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NOTE FROM THE EDITOR-IN-CHIEF

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Events in the Caucasus have continued to offer observers choice issues for analysis. On everyone's mind, of course, is the lack of development in the normalization of relations between Turkey and Armenia. The two sticking-points – the "Armenian genocide" issue and that of acknowledging Azerbaijan's call for first making progress toward a resolution of the Nagorno-Karabakh conflict – have remained major obstacles in the way forward. The "genocide" obstacle has been strengthened by the statement of the Constitutional Court of Armenia that the application of the protocols signed in October 2009 should comply with the paragraph 11 of the Armenian Declaration of Independence. The said declaration determines for Armenia a goal of achieving the international recognition of the "genocide" on the one hand, and raises territorial claims against Turkey on the other hand. Ankara's reaction to the statement has been quite harsh, since such an understanding on the part of Armenia of the normalization process wouldn't allow for setting up the bilateral "historical commission" envisaged in the protocols – an issue, which has been regarded by Turkey as the major achievement in the whole process.

Second, the hype surrounding the "resetting" of U.S.-Russian relations has also not yielded any substantial fruit. It has, however, given South Caucasian countries cause for concern, as the Obama Administration slowly – but surely – turns its gaze toward other parts of the world, and onto other global issues. As a result, Russia has now arguably achieved a greater degree of confidence, assured that the "West" is kept at arm's length from its sphere of influence in its neighboring countries. As our *Caucasus Update* pointed out, the other international issues to which the Obama Administration's focus has shifted in the New Year include (i) Iran's nuclear ambitions and (ii) the protracted conflict in Afghanistan. In particular, Azerbaijan will keep a close eye on developments in Iran for the obvious reasons of national security and the large Azerbaijani population there. This situation – akin to the Nagorno-Karabakh conflict, Russia-U.S. relations and the Armenia-Turkey protocols – is on hold for the moment. Although these issues seem quiet for the time being, the potential for sparks to suddenly begin flying is ever present.

Events within Russia's own borders have continued to spiral out of control: the situation in the North Caucasus remains volatile after the attempted assassination of Ingushetia's president Yunus-bek Yevkurov, and Moscow has since been scrambling to find a solution - a task, which will unlikely get easier even after the appointment of a "federal-level" leader in charge of North Caucasian affairs.

Our Winter 2010 issue, then, allows us to analyze these cases in point while we catch our collective breath. Russia figures prominently in our current issue: One paper centers on the concept of Russia's attempts to influence its neighbors, and a second on its National Security Strategy of Russia. Furthermore, another paper takes a profound look at language rights in Tatarstan, while a comment tries to illuminate the peaceful co-existence of the two major religions in Kazan and the issue's interview is with one of the leading scholars on conflict in the North Caucasus. Finally, we present, among others, reviews of the books dedicated to the 2008 war between Georgia and Russia, and to the comparative study of the power politics in the US and Russia. An in-depth assessment of the state transformation in Georgia and Armenia, and an analysis of the prospects of turning EU

into an important international actor after the ratification of the Lisbon Treaty are presented alongside the solid evaluation of the reforms in Central and Eastern Europe since the fall of the "Iron Curtain".

There is also some positive CRIA-related news to report: We have now officially been added to another influential academic database – the EBSCOhost – and have also signed a license agreement with the academic database GALE (part of Cengage Learning). In addition, we have also formed a new partnership with the largest foreign policy web portal in Germany, www.aussenpolitik.net, which belongs to the German Council on Foreign Relations (DGAP). And, as our readership increases, the launch of our redesigned web page will make the CRIA a user-friendlier forum of scholarship.

As always, it is with sincere pleasure that we invite you to explore our new issue. We look forward to your comments, questions and future written contributions, and we thank you for choosing our unique Review as a source of information on affairs that affect the South Caucasus.

RUSSIA'S PRAGMATIC REIMPERIALIZATION

Janusz Bugajski[*]

Abstract

The Russian authorities are engaged in a policy of "pragmatic reimperialization" in seeking to restore Moscow's regional dominance, undermining U.S. global influence, dividing the NATO alliance, neutralizing the European Union (EU), limiting further NATO and EU enlargement, and re-establishing zones of "privileged interest" in the former Soviet bloc, where pliant governments are targeted through economic, political, and security instruments. Russia's strategies are pragmatic and opportunistic by avoiding ideology and political partisanship and focusing instead on an assortment of threats, pressures, inducements, and incentives. Despite its expansive ambitions, the Russian Federation is – potentially – a failing state, and may be resorting to increasingly desperate imperial reactions to intractable internal problems that could presage the country's territorial disintegration.

