakcí zestejněných lidských jednotek a z ní povstávajících, jí odpovídajících institucí. V organickém průběhu románu ožívá sama *institucionalizace* jako přirozený produkt snah, zájmů, počinů a duchovního obzoru svých strůjců, a ovšem inkluzivně jako osamostatňující se svébytný *subjekt*, přetvářející člověka ke svému obrazu. Za touto předscénou se náhle namísto tradiční hloubky renesančního jeviště s magickým horizontem antiky rozevívá jen prázdnota. Odtud patrně dojem mělkosti, jednorozměrnosti, jakési stínohry Zolových postav, «trpných, nahodilých objektů, hnaných slepě do tmy a zmaru». Je Šaldův odsudek «mravní indiferentnosti» či «mechanického chladu» rozsudkem nad autorem, anebo spíše nad skutečností, kterou autor našel a osvědčil «pro ni smysl», když toužil «procítit povahu skutečnosti (nature) a zachytit ji tak, jak je»?

V čem totiž tkví obecně uznávaná jedinečnost Zolových popisů, kouzlo jejich dynamičnosti? Jsou to dělné průniky do nitra, ke smyslu toho, co se celek textu snaží uchopit. Nástrojem této dělnosti je *vztaženost* popisu, jeho propojenost s charaktery a činy postav, průběhem děje, určujícími zdroji dění. Životní osud i jeho vnější rámec jsou prokomponovány, vnímány ve vzájemné souvislosti jako spojití součinitelů. Snad teprve v současném světě, jehož směřování se často *jeví* jako neuchopitelný samopohyb, určovaný anonymními silami a nezachytitelnými trendy, může být takový princip doceněn. Postavy jednájí a vše se odehrává v souvislosti, dokonce *ze* souvislosti s prostředím, s okolnostmi. Obojí přitom nabývá substanciálnosti *lidského produktu*. Podoba a smysl životů i osudů (či jeho absence) je zachycena především v této vztaženosti a právě v ní vyjevuje svoji doposud nebyvalou podobu. Nejde o znázornění, fotografii, „nature morte“, panoramatický záběr; vnucují se spíše úvahy o střihu, montáži, kinu-oko D. Vertova. Nic není staticky zrcadleno. Hra zrcadel a *téma zrcadlení*, tolikrát v románě evokované, má mnohem rafinovanější smysl a je zapuštěno do sobě vlastní nedoslovitelné mnohoznačnosti. Zrcadla nejsou jen emblémem vnějškovosti, okázalosti, bohatství. Postavena proti sobě zmnožují nicotnost na závratné nekonečno [46-7], ironizují a násobí zobrazené a jeho význam, iluzorně vertikalizují jednorozměrnou horizontálnost, převracejí svět vzhůru nohama, jejich idealizující obraz nahrazuje skutečný vjem, modifikuje jej, zpochybňuje jeho konkrétnost [59]; zároveň v jejich virtuálním světě vznikají koláže, propůjčující setkáním se komponentám nový význam nebo ozřejmující jejich

souvztažnost [58-9]... Nejen popis, celý text opouští klasický výměr umění jako „zrcadla skutečnosti“; i zrcadlení se tu stává jen dalším nástrojem vhledu.

Začleňování popisu do textového toku v podobě nedílné součásti, která zároveň nepozbývá vlastní svěbytnou dimenzi, je docilováno mnoha způsoby. Popisy prolínají do dění, poukazují na prostoupenost, vzájemnou závislost postav a „vnějších“ struktur, kulisy se emancipují, „ožívají“, začínají uplatňovat vlastní mohoucnost, přičemž aktéři s nimi navazují stále symbiotičtější vztah; typy jednání jsou provázány s typy prostředí, k určitým činům dochází nikoli náhodou na určitých místech – a ta jsou stále zřetelněji pro počiny určitého typu vytypována. Popisy fungují i jako *juxtapozice*. Mrtvolnost industriálně vražděné zvěře a zvířecnost mezi ní se pohybujících lidí se ozřejmují navzájem [162-6; 231]. Popisy zpřítomňují *horizont* vykuchané, zglajchšaltované pseudoskutečnosti, která je v prvním plánu zachycována. Chrám, «celý středověk a renesance», se vejde pod střechu centrální haly [151]. Úvodní evokace tržnice (30 stran) probíhá na pozadí hladu ústřední postavy, hladu, který je obecně vnímán jako cosi nereálného, dávno vymizelého (vyjma u zvláštní odrůdy společenských vyvrženců, kriminálních, pozbývajících v běžném pohledu rysy lidských bytostí; o jídlo je vždy možné se přičinit, za něco je *utržit*); Florentova *optika hladu jako prostředku vnímání* nového univerza tržnice je přitom vícevrstevná, jeho hlad příznačně nabývá metafyzických kontur. Horizont popisů je také realizován vždy znovu jedinečným výběrem použité metaforičnosti. Mechanismus tržnice je postihován příměry ze světa žvlů, přírody a přírodních pochodů, aby se v závěru osamostatnil až do představy *tělesného orgánu*, vydávajícího *zvuk obrovských čelistí* [24-8]. Rybí trh, paralelně mořský i sladkovodní, ústí do obrazu zmrzačení a hynutí, násobeného tím, jak toto milieu působí na jeho inspektora-souchotináře [84-6]. Ovocný trh je v dichotomním vnitřním napětí vztažen k mladému a stárnoucímu tělu – ženskému osudu [189-191]. Popis výlohy uzenářství, ústředního oltáře nového *náboženství spotřebnosti*, kulminuje v obrazech zvěcnělých církevních artefaktů [33]...

Dynamičnost popisu je často zdůrazněna optikou činnosti, odborného *výrobního postupu*. Fáma o Florentově deportaci se šíří v podzemí během hnětení a pančování másla [191-2] či v prostředí pozvolného rozkladu sýrů [193]. Quenu o sobě vypovídá téměř výhradně prostřednictvím své profesionální činnosti a do azylu své profesionality se také utíká v klíčových životních okamžicích [např. 247-8]. Není v tom sám, obzor mnoha

postav se nápadně redukuje na výkon profese a zajišťování s ní spojených a z ní vyplývajících zájmů.

Tvrdošíjně tradovanou domněnku o výtvarném předurčení Zolova popisu zpochybňuje ostatně i to, že kontrapunkt optického vnímání tvoří často sluchové, čichové i hmatové vjemy (srv. např. hmotnatě založenou kakofonickou symfonií syrových pachů [193-6]).

Množstvím podobných postupů ozvláštňované popisy nabízejí mnohotvárnou síť poukazů i ve svém zřetězení, návratech, cykličnosti; jejich *vzájemné* vztahy nás oslovují další významovou rovinou, znovu umocňující zdroje výpovědi. Prokomponovanost popisů je přitom jen součástí neokázalé kompoziční propracovanosti románu jako celku. Při opakovaném setkání s textem její subtilní hodnoty čtenáře vždy znovu překvapují. Zjišťuje, že ústřední pojítka netvoří příběh ani protagonista; skladebným principem je stále zřejměji dynamická juxtaposice postav, situací, vazeb a konsekvencí, konkretizujících souhru či protihru kontrastních pohledů na realitu a přístupů k ní. Tato *analytičnost* – zjednávací přístup k paralelnosti, konfliktnosti, vzájemné souvislosti a podmíněnosti společenských procesů – se tedy ztělesňuje prostřednictvím skutečných bytostí v reálných životních situacích, které nejen ověřují, ale přímo ustavují její věrohodnost. Máme tak možnost vstoupit do živého dění *struktury kontextu*. Čtenář se stává součástí silového pole, v němž se neprůhlednost, neuchopitelnost společenského chodu a nasměrování (povýšená dnes ve své z fetišizovanosti na novodobý mýtus) *zprůsvitňuje* a získává podobu výslednice konkrétního lidského počínání. Popis, vyprávění, zobrazení, vycítění... je v první řadě prostředkem analytické vivisekce. Přírozeným *objektem této objektivity* nejsou pouze lidé – *jednat* začínají i novou mentalitou vyprodukované *mechanizmy*, nastupující mocnosti civilizačního zvratu. Jedním z protagonistů se stává viditelné i skryté působení *energie institucí a institucionálních vztahů*, postihované unikátním způsobem – ve stadiu zrodu, v gründerké relaci se svými zdroji. Instituce jsou vnímány jako organicky vzniklé *procesy*, které se emancipují od svých původců a jejich potřeb, osamostatňují do systematicky zbyrokratisovaných sítí a ve výsledku samy ujmají řízení pochodů, z nichž prapůvodně povstaly. Jsou to *soubory identit*, jichž jsme se vzdali a delegovali je mimo sebe, aniž by nás napadlo, že mohou získat vlastní subjektivitu, která se nás zmocní, začlení nás do netušených kontextů, nebyvalých manipulačních postupů a deprivacních praktik. Do zorného pole literatury vstupuje téma *odosobnění* vládce, občana, společenského fungování.

V tomto smyslu nabývají Zolovy postavy i příběhy provokativně neobyklou spjatost s hybnými silami společenského dění, k nimž zjednávají přístup. Z *lability tohoto vztahu* zřejmě vzešel dojem tezovitosti, zatímco Zola právě prostřednictvím takto specifické zaangażovanosti zjednáva svému zápisu dimenzi otevřeného procesu. Má dar nastolit pracovní rovinu *transparentnosti*, v níž jsou do textu schopny pronikat prvky skutečné reality – apriorním rozmyslem nepostižitelné momenty její komplexní konkrétnosti. Autor nevyovídá, ale zjednáva prostor, v němž se to, co jest, může uvolnit z heideggerovské skrytosti a promluvit samo za sebe. Začlenit do tvůrčího procesu konstitutivním způsobem tuto specifickou dimenzi, díky níž se jeho součástí stává *skutečnost jako taková*, znamená povýšit jej na proces poznání, který činí z autora a díla prostředníka tohoto procesu a jeho nositele. Právě zde je patrně založena odlišnost poznání „humanitního“ a pozitivně vědeckého, o něž se Zola domníval usilovat, ale které díky své *umělecké metodě* překročil: skrze *médium díla* se projevuje proteovsky mnohoznačná povaha skutečnosti *sama a ze sebe*. Velký autor nechává relevantní téma doby svobodně do textu vstoupit.

Břicho Paříže nás osloví především tím, do jaké míry je románem o vzniku dneška. Příběh Florenta, který během deportace uvízl v zajetí své *občanské* minulosti, vrací se do *změněného světa* a nevyhnutelný konflikt prožívá především prostřednictvím vztahu ke svým nejbližším, se stává příběhem geneze mnoha současných témat a problémů. O jejich základním rámci, problematice vzniku člověka nového typu, „člověka bez vlastností“, bez osobní odpovědnosti, bez vztahu k mravnímu řádu, který by jej přesahoval – v ničem nezakotveného člověka-neosobnosti, jenž prožívá život jako spotřebu, obstarávání a tudíž neustálé přizpůsobování a změnu, jsme se již zmínili. Obsahem jeho života je *sebemanipulace*, právě proto je tak ideálně manipulovatelný zvnějšku. Florent je *konfrontován* s momentem organického vzniku *mas*y a jejího protějšku – institucí. Ocitá se mezi lidmi, kteří na vlastní identitu rezignují a předávají ji do péče takto *přirozeně* povstávajících novotvarů, nabývajících *vlastní* identitu náhle neprůhledného a neovladatelného *deus ex machina*, zároveň Božstva i Zákona nového typu. Instituce se množí, vytvářejí vlastní systém a svět – bohatě stratifikovanou strukturu institucionálních (a ovšem institucionalizovaných) vztahů.

Florent a několik dalších podobně postižených postav tento zvrát nejen nechápe; jejich odlišnost tkví v tom, že se na něj *nejsou schopni adap-*

*tovat*; román je také příběhem rozdílných pokusů o modus vivendi v situaci, která je z logiky věci bezvýchodná.

Nastupujícím protagonistou masové společnosti je měšťák. *Épater le bourgeois*, po dvě staletí nosné téma alternativy moderního umění, pozbylo smyslu. Současnost se s hodnotovým systémem měšťáka ztotožnila a jeho relativnost přestala vnímat.

Středobodem světa tržnice je *majetek*. Umožňuje skutečnou existenci, dává jí smysl a význam, je klíčem k zajištěnosti a štěstí. Teprve jeho získáním začíná život Florentovy švagrové Lízy a jeho bratra Quenua. Zola líčí s odtažitou objektivitou Líziny názory, zářný vzor počestné, mravné, příčinlivé podnikavosti [42], její pátrání po ukrytém dědictví [44], mnohahodinové přepočítávání peněz společně s Quenuem na Lízině panenské, nyní poprvé zpřeházené posteli, i to, jak se z nich tímto aktem stali milenci [45]. Líza ví, k čemu peníze jsou, umí je smysluplně a velkoryse investovat. Nechce «kšeftovat s milióny» jako bratranec Saccard, který potřebuje, «aby se na nějaké věci zapomnělo». Líza je spolehlivou součástíkou spořádaného rozhojňování společenského blahobytu, *oporou společnosti*. Její poctivost je příslovečná. Jakmile se objeví Florent, nabízí mu polovinu dědictví. Quenu, jenž pociťuje k bratrovi vřelý lidský vztah, je zděšen. Líza, jíž je švagr (prozatím) lhostejný, respektuje institucionalizovaná pravidla. Florent však nechce být bohatý, stačí mu zajištění základních životních potřeb. Florent je *jiný*. V Líze tato odlišnost, kterou okamžitě vycítila, budí zprvu jen *úctu a strach*. Její vztah k Florentovi projde ještě mnoha peripetemi. Ale teprve v závěru, když začal peníze požadovat – aby je použil *nesmyslně a nepatřičně*, totiž na podřívání *pořádku*, zabezpečujícího svět Lízinych hodnot, přiměje Florent tuto počestnou ženu, aby jej *sprovodila ze světa*: stačí udání, vedoucí k nové deportaci.

Líza již obdobně naložila s mladíkem, který si její *zahrávání* vyložil *nepatřičně*. Poranila jej tak, že *přišel o rozum*, stala se z něj *zvířecká* bytost. Necítí ale sebemenší výčitky, neboť zabránila životním komplikacím a nastolila pořádek. Pořádek, a nejen pro Lízu, je tím, co nahrazuje řád. Proto ostatně tak pečuje o čistotu a vnější vzhled – svůj i podniku. Součástí jejího světa je vědomí, že ambaláž, fasáda, určuje pravou hodnotu věcí i lidí a utváří společenskou stratifikaci. Na úrovni tohoto zvnějšího neustále probíhá všeobecná soutěž. Líza se také nestýká se sestrou, ženou dělníka. Odmítá vnímat neúspěch, neštěstí druhých, hladovějící mohou za svoji bídu sami, jsou nevyzpytatelní, odlišní a tudíž nebezpeční [70; 74–81]. Stále zřetelněji se k nim řadí i Florent, který o sebe nedbá, třeba-



že je bohatý, a v obnošených šatech po jejím muži cosi sepisuje v podkrovní komoře. To ona žije kulturně, v ložnici má hodiny se zamyšleným pozlaceným Gutenbergem s prstem na knize [49], občas posedí s mužem v koncertní kavárně, zajdou i do divadla, jako toho dne, kdy *splnila svou povinnost* a jak se sluší, v hustém závoji a osobně, nikoli odporným anonymním dopisem jako ostatní, udala švagra na policii, *aby všechny zachránila* [223-5]. Divadlo – dávali *Boží milost* – oba manžele *dojalo*, Líza si utírala diskrétní slzy lehkým dotekem kapesníku, ale když se objevil Pierot, museli se smát. Měli rozhodně lepší místa než konkurence odnaproti. Zážitek empatie se tak z reálného života stěhuje do kýčovitého ornamentu, pseudoumění. V něm je empatie *příjemná*, život i smrt jsou *oduševnělé*, nikoli *hnusné* – jako Florentovo vyprávění o tom, co *skutečně zažil*, které všem pokazilo přípravu klobásy [74–84]. Tehdy byla Líza ještě velkorysá: Florent udělal hloupost, byl spravedlivě potrestán, přesto mu nabídla návrat do třídy počestných lidí a možnost žít *jako všichni ostatní...*

V čem tkví Lízino drama, v jakém smyslu se Líza *proměňuje*? Mravní maximy jejího vstupu do života příkladně souzněly s ideálem nového homo oeconomicus. Skotský osvícenec a morální filosof Adam Smith ještě věřil, že self-interest, v podstatě Hobbesův koncept egoismu, zrozený za *anglické revoluce*, lokální odnože *třicetileté války*, bude možné použít jako hybnou sílu hospodářského růstu – a zároveň *institucionálně oddělit* od ostatních sfér života jedince i společnosti. Příběh Krásné Lízy z rodu Macquartů vypovídá o utopičnosti takových představ; o nekontrolovatelném vlivu formotvorné síly, zachycené v pořekadle „s čím kdo zachází...“: o působení *lidské praxe*.

Složitě dvojlomný je příběh proměn Quenuových. Od chvíle, kdy jej Florent po matčině smrti našel «jak sedí sám a sám na stole uprostřed kuchyně a pláče» [35-6], byl pro něj bratrem i otcem zároveň. Quenu je ztělesněná závislost, adaptace sama, ideální studijní materiál procesu «kolonizace světa života» (J. Habermas) – velkého tématu frankfurtské školy, které celek románu neokázale prostupuje. Je to však ještě začátečník, představitel jakési „první generace“, proto zřejmě prochází tak bouřlivou krizí *iniciačního procesu* [40-1]. Florentův návrat jej ovšem znovu vykolejí [216], a nebytí rodinného i společenského zasazení, především však možnosti úniku do *odbornosti profese*, s níž se *zřetoznil*, nedospěl by tak lehce ke groteskní iluzi definitivní katarze [221].

I laik si v románu povšimne odkazů na literárně již zpracována témata, např. u Stendhala či Flauberta (hledání dědictví, transpozice milostné-

ho citu do náboženské exaltace ap.). Nejdůležitější (třebaže zřejmě bezděčnou) filiací, která se váže k ústřední problematice románu, je však Quenuův vztah k bratrovi v podobě konfliktu mezi metafyzickým řádem a společenským pořádkem. Zákon obce, lidský, nikoli despotický, porušuje přece ve jménu *transcendentního řádu* již Antigona – pro niž je tento řád substantiálnější než obec, protože instituci zákonodárné obce teprve zakládá. Sofoklova *skutečná bohoslužba*, a zároveň umění ve svém původním výměru, tak relativizuje samu státnost a ústavnost, vnáší do ní zásadní otázku *mezi* lidské osobivosti. Antigona nemiluje bratra více než Quenu: je bytostí jiného typu, odlišné obsažnosti. Chór, sbor občanů, Antigone nepomáhá, ale ještě jí rozumí; Líza ani Quenu ji už pochopit nejsou schopni. Také soudobé inscenace se vesměs uchylují k odvozeným tématům, zásadní rozvrh Sofoklova konfliktu je vnímán jako *neaktuální*.

Bohoslužbu, moment dotyku s transcendentnem, nahradilo nové náboženství spotřeby, sytosti, blahobytu. Svatý Eustach, «opuštěný zbožným lidem», to «projel» s tržnicí, která «jen bzučí životem», konstatuje umělec Claude cestou *na venkov* [169–176], představující alternativu, možné východisko. Ve světě tržnice je již příroda přítomna jen jako zdání [24], přeludná vzpomínka. Florent i Claude to ještě vnímají, o opuštění města však už nedokáží reálně ani *uvažovat*. Výlet probíhá *synchronně* se scénou Líziny srážky s Marjolinem, která se odehrává v podzemní výkrmně drubeže, čekající na podřezání: v prostorách průmyslové výroby potravin [162–9]. Líza žije osvobozena od vertikály, vztahu k Bohu, dbá však, aby respektovala církevní *instituci*. Navazuje symbiotický vztah s abbé Roustanem od svatého Eustacha, který je pro ni *zároveň* finančním, právním i mravním *poradcem*. Právě on ji zproští zbytků výčitek svědomí, neboť ušlechtilá počestnost předem světlí prostředky, nutné pro vítězství dobra [177–180]. Kazuistika, tak jasnozřivě pojednaná Pascalem v jeho *Provinciálách* (Listech *venkovanovi*), umožnila institucionalizaci náboženství. Jen díky ní se mohlo stát jedním ze zdrojů moderní společnosti.

Nápadná je v románě *okrajovost milostné problematiky*. Láska přechází do pragmatické roviny, její motivace jsou účelové, cit opouští existenciální a nabývá existenční funkci. Budí jej prestižnictví, závist, egoismus, ohled na hmotné zajištění, kariéru, společenské postavení. Je integrován do subjektivního prožitku jako zprostředkovatel výhod a jistot, směnná hodnota, nikoli strhující přemoc antické či romantické vášně. Výjimky jsou příznačné. Zcela jinak se vztahují k lásce Cadina a Marjolin, „zrozcenci tržnice“, kterou již vnímají jako *celý a úplný* svět, falešně vertikalizovaný

dalšími „patry“ – *labyrintem* podzemí a *extravagantností* střeš. V jejich „perspektivní vizi“ jde o okázale samozřejmý fyzický akt, od všech vazeb (včetně erotické) a závazků oproštěný *sex*. Žádný vliv na něj nemůže mít ztráta *vědomí*, Marjolinův překrok k *animalitě*. Naopak Florent, stále vydělenější *vnitřní exulant*, schopnost k navázání reálného vztahu pozbývá; kompenzaci nalézá v minulosti (reminiscence na zastřelenou dívku), budoucnosti (pomoc dětem) či abstraktní projekci revolučních změn: je schopen *spíše oběti než vzájemnosti*. Je hluchý k možnosti patriarchálního azylu, který mu nabízí paní Françoisová, slepý k neobratně skrývané, stravující vášni Klářině. Nevnímá ani, že obě patří mezi tytéž vyvržence jako on, že jsou jeho souputnicemi. Uprostřed vztahů, zbavených zakotvení a tudíž stálosti, nabývá i cit charakteru *proměnné funkce*, závislé na proteovském *momentu užitečnosti*. Všeobecná prosperita *kalkulu*, podmíněného *průběžnou labilitou všech hodnot*, překrývá cenu toho, co se vymyká každodennímu přehodnocování, neboť je to založeno na zásadně odlišném principu.

Klářin příběh, vepsaný do románu jen několika okrajovými scénami a lakonickými zmínkami, patří k momentům, které dokumentují nezdar Zolova předsevzetí postupovat s nezúčastněnou „objektivitou vědce“, bez emotivních vazeb a hodnotícího vztahu. Neokázalá, často až groteskními reakcemi vyjevovaná linka Klářiny tragédie působí jako předzvěst přísně analytického cítění, s nímž bude osud svých postav traktovat Čechov.

Důležitou složkou světa tržnice je *osobivá sebestřednost* nového člověka, vyjevující se brutální účelností industrializované „produkce potravin“. Již jsme viděli, jak se do zapomnění technologické odbornosti uchyluje Quenu. Postmoderní obyvatel světa hladu a násilí, pro kterého jsou Picasova Guernica, zájezd do Osvětimi, válečné záběry CNN či floskule o «humanitárním bombardování» jen momentkami v kaleidoskopu nivalizovaných zážitků-informací, na jejichž sled se scvrkl obsah jeho kognitivního vědomí, přijímá jistě s větší samozřejmostí než Zola brutální perspektivu průmyslového teroru vůči přírodě, jejíž nejpodstatnější kvalitou se stala uživatelnost; nás, původce „nemoci šílených krav“, může však přesto zaujmout «rozkoš a příjemné mrazení» při pohledu na gilotinování hlav nekonečných stád, na krvavé bláto, lepivě mlaskající pod nohama, na praskot skopových lebek, tříštěných palicemi, aby se z nich daly vyjmout mozky a jazyky [150]... Tam, kde se z živých organismů stává jen *kvantita* spotřebních předmětů-věcí, lze také lépe pochopit Florentův *zážitek davu*, v němž posléze «byla z něho už jen věc» [29]. Opakovaně pro-

stupuje románem „šik metařů“, neustále obnovujících zdání čistoty, vymetajících špínu stejně jako těla. Nakonec, když se Florent v předvečer pohřbu dívá na rudou záři, vystupující na západě, vyráží jich celá armáda, ženoucí před sebou jezero tekutého bahna [226].

Ve falešném společenství davu se masový člověk orientuje prostřednictvím klepů – *pseudoinformací*, které nabývají zdání relevantnosti. Zvuk tržnice je zvuková kulisa všeobšáhleho žvástu, prostoupená jekotem reklam a nabídek. Jen v tomto ohlušení lze být soustavně informován [55]. Život probíhá jako proud klevet, mění se ve vášnivou potřebu mít přístup k co nejobsáhlejší množině tvrzení, soudů a poznatků, bez ohledu na jejich bezprizornost, irelevantnost a amorfní charakter. Mezilidský vztah spočívá ve vlastnictví informací o druhém člověku a proměňuje se v aktivitu jejich získávání. Ta produkuje *vlastní morální kodex* [69], který její bezskrupulózní fungování legitimizuje. Informace se stává zbožím, obíhajícím na specializovaném trhu poznatků. Ze *samopohybu informace*, „kvanta pravdy“, které k ničemu nezavazuje a nikoho se bytostně nedotýká, ovšem nic neplyne; intence nejsou založeny na informacích, ty naopak spíše vzházejí z intencí a teprve v jejich silovém poli se kondenzují do „soudů“ a „pravd“. Hybný zdroj této informační sítě nespočívá ve snaze přijít věci na kloub, jde naopak o vyprodukování *iluzivního prostoru dění*, jehož se stávám plnohodnotným účastníkem. Autoreprodukční funkce sítě je přitom třeba chránit, proto účastníci ze získaných informací *vůči sobě* nevyvozují žádné závěry. Jejich společenství přežívá díky zásadnímu vzájemnému srozumění, v jehož rámci přeskupují své zájmové či nátlakové skupiny do neustále se obnovujících koalic. Organickou součástí celého procesu je průběžné odpouštění, všudypřítomná amnestie, neboť konfliktnost je v této hře pouze jedním z jejích motorických impulzů. Zato vůči těm, kdo stojí mimo a zpochybňují tak samotný smysl celé hry, je nutno postupovat nesmiřitelně. Paní Sagetová, která se před našima očima začíná informacemi živit, je ztělesněním mentality, na niž poukazuje Krzysztof Zanussi citací údajného výroku vysokého představitele CNN: «Promiňte, pravda je zboží. Pokud se prodává, znamená to, že je dobrá. Jestliže se vám nelíbí, založte si konkurenční kanál a vysílejte si vlastní. Uvidíme, kdo bude lepší».

Sféra politiky je v expandujícím světě tržnice odsunuta stranou, moderní člověk se o ni nezajímá, jen pokud hrozí narušit jeho podstatné životní zájmy. Líza ctí *režim*, který ji nechává «v klidu pracovat», o politice nemluví a neuvažuje [62]. Je ideálním objektem odborníků, na které delegovala

své občanství, a oni její důvěru odmění ve všech budoucích krizích a válkách, vždy se postarají o restituci jejího světa. Lízy přijímají své padlé jako nutnou daň, vystavují jejich fotografie a kladou kytice na jejich hroby. Líza cítí, že vpravdě ohrozit by ji mohl jen zásadní „débâcle“ veškerého pořádku, zhroutení s hrozivou maskou Komuny, a podle toho jedná. Také kroužek spiklenců a jejich *stínobru* příprav revoluční akce [131] vnímá ovšem Zola jako příznačnou *součást* tržnice a převlek jejího informačního šumu, jako *zdánlivou* alternativu. Rozkoš účastníků kavárenského politikaření plyne z oběhu kompromitujících zkazek, výsměšných invektiv, nezávazné škodolibosti. Z potřeby stylizovat se jako subjekty dění přijímají postoj kritické opozičnosti, spojený s příjemným pocitem strachu [53–54]. Zbohatlík na válečných dodávkách vidí řešení v komunistickém rovnostářství, spořádanému maloměšťákovi se při slově gilotina «plní oči něhou», претенdent na vůdce kroužku žádá deset let diktatury, aby si země «zvykla na svobodu», feministka, odvozující svou rovnoprávnost od ekonomické soběstačnosti, soudí, že «dělník není zralý a musí být veden» [127-8]... Za sázkou na protirežimní konspiraci, výplní večerů, ještě neobhospodařených televizí, se skrývá iluze společenského uplatnění, hra na občanskou prestiž. Jejimi nedílnými účastníky jsou informátoři a agenti provokatéři, které tato hra navíc dobře živí. Policejní supervize zajišťuje její *bezpečný průběh*, garantuje její neškodnost. Instituce tajné policie, produkt života chápaného jako sled klepů-informací a zároveň důsledek přirozeně pocítované potřeby takto pojatý život stabilizovat a sebe v něm institucionálně zabezpečit, vyjevuje svou *symbiotickou propojenost* se společností tržnice v groteskní závěrečné scéně Lízina udání [223-5], které je především naprosto nadbytečné.

Román postrádá kladného hrdinu, prototypy řešení autorova reálná skepse nenabízí. Florent se sice vymyká banálnosti tržnice, «banalitě zla», která jednou tak překvapí 20. století – i jeho osud a jeho iluze jsou však vposledku jejími produkty. Odlišnost Florentova ustrojení, znásobená nucenou nepřítomností v době, kdy svět tržnice povstával, předznamenává nicméně vnitřní drama jeho vývoje: je *nucen* řešit problém své *vylučnosti*, problém «hubeného vetřelce» [69]. Kdysi vstoupil do snu o bratrství ideálního dobra «jako zoufalé dívky vstupují do kláštera» [39]. Pod vlivem deportace zkouší „žít mimo život“, v prázdnotě zahálky, stále méně však ví, «co si sám se sebou počít» [53]. Pouhá jeho nezařazenost celé okolí *destruuje* [123]. Nechává se zmanipulovat ke vstupu do «svinstva tržnice», pokouší se stát její součástí. Právě toto «břicho středostavovské počestnosti» jej však přiměje vrátit se k politice. «Kramářské břicho ... jemuž všechno při-

padá v nejlepším pořádku» samo produkuje jako bezděčný nadvýrobek Florentovu odbojnost, předobraz extremismu vyvrženců ze Zabriskie Point. Florentova politická angažovanost se ovšem zásadně liší od motivací jeho spoluspiklenců. Claudův vnímavý pohled hned napoprvé vystihne „nepolitičnost“ Florentova přístupu k politice, jeho umělecké, básnické konotace – a malíř dobře tuší, že právě v tom tkví Florentova *nebezpečnost* [212–213]. Ne náhodou se ostatně Florent trápí tím, že již není dostatečně čistý, aby mohl politické hnutí úspěšně vést [227].

Stěžejní motivy románu se kondenzují do několika klíčových scén. Patří k nim vylíčení přípravy a ochutnávky krvavé klobásy, do kterého se prolíná Florentovo vyprávění o útěku z Guayany – prvoplánovost dětských vjemů a krutost následných reakcí – a svébytnost kocoura, miláčka rodiny. Výsledkem je unikátní výpověď o bezvýchodné izolaci za hradbou vlastní zkušenosti a chvilkového zájmu, kterou není žádný z účastníků schopen ani ochoten překročit [74–83]. Téma mimoběžnosti osobních prožitků, jejich nesdělitelnosti, téma *ztráty schopnosti komunikace* v předvečer věku komunikací, vyjevené prostředky groteskní montáže, je zde konkretisováno jedinečným způsobem. Finis coronat opus: nehlubší a neupřímnější Florentův pokus o *komunikaci* končí tím, že Florent je Lízou bezohledně *zmanipulován*.

Stěžejní tématické vektory se protínají v samotném středu románu, jakémisi ohnisku, propalujícím se až k samotné bázi, na které je založen a z níž povstává *fenomén měšťáctví*. Touto ústřední scénou, v níž je do krystalické podoby zkoncentrován duchovní obzor nastupujícího protagonisty a zároveň ideálního objektu dějin, moderního masového člověka, je převratně pojata „ložnicová scéna“ Lízy a Quenua [133-9]. Železná logika manželčiny argumentace, znásobená mistrným taktickým postupem a citovým vydíráním, eliminuje poslední zbytky Quenuových vazeb k bratrovi. Triumf esenciální spotřebnosti, pořádkumilovnosti, bezkonfliktnosti a sobectví je dokonalý, autorovo rozkrytí jeho zdrojů modelově poučné. Líza dobře ví, kdy a za co je třeba bojovat do dna, bez ohledu na riskantnost i možné důsledky, co musí za jakoukoli cenu obhájit a čeho dosáhnout. Nevadí, že Zola nepatří mezi povinnou četbu. Některé přístupy a úhly pohledu si stejně nelze osvojit povinně.

Na první pohled se Zolův svět od našeho podstatně liší; je to svět koňských potahů, peněz ukryvaných do díže ve sklepě, hovézích lebek, ručně drcených palicemi. Přesto se v něm dobře poznáváme. Odlišnost působí

dokonce jako čočka, přes kterou je vidět zřetelněji než skrze dnešní chaos kolorovaných klipů, jenž naše sebezobrazení útěšně filtruje. To, co nám Zola předestřel, působí odpudivě: je to skutečnost, vnímaná bez příkras. Ta součást recepce *rozpadajícího se* člověka, kterou personifikovalo již Mámení v Komenského Labyrintu světa, je zde radikálně potlačena. Konfrontace s realitou v její skutečné podobě nepovznáší, zato umožňuje orientaci. Odvaha k *demontáži iluzí* je nakonec útěšnější než ohledávání východisek, jemuž se ani Zola jednou nevyhne. Četba Břicha Paříže umožňuje překvapivé setkání – přes průrvu celého století – s nenalícenou, do naha odkrytou současností, mnohdy i s jejími funkčními vnitřnostmi. Tato nahota, na rozdíl od fyzického obnažování dnešních hrdinů, nezastírá, ale odhaluje. Návrat a pozastavení může mít větší smysl než úprk vpřed – zvláště když nevíme, kam vlastně pospícháme.

Umění zjednává dvojí obeznámenost. Nabízí průnik do doby vzniku díla, k tehdejšími konstantám a tendencím, které jsou, jako součást dějin, v našem světě stále přítomny. Můžeme je tak postihovat v procesu geneze, kdy jsou nejzřetelnější a nejvýmluvnější. Uvědomujeme si přitom zároveň *dalekosáhlý kontext současnosti*, její vřazenost do trojrozměrnosti času. Dnešek ztrácí singularitu okamžité situace, stává se součástí historie i projekce budoucnosti. Jako podstatná povinnost se vynořuje nárok odpovědnosti. To, co se jevílo jako přirozené, dokonce nevyhnutelné řešení, nabývá nejednou zcela odlišnou podobu.

Umění však nabízí také svědectví absolutní, svědectví o neproměnných, *konstitutivních konstantách* člověka, platných přinejmenším po několik posledních desetitisíciletí. I toto svědectví vypovídá o bláhovosti absolutizace momentálních nároků, měřítek a hodnot v konfrontaci s rozmanitostí a bohatstvím odlišných možností.

V těchto svých potencích překračuje umění uzavřenost do specializovaného hájemství estetických problémů. Zjednává přístup k autentičtějšímu, snad alternativnímu rozvržení otázky smyslu lidského úsilí a naší existence. Tato *nabídka plurality* se v něm doposud reprodukuje, stále ještě v něm přežívá. Nabízí odlišný systém hodnot, odlišné paradigma interakce se skutečností, odlišný způsob prožívání života – přičemž se zároveň (a především) ve sféře této odlišnosti proměňují samy koordináty skutečnosti, její podoba-pro-nás. Zvykli jsme si žít v iluzi průběžného řešení problémů. Umění nabízí jiný model vztahu se skutečností: problémy je možné nahlížet, respektovat, žít s nimi a v nich. Z tohoto zorného úhlu nepůsobí již Zolova představa o možnosti integrace vědeckých a umělec-

kých metod tak anachronicky a bezperspektivně. Šlo by o přístup, který svým objektům neodnímá organickou složitost a komplexní vazby, nopak tyto danosti respektuje a snaží se o ně opírat.

Zvláštní naléhavost Břicha Paříže spočívá v tom, že jeho ústřední téma osciluje *na spojnicí* mezi situací autora a dnešního čtenáře. Přináší svědectví o kauzální souvislosti, postižené jako přerod občana v měšťáka a s ním spjatou všeobecnou institucionalizaci, produkující masovou společnost. V silovém poli nové centrální instituce – tržnice probíhá vpojení lidského života do *institucionalizovaného živilu* tržnosti, který dalekosáhle ovlivní nejen tvářnost, ale i prožitek naší existence a představu o jejím *smyslu*. Zola tento proces nehodnotí, snaží se o vhléd do jeho průběhu. Přemoc trhu před našima očima produkuje svět, jemuž člověk přestává rozumět, neboť je z hlediska individua, stojícího vně institucionálních struktur, neuchopitelný. Je třeba adaptovat se na jejich mechanismy, vpojit se do nich a přijmout život jako souhru manipulací v jejich soukolí. Zola dospívá na práh světa Haškova či Kafkova.

Skrytou transformaci člověka provádí v Halách takto zviditelněná „ruka trhu“. *Univerzum* se proměňuje v ohromující sumu lidmi vyvlastněných přírodnin a lidských *vý-tvorů*, z nichž každý je *materiálně* ohodnocen, zařazen do institucionalizovaného systému a stává se tak *zbožím*: zároveň předmětem i spolutvůrcem trhu. Stejnou měrou se *na operace* s těmito výtvoři redukuje i lidský život a jeho úhelným smyslem se stává jejich *obstarávání*. Zolova tržnice je průrva, kterou do našeho světa vstupuje *trh* jako nová, všemocná instituce institucí. Odvěké místo setkávání, umožňující v atmosféře sváteční výjimečnosti směnu životních nezbytností, se mění ve stále abstraktnější přemoc, která reprodukuje samu sebe tak, že produkuje *spotřebu* jako základ všech *potřeb*. «Západ vdechuje život hmotným statkům», píše dnes daleko elegantněji Hernando De Soto. «Zásluhou principu reprezentace může majetek žít skrytým paralelním životem». Také Zolu zajímaly budoucí etapy vývoje. V Peněžích (1891) jsou již načrtnuty zárodečné podoby tendencí, směřujících k dokonalejšímu využití «principu reprezentace», k jeho absolutní expanzi a globální všeplatnosti – dosažitelné jednak násilnými, daleko efektivněji však ekonomicko–civilizačními prostředky.

Ani strůjce a zároveň objekt této metamorfózy Zola nehodnotí; nechává materii moderní masové společnosti, *měšťáctví*, aby dynamicky a v historickém zasazení prostřednictvím pocitů, prožitků a počínů svých reprezentantů samo vyjevovalo horizont vlastní každodennosti, svůj duchovní



obzor a obsah, životní styl, hodnotovou škálu, světonázorovou orientaci, estetickou úroveň... a ovšem vlastní *étos*, určovaný uniformním hédonizmem, prodejností, přizpůsobivostí, utilitaritou, radikální eliminací jedinečnosti, přesahu, osobní odpovědnosti. Život se zplošťuje na spotřebu a její zajištění, garantované koloběhem informací, zbavených nefunkčních rovin – ponoru, rozmyslu, vertikální souvislosti, významové vyzývavosti, osobního autorského ručení. Nenápadně vzniká sféra neučleněného informačního šumu. Z pokleslé estetiky a všeobjímající neodpovědnosti povstává reklama a její spojitá nádoba – bezobsažné, kýčovitě, depersonalizované, služebně účelové umění. Zjednodušené hodnoty a s nimi spjaté mělké významy a jednovrstevné výrazové prostředky si brzy sami zkoncentrujeme do *masmédií*, abychom v nich mohli celebrovat bezproblémovost života, marginálnost smrti a bezvýznamnost smyslu – své *sebepotvrzení*. Rodí se zdrcující lehkost bytí, vražedná zřejmost věcí. Blahobytná zajištěnost v zajištěném růstu blahobytu.

Setkání se Zolou na přelomu tisíciletí v Praze, ve středu Evropy, který pro mnohé přestal být její součástí, vzrušuje i rezonancí s některými zdejšími obavami. Florentův postoj k tržnici byl vyhrocen optikou návratu po vynucené nepřítomnosti. Specifický odstup umožňuje specifický pohled. Je pouze naší vinou, že změny posledního desetiletí, které zredukovaly přílišný obsah našich nadějí, nabízejí jako náhradu redukcí obsahu? Z té pravé, institucionalizované Evropy k nám zaléhá šum, který jako by i od nás potřeboval nové sebepotvrzení. Očekává, že jej s vděčností převezmeme a bez zbytečných průtahů a pochyb budeme dále klonovat. Rezonujeme jako ozvučná deska – s nadšením, z nezbytí, konjunkturalismu, z přirozené přizpůsobivosti, s promyšlenou perspektivou i bez rozmyslu. K dialogu rozdílných zkušeností nedošlo, ty zdejší v dohledné době zároveň s námi vymřou. V dějinách je to běžný, patrně přirozený model. Pluralita „není na pořadu dne“. *Pořad* dne určuje Kreon. Antigona bytovala v *řádu* dne, který neztrácel souvislost s řádem noci. Snad také proto jí athénský občan říká: „...jenom ty z lidí / vstupuješ do hrobu – živá“.



## **ANTIRACIST LEGISLATION AND POLICIES IN EU AND THEIR IMPACT ON THE ACCESSION COUNTRIES**

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LAURA LAUBEOVA

### **Introduction**

The accession countries from Central and Eastern Europe (CEE) are in the process of harmonising their legislations with the European Union in all sectors, including minority protection and human rights observance, as stipulated in the Copenhagen criteria and accession agreements. Due to different historical experience and lack of democratic tradition, the post-communist countries have not yet managed to adopt and implement anti-discrimination clauses and sufficient measures for protection of minorities. Both the international commitments, including those enacted before 1989, and the newly adopted legislation often seem to have a very low potential for enforcement and implementation (mainly due to previous neglect of minority policies, paternalism, and abuse of the equality and solidarity concepts under the communism; still prevailing ethnocentric and xenophobic public opinion; low awareness of minority issues among policy makers and public administration officers, inability of educational systems to cope with these negative phenomena, etc.).

One of the most discriminated groups in Europe are the Roma. The fall of the communist rule in CEE in 1989 brought the official recognition of the Roma as an ethnic minority group, but also led to the growth of racism, racially motivated attacks against the Roma, and emergence of extreme right political parties which included anti-Roma measures in their political programs (as a solution of the “gypsy question” – sic). The Roma

have had to face high unemployment, inappropriate and ineffective education, hidden discrimination from the part of state and public administration, providers of public services and other institutions. Racism and discrimination have been among the main reasons behind the immigration of the Roma to the EU countries. The issues of “economic” migration have forced the EU countries to adjust their immigration policies; and consequently, the Roma have been blamed for blemishing countries’ accession prospects and have faced increased discrimination despite the efforts to facilitate the process of their repatriation after the return.

Postmodernist thought has shown that eurocentrism, xenophobia, racism, superiority, prejudice are no longer “normal” and “natural” (neither is the division between us and them, as some socio-biology experts claim<sup>1</sup>) but all these have to be eliminated, or at least their impact minimized, if Europe wants to survive.

The recently held WCAR<sup>2</sup> in Durban in September 2001 reminded Europeans that racism is one of the most pernicious features of human society, and that Europe still owes a lot to the third world countries that used to be subject of European colonization and exploitation. On the other hand, EU has adopted concrete antiracist measures that (together with determination to enforce these) may serve as a positive example not only for the EU accession countries but also for other parts of the world<sup>3</sup>. One of the most problematic issues in our region is denial of racism and a myth of post communist exceptionalism, often expressed in phrases like: “there is no racism here, it is only xenophobia” and “what is applicable elsewhere has no relevance here because the situation here is really specific” etc.

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<sup>1</sup> Cf. van den Berghe, “Does race matter?”, *Ethnicity*, John Hutchinson and Anthony Smith, eds. (Oxford: Oxford University Press, 1996); Ellis Cashmore, *Dictionary of Race and Ethnic Relations* (London: Routledge, 1996) entries on race, race relations, racism, socio-biology; Steven Rose, Richard Lewontin and Leon Kamin, *Not In Our Genes. Biology, ideology and human nature* (London: Penguin Books, 1990); Kenan Malik, *The Meaning of Race* (Macmillan, 1996).

<sup>2</sup> More details on the UN World Conference Against Racism, Xenophobia and Other Intolerance are available at: <http://www.un.org/WCAR> or at <http://www.icare.to> (go to search WCAR and “caucases pages”).

<sup>3</sup> Promising are also recent developments in the field of EU immigration policies, details in European Commission: *Communication from the Commission to the Council and the European Parliament on a Community immigration policy*, Brussels, 22 November 2000, Com (2000) 757, and *Migration: an economic and social analysis* by Stephen Glover et al, UK Home office, RDS occasional paper No 67; [www.homeoffice.gov.uk/rds/index.htm](http://www.homeoffice.gov.uk/rds/index.htm).

Mary Robinson, in her opening speech at the NGO Forum in Durban<sup>4</sup>, said:

*“Racism – as you all know – manifests itself in an extraordinary multiplicity of guises and mutations. It may have deeply entrenched and institutionalised structures so that anyone of a given complexion or ethnicity starts off in life with multiple strikes against them. ... Racism transmuted into xenophobia, means that ‘the stranger’, the refugee, the migrant worker, the so called ‘undocumented alien’ and their children – are treated with contempt or derision, are humiliated, and denied their basic human rights. Racism transformed into genocidal hatred, can mean that one’s neighbour and erstwhile friend becomes a frenzied attacker, someone prepared to injure or even kill. One of the most positive aspects of the World Conference for me has been the clear evidence of an emerging alliance between governments and civil society on follow up to this Conference”.*

Especially the last sentence of Mary Robinson shows that the role of civil society in the struggle against racism and all its forms has become unquestionable and the current process of drafting the so called National Action plans, in accordance with the WCAR final documents, should not be left to fall into oblivion by nation state governments but should be widely promoted and supported by civil society.

It may be worth mentioning here several positive aspects that emerged from the WCAR in Durban:

1. The UN conference for the first time in history provided space for the Roma to raise their voice and formulate their demands.<sup>5</sup>
2. The conference acknowledged that institutional racism and other forms and transmutations of racism are still deeply imbedded in all societies and that they should be coped with by nation states governments and civil society.
3. A parallel conference on racism and public policy brought experts from all over the world who managed to provide expertise that can serve as a starting point for antiracist policy drafting and enforcement.<sup>6</sup>

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<sup>4</sup> Address of the UN High Commissioner for Human Rights, Mary Robinson, Durban, 28 August 2001.

<sup>5</sup> Details available at Caucasus pages: Roma and Travellers [http://: www.icare.to](http://www.icare.to))

<sup>6</sup> Details are at [http://: www.unrisd.org](http://www.unrisd.org).

4. The Central and Eastern European NGO Caucus managed to articulate their requirements both in the preparatory stages (e.g. at the meeting in Warsaw in 2000) as well as at the official part of the WCAR in Durban.

In this paper I will present an overview of major antiracist/ antidiscrimination mechanisms and instruments that are relevant for the EU accession countries, mainly: the EU Race Equality directive, ECHR (Protocol No. 12 to the European Convention on Human Rights), CoE mechanisms, ICERD, etc. Also I will try to point out to the difficulties in their enforcement and implementation in PC Europe, and with your help we may see if these difficulties apply to all the post-communists countries and what are major differences and specifics in respective countries and regions. I will mention one example of a promising policy in the Czech Republic.

In order to understand the issue of racism and discrimination in its complexity, I will make an overview, in the end, of the main definitions and levels of racism.

## **Major antiracist instruments and policies in Europe**

The end of the Cold War together with growing globalisation have had substantial impact on interethnic relations, including the “ethnic revival” trends, in the EU member countries that increasingly have had to face and address issues of racism, xenophobia, and related discrimination against minorities and immigrants. Consequently, Europe has adopted new policies to enhance minority protection and to facilitate anti-discrimination law enforcement. Non-governmental organisations (NGOs), active in the field of minority protection and human rights observance, as well as civil society generally, have played a positive role both in policy design as well as implementation. Involvement of civil society is not surprising in countries with democratic traditions and can serve as an effective inspiration for the CEE countries. NGOs have a high potential to positively influence and contribute to the establishment of coherent mechanisms that can survive electoral processes and populist policies in the region.

### **1. Race equality directive**

On 29 June 2000, the Council of the European Union adopted Directive 2000/43/EC, “implementing the principle of equal treatment between

persons irrespective of racial or ethnic origin” (the “Race Equality Directive” or “Race Directive”).<sup>7</sup> The directive is a product of a ten-year campaign by Starting Line Group, a broad network of non-governmental organisations coordinated by the Migration Policy Group, and presents Europe with an historic opportunity to make a lasting contribution to the struggle for racial equality.<sup>8</sup>

Within three years, all EU member states should conform their legislation to implement its principles. Also, the Directive is now part of the “*acquis communautaire*,” the body of law which all states wishing to join the EU must adopt. Therefore, each of the EU candidate countries will have to enact legislation and educate their judges, prosecutors and other public officials about these new legal standards<sup>9</sup>. Among the Directive’s most significant features are the following:<sup>10</sup>

- The scope of discrimination: The Directive expressly includes both “direct” and “indirect” discrimination within the scope of prohibited action. Indirect discrimination occurs “where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary.” Some rules, though neutral on their face as to ethnicity, in fact may disproportionately disadvantage members of certain minority groups. By including “indirect” discrimination within its ambit, the Directive reaches a broad swath of discriminatory policies and actions which, though not motivated by overt and readily provable racial hatred, nonetheless “disadvantage” members of racial or ethnic minority groups. In so doing, it goes bey-

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<sup>7</sup> An important note must be made here that is relevant mainly to post communist countries where “race” has a strong biological connotation. As mentioned in the Directive preamble in point (6) “The European Union rejects theories which attempt to determine the existence of separate human races. The use of the term ‘racial origin’ in this Directive does not imply an acceptance of such theories.”

<sup>8</sup> Details on this NGO coalition strategy are in “Uplifting standards” in *NGO News, A regional newsletter for CEE and NIS NGOs*, No 19, Autumn 2001, Freedom House, p. 8–9 (can be ordered at fh@freedomhouse.hu).

<sup>9</sup> The EU has explicitly stated that the Directive “is part of the *acquis communautaire*” (end-note 2) and that “adoption of the Community *acquis* in the area of equality is a *sine qua non* for accession since it is essentially a question of human rights . . .”

<sup>10</sup> More details also available in *Roma Rights*, Newsletter of the ERRC, No. 1, 2001, Access to Justice, p. 63–66.

ond the current, more limited conceptions contained in, for example, the case law of the European Court of Human Rights and the United States Supreme Court. The directive also prohibits harassment, instruction/incitement, and victimisation. Harassment occurs “when an unwanted conduct related to racial or ethnic origin takes place with the purpose or effect of violating the dignity of a person and of creating an intimidating, hostile, degrading, humiliating or offensive environment”; instruction or incitement to discrimination and violence; and victimisation (i.e., “adverse treatment or adverse consequence as a reaction to a complaint or to proceedings aimed at enforcing the principle” or non-discrimination).

- Public/private actors: The Directive applies to “both the public and private sectors, including public bodies”. This distinguishes the Directive from the existing and proposed anti-discrimination provisions. Thus eliminating the “state action” hurdle which has hampered anti-discrimination law enforcement in other contexts, e.g. European Convention on Human Rights do not as clearly apply to discrimination by private parties.
- Positive action: The Directive leaves open the possibility for states to adopt “specific measures to prevent or compensate for disadvantages linked to racial or ethnic origin”. Roma have historically suffered discrimination in housing, education, employment and other fields. This measure makes it possible for governments to employ a range of devices to achieve more adequate representation. These could include employment recruitment efforts targeted at historically underrepresented minority groups, as well as hiring codes and educational admissions criteria which make clear that diversity at the workplace is in itself a desired goal. While a rule guaranteeing “absolute and unconditional priority” for certain groups is not permissible, the European Court of Justice has approved an affirmative action policy providing that, where two applicants are equally qualified, historically underrepresented applicants should be given preference, unless reasons specific to another applicant tilt the balance.<sup>11</sup>
- Burden of proof/evidence: The Directive makes it practically feasible for many victims to prove the discrimination they have suffered

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<sup>11</sup> *Roma Rights*, Newsletter of the ERRC, Number 1, 2001, Access to Justice, p. 68.



in two principal ways. First, the Directive shifts the burden of persuasion in civil cases by requiring that, once a prima facie case of discrimination has been established, “it shall be for the respondent to prove that there has been no breach of the principle of equal treatment”. Second, the Directive provides that indirect discrimination may be “established by any means, including on the basis of statistical evidence”. As a practical matter, statistical evidence may often be the best or only way of proving indirect discrimination – i.e., of showing that an apparently neutral provision puts members of a minority group at a particular disadvantage “compared with other persons”.

- Enforcement bodies: By requiring that states designate a body capable of “providing independent assistance to victims or discrimination in pursuing their complaints,” the Directive opens the way to the establishment of effective enforcement bodies capable of taking legal action to secure equal treatment. I would like to mention here also the “ECRI general policy recommendation No. 2: Specialised bodies to combat racism, xenophobia, anti-semitism and intolerance at national level”<sup>12</sup> (adopted by European Commission against Racism and Intolerance (ECRI), a Council of Europe body). The document provides seven basic principles on the establishment, the functioning and the execution of powers of specialised bodies in the field of equal treatment and non-discrimination. The recommendation has no legally binding force, but member states of the Council of Europe must consider the recommendations in good faith. The recommendation is likely to become the main point of reference for the establishment of specialised bodies in this field, including those bodies that will be set up under the EU Directive.

The role of NGOs will be vital in the enforcement process, let me quote from the Roma Rights newsletter: “Notwithstanding the major step forward the Directive represents, civil society actors must act to ensure its effective implementation both in the EU and in the candidate countries. While the EU will no doubt invest resources toward this end, it will need help from the non-governmental community in highlighting the significant

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<sup>12</sup> ECRI general policy recommendation No. 2: Specialised bodies to combat racism, xenophobia, anti-semitism and intolerance at national level, CRI (97) 36 of 13 June 1997.

ce of this development, and the nature of the legal and institutional changes required; as well as in capacitating lawyers, other advocates and government officials to make use of this new legal tool in their anti-discrimination work.”<sup>13</sup> “... independent legal and advocacy expertise from the NGO sector will be needed to ensure that ambiguous and potentially broad-ranging provisions are applied in a manner most favourable and accessible to discrimination’s victims. Questions are sure to arise concerning, inter alia, the effectiveness of the sanctions required, the independence and functions of the government enforcement bodies to be established, and the scope of ‘disadvantage’ needed to constitute a prima facie case of discrimination. Absent sustained NGO input, the Directive’s potential to transform anti-discrimination law in Europe may not be fully realized”.<sup>14</sup>

## **2. European Centre for Monitoring Racism and Xenophobia (EUMC), Vienna**

The EUMC<sup>15</sup> was established on the bases of the EU Council Regulation No 1035/97 of 2 June 1997. In the regulation article 3.3 it is said that the EUMC shall be concerned with the extent, development, causes and effects of the phenomena of racism and xenophobia. The EUMC has the overall aim to provide the European Parliament, the European Commission and the 15 Member States with reliable and comparable data and statistics on racism, xenophobia and anti-Semitism. Also, EUMC has been working on an operational definition of the following four basic terms: racism, xenophobia, anti-semitism, islamophobia. The reason is that the member states, as well as the accession states, finally should end up with a more or less comparable understanding of the four terms, which for the moment is not the case. Nevertheless, the recent legal instruments, which have been adopted by the European Council, oblige the member states to adapt their internal legislation also. This will hopefully trigger a convergence process of understanding.

As a member of the EUMC Rapid Response Network (RAREN) in 2000-2001, I have tried to contribute to these efforts and provide a view from the CEE region<sup>16</sup>.

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<sup>13</sup> *Roma Rights*, Newsletter of the ERRC, Number 1, 2001, Access to Justice, p. 64.

<sup>14</sup> *Ibid* p. 64.

<sup>15</sup> More details available at <http://www.eumc.at>.

<sup>16</sup> *Ibid*.

### 3. Protocol No. 12 of the European Convention on Human Rights (ECHR)

Another significant development providing opportunities for enhanced action in the field of racism and discrimination was the adoption in June 2000 by the Committee of Ministers of the Council of Europe of Protocol No. 12 to the European Convention on Human Rights (“Protocol No. 12” or “the Protocol”), broadening the scope of the Convention’s Article 14 on non-discrimination, which presently prohibits discrimination only in the enjoyment of the rights already enshrined in the Convention. Unlike the Race Directive, however, this Protocol enters into force only after ten states have ratified it.

There is another aspect that may hinder the ECHR’s impact on the region that we are discussing here. Majority of postcommunist countries that aspire to enter EU are full members of the Council of Europe and UN. There is a marked tendency that mechanisms of Council of Europe and UN are being taken less seriously by the post communists country governments than the mechanisms and instruments of the EU. This kind of negative motivation (If you do not adopt EU legislation you will not be allowed to join us) seems to be more effective than appeal on human rights and justice. However, Article 6 of the Treaty of the European Union states that: “The Union shall respect fundamental rights, as guaranteed by the European Convention for the Protection of Human Rights and Fundamental Freedoms ... as general principles of Community law.”

Similarly, a high EU official stated: “The EU is committed to the respect and the promotion of the universal principles set out in the Universal Declaration on Human Rights, complemented by the International Covenant on civil and political rights and economic, social and cultural rights. Its activities are also based on the commitments engendered by the main international and regional instruments for the protection of Human Rights. These instruments enshrine common values regarding fundamental freedoms and democratic principles which are universal, indivisible and interdependent”<sup>17</sup>.

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<sup>17</sup> Quoted from: “The Respect of Human Rights and the Protection of Minorities in the context of the enlargement of the European Union”, speech by Ramiro Cibrián, Head of Delegation of the European Commission to the Czech Republic, Prague, 9 May 2000, speech at the Panel Discussion on the Protection of Minorities in Europe.

#### **4. International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)**

The Race Discrimination Convention defines discrimination broadly to include both direct and indirect discrimination. Article 1(1) of ICERD defines “racial discrimination” to include “any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.

Pursuant to Article 14, individuals or groups of individuals alleging violation of the Convention may file a communication with the Committee seeking redress, after first exhausting all domestic remedies. Communications must be filed within six months of the final domestic decision in the case. To date, the Committee procedure has been under-utilized.

#### **5. Non governmental activities: Project to Implement European Anti-Discrimination Law**

The Project to Implement European Anti-Discrimination Law, funded by the Open Society Institute, and administered by three NGOs<sup>18</sup> is a three-year initiative which started in January 2001. It covers the 15 EU member states and 11 candidate countries (Turkey and 10 in Central and Eastern Europe). In close cooperation with local NGOs and individuals, the Project aims to make the most of the historic opportunity for enhanced anti-discrimination litigation and advocacy created by the recently adopted EU Race Directive and Protocol No. 12 to the ECHR. The project has three principal prongs, each designed to promote the Directive’s effective application and the Protocol’s timely entry into force:<sup>19</sup>

- training/capacitation of judges, lawyers, NGO anti-discrimination advocates, government officials, members of parliament and representatives of specialised bodies to ensure that key actors throughout the continent are sufficiently informed about the legal obligations flowing from the Directive and the Protocol and know how to creatively make use of it;
- legislative advocacy before individual governments and relevant EU institutions to ensure that the requirements of the Directive – in a nut-shell, the adoption of comprehensive anti-discrimination legislation and the

establishment of effective enforcement bodies – are swiftly and adequately complied with, and that Protocol No. 12 to the ECHR is speedily ratified by at least the minimum ten states required for its entry into force;

- test litigation before selected constitutional and Supreme Courts, the European Court of Human Rights and the European Court of Justice, to ensure the adoption in judicial caselaw of the various elements of the Directive and the Protocol.

All three Project components aim to identify the principal legal and institutional needs in each country therefore a detailed analysis of existing legal provisions and relevant jurisprudence pertaining to racial and other forms of discrimination in the 26 countries covered by the Project is being undertaken.

## **6. Case study: support for race and ethnic equality programme in the Czech Republic.**

Czech Republic is a typical example of a postcommunist country that does not share the colonial past, and related burden of guilt, with the more developed democracies. This may hinder antiracist efforts, namely identification, recognition, and minimizing impact of racism through effective legislation and policies. This fact does not preclude it from successful cooperation in policy drafting with countries that have had long experience with race relations issues, such as UK.

In April 2001 the governments of the Czech Republic and UK started a joint project aiming to promote race and ethnic equality in the Czech Republic. One of the project's main aims is to prepare the way for the implementation of Council Directive 2000/43/EC of 29 June 2000 Implementing the Principle of Equal Treatment between Persons Irrespective of Racial or Ethnic Origin, which all member states of the European Union will be expected to incorporate into national law by 19 July 2003. The proposals in the format of report and recommendations, which will be submitted to the government and/or responsible state institution after 31 March 2002, will comprise<sup>20</sup>:

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<sup>18</sup> The European Roma Rights Center (ERRC), Migration Policy Group (MPG) and Inter-rights.

<sup>19</sup> Quoted from the ERRC newsletter *Roma Rights*, No. 1, 2001; and the Freedom House Newsletter NGO News, No. 19, Autumn 2001.

<sup>20</sup> Quoted from the contract.

- “Definition of a comprehensive anti-discrimination policy in the Czech Republic: The relevant document (Report) will review domestic anti-discrimination legislation and its enforcement, including anti-discrimination policies in the private sector (if any). Further, it will look at anti-discrimination legislation in selected EU member states. The purpose of the report is to indicate whether and which amendments to the existing anti-discrimination laws, policies and measures are required.
  - Definition of a strategy to strengthen capacity to combat discrimination: report and recommendations will focus on how to improve and foster the institutional and administrative capacity of the state to tackle discrimination and to promote equality. The study will consider the pros and cons of two basic options for improving the institutional and administrative capacity to tackle discrimination:
    - (i) setting up a specialised body at the national level (e.g. a national commission for racial equality, ombudsman against ethnic discrimination etc.) to combat discrimination and intolerance;
    - (ii) analyse institutional and operational arrangements within the framework of existing institutions (i.e. ministries, including the beneficiary) and formulate recommendations, in particular how to improve its co-ordination role with ministries.
- On the basis of analysis and in line with the future policy proposals/decisions of the government, the report will focus in detail on the practicalities for adoption and implementation of one of the two options:
- Preparation of draft amendments to laws and/or new laws linked to strengthening the legal protection of minorities and to tackling all forms of discrimination (priority given to racial discrimination), on the basis of the studies above and with regard to government policies, and working with the government office (department of human rights) including measures to promote the institutional framework for such activities. ...
  - Elaboration of an awareness raising campaign strategy to increase awareness of and understanding of the impacts of discrimination (setting immediate targets and an outline of delivery mechanisms/instruments, plus medium-term goals to be achieved) aimed at (a) public administrators and (b) the general public.
  - Implementation of a series of regular consultative round-table discussions to assess the situation of the Roma community, the forms of disc-

rimination faced and the effectiveness of government measures to combat discrimination. The round-tables will serve both as workshops for the exchange of opinions among government officials, opinion-makers and representatives of the Roma community, as well as a means of disseminating information on government policies in this area.”

A positive aspect of the above programme is that there is cooperation with NGO sector, namely the project mentioned in the above chapter and administered by ERRC and other European NGOs. A potential risk of the project is that its results may not be accepted by the general public nor politicians because the media and other public opinion formers seem to be more or less ignorant of these anti racist efforts.

## **Theoretical framework**

Political theory, mainly in the field of theorising multiculturalism does not intersect with practical political and social solutions. A major task ahead of theorist of public policy is to account for and provide practical solutions for discrepancies between progressive normative prescriptions, formulated both in political philosophy as well as in the body of law, and insufficient mechanisms for their implementation. The gap is even more evident in international law that only offers general principles of conduct of states and sets minimum standards on the protection of minorities, thus leaving concrete measures to the goodwill of national governments (Thornberry 1991, 1998) or provides broad definitions on racial discrimination that are difficult to transcend into de facto racial equality (Tanaka and Nagamine, 2001).

Policy makers should be aware of and follow impact of the academic discourse, based on research in political science, law, and sociology, on the practical activities in the fields of policy-making, law-making, law enforcement and public administration, especially when targeting the Roma. For this purpose it is useful to analyse various models of interethnic relations focusing on theorising of multiculturalism. Charles Taylor (1992) argues that the politics of ethnic recognition can promote participatory citizenship and the search for common good, while Will Kymlicka (1998) maintains that, in some circumstances, group differentiated rights may be required in order to put into operation some basic liberal principles. Critique of the “false” liberal universalism is reflected in some poli-

tical theories of integration that analyse cultural, economic, and political domains of integration (Baubock: in Birch, A. H., 1989, Parekh, 1998).

The complex and contested concept of equal opportunities that assumes shared meaning but in further exploration often proves to be “superficial or erroneous” (Bagihole, 1997, Saunders, 1989) is being complemented by the debate over affirmative action, positive action or special differentiation according to the needs of the targeted groups.

Special focus should be placed on theories and definitions of racism. The critical race theory, one of the recent legal philosophies among US lawyers, understands racism broadly and shows its relation to law: “racism is viewed not only as a matter of individual prejudice and everyday practice, but as a phenomena that is deeply embedded in language and perception. Concepts such as justice, truth and reason are open to questions that reveal their complicity with power. This extraordinary pervasiveness of unconscious racism is often ignored by the legal systems” (Vago, 2000). The exploration of various mechanisms and forms of denial of racism may help to comprehend the complexity of the phenomena in terms of the need for recognition (Cohen, 1995). Recognition of denial and subsequent recognition of racism itself may offer valuable insights if complemented by multidisciplinary approaches to consequences of psychological, cognitive, social psychological, socio-economic, political, and sociological explanations of racism.

An important and complex issue is the interconnectedness between racism and economic interests. Racism should be defined as power relation where the skin colour (or religion, or culture) can play minor role, despite its strong stigmatizing effect, i.e. relation where mainly economic and power interests are at stake.

Definitions of racism range from biological determination to cultural essentialism and social pathology labelling and are abundant in dictionaries and sociology books<sup>21</sup>. I would like to point to the basic distinctions that have practical implications. Apart from the so called “scientific racism of the 19 century” that focuses on the natural hierarchy and can be still found in many academic writings<sup>22</sup>, the most common form is so called

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<sup>21</sup> Eg. Ellis Cashmore, *Dictionary of Race and Ethnic Relations* (London: Routledge, 1996); Kenan Malik, *The Meaning of Race. Race, History and Culture in Western Society* (London: Macmillan, 1996); Mike O'Donnell, *Race and Ethnicity* (New York: Longman, 1991).

<sup>22</sup> E.g. R. Herrnstein, Ch. Murray (1994, 1995) *The Bell Curve* as analysed in Stephen Gould, *The Mismeasure of Man*, 1996.



“common-sense” or “popular” racism based on prejudice and stereotypes either targeted at physically or culturally different groups. The most pervasive and damaging form is that of institutionalised or structural racism. This can be found in most hidden forms: School authorities may believe that minority students who choose to come to mainstream school must adapt to school norms. There is no thought of the school adapting in any fundamental way to the students. Thus, for example well intended “multicultural” education can be perceived as assimilation, including the bridging and enrichment classes that produce coconuts (people with black skin and white insides).<sup>23</sup> Another example is hidden racism in textbooks stereotyping members of certain minority groups or insensitive language. Well researched is institutional racism in police work, housing and employment policies.

In coping with racism, xenophobia and other related forms of intolerance it is necessary to work with a variety of variables at many different levels. Being aware of the reasons and conditions of various forms of racism can help us to plan appropriate policies and work methods.

There are several levels of accounting for racism and its forms, namely:

- psychological,
- cognitive,
- social psychological – intergroup relations,
- structural and institutional.

It is important to note that the multiplicity of racisms is interconnected with other forms of inequalities, based on gender, class/social status, ability, age, sex orientation, etc.<sup>24</sup>

## Conclusion

Design and enforcement of effective mechanisms and instruments against racial discrimination, racism, xenophobia and related forms of intolerance presuppose interdisciplinary analysis, encompassing aspects of interna-

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<sup>23</sup> This expression is very common in the South African context, however it is frequently used also by Roma in the Czech Republic, eg. by Ivan Veselý, president of the Dzeno association.

<sup>24</sup> For details see Thompson, Neil (1993) *Anti-discriminatory Practice*, MacMillan, Thompson, Neil (1998) *Promoting Equality*, MacMillan, or May, Stephen, ed. (1999) *Critical Multiculturalism*, London: Falmer Press. More details also available at <http://www.tolerance.cz/kurzy>

tional politics and international law, as well as analysis of policies preventing racial discrimination from a historical perspective. Local experience and public opinion are under impact of global tendencies and although there are many specifics to the post communist region, practical experience as well as recent research results have shown that racism takes universal forms and therefore the response to it should be more or less universal as well.

## CONTRIBUTION à L'ANALYSE DU KSČM PAR L'APPROCHE FONCTIONNALISTE: LA FONCTION «TRIBUNICIENNE»

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MICHEL PEROTTINO

Comment expliquer la présence d'une formation politique telle qu'un parti communiste dans le cadre pluraliste? C'est apparemment une question qui traverse de nombreux esprits, en particulier en Europe centrale et orientale, notamment en République tchèque. Il semblait que la chute des systèmes de type soviétique devait entraîner à plus ou moins court terme leur disparition, soit par adaptation (mutation plus ou moins formelle en parti social-démocrate) soit par disparition pure et simple, d'autant plus que la nouvelle voie (démocratie pluraliste et économie de marché) semblait s'imposer sans concurrent valable. Pourtant, non seulement le parti communiste tchèque n'a pas disparu, mais au contraire, il semble se renforcer.

La spécificité du mouvement communiste tchèque représenté par le KSČM\* est nette lorsqu'il s'agit d'une comparaison entre les différentes formations anciennement au pouvoir en Europe centrale et orientale. Cette spécificité est encore plus évidente lorsqu'il s'agit de l'aborder sous un angle encore plus large, sous l'angle européen. Il nous faut pourtant dépasser cette première constatation, et tenter d'apporter quelques éclairages nouveaux qui permettraient d'expliquer pourquoi ce parti résiste aussi bien à l'érosion du temps et des idéologies.

Concevoir le parti communiste comme une simple survivance du passé est une erreur qui explique le désarroi qui aujourd'hui traverse une partie de la société tchèque. C'est à ce type de problématique que nous nous

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\* KSČM = Komunistická strana Čech a Moravy (Parti Communiste de Bohême et de Moravie).

proposons d'apporter quelques réflexions en nous appuyant sur la modélisation opérée par le politiste français Georges Lavau, spécialiste du Parti communiste français (PCF).

Etudiant le PCF, Georges Lavau avait dégagé un concept qui nous semble être intéressant à utiliser pour ce qui est de la formation tchèque analogue: la *fonction tribunicienne* du PCF. Nous allons voir d'abord de quoi il s'agit, mais il convient de souligner que notre présente contribution au débat sur le KSČM et sur sa place dans le système politique n'est pas une étude sur la fonction tribunicienne du KSČM. Tout au plus s'agit-il d'une réflexion permettant éventuellement d'élargir les termes du débat actuel, par la présentation d'hypothèses qui nous semblent mériter quelque attention.

Georges Lavau a expliqué sa conception notamment dans un article intitulé « Le Parti communiste dans le système français » paru en 1969<sup>1</sup>. Spécialiste du mouvement communiste en France, cet auteur a beaucoup publié sur cette question, mais ses ouvrages restent peu connus en République tchèque. Il convient tout d'abord de définir ce qu'est cette fonction tribunicienne, en particulier appliquée au PCF. Si cette conceptualisation connaît certaines limites<sup>2</sup>, elle n'en demeure pas moins utile voire nécessaire pour apporter un éclairage nouveau, qui pourrait être appliqué à d'autres expériences.

Le PCF a longtemps constitué un problème d'importance tant pour les analystes politiques, que pour le système politique dans son ensemble. Comment expliquer la présence d'un tel parti politique semblant avoir pour objectif la destruction du système dans lequel il évoluait? Comment un parti communiste, avec ses objectifs et ses moyens propres pouvait être entendu et quelles réponses devaient être données aux problèmes que sa présence posait? C'est surtout après la Seconde guerre mondiale que ces questionnements multiples se sont posés, au regard en particulier de la situation internationale et de la perspective de voir se mettre en place une démocratie populaire à la française. Ce n'est en fait qu'après l'arrivée au pouvoir de François Mitterrand en 1981 que la situation s'est nettement stabilisée, suite à un reflux du poids électoral du PCF. Rappelons par ailleurs que la présence d'un parti communiste fort a longtemps constitué une des explications à la culture politique confrontationnelle supposée de

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<sup>1</sup> «Le Parti communiste dans le système français» in *Le communisme en France*, Cahiers de la Fondation nationale des sciences politiques, Armand Colin 1969, p. 7-73.

<sup>2</sup> Dégagées en particulier par Annie Kriegel.

la France. C'est notamment contre ce type d'idées qu'est apparue la conception d'une fonction tribunicienne.

Situé dans le cadre d'une approche fonctionnaliste, Georges Lavau commençait ses réflexions en expliquant et en définissant tout d'abord comment un parti peut être considéré comme *contribuant* au système politique (l'auteur s'appuie sur la définition du système politique donnée par David Easton). Les partis politiques intervenant dans le cadre d'un système politique peuvent remplir plusieurs fonctions: la fonction de mise en forme des demandes, la fonction de soutien ou d'opposition, la fonction de médiation public-autorités, la fonction de sélection et de contrôle des autorités, la fonction d'élaboration des décisions et des actions et enfin la fonction d'interprète des décisions et des actions. La réalisation de ces différentes fonctions conduit à considérer que le parti observé *contribue à la persistance et à l'adaptation du système politique*. Un parti qui ne réalise pas ces fonctions fait partie du système mais son apport est négatif, il affaiblit éventuellement le système et il peut mener à sa destruction.

Au delà du principe de la contribution, Georges Lavau s'est appuyé sur les travaux de Theodore Lowi qui distinguait deux types de partis, une dichotomie fondée sur les fonctions latentes (constituante et programmatique) que remplissent les partis politiques. Le politiste français s'en est inspiré pour la compléter par la fonction tribunicienne. Il distingua ainsi trois fonctions des partis politiques: la fonction de légitimation et de stabilisation, la fonction de relève politique et enfin la fonction tribunicienne.

Georges Lavau définissait cette dernière comme étant la fonction qui consiste à «organiser et à défendre des catégories sociales plébéiennes ... et à leur donner un sentiment de force et de confiance»<sup>3</sup>. Le renvoi aux fonctions et aux pratiques du tribun de la plèbe sous la République romaine est une idée riche en ce qu'elle peut nous permettre de comprendre certains phénomènes autrement difficiles à saisir. La notion de plèbe est assez éloquente, et elle permet d'éviter d'utiliser un vocabulaire trop usé à force d'être politisé ou trop restreint (classe sociale, prolétariat, etc.). Chez Georges Lavau ces «catégories sociales plébéiennes» sont des catégories sociales «exclues ou se sentant exclues des processus de participation au système politique, comme d'ailleurs du bénéfice du système économique et du système culturel»<sup>4</sup>. Sans doute touchons nous ici un

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<sup>3</sup> Ibid. p 18.

<sup>4</sup> Ibidem.

problème complexe, celui des représentations qu'ont d'eux mêmes et de ceux qu'ils considèrent comme étant leur porte parole lesdites catégories sociales. Car au delà des activités de ce type de parti (programme et action), ce qui importe véritablement, c'est l'image qu'en ont ces catégories plébéiennes, le sentiment d'être représentées de manière efficace (de la manière la plus efficace).

En pratique, la défense des catégories sociales «plébéiennes» implique un programme politique, un discours et une action tournés vers des thèmes pouvant paraître démagogiques tant ils sont en contradiction avec le «réalisme» ou le «pragmatisme» gouvernemental. C'est justement en cela que la fonction prend toute son importance: aucun autre parti politique, parce qu'il a en perspective réelle de participer au gouvernement, ne peut jouer dans ce registre (indépendamment d'autres intérêts). Cette défense des exclus, cette protection des faibles, et surtout le sentiment de ceux-ci d'être représentés (d'être enfin représentés) constitue la base même de la fonction tribunicienne. Cela implique qu'un parti réalisant cette fonction n'existe qu'autant qu'existe une demande, un besoin. Ce besoin est celui de la «Plèbe», mais celle-ci peut mettre en œuvre d'autres modes d'action, y compris la violence. Aussi, l'autre élément qui a besoin de ce type de parti, c'est la société dans son ensemble, et surtout le système politique, qui ne réussit pas à résoudre ses contradictions internes. En outre, il faut également souligner que cette fonction, et les effets qu'elle induit, ne peuvent se réaliser que dans un certain cadre. En fait, il s'agit d'une fonction conditionnée.

Pour que cette fonction soit réalisable, encore faut-il que soient remplies trois conditions préalables. La première condition est celle de l'existence de «groupes sociaux suffisamment importants et homogènes, mal intégrés à la fois au système social, au système culturel et au système politique, placés en position d'infériorité permanente par rapport aux mécanismes d'accès à la représentation politique.» Ensuite, il faut que le système politique dans lequel ce parti intervient reconnaisse ou au moins tolère ce type de fonction. Enfin, ces groupes sociaux en position d'infériorité doivent avoir la volonté de se défendre sans pour autant tendre vers des activités de type révolutionnaire.

On évite ainsi la prise en compte de groupuscules qui ont une autre dimension et une autre légitimité. D'autre part est soulignée la possibilité d'une opposition et sa reconnaissance par les institutions, même s'il ne s'agit que d'une reconnaissance en «négalif» par l'absence d'interdiction. Ce n'est qu'autant que ces quelques points sont respectés qu'il est possible de

parler d'un parti réalisant une fonction tribunicienne. Mais il faut préciser que cette fonction ne se réalise de manière exclusive à d'autres fonctions.

Pour ce qui est de la fonction de légitimation, Georges Lavau précisait qu' «on peut émettre l'hypothèse qu'en fait le parti communiste a capté, régularisé et socialisé cette marge de protestataires divagants qui existe dans toute société.

Ne serait-ce que par-là, en politisant une protestation instable et en ordonnant une violence latente, il exerce une fonction de légitimation et de stabilisation du système politique». Cette réflexion s'appuyait cependant sur l'ambiguïté de la position du PCF. En pratique, selon Lavau, cela se traduisait d'une part par l'effacement de la double allégeance nationale-internationale au profit de la première (c'est sans doute encore plus vrai aujourd'hui). D'autre part il soulignait que le parti distinguait assez nettement entre le régime politique d'un côté<sup>5</sup> et le régime économique et social. Ce phénomène prend une dimension particulièrement forte sur le plan local. Enfin, pour ce qui est de la légitimité que le parti communiste reconnaissait aux «autorités»<sup>6</sup>, la situation était évolutive, marquée par la prudence du parti et par ses objectifs stratégiques ou simplement tactiques.

La dernière fonction dite de «relève politique» renvoi en particulier à la programmation du parti<sup>7</sup>. Force est alors de constater que la fonction tribunicienne conduit le parti à choisir «attentivement les injustices qui sont électoralement exploitables». Sur ce plan, le parti s'avère également très souvent figé.

La fonction tribunicienne n'est pas forcément une fonction dévolue au PCF. En effet, selon Georges Lavau, un parti non communiste peut être amené à l'exercer. Inversement, tout parti communiste ne remplit pas forcément cette fonction tribunicienne. Il faut donc confronter la théorie de la fonction tribunicienne à la pratique. Georges Lavau se défendait de manière préalable face à une accusation éventuelle d'une catégorisation limitée de fait au PCF (qui plus est à certaines époques seulement).

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<sup>5</sup> Le parti, disait-il, «semble, comme bien d'autres partis politiques, adhérer à un noyau de normes politiques qui constituent le dénominateur commun de toutes les démocraties occidentales modernes.» Ibid. p 49.

<sup>6</sup> C'est-à-dire dans l'approche de Lavau les «occupants des rôles gouvernementaux, les dirigeants des grands appareils politiques, les hauts fonctionnaires... les dirigeants de la classe bourgeoise capitaliste, les monopoles.»

<sup>7</sup> Voir notre article : «Un visage pratique du 'néocommunisme tchèque': la propagande électorale du Parti communiste de Bohême et de Moravie depuis 1990», in *Revue d'Études Comparatives Est-Ouest* 2000/3, pp. 43-68.

Conséquence des conditions que nous avons mentionné plus haut, c'est sans doute plus la théorie marxiste-léniniste du parti<sup>8</sup> qui risque de faire sortir le parti de cette fonction tribunicienne. C'est la sortie effective en pratique de ce modèle du parti révolutionnaire qui autorise le classement du parti communiste parmi les partis réalisant cette fonction tribunicienne. Notons que cette sortie du modèle léniniste peut être récusée par les communistes. D'autre part un parti communiste (notamment le PCF) est marqué par des évolutions qui peuvent le faire s'éloigner plus ou moins du modèle original ou souhaité.

Selon Georges Lavau, la fonction tribunicienne «constitue quand même, par essence, une sorte de correctif à l'incapacité d'exercer le pouvoir». Or le parti aspire à participer du pouvoir, et ses efforts pour aller dans ce sens sont notables. Cette volonté ne s'est pourtant réalisée qu'après l'arrivée au pouvoir du candidat de la gauche unie, François Mitterrand en 1981 (à l'exception de quelques mois après la guerre jusqu'en 1947). L'expérience a été rééditée après les élections législatives anticipées de 1997. La chute électorale du PCF, phénomène complexe, trahit également ces contradictions dans les logiques d'action du PCF. L'arrivée au pouvoir, fut-ce un passage assez bref, combinée très certainement avec d'autres phénomènes (peut-être l'usure même de la fonction) conduit à une atténuation de cette fonction. Ce que l'on pourrait appeler la «responsabilisation» de l'activité du parti (les concessions consenties pour accéder au pouvoir et pour y rester) conduit à rendre la réalisation de la fonction tribunicienne difficile. D'où peut-être le transfert actuel de celle-ci vers des groupements concurrents (Lutte ouvrière et Ligue communiste révolutionnaire).

La valeur heuristique du concept défini par Georges Lavau reste particulièrement forte, notamment lorsqu'elle est combinée aux deux autres fonctions dégagées par cet auteur. La conception du *politiste* français a été critiquée, en particulier par une des meilleures spécialistes du communisme français, Annie Kriegel, mais elle a aussi été évoquée par des chercheurs à propos du cas tchèque<sup>9</sup>. Il convient d'essayer de l'utiliser à propos d'autres formations supposées similaires ou proches. Il nous semble que justement il serait intéressant de l'employer à propos du KSČM.

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<sup>8</sup> Notamment telle qu'elle a été développée par Lénine dans son ouvrage *Que faire?*

<sup>9</sup> En particulier par Georges Mink, puis par Jacques Rupnik et Catherine Perron. Nous même avons évoqué cette hypothèse dans notre thèse de doctorat.



Comme dans tous les cas de reprise d'un modèle théorique, il convient d'être prudent lors de son adaptation à une réalité autre que celle prévue à l'origine. Si Georges Lavau n'a jamais limité son modèle au PCF, d'un autre côté, le parti à propos duquel Georges Lavau parlait était un parti inséré dans un environnement particulier (système pluraliste combiné avec les effets de la guerre froide).

Le développement historique des deux formations dont il est question ici est, par la force des choses, nettement distinct, même si existent des points communs non négligeables. Si, comme le soulignait Georges Lavau, le PCF disposait en son temps, même face à l'URSS, d'une position privilégiée, le KSČ était lui aussi dans une situation nettement différente de celle des autres partis communistes d'Europe centrale et orientale, voire même de l'Europe entière. D'ailleurs l'évolution de la Tchécoslovaquie fut fortement tributaire, dans l'immédiat après-guerre, de cette situation. Mais le parti auquel nous nous intéressons n'est pas le KSČ.

La principale interrogation qui vient à l'esprit quant à la reprise du modèle tribunicien porte sur les quarante années de système de type soviétique et sur la nature du Parti communiste tchèque avant et après 1989. Sa position hégémonique a profondément modifié les données du débat dans lequel nous nous plaçons. Peut-on comparer le KSČM ex-parti gouvernant avec le PCF des années 60 et 70 par le biais de cette théorie? Pour répondre à cette question, il convient de s'interroger sur les prémisses théoriques du modèle, sur les caractéristiques premières et fondamentales

Pourquoi exclure le KSČM du champs d'application de la théorie de Georges Lavau? On peut tout d'abord relever l'important problème que posent ces quarante années de pouvoir et la continuité existant entre l'ex-parti dirigeant, le KSČ et le KSČM actuel. D'autre part, cette continuité conduit-elle inexorablement à exclure le KSČM du champs opératoire de la théorie de Georges Lavau? Il nous semble que si les pouvoirs publics tchèques ne l'ont pas interdit, ils ont par la même occasion entériné sa normalité (nonobstant toutes les velléités d'interdiction).

Aborder la question du communisme tchèque sous le seul angle de son évolution idéologique, sans prendre en compte en particulier son implantation locale fournit une image partielle, pour ne pas dire déformée, d'une situation pourtant assez complexe. Il ne faut pas oublier que le KSČM, outre sa participation évidente (même si elle est a priori rejetée) et ses apports éventuels au système politique (sa «contribu-

tion»), est également un produit du milieu dans lequel il évolue. Ses efforts pour unifier la «gauche» contribuent autant à la formation du système politique tchèque et de la culture politique tchèque que les échecs consécutifs de cette volonté contribuent à l'évolution interne de ce mouvement.

Peut-on estimer, pour paraphraser Georges Lavau, que *«progressivement et en dépit de ses intentions profondes comme de ses calculs tactiques, le résultat net des actions et des attitudes du KSČM a été finalement d'apporter une contribution d'une nature particulière au fonctionnement du système politique tchèque»*?

Pour commencer, il faut tout d'abord faire quelques constats: l'époque n'est plus la même, il n'y a plus de camp socialiste, la révolution elle-même est devenue plus qu'improbable, même pour le KSČM. En d'autres termes, le KSČM est un parti «réformiste» et non plus révolutionnaire. Une dimension de la problématique telle qu'elle était perçue en France dans les années 60 et 70 n'existe plus.

Par ailleurs, et c'est là que nous revenons à la difficulté liée à l'exercice du pouvoir, c'est moins le caractère monopoliste de ce pouvoir que le simple fait d'avoir participé au pouvoir qui met en cause la possibilité d'employer la théorie de la fonction tribunicienne à propos du KSČM.

Aujourd'hui, nous savons ce qui s'est passé dans cette séquence historique et même dans la suivante. Le déclin du PCF semble aujourd'hui consommé. Mais ce n'est pas ce qui nous intéresse. Ce qu'il faut retenir ici, c'est l'usure du pouvoir. Certes, les électeurs tchèques peuvent imaginer encore aujourd'hui que le KSČM est un parti représentant une certaine forme d'alternance. Néanmoins, il ne peut comme le faisait le PCF brandir le drapeau de la révolution et s'inspirer du modèle soviétique.

Pour appliquer la théorie de Georges Lavau, il convient de prêter l'attention sur quelques problèmes:

1. est-ce que le KSČM défend les intérêts d'une «plèbe» ou, si l'on préfère des couches sociales défavorisées? Ces couches existent-elles? Dans quelle mesure le KSČM défend leurs intérêts et dans quelle mesure ces couches sociales défavorisées considèrent-elles le KSČM comme leur représentant? Pour partie, ces interrogations relèvent de l'analyse sociologique. D'ailleurs, il est notable de voir que le KSČM ne défend pas n'importe quelle catégorie sociale défavorisée en tant que telle.
2. la principale critique à laquelle se trouva confronté Georges Lavau fut celle qui prenait appui sur le caractère révolutionnaire du PCF, sur le

fait qu'il ne remplissait la «fonction tribunicienne» que d'une manière en quelque sorte accessoire. Ce fait est peut-être moins net à propos du KSČM parce qu'il n'a plus d'autre alternative idéale.

3. on pourrait imaginer qu'il faut, pour que cette fonction tribunicienne soit réalisée, un projet d'ensemble, la défense des exclus ne suffit pas à elle seule. Il faut que soit présente une autre dimension, il faut qu'existe un projet qui donne à cette masse une alternative, qui lui donne un espoir. Quel est le projet pour ce qui est du KSČM aujourd'hui? Dans le cas du PCF, la référence au modèle soviétique, aux pays dans lesquels le socialisme était déjà chose réelle, peut être considérée comme ce projet positif qui lui permettait de venir étayer sa critique de la société française. Peut-on supposer que le KSČM, successeur évident du KSČ qui a échoué dans la réalisation de son projet, puisse aujourd'hui reconstruire un contre-modèle au système actuel crédible?

Sur le plan strictement «matériel», la notion de «socialisme démocratique» constitue à elle seule une catégorie et un projet suffisamment vaste pour remplir ce rôle. En d'autre terme, la boîte à outils conceptuels et idéologiques des communistes tchèques est assez bien équipée pour opérer ce type de réorientation. Le problème est moins celui de découvrir cette alternative<sup>10</sup> que de voir comment s'opère cette relégitimation du discours communiste après l'échec de ce que certains d'entre eux appellent «protosocialisme». Pour caricaturer, les communistes affirment qu'effectivement, ce premier modèle était imparfait, qu'il s'agit d'une tragédie dont le KSČM est conscient, mais que tout le monde fait des erreurs. La suite devient logique: fort de ces erreurs, le projet actuel n'en est que meilleur. Ce qui est intéressant, c'est qu'il y a en République tchèque une dimension qui ne pouvait être présente en France dans les années 60 et 70, ce sont justement ces quarante années de socialisme et surtout l'interprétation que s'en font, ou peuvent s'en faire, les exclus d'aujourd'hui. En effet, le projet communiste actuel est fondé sur une réalité: il n'est plus nécessairement besoin de se projeter dans l'avenir. Autrement dit, pour une partie de l'électorat du KSČM cette réalité passée constitue l'élément déterminant de leur choix politique.

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<sup>10</sup> Cette alternative n'a pas besoin d'être réaliste, comme la révolution et le communisme en France ne l'étaient pas à l'époque des succès du PCF. Peu importe si le projet et les programmes électoraux par exemples qui en sont tirés ne sont portés pas de solution concrète véritable (ce qui fait qu'une fois arrivé au pouvoir, le PCF n'a pas rempli son programme).

Cependant, il convient de souligner que les communistes affirment ne pas vouloir un retour au *statu quo ante*. Ils se légitiment au contraire par l'acceptation clamée haut et fort du pluralisme et même de certains mécanismes de l'économie de marché.

Le KSČM porte en lui le germe de la réalisation de la fonction tribunicienne. Peut-être même plus encore que le PCF à son époque parce qu'il est moins lié par des impératifs d'ordre internationaux. Il ne s'agit pour l'instant que d'une éventualité parce que ni le KSČM n'a pas encore fini sa mutation. D'ailleurs, il reste également à démontrer que le KSČ a, durant la Première république, réalisé cette fonction (Jacques Rupnik n'y répond pas dans son étude<sup>11</sup>). Lorsque Georges Lavau étudiait le PCF, il avait à sa disposition plusieurs dizaines d'années d'existence de ce parti dans le cadre pluraliste français. Aujourd'hui nous ne pouvons utiliser que les dix dernières années pour évaluer la réalisation de la fonction tribunicienne du KSČM, en plus une période d'instabilité très forte tant en personnel politique qu'en orientation idéologique.

Le PCF désirait faire la révolution et la contrôler, aujourd'hui le KSČM veut revenir au pouvoir, fut-ce un pouvoir partagé dans le cadre actuel du pluralisme politique. Le KSČM, même s'il défend ou affirme défendre les exclus de la transformation ne s'entend «que» comme un parti de gouvernement. C'est ici que les critiques de l'application de la théorie de Lavau au KSČM peuvent avoir raison: non pas pour des raisons morales, mais pour des raisons de logique de l'action politique des communistes tchèques. Contrairement à leurs homologues français, les communistes tchèques ont ce que l'ont pourrait appeler une culture de gouvernement.

Enfin, pour qu'il y ait fonction tribunicienne d'un parti politique, il faut réunir trois «ingrédients», l'un d'entre eux est l'existence d'un parti politique qui pourrait l'endosser, le second est le fonctionnement correct d'un système politique pluraliste. Le troisième élément, celui dont je ne suis pas certain qu'il soit pleinement réalisé, est l'existence d'une catégorie d'individus, cette «plèbe». Car si l'on s'attache aux catégories sociales que le KSČM s'attache à attirer, on constatera que les communistes promettent le salut à tout le monde parce que tout le monde ou presque, dans leur conception de la transformation, peut être ou est un laissé pour compte.

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<sup>11</sup> RUPNIK Jacques (1981): *Histoire du Parti communiste tchécoslovaque*, Paris: Presses de la Fondation Nationale des Sciences Politiques.

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## MILAN HODŽA IN THE OFFICE OF CZECHOSLOVAK FOREIGN MINISTER

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RADKA NÁJEMNÍKOVÁ-ČERMÁKOVÁ

Presidential election of 18 December 1935 ceased the disputes among political parties over Masaryk's successor. The new president appointed Milan Hodža the Prime Minister and entrusted him with the post of the Foreign Minister at the same time. This fulfilled Hodža's forepassed ambition of entering the Černín palace. He was the second after Beneš in the history of the Czechoslovak Republic to perform both these demanding functions simultaneously. But administering the Foreign Office and the government at the same time was possible only for a limited period of time. This was because political power was cumulating in hands of one person and in case of Hodža in hands of a member of agrarian party where there was a threat of being flooded with both internal and external problems.

Hodža considered himself as the only competent Czechoslovak politician having the right of the Foreign Office. His experience from Hungarian politics and mainly his negotiations with Frantz Ferdinand d'Este just contributed to that. In Hungarian parliament he pushed forward the interests of Slovak peasants but he didn't own any land himself and he came from the environment of Slovak conscious educated class. He called himself "grandseigneur in a smock". After the establishment of the republic he brought into the Czech environment, which unlike the Slovak one kept it's peculiarity within the monarchy, "the spirit of Hungarian aristocratic gentrism manners, parlour and vigorous, bon vivant and frivolous with high-society style though with Byzantine-Balkans

patina”.<sup>1</sup> Among the Slovak politicians he occupied the top position and so he demanded an appropriate office in the government. These circumstances influenced his struggle for the position of the Foreign Minister that he was allowed to perform for a limited period of time only after E. Beneš had been elected the president of Czechoslovak Republic.<sup>2</sup>

On account of both his functions Hodža strived for realization of the Central European plan connected with his name. The initial concept of Hodža’s plan appeared only after World War I and associated 11 European countries, “where 73 of 111 million inhabitants came under agriculture”.<sup>3</sup> Corporate organization of CSR, Yugoslavia, Romania, Poland, Austria, Hungary, Bulgaria, Greece, and three Baltic countries, required, for diversity of their interests, longer and more detailed preparation. Shorter, and from Central European point of view more important, Hodža saw economic and political co-operation of the Danubian countries divided into two blocs: the countries of the Little Entente and countries of the so called Roman protocols. Their different external orientation in the thirties was the reason why economic and business collaboration was supposed to precede political agreement. In the economic area of the plan Hodža aimed for placement of the surplus of cereal of the Danubian countries onto the markets of Western Europe and mainly England. This was “not only because the whole west European capital has its claims in the Danubian countries, that can be paid mainly and above all by cereal, livestock and oils, and thus there is an interest in their solvency; just London can be interested in consumption of these items because it wants Central Europe to keep on being the consumer of English industry and to eliminate its existing troubles on our market.”<sup>4</sup> Because of bigger consumption of cereal from the Danubian countries Hodža demanded that Europe should lower the import from overseas, mainly from Canada. This step would increase purchase power and solvency of the Danubian countries, from which west European financial interests would benefit. For sale of agricultural products Hodža came up with establishment of central agrarian office in Vienna that would simplify the sale of cereal overflows.

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<sup>1</sup> Klimek A., *Boj o Hrad*, Praha 1996, page 367.

<sup>2</sup> Hodža knew that it was out of the question that he could become the Foreign Minister during the presidency of T. G. Masaryk. Archive of T. G. Masaryk and E. Beneš, Mnichov, cat. no. 259, Prof. Eisenmann’s inscription with minister Hodža, 28 January 1928

<sup>3</sup> Archive of the Foreign Office, Krofta’s archive, cat. no. 5, file: Business and political matters.

<sup>4</sup> Mareček K., *Šťastnější střední Evropa v Hodžově plánu*, Praha 1938, page. 22.



After prosperous solving of the economic part of the plan political combinations shaped up among countries of the Little Entente and countries of the Roman Protocols by means of concluding bilateral agreements on non-aggression and non-interfering in internal affairs of other countries. On the grounds of middle-European agreement these countries were to approach negotiations with Germany in the form of a bloc. Hodža saw facilitation of this idea in the actual organization of Central Europe, which for him represented a formation “with its own constitutive history, similar, sometimes even the same directives of social development with the same problems of national reunification and national minorities and with the same civilizational function between the West and the East ...”, which must prepare for every possible development of Russia, not to fetch up one day between Germany and Russia “just as between two grinding millstones.”<sup>5</sup>

For probing in the way of enforcement of his plan within individual countries of Central Europe, Hodža took advantage of a journey of the Austrian chancellor to Prague on 17 January 1936. Negotiations with Schuschnigg had only been prepared by dr. Beneš as the Foreign minister in September 1935 in Geneva, in connection with negotiation of the Danubian pact. Collective negotiations were to concern the conclusion of the agreements on mutual support and matters of liquidation of military clauses within the peace treaties with Hungary and Austria. The Foreign Office stated in this issue: “it was about facing unilateral convergence of Austria and Italy as well as facing all attempts of the Hapsburgs’ comeback. No particular negotiations are being prepared. There are to be only talks that should prepare ground for negotiating both our business agreement and Austrian closer approach to the Little Entente in the spirit of Bled resolutions.”<sup>6</sup> Schuschnigg’s journey was delayed because of the election of the new Czechoslovak president and thus it took place in the exact time when Hodža began probing the conditions of putting through his plan within the countries of the Little Entente and countries of the Roman bloc.

According to the official communiqué Schuschnigg came to Prague invited by a Club of German industrialists to the lecture on economic-political topic but as he later admitted “the lecture was only a cover for very special, more far-reaching purpose”.<sup>7</sup> The Czechoslovak side showed its

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<sup>5</sup> Hodža M., Články, řeči, štúdie, IV, Praha 1931, page 405.

<sup>6</sup> Archive of the Foreign Office, Telegrams sent 1936, no. 7+8/36.

<sup>7</sup> Schuschnigg von K., Requiem v červeno-bílo-červené, Praha 1947, page. 289.

willingness not only to economic but also to political co-operation with the country of Roman bloc. The first phase of Central European plan was to begin with clearing some of the disputable points between both countries. Hodža suggested the Austrian chancellor that “the political and economic problems should be negotiated *pari passu*”.<sup>8</sup> Both sides agreed on extension of the arbitrational agreement of 1926, on extending it with the agreement that would emphasize friendly relations between both countries and on concluding cultural convention. In political matters it was spoken about collective security when Hodža highlighted that “he looks upon organization of any cooperation with Austria from the point of view of the countries of the Little Entente”.<sup>9</sup> On the other hand Schuschnigg dissociated from Hungarian revisionism and offered himself as a negotiator between Prague and Budapest expecting Prague’s offer to improve the relations between Vienna and Belgrade. “In Prague they were determined and ready to perform completely realistic politics. They would have gladly used good services of Vienna to relieve the tension towards Hungary and on the other hand they were pliable to mediate between Vienna and Belgrad.”<sup>10</sup> Negotiations with Austrian chancellor concerned, except for these topics, also the problem of the restoration of the Hapsburgs, which was, from the point of view of the countries of the Little Entente, a priority for Czechoslovak representatives. Schuschnigg cautiously stated that this was not topical at the time but strongly excluded another point from the negotiations, which was Starhemberg’s regency. The following topics of the negotiations concerned protection of Austrian economic interests and Austrian emigration into Czechoslovak Republic.

Within the negotiations with the Prime Minister and the President, Schuschnigg concentrated on economic problems and avoided political questions. He showed that Austria was not interested in anti-German block and even Hodža’s assuring that he was “far from doing anything that was to be arrayed against Germany”<sup>11</sup> didn’t help. The Austrian chancellor also pointed out his obligations to the countries of the Roman bloc. Conflicts appeared among individual members of this bloc as well as in the

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<sup>8</sup> Archive of the Foreign Office, safe files d.II/1 1936, cat. no. 18, no. 8889.

<sup>9</sup> The same location.

<sup>10</sup> Schuschnigg von K., *Requiem ...*, page 291–292.

<sup>11</sup> Jančík D., *Německo a Malá dohoda, Hospodářské pronikání Německa do Jugoslávie a Rumunska v první polovině třicátých let*, Praha 1990, page 76.

Little Entente. The reasons were economic disputes resulting from the forced Austrian consumption of Hungarian agricultural crops.

January negotiation with Austrian chancellor presented the first earnest try to break through to Roman bloc. Hodža's project of collaboration in the Danube basin could meet its purpose only in case that western powers, France and Great Britain, would be politically interested. That was the reason of Hodža's trip to Paris 9–14 February 1936. His presence at Masaryk's celebration at Sorbonne, organized by the Committee for European Co-operation was taken for the reason of the visit. His journey to France was planned in the most opportune time. Exactly on the turn of January and February 1936 some of the participants of the funeral of the British king George V occurred in Paris: Romanian king Carol with Foreign Minister Titulescu, Bulgarian king Boris, prince Pavel Litvinov, duke Starhemberg and Turkish Foreign Minister Rustu Aras. Therefore Hodža could immediately meet Titulescu on 9 February at function at the Czechoslovak ambassador in Paris. Only on the following days Hodža visited the representatives of the French government and informed them about his project of the Central European plan. After the talks with Foreign Minister Flandin he reported to the press: "I am happy to be able to state complete unity of opinions on political situation in Central Europe concerning also the most delicate details." Flandin himself expressed his opinion of the dialogue quite briefly: "I had an hour's dialogue with Mr. Hodža and Mr. Osuský. We were talking mainly about my last week's dialogues and about organization of collective security in Central Europe."<sup>12</sup> In this interview Flandin insinuated that France took advantage of the presence of Romanian king and Titulescu to discuss, shortly after completion of French-Romanian business agreement, the question of restoration of the Hapsburgs, organization of collective security in Europe and economic co-operation in the Danube basin. The negotiations of the French president and members of the cabinet with the Czechoslovak Prime Minister also concerned these topics. He expressed his opinion of his Paris journey: "In Paris I got the approbation to the negotiations about the economic and customs agreement in Central Europe based on the following preconditions: organic rapprochement of the systems of the Little Entente with the Roman bloc, no increase in customs duties and/or pro-

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<sup>12</sup> Archive of the Foreign Office, Political news Paris 1936, no. 107.

portional arrangement of the preferences and the quotes, possibly relieves in payment contact.”<sup>13</sup>

Despite all his enthusiastic words addressing the press Hodža couldn't be satisfied with the results of his visit to France. He considered France and Great Britain as a linchpin of his plan and he suddenly recognized that none of the states is already prepared for wide-ranging purchase of the cereal surplus of the Danubian countries. On one hand Great Britain reflected well to Hodža's visit to France but on the other it was more sceptical and pessimistic about his visit to Belgrade. Great Britain didn't believe that Hodža would succeed in getting the approval of the Yugoslavian representatives to his plan. In the same way as Yugoslavia England also had an interest in co-operation with Germany and for its foreign markets trading with Germany was more important than with the Danubian countries. It was proven by Frank T. A. Asthon-Gwatkin's memorandum of 1 January 1936 in which it was emphasized that the region of Central Europe has got little importance for the British trade “whilst the trade with prospering Germany is of great importance to us”<sup>14</sup>.

For Yugoslavia and Romania it was also favourable to trade with Germany that took advantage of the oppressive situation of both countries in the period of anti-Italian sanctions and increased its export into these countries.<sup>15</sup> The Third Reich took away their agrarian surplus and supplied the countries with industrial commodities and military material. The threat of closure of the German market influenced the attitude of Yugoslavian and Romanian governments to questions of external politics. The report of the Czechoslovak ambassador in Belgrade according to whom Schacht threatened the governor of the Yugoslavian National Bank Radosavljevič gives the evidence of German economic extortion of Yugoslavia: “If you don't give the construction of Zenice to German firms we won't

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<sup>13</sup> Archive of the Foreign Office, Telegrams sent 1936, no. 100–134. Krofta's archive, cat. no. 13, undated.

<sup>14</sup> Jančík D., *Německo a Malá dohoda*, page 78.

<sup>15</sup> While in 1934 the value of German export into the Danubian was 378 mil. RM (former German currency) in 1935 it was 402 mil. RM and in 1936 it was already 512 mil. RM. On the other hand the French export to Austria, Hungary, Romania, Czechoslovakia and Yugoslavia decreased from 553 mil. Fr. in 1934 to 457,7 mil. Fr. in 1935. Owing to devaluation of the currency in 1936 the export slightly increased to 565 mil. Fr., but even this value couldn't hide French economic loss in this area. The numbers are taken from Archive of the Ministry of Agriculture, cat. no. 163, statistical data about foreign trade of the Danubian countries.

pay the debts and will stop consuming your agricultural products.”<sup>16</sup> This is how Yugoslavia was tied down, at first economically and gradually also politically, with the interests of the Third Reich. Germany thus slowly pushed a wedge into the allied system of the three Danubian countries under the protection of France. Belgrade’s worry of Beneš’s and Titulescu’s “pro-Soviet” orientation and the discrepancies between Yugoslavian Prime Minister and Romanian Foreign Minister, that were interpreted abroad as a disunity in the external politics of the Little Entente and its incipient disintegration contributed to that. Titulescu complained about Stojadinovič that “during his reign it is impossible to perform the Little Entente politics with Yugoslavia because he is sold out to Germany”<sup>17</sup> and on the contrary Stojadinovič lamented, how difficult it was to collaborate with Titulescu who “holds talks in London on his own on behalf of the Little and the Balkan Entente without regarding it as a need to even consult with Stojadinovič on the telephone”.<sup>18</sup> Mutual grudge between both representatives of the Little Entente played into hand of German aspirations for subordinating besides the economy also the politics of the countries.

German influence on Yugoslavia affected also Hodža’s journey to Belgrade. The Secretary of State in Reich’s Foreign Office von Bülow gave on 13 February 1936 to the German embassy the instructions to intervene at Stojadinovič against accepting Hodža’s plan. He quickly understood the diplomatically chosen words and two days later his reassurance came to Berlin that “he does not want to do anything Germany wouldn’t like”, and that his government strived to secure mutual economic contacts even more.<sup>19</sup> Thus Germany secured in advance Yugoslavian access to Hodža’s plan whose realization was to begin with Czechoslovak-Austrian convergence. Schuschnigg’s journey to Prague provoked objections in Belgrade relating to the change of Czechoslovak foreign politics which, when negotiating with Austria, didn’t take Yugoslavian interests into account. The attitude of Belgrade was confirmed by the report of the Czechoslovak ambassador in Yugoslavia: “... in Yugoslavian governmental and economical circles is still, despite explanations, mistrust in the possible co-

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<sup>16</sup> Archive of the Foreign Office, Political news Belgrade 1936, no. 173.

<sup>17</sup> Archive of T. G. Masaryk and E. Beneš, The Little Entente 202, cat. no. 4. The record of a meeting of Geneva representatives of the Little and Balkan Entente at minister Titulescu, 11 March 1936.

<sup>18</sup> Archive of the Foreign Office, Political news Belgrade 1936, no. 534.

<sup>19</sup> Jančík D., Německo a Malá dohoda, cat. no. 116.

operation with Austria ...The opinion prevails that it is not the point of interest of Yugoslavia to help Austria to get out of its stifling situation into which it got because of its previous politics with Italy.”<sup>20</sup> The restoration of the Hapsburgs was imminent danger for Yugoslavia from the Austrian side and without solving this problem they were not willing to approach mutual understanding. That’s why they also looked with suspicion to Hodža’s initiative in the Danube basin. Hodža’s party membership also caused doubts. Many political and economic officials preferred him as one of the leading representatives of the Czechoslovak agrarian party that was in Yugoslavia taken for the main obstacle to unlimited Yugoslavian export of agricultural production into Czechoslovakia. In a private interview on 10 February 1936, the Yugoslavian ambassador in Paris Purič expressed himself sceptically about accepting Hodža’s plan by his government: “He cannot manage anything with his Central European plan because he belongs to the agrarians who have so far spoiled by their protectionism all commercial exchange in Central Europe.”<sup>21</sup> He also showed disapproving attitude to establishing the Central-European Cereal Institute and saw a difficulty in the impossibility of selling the agricultural surplus stores. Despite the fact that he expressed only his own opinion he represented a certain group of Yugoslavian governmental circles which knew why Hodža couldn’t find any support for his plan in Belgrade.

Under this situation Hodža’s visit to Yugoslavia took place between 22 and 24 February 1936. The aim of his journey was to reduce the mistrust of Yugoslavian governmental circles in foreign politics of Czechoslovakia awakened by the January meeting of the Czechoslovak Prime Minister and the President with the Austrian chancellor. Despite officially proclaimed unity of Hodža’s and Stojadinovič’s opinions and despite the grandiose welcome of Hodža as a former member of Hungarian Congress for Kulpín electoral district, the journey didn’t meet its aim which was Belgrade’s accepting the plan. He reached admittedly the postponement of the Polish Foreign Minister Beck’s coming to Yugoslavia but that was little of his expected results. In the economic questions both sides only interchanged their views whereas in political evaluation of the internatio-

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<sup>20</sup> Archive of the Foreign Office, Safe files dept II/1 1936, cat. no. 18, no. 23798, Yugoslavia – collaboration with Austria. Krofta’s archive cat. no. 13, the Belgrade embassy to the foreign ministry, 8 February 1936, Girska informes before Hodža’s visit to Yugoslavia, secret.

<sup>21</sup> Archives of the Foreign Office, Krofta’s archive cat. no. 13, Paris 11 February 1936.

nal situation the opinions of both of the Little Entente partners completely differed. The Czechoslovak ambassador Girsá later defined it: "In all official external questions a unity prevails between Yugoslavia and Czechoslovakia but oral version of each of these questions adds some kind of "but" that characterizes suspicion."<sup>22</sup> The German Ambassador in Belgrade von Heeren could thus, after Hodža's visit to Yugoslavia, report to Berlin that "the Czechoslovak Prime Minister did not succeed in winning his Yugoslavian colleagues over for such a dilettantish plan such as the idea of economic unification of the Danubian countries with the exclusion of Germany."<sup>23</sup>

Hodža made his Yugoslavian journey shortly before the opening of the third session of the Economic board of the Little Entente, which took place at the beginning of March in Prague. He wanted to show his plan, officially ratified by the Yugoslavian government, to Yugoslavian and Romanian delegation of economists. This intent did not succeed and the Czechoslovak Prime Minister preferred solving the economic problems of the Central-European countries earlier. Both delegations, however, were not willing to separate the economic question from the political one and did not concern the year 1936 to be a reasonable time for developing the economic plan of collaboration between the Roman bloc and the Little Entente. The only possible solution of the collaboration of the Danubian countries was seen in creation of a preferential bloc led by Germany, "because only Germany provides the Balkan countries with really ideal preferential status based on scientific grounds equalizing, in the question of prices being the main one, the differences between the world price and the home price."<sup>24</sup>

During these talks of the economic experts of the countries of the Little Entente it turned out that Romania had reservations about the economic co-operation of the countries of the Little Entente with the Roman bloc. Thus it changed its initial openness to Hodža's conception of the Central-European plan. Later Romanian turn and its restraint towards Hodža's Central-European proposal were influenced by German warning.

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<sup>22</sup> Archive of the Foreign Office, Political news Belgrade 1936, no. 824.

<sup>23</sup> Jančík D., Německo a Malá dohoda, page 117.

<sup>24</sup> Archive of the Ministry of Agriculture, R 4100, inv. no. 34, cat. no. 191, no. 27881 the economic collaboration of the Central-European countries, information for the Foreign minister by dr. Hanosek 6 March 1936.

Reich's Foreign Minister von Neurath indicated on 24 February to the Romanian ambassador that Hodža's plan aimed against German interests. Bucharest thus did not want to risk the breaking off economic contacts with the Third Reich and immediately assured Berlin that Romania would not accept any agreements about the Danube basin in which Germany would not be interested as well.<sup>25</sup>

This was how Germany influenced the stance of two countries of the Little Entente to Hodža's plan in which Germany saw the assault on its conception of organization of Central Europe. German Foreign Minister von Neurath stated that "Germany will oppose any plan, where they wouldn't be admitted to the negotiations on the principles of full equality".<sup>26</sup> Germany also warned Romania and Yugoslavia that in case of their accepting Hodža's plan it would have to reconsider its economic relations to each of the Danubian countries.

Another country that stood against Hodža's plan was Hungary. Although they became a member of the Roman bloc in 1934, they aimed their politics markedly at Germany. They believed that they would be able to break the French influence in Central Europe only with help of Germany and Italy, press revision of the peace agreements and gain a prominent position in the Danube basin. For those reasons Budapest manifested that the suggestion they could take into account "must rely on the principle of equality and must not contain anything that would for Hungary mean a change in pejus against the status based on the peace agreement which refers to: arranging the revision by peace means, protection of Hungarian minorities in neighbouring countries and exclusion of the commitment of mutual military help."<sup>27</sup> Cautions Budapest's access characterized by dual Hungarian politics was supplemented by the message from the Czechoslovak ambassador Kobr: "... in order for Hungary not to prove in the role of a peace disturber and an open objector against the new arrangement in the Danube basin, certain caution and purposeful allocation of tasks are needed between both representatives of this double-dealing politics Gömbös and Kánya. While the Prime Minister does not

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<sup>25</sup> Archive of the Foreign Office, Telegrams received 1936, no. 93. Telegrams sent 1936 č. 100–134. Krofta's archive cat. no. 13, message from Paris, 11 February 1936.

<sup>26</sup> Archive of the Foreign Office, Political news 1936, no. 302.

<sup>27</sup> Archive of the Foreign Office, Political news Budapest 1936, no. 249, periodic message of 12 March 1936.



hide his disapproving attitude to the negotiation on wider arrangement of the Danubian problem, mainly if political questions were concerned, his Foreign Minister resorts to what the deceased Stresemann called *finas-siren*.<sup>28</sup> This, principally negative Budapest's attitude even intensified after Schuschnigg's visit in Prague. Hungary saw in it violation of the principles of the Roman Protocols and refused any Austrian mediation between Hungary and Czechoslovakia. The Foreign Minister Kánya coolly refused Schuschnigg's suggestion justifying that "for Hungary close political agreement with Czechoslovakia is not acceptable".<sup>29</sup> The negotiation of the Austrian chancellor in Prague raised dissatisfaction and disapproval in Hungary. Gömbös transferred his embitterment onto currently leaving Austrian ambassador L. Hennem and branded him as "the instigator of all the troubles of the last days, which clouded friendly relationship between both countries".<sup>30</sup> Hungary began to put pressure on Austria to abandon bonding with allied countries of the French system in Central Europe and the Austrian chancellor with the Foreign Minister were during their visit to Budapest 13–14 March forced to give in and accept the obligation that they would not undertake any negotiations without their contractual partners of the Roman bloc. In this respect Hungary turned to Rome with a request for support.

The approval of Italy was an important precondition for realization of Hodža's plan. Hodža saw in Italy protection against Austrian-German collaboration and in his speeches at the time of negotiations with French representatives he declared that without Italian influence Austria would some time end up in the arms of Germany. Italian aggression in Abyssinia, however, changed the direction of Mussolini's foreign politics, which, for its engagement in Africa, lost opportunities of protection of Austrian independence and yielded this former sphere of interest to Germany. After the majority of the countries of the League of Nations, among them also Czechoslovakia, proclaimed economic and financial sanctions against Italy, Mussolini's orientation towards collaboration with Germany increased and the hope for accepting Hodža's plan from the Italian side decreased because Mussolini refused to negotiate about co-operation in the Danube basin

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<sup>28</sup> Archive of the Foreign Office, Political news Budapest 1936, no. 193.

<sup>29</sup> Archive of the National Museum, Inheritance of M. Hodža, cat. no. 7, sl. 381, messages from Krofta for the Prime Minister of 25 March 1936.

<sup>30</sup> Archive of the Foreign Office, Political messages Budapest 1936, no. 125.

as long as the sanctions lasted: “...cancellation of the sanctions is *conditio sine qua non* of those harmonic contacts among the countries of the Roman triangle and the Little Entente.”<sup>31</sup> Mussolini was ready to negotiate about the collaboration of the Danubian countries only after cancellation of the anti-Italian sanctions and the one who was to help him with it was the chair of the Assembly of the League of Nations and the Czechoslovak president at the same time dr. Beneš. According to the message of the Czechoslovak ambassador F. Chvalkovský Mussolini stated that “Mr. president Beneš, if he cares about restoration of amity with Italy, has now an opportunity to prove it. Owing to his position and prestige in Geneva he could, either himself or by force of one of the Foreign Ministers of the Little Entente, secure for himself great credits regarding the future of European peace.”<sup>32</sup> In connection with this he reminded his knowledge of the history of Czech lands, which he got when studying for his treatise about Hus and he called for his support for Czech and Slovak tendencies to become independent during World War I. Similarly to Mussolini who appealed through F. Chvalkovský to president Beneš for Czechoslovakia to give the impulse for cancellation of the sanctions in the process of open claiming that he does not call for any help or any mediation, the Italian ambassador in Berlin Attolico affected V. Mastný. He tried to move him to force the Czechoslovak government to take the initiative of cancellation of the anti-Italian sanctions. At the same time he did not hide that dr. Beneš was to play the main part. Italy would then never forget it and “could be appreciative and not only in the terms of adaptation of the Central-European context but also in the development of the whole contemporary argument with Germany, while Czechoslovakia would also do good favours to France that has not wanted the sanctions for a long time”<sup>33</sup>

For Mussolini, Hodža’s plan thus became just a tool for acceleration of the Italian expansion in Abyssinia. In his private opinion he considered Czechoslovakia to be “unnatural country with impossibly set borders” that was exposed to German expansionism and “we have no reason to

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<sup>31</sup> Archive of the Foreign Office, Political messages Rome 1936, no. 61. Krofta’s archive, cat. no. 13, Czechoslovak embassy in Rome to the foreign, secret from 29 January 1936.

<sup>32</sup> Archive of the Foreign Office, Safe files odd. II/1 1936, cat. no. 18, visit of ambassador Chvalkovský at Mussolini 28 January 1936. Telegrams received no. 49.

<sup>33</sup> Archive of the Foreign Office, Political news Berlin 1936, no. 225.

protect them in that case”.<sup>34</sup> In this respect, Mussolini’s double politics is documented by Šeba, who was informed by the Belgian ambassador after his dialogue with the Italian attaché in Budapest: “Italy will without any problems continue to wage war because Europe will soon lose its interest in Abyssinia because of German attack against Czechoslovakia. Italy has a German guarantee that the Austrian border will stay intact.”<sup>35</sup>

Refusal of Hodža’s plan from the Italian side was signalled in Mussolini’s speech of 3 March in Palazzo Viminale in which he pronounced the proposal of the Central-European project as, finished because it was aimed against Italian interests: “The attempt that took place recently in Paris, but not from the side of the French government, to solve the so called question of the Danubian region without Italy and thus against Italy, has already fallen and it could not have been any other way. It is almost useless to repeat that “collective” adaptation of the Danube basin can ignore neither our presence nor our interests or the interests of the countries connected with Italy.”<sup>36</sup> These words showed the Italian waiting game for its indirect suggestions. The answer did not turn out and thus Italy sharply objected to the project, emphasizing its anti-Italian point.

In his speech Mussolini unambiguously rejected Hodža’s efforts to bring the Danubian countries closer together and assured the German ambassador in Italy that the new meeting of the countries of the Roman bloc would be aimed at creating a strong restraint against Austria entering the sphere of the Little Entente’s influence.<sup>37</sup> The conference of the countries of the Roman protocols of 21 March 1936 finally closed beginning Austrian-Czechoslovak political co-operation by means of its resolution. The second article of the so called Supplementary protocols bound each of the involved countries that they would not enter any important negotiations on the Danubian question with the government of the third country without the approval of other members of the Roman bloc. Besides Italy also Hungary expressed its satisfaction over this result, “because

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<sup>34</sup> Schuschnigg von K., *Requiem ...*, page. 239.

<sup>35</sup> Archive of the Foreign Office, Telegrams received no. 109/B/1936. Italian ambassador in Romania (Sola) came back from Italy where he was seen by Mussolini and informed the Belgian ambassador in Bucharest.

<sup>36</sup> Archive of the Foreign Office, Political news, Rome 1936, no. 145.

<sup>37</sup> Kvaček R., *Boj o Rakousko v letech 1933–1938*, *Sborník historický*, 12, 1964, page. 264. Archive of the Foreign Office, political news Budapest 1936, no. 414, periodic news of 8 May 1936.

they managed to prevent Austria from too fast orientation towards the Little Entente.”<sup>38</sup>

Hodža did not find too strong support for his plan even on his home political stage. The representatives of the Agrarian party refused extensive share of agricultural countries on Czechoslovak trade and effectively resisted to it by means of cereal monopole and export surplus, which worsened mutual economic and political relations with the countries of the Little Entente. On the other hand the other coalition parties complained about anarchy implied by constant absence of the Prime Minister. Social Democrats, National Socialists and the members of the People’s Party expressed their worry that Hodža preferred his external-political conceptions to the internal matters. President dr. Beneš was also afraid of problems of a different character. In the beginning he gave Hodža in this respect a kind of free hand, but gradually the opinion prevailed with him that it was not possible to enforce collaboration of two different Central-European blocs over the protest of the main great powers. The document addressed to Hodža confirms this attitude: “How do you see the connection of interested powers to closer economic collaboration of the Danubian countries? It is known that the economic contacts between Germany and Italy in the Danube basin have much higher turnover than other Danubian countries. These powers will hardly accept the mutual preferences of the Danubian countries not to be applied to them. The question is, what would be the Danubian countries compensated by for losing those two largest markets in case of non-fulfilment of their will in this respect?”<sup>39</sup> Unlike these warning voices Hodža’s foreign activity found support at German activist parties, mainly Christian Socialists because it reflected their foreign-political programme.

The overall failure of Hodža’s Central-European plan needs to be seen in international context. The majority of the Danubian countries had built their economic contacts with Germany and Italy and couldn’t sacrifice them to doubtful combinations, which counted with France as a great power in Central Europe. The position of France was significantly weakened after 7 March 1936 and Central- and South-European countries had some misgivings about the stability of French allied system. French passi-

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<sup>38</sup> Archive of the Foreign Office, Political news, Rome 1936, no. 191. Baron Villani, Hungarian ambassador in Italy, stated that.

<sup>39</sup> Archive of the Foreign Office, Krofta’s archive, cat. no. 13, undated.

vity raised doubts mainly among the states of the Little Entente, which, because of German pressure onto Yugoslavia and Romania, slowly began to disintegrate. First signs of this development already became evident at the meeting of the Standing council in Belgrade on 6–7 May 1936, where Yugoslavia did not hide its effort at further development of economic and political contacts with Germany and they culminated at the June meeting of the Little Entente representatives and the Foreign Ministers in which Stojadinovič refused to take part. Fading of the Romanian Little Entente-collaboration stood for removal of Titulescu from the newly constituted Tataresku's government of 29 August 1936.<sup>40</sup>

The Czechoslovak Prime Minister was aware of the growing hegemony of Germany in Central-Europe and he was trying to reduce it just by means of his plan. He presumed that his new project would avert the danger of another world war because if there was a tight bloc of small countries in Central-Europe. Germany would stop being a threat and the balance of forces would be compensated. The realization of Hodža's plan would mainly do good to Czechoslovakia and Austria which felt most endangered from the side of their western neighbour. Hodža was afraid of expansion of German eastern borders from the point of view of the very existence of the Czechoslovak Republic. Other West-European powers, mainly Great Britain, were looking for the possibility of agreeing with Germany in compromises and concession. The economic and political approach of the two different blocs of Central-European countries was not possible without a distinct support of France and Great Britain and in consequences of German and Italian repulsion. The problems Hodža had while enforcing his plan were, besides the internal motives, the main reasons for his resigning from the seat of the Foreign Minister. Kamil Krofta, former Beneš's deputy at the Foreign Ministry, became Hodža's successor on 29 February 1936.

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<sup>40</sup> Newly named Romanian Foreign minister Antonescu informed the Czechoslovak ambassador in Bucharest that he would perform the same politics as Titulescu, but not so noisily. He does not want to provoke either Poland or Italy like Titulescu did. He will be friendly with the USSR but not so opulently as Titulescu was. Archives of T. G. Masaryk and E. Beneš, Safe files II/1 year 1936, no. 17250, Bucharest ambassador's dispatch of 7 September 1936.



## **IMMIGRATION-THE PROBLEM TO BE SOLVED**

Chapter from a MA thesis about immigration  
to the EU countries

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KLÁRA POLEDNOVÁ

### **1. What is immigration, who is an immigrant? Some alarming data<sup>1</sup>**

The word “immigrant” appears around 1789 to describe an alien who moved from one established society to another. Most people in developing countries live and die in their birthplace. Because some of them want to improve their economic or political well being, they overcome the pain of breaking family and community ties. They are “pushed” from their home country by poor circumstances of economy or by political persecution and they are “pulled” to another country by political or economical opportunities.

The demographic imbalance between developing and industrial states maintain the push/pull pressures of international migration. The population of the Earth was 5.6 billion in 1994 and the world’s work force was 2.5 billion strong. Over 95% of the world’s population and work force growth occurs in developing nations, where 3/4 of the population live.

In the early 1990’s at least 100 million migrants and refugees lived outside their countries of citizenship/about 1/2 are in the industrialized countries.

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<sup>1</sup> All data, in the following paragraph, are from “Population bulletin, Population Reference Bureau”, Washington, D.C., vol. 49, No. 2, September 1994.

About 25 million legal and illegal workers, immigrants, and refugees live in Western Europe, about 25 million are in North America, about 2 million are in the industrial Asian nations. The migrants send 70 billion dollars back to their countries of origin every year.

Although these immigrants represent a small percentage of the world's population, they are a growing share of the work forces in industrial countries, where many of them move and where native populations are growing slowly or even declining.

Countries in developed European countries, enclosed Italy, have the slowly growing societies that may need immigrant labor for economic and demographic reasons. But their societies have often troubles to absorb immigrant populations and communities. Keeping up with the growth of immigrants is a real challenge for both developed and also developing countries, where in addition to creating more jobs for the flows of youths who join the work force regularly, developing nations must also find non-farm jobs for many migrants leaving rural areas; create jobs for women and others not now in the work force.

Today's migration from developing to industrial countries began with demand/pull recruitment, as employers in industrial countries recruited workers. For example the southern European "guestworkers" recruited to work in post/World War II Germany. These countries /hosts/discovered that emigration areas often depended upon another country's labor market. Both are source of income when emigrants send back part of their earnings as remittances and as a source of jobs for workers who are unemployed at home.

## 2. Case of Italy<sup>2</sup>

Italy was a country of emigration until the 1980<sup>th</sup>. About twenty seven million of Italians left Italy between 1876 and 1987. Fourteen millions went to the other European countries, six millions to the North America, five millions to the South America.

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<sup>2</sup> All data, in the following paragraphs, are from "Commissione per le politiche di integrazione degli immigrati, Primo rapporto sull'integrazione degli immigrati", Il Mulino, Bologna, 2001.



This situation changed over the course of the last twenty years. Since the mid 1970s, Italy has lived a continuous growth in its immigration statistics. And only, as was also the case of Spain, Greece and Portugal, Italy started to regulate the inflows from Africa, Latin America and Asia. Unfortunately it began only in the late 1980s. Ugo Melotti in this sense speaks about an Italian “anomalous case” in the early 1970s, which changed into an “exemplary case” in the 1980s and which has been a “model case”, of the evolution on the phenomenon, from the began of the 1990 s.

He stresses on “push factors”, political conflicts, economical crises but “pull factors”, more favourable economical, social or cultural conditions, play other main role in actual immigration trends.

Italy is considered a demographic bomb because of its highest absolute migration growth. This growth represents almost 1/4 of the growth of 15 EU countries and 1/3 of 11 countries of EMU. Nevertheless Italy shows the general symptoms of the last ten years of immigration: growth of illegal immigrants and refugees as a consequence of European immigration policies and changes in living standards in ex communist countries and political and environmental changes in the countries of the so called Third countries; growth of migrating women; participation on immigration of non traditional ethnical groups like Tamils; growth of number of countries which are directly involved in migration process, some of them are both emigration and immigration countries, like Portugal or Poland; two directed immigration, direction south/north and east/west; spread of black economy.

## **2.1. Foreign Population in Italy-statistics**

According to the National Institute of Statistics (INSTAT) 986 thousand foreigners were legal residents of Italy in January 1997. 206 thousand came from industrial countries and 780 thousand from developing countries. Italian Caritas, however, estimates, that there are about 400.000 irregular immigrants in the country. That means, that the part of the total population of Italy that is foreign rises to more than 2.6 %. According to the same source there were, in Italy, 1 million 23 thousands legal residents in January 1998. These numbers shows, that it is a average rate when compared with other European states. However, the total number of immigrants in Italy is smaller than the number of Italians who live abroad. About 2 million Italians lived out of Italy in 1990.

In 1997, 87.1% of the legal foreigners in Italy were no-European citizens. And only 9.6% of them were from highly industrialised countries. The majority of immigrants came from developing countries; 38.9% from Europe; 28.8% from Africa; 14.1% from Asia; 17.8% from Americas.

The statistic dates indicate that the number of foreigners in Italy, measured according to the residence permits, rose by 374 thousand persons from 1992 to 1998. The year average of increase is about 7.9%. Only from 1995 to 1996 it rose by 104,203 persons, it is a increase of 10.5% in one year. Considering the dates of register office in communes where immigrants reside, the number of immigrants rose by 456 thousand (an annual average by 75,917 persons), it means an annual average growth of 10.8%.

From 1995 to 1996, the number of foreign population from EU states fell by 7.3% while the number of non-EU Europeans rose by 14%. The number of Africans and North and South Americans rose by 18.8% and 28% respectively, the number of immigrants from Asia fell by 5.7%.

## **2.2. Regional distribution of immigrants in Italy**

Italy can be divided into four geographic areas, each with a different density of foreigners and various primary reasons for why immigrants move there.

About 50% of all resident foreigners live in the highly industrialised north, 30% are in the centre of the country, the south hosts 12% of foreign population (it is mostly an agricultural area geographically close to Albania). The fishing industry and agriculture of the island of Sicily and Sardinia have attracted 8% of immigrants in Italy.

This geographical distribution of immigrants in Italy reflects a fundamental difference in the labour market in the four regions. There is not only a difference between an industrial North and agricultural South with predominantly-informal economy. There is also a distinction between rural and urban areas. Jobs in the service industry one can find in cities. As regards the type of contracts immigrants receive, they are regular in the industrial sector but often temporary in the service and agricultural sectors.

Seasonal workers in the agricultural sector in the southern and central regions mostly from North Africa, predominantly from Morocco and Tunisia. It is true, that Italians see employment during the harvest season as unattractive, but immigrants are attractive for agricultural employers because they are cheap and they can hardly complain, if they are irregu-

lar, about reduced wages or worsened working conditions. This is also a case in small-scale fishing industry on Sardinia and Sicily. Although many Italians lost the interest in such a work and they left the South for work in industrial north, immigrants are competitors for those Italians in the south who decided not to move.

### 2.3. Italian Migration Policy

The Italian Constitution in article 10, paragraph 2 provides guidelines for Italian immigration legislation. But only recently the rule, “*the legal status of the foreigner in Italy is regulated by legislation in conformity with international norms and treaties*”, has been addressed by formal legislation.

The Constitution says that laws, regarding immigration, must be limited, meaning that administrative interference in immigration and immigrant’s lives should be minimised and Italian laws must abide by international laws and conventions concerning foreigners.

For tens of years the immigration was addressed only by executive directives. The first important one was the very strict Royal Decree of 1931 and 1940. Their regulations governed entry, residence, movement, and deportation of foreigners but ignored their civil rights.

Also after the 2WW and after the new Constitution was approved there was little consideration given to the long-term planning and management of immigration. Only ministerial memoranda were issued on this issue. Some regulations on labor migration were issued, by the Ministry of Labor in 1963, to reduce illegal immigration, which, at that time, was marginal.

It was only in 1986 that a comprehensive immigration law addressed immigration policy because it was clear that Italy had become a destination of significant migration. The law made an attempt to regulate labor inflows, immigrant employment and contained the regularisation campaign: those who arrived before a certain date—the period was extended several times—could receive legal working papers if employers applied on their behalf. Unemployed foreigners were entitled to register in the official employment list. These changes enabled immigrants to apply for residence permits. In this way 188,000 illegal immigrants were regularised during 1988.

Although immigrant’s legal status on the labor market was regulated, it was criticised for being too bureaucratic and complicated.

The current immigration policy is based on the so-called Martelli law no. 39 of 1990 as well as on the decree no. 489 of 1995 which means the

attempt to bring Italian migration policy into line with other European state's policies. In November 1995 decree on the regularisation of immigrants was issued and most recently the Law on the Regularisation of Immigration and Living Conditions of Foreigners no. 40, ministerial decree no. 286 and presidential decree were passed in 1998 to find a better control of entry and residence of foreigners in Italy. It means to comply with the Geneva Convention of 1951 and the New York Protocol of 1967.

The main goals of the Martelli law were to implement a fairer refugee policy and to better control the entry and residence of foreigners in Italy. Therefore the inter-ministerial decree was issued in 1990 to restrict the inflow of foreigners, introduce penalties for previous illegal residence in Italy and to put in place stricter border controls.

The decree granted some new rights to foreigners and had a strong focus on regularisation. Thanks to this change sanctions on employers that had illegal workers were eased.

In addition the most recent law no. 40 of 1998 for the first time guarantees the right to family reunification as well as to start a new family in Italy, it strengthens certain basic civil and social rights for immigrants, including the right of political association, suffrage rights for local election and public services. A new temporary status for the protection of civil war and natural disaster refugees was established and those who have worked in Italy for minimum of five years may now get a permanent visa.

### Conclusion – looking for the way to solve common problems

Although Italy has been one of the main constructors of European integration, it was, for a long time, reluctant to work towards a common European migration and asylum policy.

But the crisis in Albania had a particularly large effect on Italy's migration inflows. In just one year the number of Albanians in Italy grew by 84.3% and other groups of immigrants from China, Senegal, Filipino, Romania contributed to the high numbers in migration statistics. Therefore Italy has taken some proactive steps in the last years by attempting to convince its northern EU partners of the need for a common EU Mediterranean policy and the Italian government, after a time of inability to join the Schengen Area, (it signed the Schengen Agreement in November 1990) came into compliance with the requirements of the Schengen Treaty. (1. April 1998)

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## THE ENLARGEMENT OF THE EUROPEAN UNION, THE CZECH REPUBLIC

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LENKA ANNA ROVNA

### Introduction

After 1989 the countries of Central and Eastern Europe went through several significant processes. The most important one was from political point of view the transition from the authoritarian system towards multi-party parliamentary democracy, from economic point of view transition from centrally planned economy towards market economy. In foreign policy these countries claimed a popular slogan “Back to Europe”, what for most of them meant the joining of the North Atlantic Treaty and the European Community. *Transition* of the former Communist countries towards democracy became a topic of research of many political scientists, economists, historians, sociologists and many other social scientists and created the discipline called “transitology”.<sup>1</sup>

The second most important process in Central and Eastern Europe represents the *accession* towards the European Union, the process, which started later, and had and has many dimensions. In fact the process of “accession” started definitely after the Copenhagen summit in 1993, when

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<sup>1</sup> To name some: M. G. Roskin, *The Rebirth of East Europe*, Prentice Hall, London, 1991, Gale Stokes, *The Wall Came Tumbling Down*, Oxford, 1993, Rothschild, *Return to Diversity*, Oxford, 1993, Jiří Vykoukal, Bohuslav Litera, Miroslav Tejchman, *Východ, Vznik vývoj a rozpad sovětského bloku, 1944–1989* [East, The Creation, Development and the Fall of the Soviet Bloc], Libri, Praha, 2000 etc.

the member states of the EU decided “to widen” Europe and open the door to Central and Eastern European neighbors. The process of the *Enlargement* was launched.

These two processes: *the transition and the accession* went sometimes hand by hand sometimes they differ.

*The transition process* represents a dramatic and fundamental change of the countries, which experienced in general fifty years of totalitarian and authoritarian regimes [German occupation and the Soviet dominance], with a very limited experience of democratic development in the interwar period. Czechoslovakia from this point of view belonged to the happier ones. This process is meddling with every feature of the life of the society and influences the broad range of topics such as: the respect and the protection of human rights, behavior of political parties, creation of civil society, creation of a legal framework for the justice society, guarantee for the implementation of the laws connected with the reform of civil service etc. Another important aspects of the transformation process are connected with the economic development based on healthy legal environment.

*The accession process*, which stated clear criteria for the states who wish to join the EU, in fact helps to speed up the process of the transition towards democracy and market economy and helps the Central and Eastern European countries “to navigate” them through stormy waters of transition process.

The article is examining how the EU’s political condition effect the development in the Czech Republic and how thus this contributes to the process of democratic transition of the Czech society.

## **Europe and the Czechs**

The independent Czechoslovak Republic was formed in 1918 and served as an example of democratic state till 1938 when Munich agreement allowed Hitler to annex parts of the country. After the split and formation of independent Slovakia in March 1939 Hitler occupied the rest of Bohemia and Moravia.

Czechoslovakia after WW II started to rebuild its nationhood and state again. Ruthenia was lost to the Soviet Union, German citizens expelled, Jews and Romas decimated in Nazi concentration camps. On limited basis



Czechs and Slovaks tried to make Masaryk's heritage once again truth. The results of the war, the sentiments of Czechoslovak citizens, [we could name many other reasons] led to the Communist coup in February 1948 and placed firmly Czechoslovakia to the Soviet zone of interest with all consequences.

Under Communism the image of Europe was perceived through the prism of class struggle. For the establishment Europe represented an enemy, the other side of an Iron Curtain. For dissidents and many citizens it was a hope.

The hope became truth in 1989 after the fall of Berlin Wall. When talking about "the return to Europe", a popular slogan after 1989, Václav Havel, President of Czechoslovakia, was stressing the values such as respect to civil rights and freedoms, political and economic pluralism, parliamentary democracy, decentralization of local government and self-government.<sup>2</sup>

Europe was understood as an idea, as a moral principle of humanity and democracy. Whenever in the history Czechs were referring in broad sense to "Europe" or "European" it always meant as synonym of moral, democratic and human.

Using criteria given by Professor Jean Blondel the Czech Republic can be characterized as a relatively stable multiparty political system based on parliamentary democracy.<sup>3</sup> There are free elections held on regular basis and there has been a peaceful alteration of governments of different colors without any political earthquakes.<sup>4</sup>

When talking about transition towards democracy we can look at the theory of Dankwart Rustow<sup>5</sup> especially referring to the last stage of the development of democracy, when democracy becomes the way of life of

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<sup>2</sup> Václav Havel, *Letní přemítání* [Summer meditation], Odeon, Praha, 1991, p. 64.

<sup>3</sup> "... in the five countries [Czech Republic, Hungary, Poland, Estonia, Slovenia – L. R.] and in most of Eastern Europe, political developments in the 1990s can be regarded as having been broadly satisfactory, especially given the economic and social difficulties which these countries underwent ... Support for democracy is widespread, although not overwhelming." Paper given by J. Blondel, *Democracy in the five candidate countries*, The Seminar "The New European Borders", Trieste, 27–28 November, 1998.

<sup>4</sup> Compare with the case of Hungary in: Gabriela Ilonszki, *Consolidation of the Hungarian Democracy*, draft of the paper given at the International Conference "Perspectives of Democratic Consolidation in Central and Eastern Europe": Tallin, Estonia, November 19–22, 1998.

<sup>5</sup> Dankwart A. Rustow, *Transitions to Democracy, Toward a Dynamic Model*, in: *Comparative Politics*, Number 3, April 1970, pp. 337–364.

society. For instance the German example as well as Rustow's suggest that it takes one generation's time span to 'finalize' the transition towards democracy.<sup>6</sup>

The difficulty of the whole process of transition is described well in the paper given by Professor Blondel: "The overall picture at the level of the population as a whole is therefore one of attitudinal support for liberal democracy. The support which has more the characteristics of a gesture than of a way of life; while many appreciate the freedoms which they have gained, they are not truly engaged in the democratic process, perhaps not surprisingly given the history of the countries concerned."<sup>7</sup>

## Transition towards Democracy

Professor Martin Potůček in his work "Not Only the Market" points out that: "... not only Czech society, but also Czech political representation in many ways did not cross the shadows of the past. Political slogans stating, that our country finished the transition towards market economy and a standard European democracy have to be filed in the archive of the quotations which are more generated by the propagandist needs of the moment than the realistic evaluation of the actual situation."<sup>8</sup> The author points out that the role of the state was weakened which had a negative impact on many fields of the life of society such as: the growth of criminality, the weakness of legislature vis-a-vis privatization, corruption, conflict between public and private interests. The unfinished reforms of health care, social care and the alarming situation in education, which were considered as topics out of the agenda.<sup>9</sup>

It is also necessary not to underestimate the other danger in new democracies: "... a number of scandals have affected the political elite and the government: this has happened most recently in the Czech Republic, Slovenia and Estonia. This does not of course render these countries uni-

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<sup>6</sup> V. Dvořáková, J. Kunc, *O přechodech k demokracii* [About transitions toward democracy], SLON, Praha 1994.

<sup>7</sup> Jean Blondel, *ibid.*

<sup>8</sup> Martin Potůček, *Nejen trh, Role trhu, státu a občanského sektoru v proměnách české společnosti* (Not Only the Market, The Role of the Market, State and Civil Sector in the Changes of Czech Society), SLON, Praha, 1997, s. 167.

<sup>9</sup> M. Potůček, *ibid.*, p. 167.

que, given what occurs in many parts of Western Europe and elsewhere in the world. However, repeated scandals may well erode the already rather passive popular support for democracy characterizing these countries.”<sup>10</sup>

Relatively stable, but still fragile democracies, with many remnants from Communist past are still in danger that the model of democracy as a plural multiparty parliamentary system can be deformed by corruption, non-effective civil service, divided society etc.<sup>11</sup>

The transition process is far from being finished. This is not only quantitative process measured by the number of the elections, political parties, but also qualitative process. The aim is that democracy becomes “the way of life”.

There are several factors playing important role in forming and promoting democracy in the country such as economic prosperity, the constitutional and legislative framework, the development of civil society, as well as non-profit and non-governmental sector, ‘normally’ functioning and well structured political parties, stabilized and relatively consolidated political elite with no influential anti-system force etc.<sup>12</sup> All these entities are in general internal factors.

Referring to the Czech case we have to mention a very important internal factor – economic aspects. After being considered as a success story the Czech Republic slid down with its negative growth and unfinished economic reform, which did not result in establishing a prosperous modern economy yet.<sup>13</sup> The state still supports ‘lame ducks’, big inefficient industrial enterprises, the privatization using the ‘voucher methods’ proved to be a failure, the lack of foreign investment replaced by the privatization “Czech way” led to the bankruptcies of many enterprises. The

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<sup>10</sup> Jean Blondel, *ibid.*, p. 4.

<sup>11</sup> See *Demokracie a ústavnost (Democracy and Constitutionalism)*, Ed. by Jiří Kunc, Univerzita Karlova, Praha, 1996.

<sup>12</sup> See: Gabriella Ilonszki, *ibid.*

V. Dvořáková, A. Gerloch, *Krystalizace struktury politických stran v České republice po roce 1989, Česká společnost pro politické vědy*, Praha, 1996.

<sup>13</sup> “The Czech economy is already doing badly; GDP fell by 2.9% in the 12 months to the third quarter of last year. It has yet to recover from its currency crisis in 1997, when interest rates were raised sharply to defend the koruna. The Czechs are also paying the price for half-baked economic reforms. Their privatization scheme put a premium speed rather than rational restructuring. The banks, still state-owned, have been repeatedly bailed out. Perhaps because they do not have a large foreign debt to service, the Czechs appear complacent about the need to shake up their economy further.” *The Economist*, February 13th, 1999, p. 84.

proud 'Captains of Czech industry' did not end up in the prison due to the holes in a judicial system.

After the recession in 1997–1999 the recent development shows more satisfying figures and suggests the improvement. According to the Economist the growth of GDP represents 4,4% and industrial production 6,5% in summer 2000.<sup>14</sup>

The unemployment, which used to be less than 4% was growing dramatically and the Minister of Labor and Social Affairs Vladimír Špidla expected an unemployment rate of 11% in 2000. What proved to be right. Faster implementation of modern technologies, which seems to be necessary for the economic reform will push away more employees. The Czech Republic will follow other European countries with its unemployment rate reaching 10%. How the society is going to cope with this unprecedented situation is not clear yet.<sup>15</sup>

All these internal factors play important role during the transformation process towards democratic prosperous society. Several mistakes and slow downs led especially before 1998 to the situation when the transformation process did not go in tune with the accession process towards the European Union.

## The Role of the EU

Besides the internal factor Jean Blondel also emphasized the role of external factors, which may play a quite positive and stabilizing role.<sup>16</sup> The most important and stabilizing factor for the development of democracy and prosperous economy seems to be the identification with Western values, which are expressed institutionally by joining of NATO and EU. The D-day for joining NATO was March 12, 1999. The Economists expressed

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<sup>14</sup> The Economist, August 5<sup>th</sup>, 2000, p. 100.

<sup>15</sup> The Interview with the Minister of Labour and Social Affairs Vladimír Špidla, Mladá Fronta Dnes, 13. 2. 1999, p. 1, 15.

<sup>16</sup> "Almost certainly, one important factor has influences these polities in the direction of a stable democratic path, namely the fact that they have wished to join the European Union as soon as possible: such a development occurred earlier in the case of Spain, Portugal and Greece. It is therefore critical that the Union should not delay the admission of the five countries to the point where they might show less goodwill." Jean Blondel, *ibid.*, p. 4.

the aiming at the European structures: "Central Europe's long-term destination is not in doubt, even if its time of arrival is. Its closeness to the EU has already helped it to weather the recent financial storms. But it could become a worry if the EU economy takes a further turn for the worse. Poles, Hungarians and Czechs alike are looking west, anxiously."<sup>17</sup>

It is more than obvious that the EU plays a very important role in the fourth stage [using Rustow's theory] of the development of democracy in Central European countries, the stage when democracy becomes "the way of life", not only a "gesture".<sup>18</sup>

The official diplomatic relations between Czechoslovakia and the European Community were established in September 1988, in December the "Trade Agreement" on industrial products was signed. After the fall of Communism in May 1990 "A Trade and Cooperation Agreement" was concluded about trade and economic cooperation. An Association Agreement known as "Europe Agreement" was signed in December 15, 1991. After the split of Czechoslovakia a new European Agreement was ratified with the Czech Republic on October 4, 1993 including a liberalization of trade<sup>19</sup>, intensive political dialogue, economic and technical cooperation, cultural contacts, support for newly established industrial branches.<sup>20</sup>

For Central and Eastern European countries a very important decision was taken at the European Council in Copenhagen in June 1993 when the discussion dealing with the two conceptions of the further development of EU "widening" or "deepening" was stated. The EU concluded that the associated countries in Central and Eastern Europe that so desire should become members of the Union. The accession could take place when the states will be able to assume the obligations of membership by

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<sup>17</sup> The Economist, February 13<sup>th</sup>, 1999, p. 84.

<sup>18</sup> See Jean Blondel.

<sup>19</sup> Czech Republic can export 70% of all Czech products without customs and restrictions, on the other hand 60% of European export is influenced by these restrictions. Due to the fact that the rate of agricultural products being 6%, in fact the Czech Republic has the most advantageous agreement among other Central/Eastern European countries. (Gerhard Sabathil, *Česká snaha o přijetí do západních institucí a odpověď z Essenu*, *Mezinárodní politika*, 1, 1995, s. 6).

<sup>20</sup> Gerhard Sabathil, *Česká snaha o přijetí do západních institucí a odpověď z Essenu* (Czech Effort to be Accepted to Western Institutions and an Answer from Essen), *Mezinárodní politika*, 1, 1995, p. 7.

satisfying the economic and political conditions.<sup>21</sup> The ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

At Essen Summit in 1994 the EU suggested the strategy for associated countries called “The Pre-Accession Strategy”. The main tools were European Agreements which offered to the associated countries trade concessions and other advantages, “Structured Dialogue” which helps the associated countries to become familiar with the institutions and decision making process in EU and Program Phare providing them with grants targeting the reform process.<sup>22</sup>

“The White Paper”, which was approved at the session of the European Council in Cannes in summer 1995 set out the legislation which candidate countries would have to implement to meet *the acquis communautaire*.<sup>23</sup> The European Council in Madrid in December 1995 referred to the need, in context of the pre-accession strategy, “to create the conditions for the gradual, harmonious integration of the applicant countries ...”<sup>24</sup>

To meet the criteria of the EU the Czech government established in November 1994 the Government Committee for European Integration headed by Prime Minister Václav Klaus was established, the other member were Ministers of Finance, Industry and Trade, Agriculture and Foreign Affairs. The Deputy Minister of Foreign Affairs chairs the Working Committee. A year later the Czech government approved and published the timetable for the accession “Priorities for the Implementation of the White Paper in the Czech Republic”. The need to change administrative structure, the administration of the environment, direct

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<sup>21</sup> Membership requires:

- that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities; the existence of functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the Union;

<sup>22</sup> Představní strategie Evropské Unie pro přidružené země střední Evropy (The Pre-Accession Strategy of EU for Associated Countries of Central Europe), European Commission, DG IA, p. 5.

<sup>23</sup> Ibid.

<sup>24</sup> “particularly through:

- the development of market economy,
- the adjustment of their administrative structure,
- the creation of a stable economic and monetary environment.” Agenda 2000, p. 2.

and indirect taxation, personal data protection and social policy was expressed.<sup>25</sup>

During the last five years a great progress in the development of mutual relations between the Czech Republic and the European Union occurred. The export from the Czech Republic to the EU countries grew from 4,9 to 11,7 billion ECU and import from 6,1 to 15,8 billion ECU. The Czech Republic improved its trade relationship with the EU, which represents 60% of its trade exchange.<sup>26</sup>

The change in the relationship, and a new quality of relations were also expressed in the participation of the Czech Republic in the programs of the EU such as SOKRATES, LEONARDO DA VINCI, KALEIDOSKOP, MATTHEUS. The implementation of the programs ISPA and SAPARD are intended to be a structural help in the pre-accession period. In 1990–1997 the Czech Republic received a contribution of 493 million ECU in the framework of PHARE program for the support of the system transformation in all sectors: protection of the environment, support of enterprises, harmonization of law, social policy, cross border cooperation etc.<sup>27</sup>

## Applying for the EU membership

In January 1996 the Czech Republic submitted its application to join the EU and was invited by a Luxembourg Summit of European Council in December 1997 to be one of the first six countries to start the negotiation.<sup>28</sup> Screening started in April 1998 with the first six countries.<sup>29</sup> “Screening is the first phase of discussion on accession to the Union, prior to the negotiation itself. European Communities’ legislation has been divided into 31 chapters; during the screening, the individual legal norms are

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<sup>25</sup> Agenda 2000, Commission Opinion on the Czech Republic’s Application for membership of the European Union, Brussels July 15, 1997.

<sup>26</sup> Gerhard Sabathil, Příprava české republiky pro vstup do EU (The Preparation of the Czech Republic to the EU), *Mezinárodní politika*, 1, 1999, p. 10.

<sup>27</sup> Gerhard Sabathil, *ibid.*, p. 10, 11.

<sup>28</sup> Barbara Lippertová, Strategické otázky rozšiřování Evropské unie na východ po lucemburském summitu (The Strategic Questions of the Enlargement of European Union to East after Luxembourg Summit), *Mezinárodní vztahy*, 2, 1998, pp. 17–27.

<sup>29</sup> Pavel Telička, Tempo jednání o přistoupení závisí na dořešení vnitřních problémů EU (The Speed of Negotiations about Joining Depends on Solving Internal Problems of EU), *Mezinárodní politika*, 1, 1999, p. 4, 5.

being examined in multilateral and bilateral discussions. Legal analyses are carried out and Czech legislation is scrutinized regarding its compatibility with EU norms.”<sup>30</sup> The screening process was supposed to be finished in the summer of 1999.<sup>31</sup>

“*The Regular Report from the Commission on the Czech Republic’s Progress towards Accession*” was published in November 1998.<sup>32</sup> The Report followed how the Czech Republic was progressing in the light of the Copenhagen criteria and especially the rate at which it was adopting the Union acquis.<sup>33</sup>

The EU as an external factor in influencing the transition towards democracy played here a crucial and direct role. It was sort of a cold shower for Czech politicians and Czech society to read in Political Criteria: “The Accession Partnership with the Czech Republic mentions as medium term priorities ‘further work on the integration of the Roma; strengthening of laws which guarantee press freedom; further attention to ensuring equal access to public services.’”<sup>34</sup> The evaluation was far from satisfactory. The Commission stated further that: “The change in Government has not resulted in any major shift in the country’s policy towards the European Union.”<sup>35</sup>

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<sup>30</sup> Petr Greger, *K vybraným právním aspektům a souvislostem Amsterodamské smlouvy* (To Selected Judicial Aspects and Connections of Amsterdam Treaty), *Mezinárodní vztahy*, 2, 1998, pp. 5–16.

<sup>31</sup> EU Membership Talks Launched, An Interview with Pavel Telička, Deputy Czech Minister of Foreign Affairs and the chief negotiator for accession of the Czech Republic to the European Union, November–December 1998, p. 1–6.

<sup>32</sup> Petr Greger, *Český právní stát v bruselském prizmatu* (Czech Rule of Law in Brussels’s Perspective), *Mezinárodní politika*, 1, 1999, pp. 8, 9.

<sup>33</sup> “In accordance with the guidance provided by these Council Conclusions, the progress report on the Czech Republic follows the same structure as the Opinion. It

- describes the relations between the Czech Republic and the Union, particularly in the framework of the European Agreement;
- analyses the situation in respect of the political conditions set by the European Council [democracy, rule of law, human rights, protection of minorities];
- assesses the Czech Republic’s situation and prospects in respect of the economic conditions mentioned by the European Council [functioning market economy, capacity to cope with competitive pressure and market forces within the Union];
- addresses the question of the Czech Republic’s capacity to adopt the obligations of membership, that is, the acquis of the Union as expressed in the Treaty, the secondary legislation and the policies of the Union.

*Regular Report from the Commission on Czech Republic’s Progress Towards Accession*, Brussels, November 1998.

<sup>34</sup> *Ibid.*

<sup>35</sup> *Ibid.*



The critical tone of the Report continued: "There has been virtually no progress in public administration reform since July 1997."<sup>36</sup> This is not only to wish of the Commission. Functioning civil service is considered to be the precondition for functioning of democracy, a factor guaranteeing the functioning of market economy [for instance the control of capital markets, economic competition, functioning of financial offices etc.], a factor of institutional cooperation at all levels of the internal market and a key condition for the adoption of *acquis communautaire*.<sup>37</sup>

It was necessary to consider as a serious warning the critique of the Czech Republic in handling the problem of human rights. The General Evaluation stated that: "Developments in the Czech Republic confirm the Opinion that the Czech Republic fulfils the Copenhagen political criteria. Nonetheless the Czech Republic needs to devote continuing attention to the reform of the judiciary, to fighting corruption more effectively and to improving the situation of the Roma."<sup>38</sup>

New minority government, which came to power in June 1998, applied much more open policy towards the accession of the Czech Republic towards the EU and European card became the true priority. European dimension stopped being a question of foreign policy and became the domestic issue. *Transformation* process and the *accession* process went with some small exception hand by hand.

A year later in October 1999 the European Commission published a new annual report "*The Regular Report of the European Commission on the Czech Republic for 1999. The Progress in the Accession*"<sup>39</sup>

It was of course quite hard to overcome quickly the heritage from the past and there was not too much wonder that in the introduction the Commission stated that the Czech Republic's progress was very unbalanced. The positive development occurred in the economic field. The export from the EU to the Czech Republic grew from 11,8 to 14,7 billion EURO. The export from the Czech Republic grew 11%. The trade exchange with the EU represented 60% of the Czech foreign trade.<sup>40</sup>

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<sup>36</sup> Ibid.

<sup>37</sup> Petr Greger, *Český právní stát v bruselském prizmatu*, Mezinárodní politika, 1, 1999, p. 9.

<sup>38</sup> Regular Report from the Commission on Czech Republic's Progress Towards Accession, Brussels, November 1998.

<sup>39</sup> [http://www.euroskop.cz/rc\\_prip\\_ravacr\\_zprava1999.html](http://www.euroskop.cz/rc_prip_ravacr_zprava1999.html).

<sup>40</sup> Ibid.

The Pre-Accession aid was done through the program PHARE. 30% were used for the strengthening of the institutions, which were involved in the implementation of the acquis [for instance twinning], e. g. Institution Building. 70% were directed to the investments needed for the restructuring of the economy as well as for the support of the economic and social cohesion.

The budget PHARE for the Czech Republic in 1990–1999 represented 629,1 million EURO. The budget for 1999 was 21 million EURO, which were used in these spheres:

- the strengthening of the democratic system, judicial state, the protection of human rights and rights of minorities, especially of Roma [0,5 million EURO]
- the economic and social cohesion including the support of small and middle sized companies and support of employment [5,35 million EURO]
- The strengthening of the abilities of the institutions and civil service to implement acquis especially in the field of public finance, phytosanitary norms, protection of health and security at the work place and the environment [5,8 million EURO]
- Justice and internal affairs including the struggle against the organized crime and economic criminality, protection of the frontiers and strengthening of the judicial system [4 million EURO]
- Participation in different programs of the EU [4 million EURO] and the program TEMPUS [1 million EURO]

Another financial sources were devoted to cross border cooperation and for international programs such as TAIEX, programs for small and middle sized companies and projects for the building of infrastructure ...<sup>41</sup>

In the fall 1999 when the Report was published eight chapters of the negotiations were closed and seven were still open.

The Report was very critical to the slowness of the adoption of the acquis, which was complicated due to the long procedures at the ministries, three readings at the Parliament, the position of the minority government and the reluctance of the previous governments to the whole process.

The Report was also very critical when referring to the reform of the civil service. This very long and painful process started soon after 1989.

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<sup>41</sup> [http://www.euroskop.cz/cr\\_pripravacr\\_zprava1999.html](http://www.euroskop.cz/cr_pripravacr_zprava1999.html). s. 9 of 74.

Several teams were established to prepare the proposal. It was supposed to be accepted in 2002.<sup>42</sup>

In the part dealing with minorities the Report stated that the situation of Roma people did not change very much. The special schools for slow children were attended by 70% of Roma children, the unemployment among Roma population was reaching 70–90%. The governmental action plan from 1997 helped to establish at the ministries, district councils and schools Roma advisors and assistants. Preparatory schools for Roma children were founded. The Interdepartmental Commission for Roma Questions was already in place, but health and boarding situation of Roma population did not improve.

The micro-economic situation according to the Report stayed uneasy, the real GDP was decreasing, the unemployment grew and the real income went down. The recession showed to be much more serious, deeper and longer. The outlook was not more optimistic.<sup>43</sup>

The Report from 1999 lauded quite 'educational' role, Czech political elite headed by the government put a tremendous effort to reach again the position of the ship flag of the countries negotiating their full membership in the EU. This effort was mentioned in the document of the European parliament "*The Czech Republic and the Enlargement of the European Union*", March 2000.<sup>44</sup>

The Briefing of the European Parliament mentioned that the minority government of Miloš Zeman renegotiated and amended the opposition agreement between governing social democratic party and the major opposition party ODS, led by Václav Klaus. Part of it was a clause dealing with more collaboration on preparation for EU accession. In spite of the fact that there was an increased effort from the side of the Czech government the Briefing of the European Parliament repeated many reservations stated earlier by the Commission.

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<sup>42</sup> In 1998–1999 I took part in the Board of Advisors for the Reform of Civil Service. The author took part in preparation of one of many proposals for the establishment of the Institute for Public Administration, sort of Civil Service College. The project was paid by PHARE money. At present the author is a part of another team preparing the teaching modules for the training of civil servants.

<sup>43</sup> Fortunately it did not prove to be right. The slow improvement occurred in the first half of 2000. See *The Economist*, 4<sup>th</sup> August, 2000, p. 100.

<sup>44</sup> "The Czech Republic and the Enlargement of the European Union", Briefing no. 4, European Parliament, Luxembourg, 22 March 2000.

The Czech political élites and Czech media were eagerly waiting for the “2000 Regular Report from the Commission on the Czech Republic’s Progress towards Accession”.

The Report viewed the relations between the EU and the Czech Republic. Besides PHARE other two programs were introduced.<sup>45</sup> SAPARD provides aid for agricultural and rural development and ISPA finances infrastructures projects in the field of environment and transport.

PHARE support for instance projects promoting the sustainability of civil society organizations in the field of training for treasures for charities, fundraising activities, educational support groups to anti-racial events, the development of Roma education program, support for Roma community centers etc. Other sources are used in the field of human resources development, environment sector, the second largest ever [34 ml EURO] the Pan-European rail corridor, which runs from Berlin to Vienna.<sup>46</sup>

The evaluation of criteria for membership started with political criteria. The Report accepted positively that the Parliament improved its functioning by introducing a fast track for EC related draft laws. Since 1999 a significant acceleration in the legislative process was noted. The main failure is considered to be the absence of the Act on the Civil Service. The anti-corruption measures do not prove to be efficient enough. The judicial reform and training of the judges was not finalized yet.

The Czech government also adopted a document “Concept of the Government Policy towards Members of the Roma Community” focusing on the key areas of education, employment, housing and the fight against discrimination of the Roma. The schools included to their syllabus multi cultural educational programs and made thus information concerning Romany culture more available. The positive steps were also done in the field of housing, Roma assistants and preparatory schools for Roma children.<sup>47</sup>

In the part dealing with economic criteria the Report stated that the macroeconomic situation has improved and the three years recession came to an end in the middle of 1999. The Czech Republic also accelera-

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<sup>45</sup> In the framework of PHARE Czech Republic will receive in 2000–2002 79 million EURO annually, 2000 Regular Report from the Commission on the Czech Republic’s Progress towards Accession, p. 9.

<sup>46</sup> Ibid., p. 11.

<sup>47</sup> Ibid., pp. 25, 26.

ted structural reforms, an example can be seen in the processing of sale of the Czech Saving Bank [Česká spořitelna] and the preparation of privatizing of the largest commercial bank in the country [Komerční banka] in 2001.

The improvement of the situation is indicated also by the increase of foreign direct investment, which in 1999 represented an inflow of 4,79 billion EUR what represents 9.2% of GDP and was more than the double the level of 1998.<sup>48</sup> This all is connected with the fact that the overall business climate in the Czech Republic has improved.<sup>49</sup>

The chapter dealing with the ability to assume the obligations of membership is divided into 29 parts. These are structured in accordance with the list of twenty-nine negotiating chapters dealing with four freedoms, sectoral policies, economic and fiscal affairs, economic and social cohesion, innovation, quality of life and environment, justice and home affairs, external policies, and financial questions.

The main reproof was regarding the fight against fraud and corruption where was still a lack of qualified staff and inter-institutional cooperation in the area.<sup>50</sup> Bad loans represent 26% of GDP and stay to be a serious problem.

In general the Report for the year 2000 acknowledged the progress done in many fields, but also draw the attention to many problems such as the reform of civil service, judiciary and the protection of human rights.

High expectations of Czech politicians and the professionals in the area of European Integration were hurt by one part of the document "The Strategy of the Enlargement" which accompanied the Report. The document stated that Czech economy "could be considered" to be market economy. The economy of countries such as Poland, Hungary and Estonia "are market economy".<sup>51</sup> The disputes between the representatives of the EU and the Czech government were overshadowed by the results from Nice Summit, which were welcomed by the Czech officials.

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<sup>48</sup> For more detailed economic evaluation see: Transition Report 2000 published on November 14, 2000 by the European Bank for Reconstructing and Development [<http://www.ebrd.com>].

<sup>49</sup> Ibid., pp. 28–38.

<sup>50</sup> Ibid., p. 90.

<sup>51</sup> Diplomáté si hodlají na EU stěžovat, Diplomats intend to complain on the EU, Mladá Fronta Dnes, November 11, 2000, p. 6.

## Czechs and the EU

Regular reports and comments of the EU addressing the Czech government and society help the country in the process of further democratization during its transition period until democracy becomes “the way of life”. To make the process truly democratic citizens have to make their decision with the full knowledge of such a process. The other important feature influencing the attitude of Czech citizens and political élites towards EU is the level of support for the enhanced accession of the Czech Republic joining into the EU.<sup>52</sup>

The positive development of the attitude of Czech citizens towards the EU can be encouraged by a more open approach of the government itself which was not always the case in the past. <sup>53</sup> The result of an increase of information about the EU is a growing support for the membership.<sup>54</sup>

The Ministry of Foreign Affairs “has specified the aims, principles and tools of the Communication Strategy and defined target groups... We carry out some projects, with for example, Czech TV, regional dailies and specialized magazines. We issue various publications ... we plan to launch specialized Internet sites<sup>55</sup>.” As pointed out by the main negotiator for the accession Pavel Telička.<sup>56</sup>

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<sup>52</sup> “... although the level of knowledge of these issues still remains rather low among the public. This, of course, is not a fault of the public; rather it is a result of the current state of our relationship with the EU. There is mostly a lack of information about the most important matters, about the actual impacts of approximation to the EU on individual areas of people lives.” [An Interview with Pavel Telička, Deputy Czech Minister of Foreign Affairs and the Chief Negotiator for accession of the Czech Republic to the European Union, EuroInfo, November–December 1998, pp. 4,5.]

<sup>53</sup> Peter Bugge, České vnímání perspektivy členství v EU, Havel vs. Klaus (Czech Perceptions of the Perspective of Eu Membership), Politologická revue, 2, 1998, pp. 76–110.

<sup>54</sup> The Support for the Entry to EU in %:

V. 93	III. 96	XI. 96	I. 97	IX. 97	II. 98	
YES	66	42	51	58	58	61
NO	12	21	26	23	22	1
DOES NOT KNOW	22	37	23	19	20	24

Pramen: IVVM

Zpráva o vývoji české společnosti, 1989–1998 (The Report about the Development of Czech Society, 1989–1998), Editor Jiří Večerník, the research team led by Petr Matějů, p. 319. The slogan “back to Europe” is founding its real shape and structure.

<sup>55</sup> www. euroskop. cz.

<sup>56</sup> An Interview with Pavel Telička, p. 5.

All these activities are supposed to prepare the citizens for the referendum and to give them knowledge necessary to make their choice freely and democratically.

The Czech internal debate about European integration can be divided into three periods:

1. 1989–1991 – mainly connected with a slogan “back to Europe”.
2. 1991–1997/8 – forming of the political attitudes of Czech subjects vis-a-vis EU.
3. 1997/8 – forming the attitudes towards different aspects of European integration.<sup>57</sup>

The main support for joining the EU comes from young people, with higher education and right orientation. The best-informed social groups are young people and entrepreneurs from small and bigger companies. The less informed are old people, housewives and people living in the country.

Do you trust the European Union?				
Age	18–29	30–44	45–59	60–
Yes	21%	17%	13%	8%
More yes	48%	46%	40%	38%
More no	24%	28%	33%	35%
No	7%	9%	14%	19%

58

Do you trust the European Union?				
Education	basic	apprentice	High school	University
Yes	9%	12%	19%	27%
More yes	35%	45%	46%	50%
More no	37%	30%	29%	18%
No	18%	13%	6%	5%

59

<sup>57</sup> Miroslav Mareš, *České politické strany a evropská integrace* [Czech Political Parties and European Integration], *Integrace*, 1/2000, p. 15.

<sup>58</sup> STEM, *Trends* 2/2000, p. 3.

<sup>59</sup> STEM, *ibid.*, p. 3.

The most desired expectations of Czech society are:

- the improvement of economic situation
- cooperation on European level
- the freedom of movement of persons, capital, services and goods
- the improvement of legislature

But there are also worries connected with joining the EU such as:

- the cost, higher taxes
- unequal position of the Czech Republic
- the loss of sovereignty
- the economic dependence
- the influx of foreigners
- the growth of unemployment
- the hard competition for Czech enterprises
- the elimination of agriculture
- the fall of industry<sup>60</sup>

The analysis done by the governmental team for the Communication strategy came to the conclusion that the knowledge about the EU among Czech is quite vague. Only 46% of population have a general idea what the EU is about. There is a crucial role to be played by media, but only 26% of them give a professional picture.<sup>61</sup>

There is also an important role for the government itself. According to the First Deputy Minister of Foreign Affairs and the main Negotiator of the Czech Republic Pavel Telička there was a ‘curing’ effect of The Regular Report of the Commission in the fall 1999 criticizing heavily the slow attitude of the Czech Republic towards the Accession. We can talk about the ‘turning point’ in Czech political approach, the will to reach consensus within Czech society and political elite. European integration became the topic number one and is functioning as a unifying element in the country. The proof can be the agreement between the main political parties: ODS and social democrats which speeded up the process of the adoption of the legislature of the EU.<sup>62</sup>

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<sup>60</sup> Communication Strategy of the Czech Government, Presentation of STEM and Sofres-Factum, Ministry of Foreign Affairs, Prague, March 3, 2000.

<sup>61</sup> Ibid.

<sup>62</sup> Pavel Telička, The Negotiation Process and Internal Preparation of the Czech Republic for the Membership in the EU, Integratec, March, 2000, in: [www.integrace.cz](http://www.integrace.cz).



## Public Debate

Till recently the main protagonists of the debate dealing with Europe were President Václav Havel and the former Prime Minister Václav Klaus. Havel presents himself as a federalist, politically and economically integrated Europe is for him a natural framework for the vital development of the Czech nation.<sup>63</sup> In his speech in Strasbourg in February 2000 Havel stressed the necessity of further democratization of Central Europe and the “Europeanization” of the area connected with the development of civil society. He also proposed the creation of a European Constitution, what was accepted quite warmly by EMPs. The proposal to create the upper House of the European Parliament was not getting so much support.<sup>64</sup>

Václav Klaus, the former Prime Minister who submitted the Application of the Czech Republic to EU and the President of the Parliament is claiming himself to be a ‘eurorealist’, many perceive him more as a ‘euro-sceptic’. Klaus stresses the role of a national state as a space for political sovereignty. Klaus sees the EU as an inter-governmental organization cooperating mainly in the framework of liberalization of market and trade.<sup>65</sup>

Civic Democratic Party [ODS] led by Václav Klaus was always claiming the membership in the EU as the target of Czech foreign policy. Under the influence of the Chairman ODS is also quite reserve to some postulates such as “Europe of regions” or “social state”. Jan Zahradil, the Chairman of a Parliamentary Committee for the Foreign Policy and a Shadow Foreign Minister wrote: “European integration in Czech mass media is one sided. It aims to the only possible ‘happy future’... we have to keep to the terms: advantageous, non advantageous, practical, non practical, works, does not work.”<sup>66</sup>

In spite of the fact that several top politicians of ODS headed by Václav Klaus himself are quite careful and ‘suspicious’ vis-a-vis the EU the party as a whole is very pro-European.<sup>67</sup>

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<sup>63</sup> Peter Bugge, České vnímání perspektivy členství v EU – Havel versus Klaus, *ibid.*, p. 103.

<sup>64</sup> Kateřina Šafaříková, Václav Havel ve Štrasburku opět navrhl některé změny Evropské Unie [Václav Havel again Suggested Some Changes of the EU], *Lidové noviny*, 17. 2. 2000, p. 3.

<sup>65</sup> Peter Bugge, *ibid.*, p. 103.

<sup>66</sup> Jan Zahradil, Na unii s růžovými brýlemi? [About Union with Rosy Glasses?], *Mladá fronta Dnes*, 2000.

<sup>67</sup> According to opinion polls those who trust European Union according to political parties are:

Social democrats (ČSSD) used to criticized eurosceptic approach of their conservative counterparts in ODS. ČSSD as a governmental party is at present feeling responsibility for both negative evaluations of the Czech Republic done by the Commission and they try to speed up the whole process of accession. The approach of ČSSD seems to be based on shared values with other socialist, social democratic and labor parties and their idea of Europe with social dimensions.

The Union of Freedom [US] which was formed after the split of ODS in 1997 is claiming its politics as euro-optimistic. They support further deepening and widening of the EU and try to make 'European card' one of the differences between themselves and ODS.

Christian and Democratic Union – Czechoslovak People Party (KDU-ČSL) understand the EU as a fulfillment of their Christian democratic values.

The Communist Party (KSČM) has an ambivalent approach towards EU, the members in general [who are mainly representatives of older generation] are not extremely keen on the accession towards EU, and the leadership of the party is more open.<sup>68</sup>

Do you trust the European Union?		
Membership in Communist Party	Member before 1989	Never was a member
	Yes	10%
More yes	32%	47%
More no	37%	28%
No	21%	9%

69

From the beginning of 1999 sort of lethargic Czech society became more aware of the necessity of an open discussion about the Czech membership in the EU. Several NGOs which were created supported in their

ODS	79%
US	81%
KDU/ČSL	83%
ČSSD	52%
KSČM	24%

Source: STEM, Trendy February, 2000.

<sup>68</sup> See: Miroslav Mareš, *ibid.*, pp. 15–20.

<sup>69</sup> STEM, Trends, 2/2000, p. 5.

program the accession of the Czech Republic towards the EU [Impuls 99, Děkujeme, odejděte! etc.] The number of discussions in mass media is growing. This is not only due to the increasing impact of the governmental Communication strategy, but also the persuasion of common citizens that the membership in the EU is going to influence their lives.<sup>70</sup>

Who are the main resources of information about the EU?

Direct communication: political elites  
journalists  
social networks including NGOs  
Undirect communication: civil servants and trainers  
Professionals<sup>71</sup>

The main topics, which are communicated, are more general dealing with the foundation, functioning and aims of the EU and more concrete referring to the changes we can expect due to our membership. Only from the fall 1999 after the degrading Regular Report the discussion about internal aspects of the accession spread. Step by step the European Integration became the domestic issue not a foreign one.

## Conclusion

“Europe” and the EU as an external factor are recently playing crucial role in the further democratization and modernization of the Czech Republic and Central and Eastern European region as a whole. Following the pre-accession strategy for the full membership in the EU the Czech Republic is getting closer to become a functioning and stable democracy with prosperous market economy and modern effective state serving its citizens. This anyway cannot be only the process involving exclusively Brussels’s officials and narrow strata of Czech political élites. The Czech

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<sup>70</sup> According to opinion polls from February 2000 people in the Czech Republic trust:

EU	58%
NATO	53%
Czech government	24%

Source: STEM, Trendy 1994–2000.

<sup>71</sup> Communication Strategy, Presentation of STEM and Sofres-Factum, Ministry of Foreign Affairs, Prague, March 13, 2000.

society has this rare historical chance to manage its own life and to steer the country “back to Europe”. This process is not going to be easy. Czech citizens with the full knowledge have to make their own choices.

The process of transition towards democracy after 1989 went through quite dramatic and dubious road. There were successes and failures. The problematic voucher privatization, the unfinished transformation of big companies, the still missing clear legal framework, the lack of the reform of civil service are the most visible examples. Thus we can state that not always in the years 1989–1998 the transformation and the accession processes went hand by hand. From 1998 onward the accession process supports the transformation and helps the Czech Republic become the state where democracy is the way of life.

## WHERE IS THE HEART OF CELTIC TIGER: IRISH SOVEREIGNTY AND THE EUROPEAN INTEGRATION

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IVO ŠLOSARČÍK

### 1. Concepts of Irish Sovereignty

Constitution of the Republic of Ireland refers to sovereignty in two articles:

- Article 1 says that “the Irish nation hereby affirms its inalienable, indefensible and sovereign right to choose its own form of government, to determine its relations with other nations and to develop its life, political, economic and cultural”.
- Article 5 characterises Ireland as “sovereign, independent, democratic state”.

Both Irish constitutional doctrine and jurisprudence distinguish between internal and external sovereignty. The Irish state is fully sovereign only in the external sphere. Judge Finlay<sup>1</sup> formulated the essence of external sovereignty as situation when: state is not subject to any power but those chosen by the nation/people in the constitution and the state is not responsible to any external institution for its behaviour. In contrast to the external sovereignty, the Irish state derived form traditional British doctrine of internal sovereignty as formulated in the phrase “King/Queen can do no wrong”. In Judge Finlay’s opinion the position

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<sup>1</sup> Crotty v. An Taoiseach, podrobněji v samostatné podkapitole věnované tomuto případu.

of the Irish state is not above the law/constitution but is bound by the constitutional limitations. The sovereignty which Article 5 refers to, is the internal sovereignty.

Diarmuid Phelan<sup>2</sup> finds four basic concepts of sovereignty in the Irish constitution (1937) :

- Irish natural constitutional law.
- Sovereignty of the Irish state – State sovereignty.
- Sovereignty of the Irish nation – popular sovereignty.
- Common good.

The potential inconsistency between concepts of state sovereignty, popular sovereignty and principle of protection of the common good has initiated tension in the Irish constitutional debate.

### 1.1. State sovereignty

The state sovereignty is the concept traditionally used in both international and Community law. In the Irish constitutional discourse, the external concept of the state sovereignty is emphasised. The intensive debate was focused on the denial of impact of special British-Irish relations to the sovereignty of Ireland. Another sovereignty related issue was the separation of Irish state from the Commonwealth structures.

The territorial aspect of the Irish state sovereignty is specific in the question whether the sovereign rights of the Irish state applies to the territory of the Northern Ireland. The Articles 2 and 3 of the Constitution 1937 describe the national territory (which is probably the term identical with the state territory) as the whole area of the Irish island, i.e. the Northern Ireland included. Article 3 expresses the expectancy of the unification of the whole national territory under jurisdiction of Dublin regime. However, the very same constitutional article limits the territorial and material applicability of the Dublin-regime norms to the territory which is actually subject to the Dublin regime governance – which excludes the Northern Ireland from the applicability of the Dublin-regime legal norms, albeit temporarily<sup>3</sup>.

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<sup>2</sup> Phelan, Diarmuid R.: *Revolt or Revolution (Constitutional Boundaries of the European Community)*, Sweet and Maxwell, Dublin 1997, 303.

<sup>3</sup> Chubb, Basil: *THE GOVERNMENT AND POLITICS OF IRELAND*, Longman 1998 (3. ed), 42–52.

## 1.2. Popular sovereignty

The Irish constitutional doctrine considers the Irish people (or nation) to be the body which the ultimate internal sovereignty is vested in. The leading-case for definition of the principle of popular sovereignty is *Byrne v. Ireland*, where the Supreme Court held that “state is created by the people and shall follow the Constitution which has been adopted by the people and ... the people are the supreme authority in the ultimate instance.”<sup>4</sup> Analogous line of argumentation followed the consequent case-law of Irish judiciary.<sup>5</sup>

Popular sovereignty is the basic source which the Irish state and Irish administration derives its authority from. Even the popular sovereignty is not unlimited according the interpretation of some constitutional scholars. In their opinion, there are two catalogues of limitation of the popular sovereignty in Ireland. The first one, is the requirement of the common good. The second limitation is the catalogue of basic rights contained in the Irish natural constitutional law (the term Irish constitutional tradition is used there too).

## 1.3. Common good

Reference to “common good” in the Irish Constitution can be trace back to Christian political philosophy and tomism in particular. The common good includes not only common good of the whole population of Ireland, but the “common good” shall respect the interest of smaller groups and communities – such as self-governing associations, municipalities and family. The position of the Catholic Church in relation to the “common good” is unclear in the Irish constitutional doctrine. The concept of “common good” can therefore be used by minorities as the shield against the tyranny of majority which claims to be the holder of popular sovereignty. The principle of “common good” can be the doctrinal source for debate on the super-rigid or super-constitutional norms, which are not subject to standards constitution-amendment procedures<sup>6</sup>.

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<sup>4</sup> *Byrne v. Ireland* (1972).

<sup>5</sup> *Webb v. Ireland* (1988), *McKenna v. An Taoiseach* (1995).

<sup>6</sup> For critique of this opinion, see Hogan G.: *The Irish Supreme Court: Major Developments 1995–96*, (1997) 3 *European Public Law* 3, 182–4.

Attempts to create parallels between the concept of “common good” (which is essential in the Irish system) and principle of subsidiarity (which is particularly important in the EC law) appeared<sup>7</sup>. Main source of such analogies are, however, in the common origin of both principles in the Christian philosophy, more than the material similarity thereof.

## **2. International relations, international law and Irish legal system**

Ireland is an example of state with dualistic approach to the international law. The Constitution authorises the government to exercise the external relations of the state, including signature of international treaties. No international treaty becomes the part of Irish legal system until/unless the Parliament (Oireachtas) determines so.

As regards the customary law, the reference in the Irish Constitution is limited to the acceptance of generally recognised rules of the international law and alliance to the principle of peaceful solution of international disputes.

Dualism traditionally excluded/marginalised the direct applicability of extra-Irish legal sources within the territory of the Irish state<sup>8</sup>. Irish judiciary follows the dualistic model even towards international instruments of human rights protection, such as European Convention on Human Rights, which was ratified by Ireland in 1953. The Irish courts expressed in a consistent line of case law an opinion that the international human rights treaties do not form a part of Irish legal system irrespective of their importance or beneficial content. The same position is kept towards the case-law of international human rights tribunals – their decisions have neither binding effect in Ireland nor the effect of precedent. However, the use of an international treaty as the interpretation tool before an Irish court has been accepted.

The only exception from the abovementioned rule is the European Community law (EC law). Direct applicability of the EC law within Irish

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<sup>7</sup> Phelan, str. 308.

<sup>8</sup> The only “quasi-direct” applicability of international treaty appears in the situation when Irish legal norm explicitly refers to a material regulation in an international treaty of foreign legal order.



territory is based on the explicit constitutional authorisation and supplementary Irish legislation analogous to the European Communities Act in the United Kingdom.

### **3. Membership of Ireland in the European Union in the Irish constitution**

#### **3.1. Constitutional amendments initiated by the Irish accession to the EEC**

In 1973 when Ireland joined the EEC, the Irish legislators have chosen one of the most simple formulations of the constitutional basis of the participation in the project of the European integration (if one leaves aside the possibility to ignore the European integration in the constitutional text at all). On June 8, 1972, the constitutional article No. 29 which regulates the external relations of the Irish republic, was amended. A new “European” paragraphs which were added stated :

*The State may become a member of the European Coal and Steel Community (established by Treaty signed at Paris on the 18th day of April, 1951), the European Economic Community (established by Treaty signed at Rome on the 25th day of March, 1957) and the European Atomic Energy Community (established by Treaty signed at Rome on the 25th day of March, 1957).*

*No provision of this Constitution invalidates laws enacted, acts done or measures adopted by the State which are necessitated by the obligations of membership of the Communities, or prevent laws enacted, acts done or measures adopted by the Communities or by the institutions thereof, from having the force of law in the State.*

In 1992, during the process of ratification of the Maastricht Treaty, the second paragraph was amended (and re-numbered) in order to include also acts of the EU and special agencies within the EU.

#### **3.2. Constitutional amendments initiated by Single European Act, Maastricht Treaty and Amsterdam Treaty**

The Single European Act was signed by Ireland at the Luxembourg summit in December 1985. The ratification procedure was complicated by the judicial intervention in case *Crotty v. An Taoiseach* (discussed below) and referendum held on May 26, 1986. The Constitution have reflected

the act of ratification of the Single European Act by its 10<sup>th</sup> amendment from 1937. The amendment came into force on June 22, 1987 and included single one sentence in the Article 29.4.:

*The State may ratify the Single European Act (signed on behalf of the Member States of the Communities at Luxembourg on the 17th day of February, 1986, and at the Hague on the 28th day of February, 1986).*

Maastricht and Amsterdam treaties ratification followed the pattern used in case of Single European Act. Ireland was authorised to “*ratify the Treaty on European Union signed at Maastricht on the 7th day of February, 1992 ... (to) become a member of that Union*” by the 11<sup>th</sup> constitutional amendment from July 16, 1992. “The 18<sup>th</sup> constitution amendment from June 3, 1998 created a constitutional basis for ratification of the Amsterdam treaty by simple stating that: (Irish) *state may ratify the Treaty of Amsterdam amending the Treaty on European Union, Treaties establishing the European Communities and certain related Acts signed at Amsterdam on 2<sup>nd</sup> day of October, 1997.*”

The Irish acceptance of the *acquis communautaire* was not unconditional. Ireland has negotiated for an important opt-out from the general obligations of the EU member states in the area of visa, asylum and immigration policy. Additionally, Ireland has not become member of the Schengen system and opposed the incorporation of the Schengen *acquis* into the EU structures by the Amsterdam Treaty. Reluctance of Ireland to join the Schengen structures depends predominantly on the existence of Irish-British common travel area. If the United Kingdom derives from its opposition to the EU-wide abolition of border passport controls, Ireland would follow it. Therefore, the Irish state has left open the constitutional possibility of joining Chapter IV of TEC (visa, asylum and immigration policy) in the article No. 29.4.6.<sup>9</sup> The Irish Constitution requires the consent of both chambers of Oireachtas for such step. The same structure of future-oriented openness in this issue is contained in the EC law.

Additionally, the Irish Constitution contains explicit authorisation to ratify the Agreement on the Community patent from 1989.

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<sup>9</sup> Art. 29.4.6.: The State may exercise the options or discretions provided by or under Articles 1.11., 2.5. and 2.15. of the Treaty referred to in subsection 5 (Amsterdam Treaty) of this section and the second and fourth Protocols set out in the said Treaty but any such exercise shall be subject to the prior approval of both Houses of Oireachtas.

### 3.3 European Communities Act 1972

The constitutional regulation of the EU membership does not, however, ensure that Ireland shall perform all its obligations according to the Community law. Ireland had to ensure that, in spite of tradition of dualist approach to the external legal sources, Irish institutions will respect and enforce the EC law including its specifics of principles of priority and direct effect.

Consistency between Irish and Community legal order shall be ensured/secured by the constitutional article No. 29.4.7. which declared all acts of the Irish state “necessitated” by the EEC (now EU) membership are considered to be compatible with the Irish constitutional system<sup>10</sup>. Then, the Constitution guaranteed the EC secondary legislation (such as e. g. directives and regulations) the legal strength of a law in within the Irish territory.

Formulation used in the Constitution remains only little doubts that principle of priority and of direct effect of the EC law in Ireland is accepted – which is supported even by case-law of the Supreme Court<sup>11</sup>. However, the Irish constitution does not solve all potential problems of the interpretation and application. First, the scope of the meaning of the “necessitated” is unclear. Secondly, the question of inconsistency between an older EC norm and more recent Irish norm is not solved. From the position of the EC law, even older Community norm should take priority over every Irish law and the date of its adoption should not have any importance. In contrast to the EC position, some member states applied the doctrine which used principle “*lex posteriori derogat priori*” for the conflict between EC secondary norm and domestic laws.

A certain “cook-book” or “manual” for Irish administration and judiciary is the European Community Act from 1972 which was also described as “vehicle of the implementation of the EC law”<sup>12</sup>. This Act is a relatively short piece of legislation containing (in its current version) seven

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<sup>10</sup> No provision of this Constitution invalidates laws enacted, acts done or measures adopted by the State which are necessitated by the obligations of membership of the European Union or of the Communities, or prevent laws enacted, acts done or measures adopted by the European Union or by the Communities or by the institutions thereof, or by bodies competent under the Treaties establishing the Communities, from having the force of law in the State.

<sup>11</sup> *Pigs and Bacon Commission v. Mc Carren* (1982).

<sup>12</sup> Byrne, McCutcheon: *The Irish Legal System*, Butterworths (3<sup>rd</sup> ed.) 1998, 252.

articles. The most analysed part of the Act is the provision which gives individual ministers power to make regulations in order to incorporate EC law into Irish legal system. The ministerial regulation developed itself into an effective system of safeguarding Irish obligations according to the EC/EU membership, albeit the democratic character of the system was questioned before courts.<sup>13</sup> Even one of the proposals for amendment of the Czech Constitution contained analogous mechanism. According to the mechanism proposed, the Czech government should have power to adopt regulations with legal force of law which approximate Czech law to the Community one. However, this proposal has not survived the debate in the Czech Parliament.

## **4. Position of Irish Judiciary**

### **4.1. Constitution Review in Ireland**

Irish Constitution permits a review of compatibility of “normal” law/acts with the Constitution. However, there is no special judicial or administrative institution with such a task, analogous the Constitutional Court in Germany or Constitutional Council in France. In Ireland, the competence of constitutional review is vested in any High Court. The appellate body against a decision of the High Court is the Supreme Court in Dublin, whose decision is ultimate. The competence of the Irish judiciary has form of both concrete review (i. e. the court decides on the compatibility of the law which should be applied in the case before the court) and abstract review (the court decides on compatibility even in case of no actual controversy). The right to initiate the abstract review is limited to the President who can ask the Supreme Court for the review in the period between the adoption of law by the Irish Parliament and the signature of law by the President as the final formal step before the act enters into force.

Irish Constitution does not explicitly regulate the right to review the compatibility of international treaties with the Constitution. This gap has been filled by the Supreme Court which repeatedly declared that such a competence exists. Therefore, the Supreme Court can declare an international treaty (including EC/EU founding treaties) to be unconstitutional and to block the ratification procedure. The logic of the Supreme Court

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<sup>13</sup> Meager v. Ministry of Agriculture (1994).

t's argumentation follows the fact that the judiciary could review the Irish law which would implement the treaty into the Irish domestic law –then the court should have the same competence even before the implementation which could save time and money of the Irish state.

#### **4.2. Crotty v. An Taoiseach**

In contrary to Germany and France where the most intensive judicial controversy was initiated by the ratification of the Maastricht Treaty, the “fifteen minutes of glory” of the Irish Supreme Court appeared to be in connection with the ratification of the Single European Act in 1987. The leading case in this field is *Crotty v. An Taoiseach*.<sup>14</sup>

Ireland has signed the Single European Act (SEA) on February 17, 1986 without any formal reservation or interpretative declaration. In order to compatibilise Irish legal system for the post-SEA European Communities, the Oireachtas (Irish Parliament) amended the European Communities Acts. Yet before the end of the year the constitutional validity of this new norm was attacked by Mr. Crotty before the High Court. Crotty claimed the incompatibility of the new act with the Irish constitutional system including the “European” constitutional article No. 29.4.3. As reaction to the action of Mr. Crotty, the High Court issued a preliminary measure which prevented the Irish government to finalise the ratification of the Single European Act in the Oireachtas.

The structure of the *Crotty v. An Taoiseach* case is as follows:

The applicant, Mr. Crotty, claimed that the new Irish European legislation exceeds the authorisation given in the constitutional article No. 29.4.3. In Crotty's interpretation, the constitutional authorisation was frozen in the date of its adoption, i.e. the Constitution gives the Irish state right to join the EC in the situation of 1973 only. Irish participation in the legal and institutional novelties of SEA (expansion of the qualified majority voting in the Council, legal basis for the Tribunal of First Instance or new EC policies) has no constitutional basis and violates the sovereignty of the Irish state. Therefore – in Crotty's interpretation – any change of the primary law requires a constitutional amendment.

The High Court (and the Supreme Court subsequently) refused interpretation of Irish sovereignty a la Crotty. Member of the Court, Judge

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<sup>14</sup> Taoiseach = Prime Minister.

Finlay, held that “*the authorisation given to the Irish state in the Constitution allows not only the accession to the EC as they were in 1973 as well to all its amendments unless the amendments do alter the scope or objectives in the significant way.*” Further, the Supreme Court states that the European integration is a dynamic body and this dynamics is predicted by the article No. 29.4.3.

Task for the Supreme Court was then, to decide whether the Single European Act remained in the limits which do not alter the scope or objectives of the European integration in significant way. The Court held that the vast majority of the SEA fulfilled such a test and did not require any constitutional amendment. The situation changed, however, in the review of the Political Co-operation which was a new mechanism of the co-ordination of external relations of the EC member states, formalised by the SEA. The Supreme Court decided with the very most narrow majority (3:2) and found the Political co-operation outside the scope of authorisation given by the Constitution. By the participation in the Political co-operation scheme, Ireland would accept obligations limiting its freedom in the sphere of international relations. According to the Supreme Court, this would violate the characteristics of Ireland as “sovereign, independent and democratic state” (Art. 5) and the constitutional principle that the Irish government shall act “according the requirement of common good” (art. 6).

Therefore, the ratification of the Single European Act required an amendment of Irish constitution which had been preceded by the referendum. The constitutional conformity with post-SEA European Community membership has been restored by the simplest possible method – a sentence allowing the ratification of SEA has been added to the wording of the constitutional article 29.

Ratification of Maastricht and Amsterdam Treaties in Ireland was not accompanied by judicial intervention analogous to that in *Crotty v. An Taoiseach*. In both cases, it was the government itself which initiated the constitutional amendments reflecting the development of project of the European integration.

#### **4.3. Other judicial decisions relevant for the Ireland – EC/EU relations**

Protection of unborn life is a sacrosanct of the Irish constitutional and political tradition. In the scale of possible approaches to the abortion issue, Ireland is situated on the very extreme protectionist position. In practice,

the abortion is prohibited in Ireland even in such extreme situations as the pregnancy caused by rape or pregnancy creating a serious medical risk for mother. Protection of unborn life and ban on abortions has even the constitutional basis in Ireland. In 1983–1992, Irish constitution contained article No. 40.3.3 which stated :

*“The State acknowledges the right to life of the unborn and, with due regard to the equal right to life of the mother, guarantees in its laws to respect, and, as far as practicable, by its laws to defend and vindicate that right.”*

Importance of the abortion for the Irish participation in the project of the European integration was reflected even in the EU primary law. The Protocol No. 17 to the Maastricht declares that : *“nothing (in this Treaties) does not influence application of the article 40.3.3. of the Constitution of the Republic of Ireland within the territory of Ireland.”*

In spite of the special protocol, the ban on abortion in Ireland have created a potential conflict between the Irish constitutional principle and the requirements of the *acquis communautaire*. The conflict is not concentrated in the very existence of the ban on abortion itself but in the prohibition of two collateral activities: right to travel and right to information.

Relatively common practice to travel to other EU states where abortion is legal medical activity, has developed in the Irish society. The Irish constitutional doctrine, however, did not consider this right to be unlimited. Constitutional limits of this practise were analysed to its very extreme in two leading cases of the 90's. In the *Attorney General v. X case* (1992), the High Court prevented a pregnant 14-year-old rape victim from leaving Ireland to have an abortion in England. In appeal, the Supreme Court overturned this decision and allowed the girl to leave Ireland, ruling that *“if it is established . . . that there is a real and substantial risk to the life, as distinct from the health, of the mother, which can only be avoided by the termination of her pregnancy, such termination is permissible”*. Reviewing facts of the case, the Supreme Court concluded that there a substantial risk of suicide existed if the girl's pregnancy not being terminated. In absence of such a risk, right of unborn child would prevail over the autonomy of the girl's decision in spite of the circumstances of the case. The same logic was followed by the Irish judiciary in the *Attorney General v. C Case* (1998) where the right of a 13 year old girl, pregnant as a result of rape, to leave Ireland for the United Kingdom in order to undergo a legal abortion there. The Irish court granted right to leave

the country since there was a substantial risk of girl's suicide. The "C case" differed from the "X case" in the fact that the court gave preference the risk to Miss C life in spite of fact that the girl's father – an extreme anti-abortionist attempted to prevent her from leaving the country.

Due to the results of both cases, there was no place for the European Court of Justice to decide on the compatibility of the Irish practice and the principle of freedom to receive services which is in the very core of the EC law. Different situation appeared in case of Irish ban on dissemination of information of the abortion-providing facilities abroad. Series of action before Irish courts was taken against institutions (e.g. Dublin Well Woman, Open Door Counselling) which distributed information on the possibility to undergo an abortion abroad. The Irish Supreme court supported Irish ban on such information campaign since it should violate the right to life of unborn as contained in the article 40.3.3 of the Irish Constitution. When this cases were reviewed by the European Court of Justice, the supreme EC judicial authority declared itself to be incompetent. Even if the information campaign was a service, there was no financial link with the medical institution providing services. Therefore, the service remained outside the regulatory effect of the Community law<sup>15</sup>. However, the same issue was reviewed later by the European Court of Human Rights in Strasbourg which declared an incompatibility of the Irish ban and freedom to information guaranteed in the European Convention on Human Rights<sup>16</sup>.

Both the decision of the European Court of Human Rights and intensive debate in the Irish society have initiated shifts in the constitutional doctrine. In 1992, three referenda related to the abortion were held in Ireland. They resulted in two constitutional amendments which enlarged the constitutional article 40.3.3. by two new paragraphs moderating the unconditional protection of unborn life<sup>17</sup> :

*"Subsection 3 of this section (Article 40.3.3) shall not limit freedom to travel between the State and another state."*

and

*"Subsection 3 of this section (Article 40.3.3) shall not limit freedom to obtain or make available, in the State, subject to conditions as may be*

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<sup>15</sup> Society for the Protection of Unborn Children v. Grogan (C-159/90, judgement from October 4, 1991).

<sup>16</sup> Open Doors Counselling v. Ireland (1992).

<sup>17</sup> 13<sup>th</sup> and 14<sup>th</sup> amendment of the Constitution from December 3 and December 23, 1992.



*laid down by law, information relating to services lawfully available in another state.”*

Constitutional provision on the information issue has been further elaborated by the “Regulation of Information Services outside the State for Termination of Pregnancies Act” in 1995. The Act enabled registered medical practitioners to provide pregnant women with advice on possibility to travel abroad to medical facilities where abortion is legal. The constitutionality of the Act has been confirmed by the Supreme Court.

Third referendum proposal intended to incorporate a more moderate approach to the protection of unborn life by amending the constitutional test in the following way: “It shall be unlawful to terminate the life of an unborn unless such termination is necessary to save the life, as distinct from the health, of the mother where there is an illness or disorder of the mother giving rise to a real and substantial risk to her life, not being a risk of self-destruction.” However, the proposal was defeated in the referendum and had no effect on the constitutional practice.

## 5. Treaty of Nice

The last constitutional change connected with the EU membership is currently in the process of relative turbulence. The Irish government intended to amend the Constitution in the way analogous to amendments after Single European Act, Maastricht Treaty and Amsterdam Treaty. In the complex of three referenda (Nice Treaty, International Criminal Court and abolition of the death penalty), the Irish population (or its segment which participated in the referendum) rejected the ratification of the Treaty of Nice and the relevant constitutional amendment.

Rejection of the ratification of the ES/EU primary law treaty is an unique experience of the Irish constitutional law, albeit not in the history of other member states. Therefore, three options are generally open:

- Ireland will not ratify the Treaty of Nice
- There will be another referendum (and consequent constitutional amendment) on the same issue while the Treaty remains unchanged. The more elaborated information campaign from the Irish government as well as higher number of Irish voters are expected then.

- There will be another referendum (and consequent constitutional amendment) while the Treaty of Nice being partially renegotiated with Ireland receiving special opt-outs. This situation would be similar to the procedure of ratification of Maastricht Treaty in Denmark in 1992–93.

## 6. Conclusion

Inter-relationship between Irish sovereignty and Irish membership in the European Union seems to have Janus-face. The “pro-European” face of the Celtic tiger reflects the constitutional authorisation of the EU membership without any explicit reservations and/or limits as well as flexible method of implementation of *acquis communautaire* by ministerial regulations. The more traditional and nation-oriented face of the Celtic tiger contains the unclear and cryptic references to “common good” and “shared values of the Irish nation.” As so far, the most express emanation of the traditional approach to sovereignty has been the restrictions in the abortion issue. After Nice, the neutrality issue may become the second one.

From the procedural point of view, Ireland has not provided example of an the intensive conflict between the governmental branches analogous to tensions between the Bundestag and the Constitutional Court in Germany. Instead, Ireland shows rather co-operative approach of legislature, executive and judiciary to the EU participation where small “family-quarrels” (such as ratification of the Single European Act) are solved without great tension. After Nice, the direct intervention of the Irish voters may become the phenomenon which makes this harmony more questionable again.

Concluding, Irish constitutional regulation of sovereignty and the European integration combines abstract and concrete approaches. Irish Constitution permits the ratification of concrete catalogue of European treaties. Further, it contains mechanism ensuring that the Irish domestic institutions could register, apply and enforce the whole complex of Irish obligations under Community law. On the other hand, Irish constitutional system does not sign a *bianco cheque* to Brussels. The combination of international negotiation (special declarations and opt-outs for Ireland) and judicial interpretation ensures that areas which are extremely important for Irish self-identification, remain outside the EU intervention.

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## **DIE ZU ERWARTENDE MIGRATION NACH DEM BEITRITT DER TSCHECHISCHEN REPUBLIK ZUR EU**

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ARSÈNE VERNY

### **A. Einleitung**

Die bevorstehende fünfte Ost- Erweiterungsrunde der EU stellt Europa einerseits vor historisch einmalige Anforderungen, sie bietet andererseits aber auch die große Chance, die Länder Mittel- und Osteuropas bei ihrer „Rückkehr nach Europa“ zu unterstützen und das bisher nur westeuropäische Integrationsvorhaben zu einem genuin gesamteuropäischen Integrationsprozess weiterzuentwickeln.

Die aus diesem Vorhaben resultierende Herausforderung an die bestehende Union ist grundsätzlich zweifacher Natur: Zum einen müssen zur Vorbereitung der Erweiterung die europäischen Institutionen und ihre ökonomischen und politischen Entscheidungsprozeduren weiterentwickelt und an die neuen Gegebenheiten angepasst werden, um auch in dem sich ankündigenden Europa der 25 die Handlungskompetenz der Union zu erhalten und zu verbessern (Vertrag von Nizza). Zum anderen ergibt sich eine zweite große Herausforderung aus der beträchtlichen sozialökonomischen Entwicklungslücke, die zwischen der existierenden EU und den osteuropäischen Beitrittskandidaten besteht.

Die enorme ökonomische Schwäche der Beitrittskandidaten zusammen mit ihren kaum entwickelten sozialen Sicherungssystemen könnte – so wird befürchtet – zu einem unkontrollierbaren ökonomischen und sozialen Krisenfaktor für das neue Gesamteuropa werden.

Mit den gegenwärtig in der EU vorhandenen 20 Millionen Arbeitslosen ist die bereits heute innerhalb der EU der 15 bestehende Unterbeschäftigung eine schwerwiegende Gefahr für die wirtschaftliche, soziale und politische Stabilität der meisten Mitgliedsländer. Ein zusätzlicher und sich den herkömmlichen Mitteln der Asyl- und Einwanderungspolitik entziehender Immigrationsdruck aus den neuen osteuropäischen Ländern könnte in dieser Situation destabilisierend wirken. Es ist deshalb naheliegend, dass mehr und mehr Befürchtungen die Oberhand gewinnen, dass die bevorstehende Ostintegration eine Art Völkerwanderung in Gang setzen werde und damit zu einer demographisch-wirtschaftlichen Bedrohung des westeuropäischen Lebensstandards werden könnte.

Angesichts dieser Einschätzungen scheint es notwendig, das im Zusammenhang mit der anstehenden Osterweiterung zu erwartende Migrationsgeschehen auf seine voraussichtlichen Dimensionen und Wirkungen abzuschätzen.

Die potentiell bedrohlichste negative Folge der Ostintegration wird offensichtlich darin gesehen, dass durch die mit der Ostintegration einhergehende Aufhebung der real existierenden Landesgrenzen und der bestehenden administrativen Wanderungshemmnisse eine massive Ost-West-Massenemigration initiiert werden könnte. Nach einer Erhebung der EU wollen insgesamt rund 20 Millionen Menschen aus den ehemaligen Ostblockländern „sicherlich“ oder „wahrscheinlich“ nach Westeuropa auswandern. Eine solche Armutsmigration würde die EU – analog zu den Erfahrungen der BRD bei der DDR-Integration – vor eine ebenso wohlstandsbedrohliche Alternative stellen: Entweder die negativen Folgen einer solchen Massenimmigration in den Einwanderungsländern hinnehmen und kompensieren zu müssen oder aber unter gleichermaßen hohen finanziellen Opfern durch massive Kapitaltransfers die Migration zu verhindern.

## **B. Theoretische Betrachtung des Migrationsgeschehens**

Bei der theoretischen Betrachtung des Zusammenhangs zwischen Marktintegration und Migrationsgeschehen interessieren vor allem zwei Problemkreise:

1. Welche wohlfahrtsökonomischen Wirkungen sind von der Binnenmarktintegration zu erwarten?

## 2. Wie kommen Migrationen zustande, d.h. welche marktintegrativen Motive und Kräfte beeinflussen ihre Richtung, Zusammensetzung und Stärke?

Die beiden Fragekomplexe stehen dabei in einem interdependenten Zusammenhang: Einerseits sind interregionale und internationale Faktorzwanderungen mitbestimmend für die Höhe der durch eine Marktintegration erzielbaren Wohlstandssteigerungen. Andererseits sind die durch die Marktintegration via Arbeitsteilung und Warenaustausch erzielbaren Wohlstandssteigerungen determinierend für die Stärke und Ausrichtung der zu erwartenden Arbeitskräftewanderungen.

Die Frage nach den wohlfahrtsökonomischen Effekten der Marktintegration wird von der Handels- und Integrationstheorie sehr optimistisch beantwortet. Dies gilt sowohl in Bezug auf die Gesamthöhe der zu erwartenden Wohlstandserhöhungen als auch in Bezug auf den Wohlstandsausgleich zwischen den sich in einem gemeinsamen Markt integrierenden Ländern: Die wesentlichen allgemeinen Wohlfahrtsgewinne in Form von Einkommens- und Lebensstandarderhöhungen werden aus den statischen (reallokationsbedingten) und dynamischen (wettbewerbsbedingten) Produktivitätseffekten des vergrößerten gemeinsamen Marktes erwartet. Die Angleichung der Einkommens- und Lebensstandards der beteiligten Länder wird von den im Rahmen der komparativen Kostenvorteile (etwa gemäß der Heckscher-Ohlin-Theorie) sich entwickelnden Faktorpreisausgleichwirkungen erhofft, die insbesondere bei arbeitskraftreichen (reallohn-niedrigen) Partnerländern via Lohnsteigerungen direkte Erhöhungen der Masseneinkommen prognostizieren.

Arbeitskräftewanderungen – wie auch die interregionalen Wanderungen der anderen Produktionsfaktoren – können damit als Ersatz für die interregionale Bewegung von Gütern und Dienstleistungen dienen und damit zu ähnlichen Wohlstandssteigerungen und Einebnungen internationaler und intranationaler Wohlfahrtsdifferenzen beitragen, wie dies – wie bereits angesprochen – dem internationalen Handel zugeschrieben wird.

Etwas komplizierter ist die Frage nach den Antriebskräften der Migration zu beantworten. Grundsätzlich besteht Einigkeit darin, die „pull- und push“-Kräfte bestehender Produktivitäts- und damit Lebensstandardsunterschiede zwischen Ländern und Regionen als die Hauptantriebskräfte von wirtschaftlich bedingten Arbeitswanderungen anzusehen. Andererseits ist nicht zu übersehen, dass es eine große Zahl von nichtökonomischen Wanderungsdeterminanten (überwiegend in Form von Wanderungs-

hemmnissen) gibt, die den „pull-Effekt“ hoher Lohn- und Lebensstandardunterschiede erheblich mindern oder gar aufheben können. Neben einer Vielzahl von rechtlichen und administrativen Hemmnissen an den nationalen Grenzen umfassen diese „kritischen Schwellen“ auch sprachliche, kulturelle oder religiöse Unterschiede, die so stark sein können, dass bei Beseitigung der rechtlichen, politischen und administrativen Wanderungshemmnisse selbst hohe Lohn- und Lebensstandarddifferenzen keine oder nur relativ geringe Migrationen zu initiieren vermögen.

Obwohl durch derartige Überlegungen die theoretische Vorhersagbarkeit von Wanderungsströmen sehr erschwert wird, kann doch zusammenfassend festgehalten werden, dass die bestehenden Lohn- und Einkommensunterschiede wohl die zentrale ökonomische Wanderungsdeterminante sein dürfte. Die Migrationen tragen ihrerseits – ebenso wie die interregionalen Transfers der anderen Produktionsfaktoren und wie der Güterhandel – zur Erhöhung des allgemeinen Lebensstandards bei und bewirken überdies tendenziell eine Einebnung der interregionalen Wohlstandsgefälle. Güterhandel, Arbeitskräftewanderungen und Kapitaltransfers stehen dabei in einer wohlfahrtsökonomisch substitutiven Beziehung.

Für die im konkreten Falle zu erwartenden Arbeitskräftewanderungen stellt sich damit natürlich die Frage, welche der (substitutiven) interregionalen Ausgleichsmechanismen früher einsetzt und stärker wirkt und damit die anderen Mechanismen begrenzt bzw. substituierend zurückdrängt. Als erstes ist dabei festzustellen, dass die integrationsbedingte interregionale Optimierung und Annäherung der Lebensstandards und Einkommen aus theoretischer Sicht nicht allein und nicht primär von interregionalen und internationalen Arbeitskräftewanderungen erwartet werden sollte. Tatsächlich sind Arbeitskräftewanderungen sowohl in der Theorie als auch in der Realität weder die einzigen noch die effektivsten Mechanismen zum interregionalen Wohlstandsausgleich. Die auch in der wirtschaftlichen Realität wirksameren und bedeutenderen Ausgleichs- und Angleichungsmechanismen dürfen vom Güter- und Dienstleistungshandel einerseits und vom Kapitaltransfer andererseits (insbesondere in Form von Direktinvestitionen) ausgehen. Im Gefolge des Abbaus der protektionistischen Hemmnisse (wie dies bei der Integration neuer Länder in einen bestehenden Binnenmarkt der Fall ist) prognostiziert die Theorie einen schnellen Anstieg des Binnenhandels einerseits und der innergemeinschaftlichen Kapitaltransfers. Diese beiden Ausgleichsmechanismen traten relativ frühzeitig und nachhaltig auf,



weil sie, im Gegensatz zur Arbeitskräftewanderung, in viel geringerem Maße als diese, nicht von – auch nach der Marktintegration noch verbleibenden – nichtökonomischen (sozialen, psychologischen, kulturellen etc.) Wanderungsbarrieren gebremst werden und darüber hinaus mit vergleichsweise geringeren Transferkosten belastet sind. Durch den dynamisch sich entfaltenden Güterhandel sowie Direktinvestitionszuflüsse entsteht eine doppelte Wirkung auf den Wohlstandsausgleich zwischen Beitrittsland und EU: Sowohl Güterhandel als auch Kapitaltransfers steigern direkt Wachstum und Volkseinkommen im Beitrittsland, gleichzeitig bewirken sie über eine tendenzielle Angleichung der Faktorpreise indirekt die gewünschte Annäherung der Lohnkosten und Lebensstandards zwischen den alten und neuen EU-Mitgliedern. Als Gesamtwirkung prognostiziert die Theorie damit im Beitrittsfalle auch für die osteuropäischen Länder eine schnell einsetzende Zunahme von Güterhandel und Kapitaltransfers, die durch ihre wachstums- und beschäftigungssteigernde Wirkung zu einem (tendenziellen) Lohnanstieg in den Beitrittsländern führen und damit letztlich sowohl die Notwendigkeit als auch den Anreiz zur interregionalen Arbeitskräftewanderung vermindern oder gar beseitigen. Voraussetzung für einen solchen wohlstandsegalisierenden Effekt ist allerdings die Inzidenz vor allem der dynamischen, d.h. wachstumsstimulierenden Integrationsgewinne auch in den Beitrittsländern. Konkret müsste sich dies darin niederschlagen, dass in den Beitrittsländern über dem Durchschnitt der westeuropäischen Länder liegende Wachstumsraten initiiert werden, womit ihre Realeinkommen und Lebensstandards an jene der westeuropäischen EU-Mitglieder angeglichen würden.

Im Falle der Tschechischen Republik, deren BIP in 1995 etwa bei 50 % des EU-Durchschnitts lag, hat sich bei einer fünfjährigen jährlichen Wachstumsrate von 6 % das tschechische Bruttoinlandsprodukt bis zum Jahre 2000 auf 60,6 % des EU-Durchschnitts erhöht. Die weitere Fortsetzung dieses Wachstums bis zum Jahre 2005 würde diesen Indikator auf nahezu 74 % des EU-Durchschnitts bringen. Dies wäre dann bereits beträchtlich mehr, als z.B. für Griechenland prognostiziert wird. Sollte die Ostintegration diese Ergebnisse zeitigen, d.h. einen derartigen Wachstumsschub initiieren, so dürfte hiervon eine spürbare Wirkung auf die geschilderte Substitutionsbeziehung „Handel versus Faktorwanderung“ ausgehen, d.h. der Integrationsprozess selbst würde zu einer faktischen Reduzierung des Emigrationsdrucks beitragen.

Es gibt bestimmte Mittel zur Bewältigung dieser Problematik:

1. Die Ausweitung des europäischen Solidarkonzepts auf die Neumitglieder.
2. Die bewusste Förderung und der Ausbau der marktwirtschaftlich-außenwirtschaftlichen Substitutionsmechanismen zum wohlfahrtsökonomischen Ausgleich zwischen den Neumitgliedern und der EU (Integration der Waren- und Kapitalmärkte).
3. Die Komplementierung der reinen Marktintegration durch ein Regelwerk an speziellen wirtschaftspolitischen Maßnahmen zur Kontrolle und Korrektur des Binnenmarktpinzips.

## **C. Rechtliche Grundlagen der Migration aus tschechischer Sicht**

Im Oktober 1993 zeichnete die Tschechische Republik das im Februar 1995 in Kraft getretene Europa-Abkommen. Der offizielle Antrag auf die EU-Mitgliedschaft wurde im Januar 1996 gestellt. Das Europa-Abkommen bildet den Rahmen der bilateralen Beziehungen zwischen den Europäischen Gemeinschaften und ihren Mitgliedsstaaten auf der einen und den Bewerberländern auf der anderen Seite. Es beinhaltet neben dem politischen Dialog vor allem die Selbstverpflichtung der beitrittswilligen Länder zur Rechtsangleichung. Ziel ist zunächst, eine Freihandelszone zwischen der EU und den assoziierten Partnern zu errichten.

### **1. Die Arbeitnehmerfreizügigkeit nach den Art. 38–44 des Europaabkommens**

Auf dieser Basis wurde auch der Grundsatz der Arbeitnehmerfreizügigkeit, geregelt in Art. 38 des EA, in das Europaabkommen aufgenommen:

- 1. Vorbehaltlich der in den einzelnen Mitgliedstaaten geltenden Bedingungen und Modalitäten - wird den Arbeitnehmern mit Staatsangehörigkeit der Tschechischen Republik, die im Gebiet eines Mitgliedstaats rechtmässig beschäftigt sind, eine Behandlung gewährt, die hinsichtlich der Arbeitsbedingungen, der Entlohnung oder der Entlassung keine auf der Staatsangehörigkeit beruhende Benachteiligung gegenüber den eigenen Staatsangehörigen bewirkt; - haben die rechtmässig im Gebiet eines Mitgliedstaats wohnhaften Ehegatten und Kinder eines dort rechtmässig beschäftigten Arbeitnehmers*

*Zugang zum Arbeitsmarkt dieses Mitgliedstaats während der Geltungsdauer der Arbeitserlaubnis dieses Arbeitnehmers; eine Ausnahme bilden Saisonarbeitnehmer und Arbeitnehmer, die unter bilaterale Abkommen im Sinne von Artikel 42 fallen, sofern diese Abkommen nichts anderes bestimmen.*

- 2. Die Tschechische Republik gewährt vorbehaltlich der dort geltenden Bedingungen und Modalitäten Arbeitnehmern, die Staatsangehörige eines Mitgliedstaats und in ihrem Gebiet rechtmässig beschäftigt sind, sowie deren Ehegatten und Kindern, die in diesem Gebiet rechtmässig wohnhaft sind, die gleiche Behandlung wie in Absatz 1 vorgesehen.*

Aufgrund des EA wurden weitere gegenseitige Verträge zwischen CR und anderen Mitgliedstaaten abgeschlossen, die die näheren Bedingungen für die Arbeitnehmerfreizügigkeit regeln (u.a. mit der Bundesrepublik Deutschland).

Das EA ist insoweit nicht als Grundlage eines „Arbeitsmarktes“ zwischen den Gebieten der Tschechischen Republik und der EU anzusehen. Jedoch stärkt es die Position des ausländischen Arbeitnehmers. Das EA enthält allerdings kein Diskriminierungsverbot für den Berufszugang auf den europäischen Arbeitsmarkt, das also heißt, dass das EA die tschechischen Staatsbürgern nicht mit den anderen Unionsbürgern gleichsetzt.

Gesichert wird aber der **Familiennachzug** (Kinder, Ehegatten) eines legal beschäftigten Arbeitnehmers sowie deren Zugang zum Arbeitsmarkt, auch dann, wenn die Angehörigen aus einem Drittstaat stammen.

Inhalt des Rechts der Arbeitnehmerfreizügigkeit ist ferner die **Gewährleistung der Grundarbeitsbedingungen**. Dies erfasst beispielsweise hygienische Bedingungen, Sicherheitsbedingungen sowie Fragen der Sozialversicherung<sup>1</sup> und Entlohnung. Insoweit gibt das EA im Hinblick auf die Grunderfordernisse eines Arbeitsverhältnisses auch klare Richtlinien für die nationalen Rechtsordnungen sowohl der assoziierten Länder wie auch der Mitgliedsstaaten vor.

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<sup>1</sup> Zu den Fragen der sozialen Sicherheit findet sich eine spezielle Regelung in Art. 39 EA:  
1. *Im Hinblick auf die Koordinierung der Systeme der sozialen Sicherheit für Arbeitnehmer mit Staatsangehörigkeit der Tschechischen Republik, die im Gebiet eines Mitgliedstaats rechtmässig beschäftigt sind, und für deren Familienangehörige, die dort rechtmässig wohnhaft sind, und vorbehaltlich der in jedem Mitgliedstaat geltenden Bedingungen und Modalitäten – werden für diese Arbeitnehmer die in den einzelnen Mitgliedstaaten zurückgelegten Versicherungs-, Beschäftigungs- bzw. Aufenthaltszeiten bei den Alters-, Invaliditäts- und Hinterbliebenenrenten sowie der Krankheitsfürsorge für sie und ihre Familienangehörigen zusammengerechnet;*

Im März 2001 wurde im Zuge dessen der tschechischen Regierung ein Gesetzentwurf über die öffentliche Krankenversicherung vorgelegt, der die Anpassung des tschechischen Rechtes in diesem Bereich verfolgt. Andere Gesetze aus diesem Bereich sowie die Koordinierung des Sozialversicherungssystems sollen folgen.

## 2. Das Niederlassungsrecht gem. Artikel 45–55 EA

Während die Arbeitnehmerfreizügigkeit nur für natürliche Personen gilt, besteht nach Art. 45 ff. des EA eine vergleichbare Lösung auch für die Geschäftstätigkeit von Gesellschaften und nicht in Angestelltenverhältnissen tätigen natürlichen Personen. Es gilt für die Niederlassung von Gesellschaften und Staatsangehörigen der Gemeinschaft der Grundsatz der Gleichbehandlung („eine Behandlung, die nicht weniger günstig ist als die Behandlung ihrer eigenen Staatsangehörigen und Gesellschaften“), jedoch unter Ausnahme bestimmter Themen und Wirtschaftszweige und immer unter der Maßgabe, dass dies mit dem öffentlichen Interesse vereinbar ist.

## D. Umsetzung der Migrationstheorien und mögliche Folgen des Beitritts

Die Motivation zur Migration kann durch solche Faktoren wie individuelle persönliche Motive (Familienverhältnisse) oder auch Gemeinschafts- und Naturkatastrophen (politisch-ideologischer Druck, Kriege und Konflikte, Epidemien) verursacht werden. Es setzt sich aber zunehmend eine wirtschaftliche Motivation der Migration durch. Es geht i.d.R. um zwei wichtige Motivationsgründe – eine Arbeitstelle in einem sog. Zielland zu gewinnen und ein höheres Lebensniveau zu erwerben, als im Mutterland möglich ist.

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- können alle Alters- und Hinterbliebenenrenten und Renten bei Arbeitsunfall, Berufskrankheit oder Erwerbsunfähigkeit, wenn diese durch einen Arbeitsunfall oder eine Berufskrankheit verursacht wurde - mit Ausnahme der nicht beitragsbedingten Leistungen -, zu den gemäß den Rechtsvorschriften des Schuldnermitgliedstaats beziehungsweise der Schuldnermitgliedstaaten geltenden Sätzen frei transferiert werden;
  - erhalten die betreffenden Arbeitnehmer Familienzulagen für ihre vorgenannten Familienangehörigen.
2. Die Tschechische Republik gewährt den Arbeitnehmern, die Staatsangehörige eines Mitgliedstaats und in ihrem Gebiet rechtmässig beschäftigt sind, und deren dort rechtmässig wohnhaften Familienangehörigen eine Behandlung, die der in Absatz 1 zweiter und dritter Gedankenstrich vorgesehenen entspricht

Verschiedene Theorien setzen sich damit auseinander. Die wohl bedeutendste, die sog. „neoclassical economics“ – Theorie erklärt eine Migrationsbewegung als die individuelle Entscheidung eines Menschen, sein Einkommen zu maximieren. Sie geht dabei von einem einzigen (Arbeits)markt aus.

Die Theorie „the new economics of migration“ geht hingegen von Bedingungen auf verschiedenen Märkten, nicht nur auf dem Arbeitsmarkt, aus. Eine Migration stellt sich für diese Theorie als die Entscheidung eines Haushalts dar, der die Risikofaktoren im Hinblick auf das Familieneinkommen minimalisieren will.

Zwei weitere Theorien, die „Dual labour market theory“ und „World systems theory“ stellen dagegen makrowirtschaftlichen Faktoren in den Vordergrund und sehen die Migration als das natürliche Ergebnis einer wirtschaftlichen Globalisierung an.

Alle vier Theorien erklären die Migration aus verschiedenen Gesichtspunkten – individuellen, nationalen und internationalen. Unterschiede in Löhnen, Arbeitslosigkeit und Globalisierung von Märkten verursachen eine Bewegung von Menschen innerhalb des Gemeinschaftsmarktes, innerhalb Europas und in der ganzen Welt. Gemeinsam ist aber allen diesen Überlegungen der wirtschaftliche Ansatz. Man kann wohl davon ausgehen, dass die derzeit stärkste Motivation zur Migration – zumindest in Europa – in wirtschaftlichen Anreizen liegt.

Nach der Art migrierender Arbeitnehmer lassen sich folgende Gruppen unterscheiden:

- a) **Angebotsmigration** – darunter fasst man die Abwanderung von Spezialisten aus dem (wirtschaftlich ärmeren) Mutterland in einen Zielstaat mit höherem Lebensniveau aufgrund eines Angebots an spezialisierten Arbeitstätigkeiten. Diese Form von Migration wird auch „Karierrmigration“ genannt und ist meist dauerhaft. Sie birgt allerdings das Risiko der „Abwanderung der Gehirne“ in sich.
- b) **Nachfragemigration** – beschreibt die Abwanderung von Migranten durchschnittlicher Qualifikation mit dem Ziel, ihren Lebensstandard zu verbessern.

Die Neigung zur Migration von Einwohnern armer Staaten in reiche Staaten ist um so größer, je größer der Unterschied zwischen realer

Mehrwertsteuer pro Einwohner und dem von ihr abgeleiteten Unterschied des Realniveaus der Durchschnittslöhne ist. Praktisch geht es immer um die reale Kaufkraft der Nettodurchschnittslöhne.

Die Schätzung, wie viele Einwohner der mittel- und osteuropäischen Länder im Rahmen der Personenfreizügigkeit in Staaten der (jetzigen) EU emigrieren würden, beruht auf dem Wissen, dass ein Unterschied von 10 % im Wirtschafts-, Lebens-, Einkommensniveau jährlich eine Neigung zur Emigration bei 0,05–0,15 % der Einwohner ärmerer Länder nach sich zieht.

Eine Grenze der Motivation für die Migration ist ein Gewinn von circa 70–75 % des Lebensniveaus des wirtschaftlich entwickelten Staates. Bei diesem Grenzwert endet die wirtschaftliche Motivation für die Migration.

Die Dauer und Intensität von Migrationsbewegungen wird durch wirtschaftliche, soziale, demographische, politische, historische und anderen Faktoren beeinflusst, die entsprechend der Migrationspolitik der Länder jeweils von Staat zu Staat verschieden sind und sich auch verändern. Das Migrationspotenzial der Einwohner eines Staates stellt die gesamte Kapazität von Personen dar, die in einem nicht begrenzten Zeitraum unter dem Einfluss wirtschaftlicher als auch außerwirtschaftlicher Anregungen mit unterschiedlicher Wahrscheinlichkeit einen der Typen der Migration realisieren können. Die Einschätzung des Migrationspotenzials wird durch sog. Modelle des Migrationspotenzials realisiert.

Die dauerhafte Migration aus der Tschechischen Republik in Staaten der EU stieg nach dem Jahr 1989 als eine Folge der Probleme, die das alte, sozialistische System nach sich zog, spürbar an. In Jahren 1990–1992 sind 30 100 Einwohner der damaligen Tschechoslowakei in Mitgliedstaaten der EU emigriert. In den Folgejahren 1993–1997 hingegen war der Migrationssaldo der Tschechischen Republik aus der Sicht der EU negativ (ca. 1000 Einwohner).

Seit der Entstehung der Tschechischen Republik 1993 hatte die Migration ins Ausland immer den Charakter einer Arbeitsmigration. Die Anzahl der Migranten der Einwohner der Tschechischen Republik liegt unter 20 000 Personen (davon ca. 1/3 in der BRD und in der Österreich), das heißt 0,2 % der Einwohner und ca 0,5 % der Berufstätigen.

Im Fall der Tschechischen Republik werden als ein Pro-Migrationsfaktor die wirtschaftlichen Motive überwiegen.

Nach den empirischen Untersuchungen schließt jedoch eine erhebliche Anzahl der Einwohner der Tschechischen Republik (ca 85 % im beschäftigungsfähigen Alter, resp. mehr als 90 % der gesamten Population) die

eigene Migration aus. Selbst die potentiellen Migranten aus der Tschechischen Republik orientieren sich nur in Richtung eines vorübergehenden Aufenthalts im Ausland.

Auf die Entwicklung des Migrationspotenzials der tschechischen Population werden zukünftig (in 10–15 Jahren) folgende Elemente als Hauptfaktoren wirken:

sich vor allem die Änderungen in der Populationsstruktur und die wirtschaftliche Entwicklung (d.h. insbesondere der Löhne) auswirken.

Die gesamte, maximal wahrscheinliche Obergrenze der Nachfrage der tschechischen Population nach Arbeit im Ausland bewegt sich in etwa zwischen 25 000–30 000 Personen, was ungefähr 0,25 % der Bevölkerung und 0,5 % der Arbeitskraft in der Tschechischen Republik entspricht. Im Laufe der nächsten 5–10 Jahre wird die jährliche Migrationskapazität wahrscheinlich unter 20 000 sinken.

Als Folgen des Beitritts der Tschechischen Republik zur EU sind bezogen auf die wirtschaftliche Entwicklung zwei Szenarien denkbar:

1. In negativer Richtung ist eine Hemmung der Wirtschaft in der Tschechischen Republik vorstellbar, mit beiderseitig negativen Folgen.
2. In positiver Richtung können die Nähe von hochentwickelten Wirtschaften und die bestehenden Kostenunterschiede zwischen den Mitgliedsländern und der Tschechischen Republik eine Weiterentwicklung der wirtschaftlichen Verhältnissen bewirken.

Die Vorteile, die die Tschechische Republik einzubringen vermag, kann man so zusammenfassen:

1. Zivilisationspotential: gutes Ausbildungs- und Qualifikationsniveau
2. Niedrigere Arbeits- und Verarbeitungskosten
3. Makroökonomische Stabilität
4. Grosse Investitionskapazität

Die Risiken, die mit dem Beitritt der Tschechischen Republik (für die Tschechische Republik) verbunden sind, bestehen in Folgendem:

1. Rückstand der Arbeitsproduktivität
2. Hohe Kosten für die Anpassung des „acquis“

3. Risiko der Emigration von Fachleuten und Spezialisten
4. Einfluss der gemeinschaftlichen Agrarpolitik auf Lebensmittelpreise (Erhöhung der Preise)

Die Risiken auf Seiten der Mitgliedstaaten, die sich aus dem EU-Beitritt der Tschechischen Republik ergeben könnten, sind:

1. Konkurrenz der billigeren Dienstleistungen
2. Belastung des gemeinschaftlichen Haushaltes (Förderungs- und Entwicklungskosten)
3. Verschlechterung der Währungsstabilität
4. Migration

## **E. Notwendige Rechtsangleichungsmaßnahmen und geplante Änderungen**

Um die möglichen Risiken der beitriffsbedingten Migration aufzufangen, muss schon jetzt eine gewisse Beweglichkeit der Arbeitskräfte gewährleistet werden. Problematisch sind auf tschechischer Seite derzeit folgende Rechtsbereiche:

1. Gegenseitige Anerkennung von Berufsqualifikationen: Noch immer entspricht der Rechtsrahmen für diesen Bereich nicht den EU-Bedürfnissen. Es wurde aber eine Kommission für gegenseitige Anerkennung der Berufsqualifikationen gegründet (2000). Ein Defizit besteht vor allem im Gesundheitsbereich. Das Hauptproblem liegt darin, dass die Kenntnis der tschechischen Sprache als notwendige Voraussetzung einer gegenseitigen Anerkennung der Berufsqualifikation eingeführt wurde.
2. Im Bereich der Arbeitnehmerfreizügigkeit wurde nach dem regelmäßigen Bericht der EU-Kommission (2000) ein gewisser Fortschritt erreicht. Es wurde die Novelle des Gesetzes über die Beschäftigung verabschiedet, durch die die Regel aufgehoben wurde, dass Ausländer in der Tschechischen Republik nur für die Dauer von 3 Jahren arbeiten dürfen und anschließend ihre Arbeit für 12 Monaten unterbrechen müssen.
3. Im Mai 2000 wurde mit der institutionellen, technischen und personellen Vorbereitung der Koordination des Sozialpflegesystems begonnen.



Bis zum Ende 2001 wird darüber hinaus der Entwurf des Gewerbegesetzes vorgelegt werden, durch das die Anpassung des tschechischen Rechts an die Richtlinie Nr. 1999/42/EG erreicht werden soll. Darin sind zugleich die Voraussetzungen für die gegenseitige Anerkennung von Berufsqualifikationen bestimmt.

Mit der Novelle des Atomgesetzes wird die Bedingung des dauerhaften Aufenthalts für eine Erteilung der Genehmigung für Ausübung von Tätigkeiten in diesem Bereich aufgehoben (spätestens bis 31. 12. 2002). Hiermit wird die Richtlinie Nr. 306/62/EG umgesetzt. Die Novelle des Gesetzes über den Aufenthalt von Ausländern in der Tschechischen Republik soll darüber hinaus alle Bestimmungen, die mit der Mitgliedschaft in der EU zusammenhängen, mit dem europäischen Recht in Einklang bringen. Das Gesetz soll am 1. 1. 2003 in Kraft treten. Die Dienstleistungsverwaltung der Beschäftigung und das gesamtstaatliche Netz von Arbeitsämtern sollen gem. der Entscheidung der Kommission Nr. 93/569/EG über die Verwirklichung der Verordnung des Rates Nr. 1612/68/EG über die Arbeitnehmerfreizügigkeit auf dem Gebiet der Gemeinschaften, hauptsächlich was das Netz EURES betrifft, angepasst werden.



## **THE EU FOREIGN POLICY AND THE PROCESS OF ACCESSION OF THE CZECH REPUBLIC**

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ZDEŇKA VŠELICHOVÁ

### **Introduction**

At the turn of 80s and 90s the Western countries have come up with ideas about the future structure of Europe, primarily about adjustment of relations towards new democratic systems established in Central and Eastern Europe. However, the internal reform of the European Union became a precondition for selection of the most sufficient alternative for the new European structure. Proposals for such reforming steps resulted in an amendment to the general treaties known as the Maastricht Treaty from February 7, 1992 and its further revisions in the form of Amsterdam Treaty from 1997.

The Maastricht Treaty laid out a new policy (refer to Article V. thereof) – the Common Foreign and Security Policy that introduced a new decision-making method, and which was then assumed to have a fundamental impact on the relations towards the Central and East European countries.

For a number of these countries, the Czech and Slovak Federative Republic incl. (and after the country split-up, the Czech Republic in particular), the foreign policy main objective was to initiate the closest relations with the European Union countries leading to the association with the West European integration groups.

The instruments and procedures of the second pillar, as indicated in the Treaty on European Union<sup>1</sup>, could not cover variety of issues the Czech Republic had to solve in all phases of the preparation for the association. The Europe Agreement establishing an association between the European Communities and their Member States of the one part, and the Czech Republic of the other part, happens to be a specific contractual document, the fulfillment of which should gradually eliminate the current problems, and create new conditions necessary for the association in terms of the Czech economy, policy, legislation, culture, etc.

## Decision-Making Progress within the 2nd Pillar

The provisions of Articles 11 to 28 (formerly J1 to J18) stipulated in Title V of the Maastricht Treaty, established a new topic of the Common Foreign and Security Policy. At the intergovernmental conference in 1996 to 1997, their stipulation was amended based on proposals initiated mainly by the Reflex Group<sup>2</sup>. The drafts negotiated at the conference had focused on needs of the future expansion of the European Union and influence which the unified foreign policy was supposed to have in the process of the mutual European Union expansion where up to 27 countries are planned to join.

Nevertheless, any dualism due to the adoption of amendment pursuant to the Maastricht Treaty (creation of different pillar) was neither removed by Amsterdam Treaty, nor amended during the negotiations of the Nice conference in December 2000.

The building and development of internal market is a foundation of the most developed pillar of the European Union. While the community bodies are responsible for its functioning and reinforcement of different principles of the membership countries' economics, the second (and third) pillar(s) is (are) characterized by the intergovernmental form of cooperation.

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<sup>1</sup> Vertrag von Nizza zur Änderung der Vertrags über die Europäische Union, der Vertrag zur Gründung der Europäischen Gemeinschaften sowie einiger damit zusammenhängenden Rechtsakte vom 26. Februar 2001 (Abl 2001 C 80 S 1, berichtigt Abl 2001 C 96 S 27).

<sup>2</sup> Bericht der ReflexGruppe, Weissbuch über die Regierungskonferenz, 1996.

However, the procedure applied during a concept of the decision-making process in the area of the common foreign (and security) policy is closely interconnected with the community policy area. The classic example is the negotiations about the entry into the European Union by new countries. If the European Council shall make a decision about the negotiations having been initiated pursuant to Title V of the Treaty on European Union, the specific negotiations about the association agreement between any particular country and the European Union should take place, pursuant to the provisions of the Treaty establishing the European Community (Articles 300 and 310 thereof).

Article 11 of the Treaty on European Union (in its consolidated stipulations) proclaims objectives of the common foreign and security policy, Article 12 then controls the methods of their achievement. The following provisions of Articles 13 to 28 of the Treaty on European Union set forth the aspects of external impact of the European Union towards third countries and international organizations.

## Europe Agreement

The fundamental contractual document controlling the mutual relations between the European Union and the Czech Republic is the Europe Agreement establishing an association between the European Communities and their Member States of the one part, and the Czech Republic, of the other part.<sup>3</sup>

The first official contacts between the Central and East European countries and the EC were permitted at the end of 80s, when in 1988 the diplomatic relations between the European Union and the Council for Mutual Economic Assistance were established. This opened up a space for bilateral negotiations. In December 1988 the first Trade Agreement on industrial products between Czechoslovakia and the European Community was signed.

After the bipolar world fall-down, and changes of the system that follows, the Czech and Slovak Federative Republic concluded within a short

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<sup>3</sup> Europe Agreement establishing an association between the European Communities and their Member States of the one part, and the Czech Republic, of the other part, OJ L 360, 1994.

period of time the first more detailed Trade and Economic Cooperation Agreement with the European Economic Community and the Euratom, dated May 7, 1990.

On June 28, 1991 even the relations with the European Coal and Steel Community were contractually established, especially in the form of a treaty on trade, business and economic cooperation. Within the same year and during the following period the contractual basis between the Czech and Slovak Federative Republic, then the Czech Republic, and the European partners has been strongly developed ever since.

On December 15, 1991, an Association Agreement between former Czechoslovakia and the European Communities was signed. After the split-up of the Czech and Slovak Federative Republic, the Czech Republic did not succeed the already agreed upon documents, but with respect to the changed situation it negotiated with the European Union countries a new, qualitatively better treaty. The existing Europe Agreement was signed on October 4, 1993 and following the approval of the Parliament of the Czech Republic and its ratification by the President of the Czech Republic, it became effective on February 1, 1995 (No. 7/1995 Coll.) after conclusion of the ratification process in the countries of the European Union.

This multidimensional Treaty on Association, having replaced the previously adopted agreements, focuses primarily the progressive creation of the area of free trade for the industrial products within a transition period of ten years (Articles 7 and 8). This transition period is divided into two subsequently following phases to take basically five years each. The first phase was launched by the effective date of this Treaty.

In 1993 the Association Council in parity representation on behalf of the Czech Republic, and the European Union had been established (Article 104 *et seq.* of the Association Treaty), which was empowered to supervise the completion of document requirements and solution of issues arisen therefrom.

The Association Council was authorized to adopt resolutions and solve disputes, relating to the application or interpretation of the Treaty (Articles 105 and 106 of the Association Treaty). Besides regular meetings of the Association Council, there are special working teams that get together on regular basis.

The Association Council negotiates the fulfillment of the Treaty at regular meetings, and assesses the progress achieved by the Czech Republic when it comes to the economic standards.

Prior to the expiration of the first five-year interim period, pursuant to Article 7(3), the representatives of the Czech party and the European Union met together at the Association Council in order to evaluate whether the Czech party complies with the conditions associated with the first interim period. They also assessed whether it is possible to progress towards other reforming phases, possibly, whether it is necessary to adopt certain changes opposing to the original provisions of the European Treaty. The Association Council then issued a resolution on entry of the Czech Republic into the second phase of the process, approved by the European Union bodies. This opened up the second interim period for the Czech Republic.

## **Common Foreign and Security Policy of the European Union and the Czech Republic**

The European Union bodies examine the effectiveness of the Common Foreign and Security Policy, and its impact on development of the relations with candidate countries, primarily in relation to the European Union enlargement.

Shortly after the Amsterdam Treaty had been signed, the European Parliament compiled one of the key assessment reports about influence and role of the Common Foreign and Security Policy on enlargement of the European Union in general. This material examines in detail e.g. whether the intergovernmental conference met its basic mandate, when it comes to the revision of this title in terms of the European Union enlargement, and in addition, it examines the reverse impact of executed changes and any and all proposed measures are justified from the point of view of need to secure the capacity for action of the Common Foreign and Security Policy in the future enlarged European Union<sup>4</sup>.

In terms of the Czech Republic, the Common Foreign and Security Policy did not become a formal part of the Europe Agreement. Nevertheless, in certain stipulations of the Europe Agreement of the Czech

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<sup>4</sup> J. Javier Fernandez Fernandez, Report of the European Parliament: The new common foreign and security policy in the Union following the signature of the Amsterdam treaty with a view to enlargement, "Enlargement" Task Force, DG IV, International and Institutional Affairs Division, Doc. No. PE 167.822.

Republic there are some sections reflecting the fundamental provisions of the second pillar. They follow from certain provisions of the Treaty on European Union stipulated in its preamble, then from the Common Provisions, which state that one of the objectives of the European Union is to assert its identity on the international scene, which should be achieved in particular by means of Common Foreign and Security Policy (Article 2 of the Treaty on European Union).

The CFSP shall ensure the consistency of its external relations, security, economic and development policies in order to avoid contradictions between the pillars (Article 3 of the Treaty on European Union).

The application of Article 6 of the Treaty on European Union became one of the instruments as how to measure the advancement of democracy within every candidate country. It stipulates, that the system of the European Union is based on principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law.

In accordance with these provisions the Europe Agreement establishing an association between the European Communities and their Member States of the one part, and the Czech Republic, of the other part established in its Article 2 a regular political dialogue with aim to create permanent relations and new forms of cooperation with the countries of the European Union. The Czech party declares to share values common to the association of democratic nations, as well as it respects the principle of the rule of law, respect for the rights of minorities, multi-political parties system and democratic elections.

In 1994 the European Commission compiled a plan to make sure a greater level of cooperation between the European Union countries and candidate countries is established in the form of the so called pre-accession strategy. This allows to coordinate the foreign policy standpoints of the European Union with those of the relevant candidate countries.

## **Negotiations of the Czech Republic**

In January 1996 the Czech Republic submitted its application to join the EU. This decision was followed by a process of legal analyses of Czech legislation.

In November last year the European Commission published its report about progress achieved by the candidate countries in their preparation



to the membership of the European Union. It is assumed, the Czech Republic should finalize its entry negotiations by the end of 2002. The Czech Republic preliminarily concluded 24 Chapters (by second half of December 2001), such as those on control of fishing, free movement of goods, free movement of persons, services and capital, right of trade companies, issues of economic and monetary union, statistics. The Chapter on taxes, social and employment policy, energy, industrial policy, small and medium proprietorship was successfully closed. The Chapter on controlling the science and research, education, special education and youth, telecommunications and information technology, culture and audio-vision, environmental issues, protection of health and consumer, cooperation in the area of police and judicial cooperation in criminal matters controlled within the Schengen treaties was complied with. The Chapter on custom union, external relations, finance control and well as the Chapter on common foreign and security policy<sup>5</sup>.

One of the key tasks assigned to the Czech Republic is to make sure the preliminarily agreed upon Chapter are implemented in “the real life”.

Upon “The Accession Partnership” between the EU and the Czech Republic the Czech government compiles every year “The National Programs” for preparation of accession in the European Union. This program introduces the fundamental issues considered the negotiation priority. It also presents deadlines applicable to the fulfillment of these priorities, and the scheme as how the problems might be handled when it comes to finances and human resources, in what manner the tasks arisen from different Chapter should be applied in the State Administration and the Czech Republic legislation. The fulfillment of these programs is evaluated on regular basis. The objective of the inspection negotiations of the set priorities is to find out the progress achieved within the relevant area.

The National Program signed on June 25, 2001 has adopted two principal goals in the foreign policy of the Czech Republic for this period (Chapter 3.9.4: Common Foreign and Security Policy and Chapter 3.9.4.3.: Institutional framework).<sup>6</sup>

The Czech Government had stated during the course of the program evaluation, that the Czech Republic reached two fundamental objectives

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<sup>5</sup> Document of the Information Center of the EU of the Delegation of the European Commission in Prague.

<sup>6</sup> National Program for 2001.

when stipulating its foreign policy. It participated in implementation of the principles and particular requirements of the 5<sup>th</sup> Title of the Treaty on European Union and created an educational and referential on-line database on common foreign and security policy of the European Union.

The institutional framework for the implementation of foreign policy has been already established and is fully functional without necessity of any additional budgeted costs.

## **European Commission Report on the Progress towards Accession (“The Regular Report from the Commission on the Czech Republic’s Progress towards Accession”)<sup>7</sup>**

In view of these assessments the Czech Republic has progressed and widened its field of cooperation with the European Union in the area of the common foreign policy.

In the most recent assessment of the obligations fulfillment issues arisen for the Czech Republic from Chapter 27 (Common Foreign and Security Policy), the European Union presented its positive standpoints.

The assessment states the Czech Republic continues to participate in the active political dialogue (established in Article 2 of the Europe Agreement).

The coordination of foreign policy with conclusions adopted by the European Union within the 2<sup>nd</sup> pillar is evaluated well. The Czech Republic participated in adoption of declarations, joint actions and common positions of the European Union. The assessing document of the European Commission (page 100, Section 4) provides an information that, as of October 2000, the Czech Republic accepted in this manner 8 mutual positions, from which e.g. three concerned Yugoslavia.

This document stresses out the fact that the Czech party maintains good relations with all neighboring countries, as well as it refers in positive manner to certain actions in particular that were carried out along with other countries, e.g. military cooperation with Slovakia regarding the Kosovo mission. A dialogue between the Czech Republic and Austria is

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<sup>7</sup> Making a success of enlargement, Strategy Paper and Report of the European Commission on the Progress towards Accession by each of the Candidate Countries, Brussels, 13. 11. 2001, COM (2001) 700 final.

also mentioned, as well as positive attitude of the Czech party regarding the explanation of Temelín Nuclear Plant issues (Melk Treaty).

The Czech party continues its active cooperation with other candidate countries of the Visegrád Group: During the course of the conference held by Prime Ministers of these countries in October 2000 in Carlsbad (Karlovy Vary), outcomes of the Nice Treaty (2000) were negotiated. A multilateral international treaty regarding establishment of the Visegrád Fund and forms of cooperation within had had been signed at this high level conference.

The last part of multilateral successful activities of the Czech Republic contains the participation in activities organized by the United Nations, primarily a participation in peace-keeping operations of KFOR and SFOR in the Balkan Peninsula.

This article tried to follow the last progress of the Czech Republic in the foreign policy area. Although the process of accession of the Czech Republic is far from being finished, the integration of the foreign policy conditions set by the European Union seemed to play a quite positive role in the this process.



## DÄNEMARK AUF DEM WEG VON EDINBURGHER BESCHLÜSSEN ZUR ERWEITERUNG, GLOBALISIERUNG UND BÜRGERLICHEN VERANKERUNG

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ŠTĚPÁNKA ZEMANOVA

*Während der letzten Dekade, Dänemark galt für einen der euroskeptischsten Mitglieder der Europäischen Union. Dieses Image kann man für eine Reaktion auf die reservierten Stellungnahmen von der dänischen politischen Representation und einem nicht übersehbaren Teil der Öffentlichkeit in den 70er und 80er Jahren halten. Es widerspiegelte aber auch das Ergebnis der Volksabstimmung vom 2. Juni 1992, in der dänischen Bevölkerung den Vertrag von Maastricht ablehnte. Das heutige Dänemark scheint jedoch, dem gleich gezeigten Bild weit entfernt zu sein. Die Änderungen, zu denen es in der letzten Zeit kam, werden zum Hauptthema des folgenden Textes.*

### Dänemark und europäische Integration im historischen Überblick

Die Geschichte der komplizierten Beziehungen des Dänischen Königstums zu den europäischen Gemeinschaften wurde bereits seit dem Anfang der Integrationsprozesse an der Wende der 40er und 50er Jahre geschrieben, weil diese Linie den dänischen nationalen Schlüsselinteressen entsprach. Dänemark orientierte seine Außenpolitik seit einer längeren Zeit in zwei Richtungen. Es bemühte sich, seine Sicherheit zu stärken und die Bedürfnisse seiner kleinen vom Rohstoffeinfuhr und Ausfuhr eines grossen Teils

der Produktion abhängigen Wirtschaft zu befriedigen. Die Projekte der Europäischen Gemeinschaft für Kohle und Stahl, der Grünen Gemeinschaft oder der Europäischen Wirtschaftsgemeinschaft konnten im gewissen Mass beide Einsprüche erfüllen helfen. Sie wuchsen aus den Ideen der Beseitigung der deutsch-französischen Erbfeindschaft, demokratischen Kontrolle über die strategischen Bereiche der deutschen Wirtschaft und ökonomischen Verflechtung der Mitgliedstaaten, die ausschliessen würde, dass sie gegeneinander beginnen zu kriegen, und deshalb waren sie mit der Festigung des Friedens im westlichen Teil Europas eng verbunden. Gleichzeitig wurden sie auch auf die Vertiefung der Handels- und Wirtschaftsbeziehungen eingestellt und aus diesem Grund boten sie auch eine Möglichkeit von Importstabilisierung und Absatzerweiterung an. Deshalb verfolgten die dänischen Regierungen während den 50er Jahren alle Pläne, die unter Frankreich, Deutschland Italien und Benelux-staaten entstanden und werteten sorgfältig, was für Konsequenzen sie für das Königtum haben können.<sup>1</sup>

Es gab jedoch auch ein grosses Hindernis, dass sich einer Mitgliedschaft in der Gruppierung oder einer engeren Mitarbeit Dänemarks mit der Sechs in den Weg stellte. Dänemark war sowohl ökonomisch als auch politisch an Grossbritannien und an andere skandinavische Ländern angeschlossen und diese Bindung schien durch eine eventuelle tieferer Kooperation mit der Sechs bedroht zu sein. Jeder Zeit, wenn Dänemark vor der Frage stand, wie es seine Beziehungen zur Gemeinschaften regeln soll, verursachte der angegebene Zwiespalt zwischen den Interessen und der territorialen Orientierung der dänischen Aussenpolitik, dass unter der dänischen politischen Repräsentation einen anfänglichen Enthusiasmus ein schwieriges Zögern ablöste. In Gesamtansicht widmete sich Dänemark bis 1961 viel intensiver den Integrationskonzepten, die aus der Initiative anderer nordischen Ländern oder Grossbritanniens kamen, d.h. dem Konzept einer nordischen Zollunion, einer europäischen Freihandelszone und einer Europäischen Freihandelsgemeinschaft.<sup>2</sup>

Im Jahre 1961 änderte sich die verwickelte Lage, in der sich Dänemark bis dahin befand, bedeutend infolge eines wesentlichen Schubs in den britischen Stellungnahmen. Grossbritannien, das länger als 10 Jahre ablehnte,

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<sup>1</sup> Olesen, T. B., Hrsg., *Interdependence Versus Integration, Denmark, Scandinavia and Western Europe 1945–1960*, Odense University Press, Odense, 1995, S. 115–166, Thomsen, B. N., Hrsg., *The Odd Man Out?, Danmark og den Europæiske integration 1948–1992*, Odense Universitetsforlag, Odense 1993, S. 29–104.

<sup>2</sup> Olesen, Hrsg., S. 40–61, 197–212.

sich an den von der Sechs vorbereiteten Projekten zu beteiligen, traf die Entscheidung, dass es sich um die volle Mitgliedschaft in den europäischen Gemeinschaften bewerben wird. Gleichzeitig, da Grossbritannien gemeinsam mit der Sechs eine Kernrolle im Aussenhandel Norwegens und Schwedens spielte, öffnete sich auch die Perspektive eines engeren Anschlusses dieser Staaten an die EG. Das bedeutete, dass alle wichtigsten dänischen Wirtschaftspartner rund einer Integrationsgruppierung konzentriert werden und das Hauptproblem in dänischen Beziehungen zu den Gemeinschaften verschwindet. In der Mitte des Sommers 1961 äusserte das dänische Parlament, Folketing, aufgrund eines dringenden Gesuchs der Regierung mit der Mehrheit von 150 : 20 Stimmen sein Einverständnis damit, dass Dänemark beginnt, über die Beitritt zu den Europäischen Gemeinschaften zu handeln, und am 10. August (kurz nach Grossbritannien) lieferte Dänemark nach Brüssel seine offizielle Anmeldung.<sup>3</sup>

Der eigentliche Weg in die EG verlief jedoch trotz die im Beginn der 60er Jahre verzeichneten Veränderungen, nicht einfach, da die Bestrebung Dänemarks, Grossbritanniens und auch Irlands und Norwegens nach der Aufnahme in die Gemeinschaften stiess wiederholt auf einen Widerstand von der Seite Frankreichs. Die Schwierigkeiten quallen jetzt vor allem von den Vorbehalten, die zu der Erweiterung der Gemeinschaften der französische Präsident Charles de Gaulle hegte. Infolge dessen wurden die Verhandlungen auf lange Zeit gelähmt und die Mühe von vier Kandidatländern konnte erst dann mit einem Erfolg gekrönt werden, als de Gaulle seinen Post verlassen musste. Deshalb wurden die Beitrittsaufträge erst in der Periode vom Juni 1970 bis Januar 1972 vorbereitet und die Mitgliedschaft entstand endgültig am 1. 1. 1973.<sup>4</sup>

## **Die Grunde und das Charakter der dänischen Euroskepsis**

Trotz den Schwierigkeiten und Komplikationen, die es in der Beziehung zu den Gemeinschaften gab, hielten die meisten politischen Kräfte

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<sup>3</sup> Thomsen, Hrsg., S. 126–133, Andersen, H. W., *Dansk Politik i går og i dag*, Fremads fokus-bøger, Viborg, 1976, S. 194–197.

<sup>4</sup> Pinder, J., *Evropské společenství, Budování unie, Nadace Jiřího z Poděbrad pro evropskou spolupráci*, Praha, 1994, S. 54–56.

Dänemarks die Integrationsprozesse in den 50er und 60er Jahren für positiv. Von verschiedenen Meinungsumfragen und auch von den Ergebnissen der Volksabstimmung, die der Beitritt in die EG voranging, ist zu urteilen, dass dasselbe auch für einen grösseren Teil der Öffentlichkeit galt. Dieses langfristige Konsens überlebte aber paradox nicht das erste Jahr der Mitgliedschaft. Im Rückblick auf die bisherige Entwicklung der europäischen Integration muss man die Zeitstaffelung der Erweiterung für sehr ungünstig halten. Ein paar Monate nach ihrer Realisierung begann nämlich die Ölkrise und bei der Mitwirkung einiger anderen Faktoren (wie z. B. der Rohstoffkrise oder der Mängel der keynesianischen ökonomischen Politik) umwandelte sie sich bald in eine allgemeine Krise der Weltwirtschaft. Von der Krisenentwicklung wurde natürlich auch Dänemark stark betroffen. Es wurde das dynamische Wachstum gebrochen, das für das vorhergehende Jahrzehnt typisch war, erhöhte sich die Inflationsrate und stieg also die Arbeitslosigkeit.<sup>5</sup>

Obwohl ein solcher Stand nicht der dänischen Präsenz in der Europäischen Gemeinschaften zuzuschreiben war, wurde er damit sehr oft verbunden. In Augen mancher dänischen Bürger entsprach er den negativen Visionen, mit denen die dänischen Oppositionsbewegungen gegen EG vor dem Beitritt kamen, und bestätigte, dass Dänemark mit seiner Anschluss an die Gemeinschaften einen Fehler machte. Nachdem noch das Vereinigte Königreich begann die Richtigkeit dieses Schrittes zu bezweifeln, erklangen sogar nach einer Beendigung der Mitgliedschaft rufende Stimmen. Die Stellungnahmen zu der Integration änderten sich auch an der dänischen politischen Szene. Während früher die dänische Mitgliedschaft in den EG und seine Partizipation auf der eventuellen Vertiefung der Integration vier grösste politische Parteien – die Sozialdemokraten (Socialdemokratiet), Liberalen (Venstre), Radikalen (Radikale Venstre) und Konservativen (Konservative Folkeparti) stützten, nun schwächte diese Front ab, weil die Sozialdemokraten unter dem Druck ihrer Wähler und unter der Last einer inneren Spaltung auf ihre bisherige Standpunkte verzichteten und für den folgenden Zeitraum sich zu den Zögernden oder sogar Gegnern einreihen.<sup>6</sup>

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<sup>5</sup> Rasmussen, S. H., *Sære Alliancer*, Odense Universitetsforlag, Odense, 1997, S. 81, Kudrina, J. V., Roginskij, V. V., *Istorija Danii, XX vek*, Nauka, Moskva, 1998, S. 168–171.

<sup>6</sup> Kelstrup, Hrsg., S. 338, Thomsen, Hrsg., S. 216.



Die gerade erwähnte Lage herrschte fast ausnahmslos bis die Mitte der 80er Jahre, als Dänemark vor der schwierigen Aufgabe stehen blieb, das Einheitliche europäische Akt zu ratifizieren. Das Akt durchfiel im Folketing, indem es ihm gelang, nicht einmal eine Hälfte von Stimmen der Abgeordneten zu gewinnen. Es drohte, dass Dänemark mit anderen EG-Mitgliedern eine Sonderlösung wird suchen müssen und ein eventueller Misserfolg sein Verbleiben in der Gemeinschaft in Frage stellt. Deshalb entschied sich die Regierung, das Akt einer beratenden Volksabstimmung vorzulegen und das Referendum endete erfolgreich. Anschliessend bekam das Akt die Stütze von Sozialdemokraten und konnte akzeptiert werden. Da die Schaffung des einheitlichen Binnenmarkts, zu der das Akt vor allem richtete, mit dänischen Wirtschaftsinteressen übereinstimmte, eröffnete sich damit eine neue Etappe, in der Dänemark zu den fleissigsten EG-Staten gehörte und zusammen mit Frankreich die zu der Realisierung des Binnenmarktes notwendige Massnahmen am schnellsten durchführte.<sup>7</sup>

Der Integrationenenthusiasmus überlagerte diesmal aber nur vorübergehend. Er erschöpfte sich am Anfang der 90er Jahre, als die EG-Mitglieder begannen ihr gemeinsames Werk in eine Union zu transformieren. Unter verschiedenen Integrationskonzepten zugte Dänemark immer die funktionalistische Auffassung bevor. Es war für eine Vertiefung der zwischenstaatlichen und überstaatlichen Kooperation in den Bereichen, wo es den Partizipanten einen erhöhten Nutz bringt. Es widersetzte jedoch verschiedenen federalistischen Ideen und war an alle Vorstellungen, die eine Union entwarfen, sehr empfindlich. Trotz eine offenbare Mühe sicherte die dänische Regierung in ihrer Kampagne notwendige Stütze der Wähler für den Vertrag von Maastricht nicht. Die dritte Volksabstimmung, zu der es im Verhältnis zu den Europäischen Gemeinschaften kam, lehnte mit einem sehr engen Ergebnis von 50,7 % dagegen : 49,3 % dafür den Text des Vertrages ab.<sup>8</sup>

Da die Entscheidung der dänischen Öffentlichkeit einer weiteren Entwicklung der Integration im Weg stand, waren für folgende Monate intensive Verhandlungen sowohl auf der dänischen einheimischen politischen Szene als auch auf der Brüsseler Front kennzeichnend. Eine Lösung fand

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<sup>7</sup> Rasmussen, S. 117, Kelstrup, M., Hrsg., *European Integration and Denmark's Participation*, Copenhagen Political Studies Press, Copenhagen, 1992, S. 329.

<sup>8</sup> Thomsen, Hrsg., S. 149–150, Thune, Ch., *Die Europapolitik in den Mitgliedstaaten der EG – Dänemark*, in Weidenfeld, Wessels, Hrsg., *Jahrbuch der Europäischen Integration 1992/93*, Europa Union Verlag, Bonn, 1993, S. 309.

man auf dem EG-Gipfel in Edinburgh, nachdem die dänischen politischen Parteien zu einem nationalen Kompromiss gekommen waren. Zum Vertrag von Maastricht wurden noch zusätzliche Dokumente vorbereitet, von denen die sogenannten Edinburgher Beschlüsse am wichtigsten waren, weil Dänemark damit eine Garantie bekam, dass ihm die Gemeinschaften in vier für die dänische Bevölkerung und politische Repräsentierung kompliziertesten Sphären Ausnahmen erlauben. Hauptsächlich ging es darum, dass das Dänische Königtum.

1. an der dritten Stufe der vorbereiteten Währungsunion, in der die nationalen Währungen mit einer gemeinsamen Währung ersetzt werden, nicht teilnehmen muss,
2. auf seine Beteiligung an einer gemeinsamen Verteidigungspolitik verzichten darf,
3. seine souveränen Befugnisse in den Bereichen Justiz und Inneres auf die Organe der Union nicht überträgt und
4. die Bürgerschaft der Union, die der Vertrag von Maastricht in den zweiten Teil des Vertrages zur Gründung der Europäischen Gemeinschaft ergänzte, für ein nur neben der Staatsangehörigkeit einzelner Mitgliedstaaten stehendes und die von einzelnen Staaten ihren Bürgern garantierten Rechte erweiterndes Institut hält.<sup>9</sup>

Nach der Vervollständigung mit den Edinburgher Beschlüssen wurde der Vertrag von Maastricht für dänische Wähler bereits akzeptierbar. Das zweite Referendum, das am 18. Mai 1993 einberufen wurde, endete mit 57% von Ja-Stimmen gegen 43% von Nein-Stimmen.<sup>10</sup> Dieses Ergebnis zeugte davon, dass die Bereitschaft der EG-Partner, über Maastricht zu verhandeln, und ihre Toleranz, die sie bei den Gesprächen in Edinburgh zeigten, die dänische Öffentlichkeit sehr beeindruckten.

## **Probleme einer EU-Mitgliedschaft mit vier Ausnahmen**

Nachdem der Vertrag von Maastricht in Kraft getreten war, gliederte sich Dänemark voll in alle Aktivitäten, an denen seine Bevölkerung interessiert ist. Es unterstützte eine Demokratisierung der Union, Stärkung

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<sup>9</sup> Thune, S. 311–312, Edinburgher Beschlüsse – <http://www.eu-oplysningen.dk/lovstof/traktat/edinburgh> (12. 8. 2001).

<sup>10</sup> Libánský, V., Evropská referenda, Integratec, Jahrgang. 1, N. 2, Praha, 2000, S. 5–7.

des Subsidiaritätsprinzipes in einzelnen Gebieten, die das Fungieren der EU deckt, und kam mit zahlreichen Initiativen, was z. B. Menschenrechte, Umweltschutz, Verbraucherschutz oder Sozialversicherung betrifft. Es reihte sich weiter zu den Anhängern der Erweiterung von EU sowohl um andere nordische Länder und Österreich, was zum 1. 1. 1995 teilweise realisiert wurde, als auch um die postkommunistischen Länder Mittel- und Osteuropas, deren Aufnahme in einem längeren Zeithorizont realisiert werden sollte.<sup>11</sup>

Nach der das erste Maastricht-Referendum folgenden Krise gelang es also, ein effektives Model des Anschlusses in die Mitarbeit im Rahmen der Union zu finden, das dänischen Bedürfnissen entsprach und gleichzeitig die Beschlüsse von Edinburgh nicht berührte. Deshalb herrschte in Dänemark über die neue Ordnung eine Zufriedenheit. Der Fortgang der EU und ihrer Projekte führte jedoch dazu, dass die Ausnahmen bald mehr begannen, als ein Hindernis zu wirken. Nach dem Inkrafttreten des Vertrages von Amsterdam und dem Übergang in die dritte Stufe der Wirtschafts- und Währungsunion erschienen nämlich immer häufiger Situationen, wenn Dänemark seine Politik an die Entscheidungen der EU-Organe anpassen muss, ohne dass aufgrund der Edinburgher Ausnahmen am Entscheidungsprozess teilnehmen zu können, oder wenn sich Dänemark an einigen Aktivitäten nicht beteiligen kann, die ihm Vorteile und Nutzen bringen würden.

Was die Währungsmitarbeit betrifft, ist Dänemark mit dem Vertrag von Maastricht gebunden, seine Wirtschaftspolitik einem Ziel von Preisstabilität zu unterordnen. Dieses Ziel wird erfüllt, indem Dänemark seine Schritte auf dem wirtschaftlichen und finanziellen Feld an das Verfahren der Europäischen Zentralbank oder im Rat der Wirtschafts- und Finanzminister, dem sog. ECOFIN, anknüpft. Im Einklang mit der Edinburgher Ausnahme arbeitet es aber nicht mit, wenn man in diesen Institutionen über einzelne Schritte handelt.<sup>12</sup>

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<sup>11</sup> Thune, Ch., Die Europapolitik in den Mitgliedstaaten der EG – Dänemark, in Weidenfeld, Wessels, Hrsg., Jahrbuch der Europäischen Integration 1993/94, Europa Union Verlag, Bonn, 1994, S. 313–314.

<sup>12</sup> Udviklingen i EU siden 1992 på områder der er omfattet af de danske forbehold, DUPI, København, 2000, S. 235–238 – [www.dupi.dk/fmp4.0/web/1125.html](http://www.dupi.dk/fmp4.0/web/1125.html) (15. 6. 20001), Hvidbog Danmark og Europa, Danmarks regering, København, 2001, S. 271–273 – <http://www.eu-oplysningen.dk/upload/application/71ea8d3b/hvidbog.pdf> (12. 8. 2001).

Auf dem Gebiet der Verteidigungspolitik führt die Existenz der Ausnahme wieder dazu, dass Dänemark nicht an peace-keeping oder peace-making Operationen teilnimmt, an denen es sonst sehr interessiert ist und die im Rahmen anderer internationalen Organisationen, wie UNO oder OSZE, unterschützt. In der Zeit, wann die Edinburger Beschlüsse formuliert wurden, stand dieser Teil des zweiten Pfeilers der EU erst am Anfang seiner Entwicklung. Die Verteidigungspolitik wurde vor allem im Zusammenhang mit der Sicherheit der Territorien einzelner Mitgliedstaaten gegeben und man setzte voraus, dass sie militärisch mittels der Westeuropäischen Union durchgeführt wird. Dänemark orientierte sich traditionell mehr auf die Nordatlantikpakt-Organisation und wollte seine Beziehungen zu der WEU nicht über den Rahmen einer beigesellten Mitgliedschaft entwickeln.

Seit der Schaffung der GASP durch den Vertrag von Maastricht wurde aber manches geändert. Die politischen Probleme des europäischen Kontinentes in der letzten Dekade des 20en Jahrhunderts zeigten, dass die Sicherheit und Verteidigung nicht in allem nur auf interne Angelegenheiten der Staaten beschränktem Sinn zu verstehen ist und dass sie aktiv auch in den Krisengebieten ausserhalb der EU, zu denen z. B. einige Teile des ehemaligen Jugoslawiens gehören, realisiert werden müssen. Die Verteidigungspolitik rückte somit vor allem in das Bereich der Krisenvorbeugung und des Krisenmanagements. Ausserdem wurde unlängst die WEU in ihrem Kern mit NATO ersetzt. Eine solche Entwicklung entspricht den Prioritäten der dänischen Sicherheitspolitik ganz gut. Deshalb nehmen die dänischen Spezialisten auf diesem Gebiet an zivilen Mitarbeit teil. Die Ausnahme von Edinburgh ermöglicht aber nicht, dass sich dänische Soldaten ihrer militärischen Bereichen anschliessen. Dänemark kann sie in einem gewissen Mass beeinflussen, denn es darf bei entsprechenden Tagungen anwesend sein. Es geniesst jedoch nicht das Recht beim Entscheiden zu stimmen und Betätigt sich nicht bei der Durchführung von seiner Schlussfolgerungen.<sup>13</sup>

Eine ähnliche Situation herrscht jetzt auch in den Vergemeinschaftlichten Teilen des dritten Pfeilers der EU und des Schengenabkommens. Die Edinburger Ausnahme wurde hier nicht gegen die im Vertrag von

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<sup>13</sup> Khol, R., *Nová politika EU pro 21. století, Společná bezpečnostní a obranná politika, Mezinárodní politika*, Jahrgang. 24, N. 3, Praha, 2000, str. 4–5, Nikodém, A., *The Treaty of Amsterdam and Its Implications for European Security*, in: Kašička, Dubský, Hrsg., *European Integration As a Way to Security and Prosperity*, Nakladatelství litomyšlského semináře, Praha a Litomyšl 1999, S. 111–114, *Udviklingen i EU siden 1992 ...*, S. 246.

Maastricht verankerte Regelung des dritten Pfeilers gerichtet und deshalb brachte bis das Inkrafttreten des Amsterdamer Dokumentes keine Wirkungen hervor. Sie wurde erst dann erlebt, als man in Amsterdam einige Sachen von dem dritten Pfeiler in den ersten übertrug. Paradox ging es u. a. um die Visavorschriften, Flüchtlingsfragen und Asylrecht, denen Dänemark seit der Hälfte der 80er Jahre eine grosse Aufmerksamkeit widmet und wo es bereit ist, die Kooperation mit anderen EU-Ländern zu stärken. Dänemark geriet dadurch in eine komplizierte Lage. Es ist höchst wahrscheinlich, dass es brauchen wird, zahlreiche Schritte der Gemeinschaft zu verfolgen. Das stellt kein grundsätzliches Problem dar, wenn es sich um die Schengen-Mitarbeit handelt, wo sich Dänemark entweder an die Entscheidungen der Gemeinschaft einseitig anpassen darf oder ein anderes Regime mit ihrer Organen vereinbaren muss. Was aber andere Fragen betrifft, ist vor ihrer Übernahme eine Vereinbarung mit der Gemeinschaft nötig und in einigen Fällen könnte es schwierig sein, zu einer solchen Vereinbarung zu gelangen.<sup>14</sup>

Die einzige Ausnahme, die bisher keine Probleme verursachte, ist die vierte. Die seitens Dänemarks im Zusammenhang mit der Unionsbürgerschaft erhobenen Vorbehalte drückten nämlich einen Standpunkt von meisten Mitgliedstaaten der Union aus. Von diesem Grund wurde auch die Passage der Edinburger Beschlüsse, die die Meinung und die Position dieses Institutes erklärt, in den Vertrag von Amsterdam eingeordnet. Die Ausnahme verschwand hiermit aber nicht und falls die Unionsbürgerschaft die Bürgerschaften einzelner Mitgliedstaaten bedrohen sollte, könnte sie wieder ausgenützt werden.<sup>15</sup>

Es ist klar, dass die Edinburger Beschlüsse bürgerliche Förderung für das dänische Partizipation an den fortschreitenden Integrationprozessen festigen. Ihre immer häufiger negativen Wirkungen führen jedoch gleichzeitig zur Schwierigkeiten in der Beziehung zwischen Dänemark und der EU. Nach Optimisten sollten sie zwar nicht ernst genommen werden, weil das zukünftige Europa nach dem Vertrag vom Amsterdam und dem neu unterzeichneten Vertrag von Nice das Europa von mehreren Geschwindigkeiten sein könnte, in dem alle Länder ihr eigenes Tempo für die Realisierung des gemeinsamen Werkes wenigstens teilweise bestimmen dürfen. Pessimisten warnen aber davor, dass sie zu einer Art von

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<sup>14</sup> Udviklingen i EU siden 1992..., S. 251–255.

<sup>15</sup> Edinburger Beschlüsse, Der Vertrag von Amsterdam, Artikel 17.

B-Mitgliedschaft oder sogar Isolierung von anderen EU-Staaten führen wird. Abgesehen davon, was stimmt, muss Dänemark versuchen, ihre nachteilhaften Folgen abzuschwächen. Dazu richtet seit der Annahme des Vertrages von Amsterdam ihre Mühe auch die dänische Regierung.

Ein entfernter ausländischer Beobachter würde für das Einfachste halten, wenn Dänemark die Ausnahmen auflöste. In spezifischen Bedingungen, die es an der dänischen politischen Szene gibt, wäre jedoch schwierig, so etwas durchzusetzen. Die Ausnahmen, wie sie im Jahre 1992 beansprucht wurden, gingen von einem weiten nationalen Kompromiss hervor und bekamen eine Bürgerschaft von 7 der 8 damals im Folketing vertretenen Parteien. Die erste Regierung des Ministerpräsidenten Poul Nyrup Rasmussens bestrebte sich, das Kompromiss zu erhalten, auch bevor man begann, den Vertrag von Amsterdam vorzubereiten. Um die positive Stellungnahmen derjenigen parlamentarischen Kräfte zu sichern, die für den Integrationsprozess nicht gerade günstig gestimmt waren, versprach sie, dass die Edinburgher Beschlüsse nicht berührt werden dürfen und bedingte ihre Änderung oder volle Aufhebung mit einem Referendum. Dabei ist überhaupt nicht einfach, ein Einverständnis der dänischen Bevölkerung zu sichern. Viele Dänen fühlen sich stolz, dass ihr Land fähig war, solche bedeutende Zugeständnisse seitens der Gemeinchaften zu gewinnen und sehen in den Ausnahmen eine Garantie dafür, dass sich das dänische Volk und die dänische Kultur bewahren. Obwohl (wie die Meinungsumfragen zeigen) bei weitem nicht alle von ihnen in der Lage sind, die Bereiche, in die die Ausnahmen reichen, richtig aufzuzählen, wiesen sie eine Tendenz aus, mehr zu der Begründung für ihre Erhaltung zuzuhören, und die Gründe für ihren Abbau eher zu übersehen. Für eine klare Probe dieses Standes kann man den Durchlauf der letzten EU-Volksabstimmung in der über die Einführung der gemeinsamen Währung entschieden wurde. Noch ein Paar Monate vor ihrer Realisierung schienen die Bedingungen für die Akzeptanz von Euro günstig zu sein, denn die Meinungsumfragen zeigten eine Überzahl von seinen Anhängern. Wie sich aber der Termin der Volksabstimmung näherte, glichen sich die Stellungen der Anhänger und der Gegner aus und die eigene Wahl endete am 28. September 2000 mit einem von 53% : 47% begründeten Nein.<sup>16</sup>

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<sup>16</sup> Petersen N., Die Europapolitik in den Mitgliedstaaten der EU – Dänemark, in: Weidenfeld, Wessels, Hrsg., Jahrbuch der Europäischen Integration 1999/2000, Europa Union Verlag, Bonn, 2000, S. 315, Holub, T., Dánsko odmítlo Euro, Co bude dál?, Mezinárodní politika, Jahrgang 24, N. 12, Praha, 2000, s. 20–21.

## **Eine neue Strategie der dänischen Regierung – das weisse Buch „Dänemark und Europa“**

Nach der Erfahrung vom letzten EU-Referendum lassen sich ein Durchlauf und Ergebnisse von zufälligen Volksabstimmungen über andere Edinburger Ausnahmen auch für sehr unsicher halten. Es ist wahrscheinlich, dass sowohl wegen Finanzkosten als auch wegen der politischen Folgerungen die dänische Regierung mit der Ausschreibung weiterer Referenda zögern wird. Die Stellung des Landes in der EU wurde doch bis jetzt nicht unerträglich und seit dem Inkrafttreten des Vertrages vom Amsterdam lernte sie schon, wie das Raum, das auch bei vollem Respekt zu den Ausnahmen übrig bleibt, auszufüllen. Sollte sich aber die dänische Position in der EU künftig komplizieren, muss sie bereit sein, angemessen zu reagieren. Um sich auf diese Möglichkeit tüchtig vorzubereiten, nutzte sie die Entscheidung, eine Regierungskonferenz über weitere Entwicklung der EU im Jahre 2004 einzuberufen, die auf der Tagung des Europäischen Rates im Nice getroffen wurde, und versucht auf dem einheimischen Feld eine breite Debatte über eine Neuordnung der dänischen Beziehungen zur EU und über den zukünftigen Charakter der EU überhaupt zu öffnen. Der Dialog sollte dabei nicht nur unter Regierungs- und Oppositionsparteien geführt werden, sondern auch unter weiten Schichten der Bevölkerung<sup>17,18</sup>

Den ersten grossen Beitrag in die Debatte (abgesehen von verschiedenen offiziellen Auftreten, Pressemitteilungen und Artikeln ihrer Vertreter) brachte die dänische Regierung bereits mitte Juni 2001 in der Form eines weissen Buches (Dänemark und Europa) mit dem Subtitel – Erweiterung, Globalisierung und bürgerliche Verankerung“. Auf mehr als 400 Seiten wertet sie hier den gegenwärtigen Stand des dänischen Anschlusses in die Arbeit der Europäischen Union inclusive den von Edinburger Beschlüssen quellenden Problemen und schlägt vor, welche Ziele Dänemark für die kommenden Jahre zu verfolgen hätte.

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<sup>17</sup> Um die Öffentlichkeit anzusprechen, schuff die dänische Regierung eine spezielle Webseite [www.europasfremtid.dk](http://www.europasfremtid.dk). Es sollten auch verschiedene Treffen der dänischen politischen Repräsentierung organisiert werden.

<sup>18</sup> Lykketoft, M., EU's dagsorden efter Nice, Jyllands-Posten, 21. 1. 2001 – <http://www.um.dk/udenrigspolitik/europas/fremtid/artikler/artikler.asp> (12. 8. 2001).

Nach der im weissen Buch ausgedrückten Meinung der dänischen Regierung stehe die gegenwärtige EU von drei Aufgaben. Es sei notwendig, dass sie

1. Frieden und Sicherheit in Europa sichern helfe,
2. Gemeinsame Lösungen für gemeinsame Probleme ihrer Mitgliedstaaten suche und
3. sich ihren Bürgern zu nähern bemühe.

Die erste und die zweite Aufgabe sei es ihr bereits in der Vergangenheit gelungen, erfolgreich zu erfüllen. Nun sei es aber wichtig, ihre Aktivitäten in diesen Bereichen an die Herausforderungen, die die Prozesse der seit ein Paar Jahren vorbereiteten Osterweiterung und immer schnellerer Globalisierung mitbringen. Die Dritte Aufgabe sei bisher unterschätzt worden, aber man müsse ihr in der Zukunft eine erhöhte Aufmerksamkeit widmen. Deshalb findet die dänische Regierung für notwendig, dass sich die EU auf diejenigen Probleme konzentriere, die für die Union-Bürger grösste Bedeutung und Nutz haben, dass sie die Entscheidungskompetenzen so nah zu dem Bürger, wie möglich übertrage und dass sie eine demokratische Kontrolle der Arbeit ihrer Organe stärke.<sup>19</sup> Von gerade angegebenen strategischen Aufgaben zieht sie vor allem folgende kurzfristige Prioritäten, die noch vor der Regierungskonferenz im 2004 zu verfolgen sind:

- erfolgreiche Vollendung des Erweiterungsprozesses,
- grundsätzliche Reform der gemeinsamen Agrarpolitik und der Regeln der Fischerei,
- Durchführung von weiteren Massnahmen auf dem Gebiet des Umweltschutzes,
- Stärkung des Akzentes, der auf die ökologischen Aspekte der Energiepolitik gelegt wird,
- Verbesserung des Verbraucherschutzes,
- Erhöhung der Sicherheit bei den Lebensmitteln,
- schneller Bau eines gemeinsamen Marktes mit Wertpapieren,
- Stärkung der Mitarbeit in den Sachen, die mit der Sicherheit (und besonders ihrer zivilen Dimension) verbunden sind,
- Stabilisierung und Stärkung der Position der EU in der Weltwirtschaft,
- Stärkung der sozialen Kohäsion der EU-Staaten,
- Stärkung der globalen Rolle der EU und

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<sup>19</sup> Hvidbog Danmark og Europa, S. 16–18.



– Reform der komunitären Organe, die zu ihrer grösseren Transparenz und Demokratisierung führt.

Für die dänischen Bürger beansprucht die dänische Regierung auch die Erweiterung der sogenannten nördlichen Dimension, in deren Rahmen sich die Kooperation der EU-Länder mit nicht-Mitgliedstaaten im nördlichen Europa und an der Ostsee entwickelt.<sup>20</sup>

Die im weissen Buch entworfenen Prioritäten stellen natürlich nichts Definitives dar, weil sie (wie schon erwähnt) vor allem wie ein Impuls zur weiteren Gesprächen gedacht werden. Fast es aufgrund des weissen Buches wirklich gelingt, eine weitreichende Debatte zu eröffnen, können sie sich natürlich schieben. Zwei Tatsachen ergeben sich aber von dem Text der weissen Buchs eindeutig heraus. 1. Die dänische Regierung wird die damit festgelegten Ziele verfolgen, wenn Dänemark in der zweiten Hälfte der Jahres 2002 der EU vorsitzt. 2. Dänemark will sich nicht mehr in der Lage eines problematischen Partizipants an dem Integrationsprozess befinden. EU bildet nicht das einzige Bestandteil der dänischen Aussenpolitik und das einzige Instrument, das Dänemark zur Lösung von Drohungen, die die gegenwärtige Situation in der Welt und in Europa verbirgt, die dänische Regierung hält ihn aber für den wichtigsten. Deshalb möchte sich Dänemark für die Folge zu den aktivsten Mitgliedern einreihen, die die Weiterentwicklung der EU zu einem starken (aber nicht föderalisierten!) Gruppierung im globalen Kontext prägen und dazu seine fast 30-jährige Erfahrungen ausnützen.

*Man sieht klar, dass die dänische Politik seit ihrer euroskeptischen Periode einen grossen Fortschritt machte. Das weisse Buch „Dänemark und Europa“ stellt in diesem Kontext noch ein weiteres zur Fortsetzung dieses Prozesses gerichtetes Versprechen. Es wäre ausgezeichnet, wenn die Mühe der dänischen Regierung, die in diesem Dokument ausgedrückt wird, mit einem Erfolg endete. Eine erhöhte Aktivität in allen Organen der Union würde nicht nur für Dänemark selbst beiträglich, sondern auch für die ganze EU und für die Kandidatsstaaten, die über die Beitritt gerade verhandeln und die seitens Dänemarks eine wichtige Stütze bekommen.*

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<sup>20</sup> Hvidbog Danmark og Europa, S. 96–159.

# **S T U D I A**

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