***Keywords:** Russia, Imperialism, NATO, United States, European Union*

Introduction

While it is understandable in the current global turmoil that policymakers and analysts in both Europe and North America wish to see Russia transformed from a strategic adversary into a strategic partner, it is important to base such an approach on a realistic appraisal of Moscow's geopolitical objectives. Strategic partners not only share particular policies, but they are also bound by common interests and joint goals. While Russia can be a partner with the trans-Atlantic alliance in dealing with specific threats such as nuclear proliferation, climate change, or counter-terrorism, the current government in Moscow does not share the long-term strategic targets of either NATO or the EU.

Despite periodic trans-Atlantic disagreements, NATO and EU partners are committed to respecting the decision of sovereign states to accede to the multinational institutions of their choice. They also favor the expansion of democratic systems and legitimate governments that combine stability with respect for human and civil rights and that do not threaten the sovereignty of neighbors. The same foreign policy principles do not apply for the Russian authorities. Contrary to Western interests, the Kremlin's goals and strategies revolve around a form of "pragmatic reimperialization" in which zero-sum calculations prevail. Russia's administration seeks to be a global player, but in order to

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achieve this goal it remains intent on rolling back American influence, neutralizing the EU by focusing on bilateral ties with selected states, re-establishing zones of "privileged influence" around its long borders, and curtailing the expansion of Western institutions, particularly the NATO alliance.

Russia's neo-imperial project no longer relies on Soviet-era instruments, such as ideological allegiance, military force, or the installation of proxy governments. Instead, the primary goal is to exert a predominant influence over the foreign and security policies of disparate states that will either remain neutral or support Russia's reimperialization. Moscow has not embarked on a new bipolar Cold War, but pursues alliances with an assortment of states to undercut U.S. and NATO interests.

While its goals are imperial, the Kremlin's strategies are pragmatic. It employs elastic and eclectic methods involving a mixture of enticements, threats, incentives, and pressures where Russia's national interests are seen as predominating over those of its neighbors and individual European capitals. The Russian administration aims to discredit Western institutional enlargement, postures as the defender of the international legal order, seeks to neutralize democracy promoting institutions such as the Organization for Security and Co-operation in Europe (OSCE), pursues dependency relations with neighboring governments, manufactures security disputes with NATO to gain advantages in other arenas, and promotes its diplomatic indispensability in resolving conflicts that it has contributed to creating.

Russia's brewing domestic problems, precipitated by the global financial crisis and deepened by the drop in crude oil and natural gas prices, have not aborted its expansionist ambitions. On the contrary, Moscow uses the opportunities presented by the economic turmoil among its weaker neighbors to further impose its interests. It may seek to deflect attention from mounting social and regional disquiet inside the Russian Federation to cultivate the sense of besiegement by pressuring various neighbors in Eastern Europe, the Caucasus, and Central Asia to abide by its foreign and security decisions. It is therefore important for the NATO allies to work more closely with a range of countries along Russia's borders – from Ukraine to Kazakhstan – to ensure their independence and stability during a time of uncertainty and economic crisis.

While President Barack Obama has symbolically pushed the "reset" button in relations with Moscow, some of Russia's neighbors fear that instead of a "soft reset," in which avenues of cooperation are pursued where there are genuine common interests, Washington may push a "hard reset" in which Russia's imperial impulses are overlooked or accommodated. Indeed, the Putin-Medvedev tandem views reset buttons as the U.S.'s obligations to make compromises and as opportunities to expand and consolidate Russia's influences. Moscow will therefore drive hard bargains to gain far-reaching advantages from Washington.

Expansive National Interests

Russia's leaders believe that the world should be organized around a new global version of the 19th century "Concert of Europe" in which the great powers balance their interests, and smaller countries orbit around them as satellites and dependencies. From their point of view, in addition to having enduring interests, Russia also has enduring adversaries, particularly NATO and the U.S., in a competition to win over satellite states. For the Kremlin leadership there are only a handful of truly independent nations which must act as "poles of power" in a multipolar world order. Unipolarism, where the U.S. dominates world politics, must be replaced in order to establish checks and balances between the most important power centers. According to President Medvedev, the "continuing crisis of Euro-Atlantic policy is brought about by the "unipolar syndrome."[1]

Russia's regime does not favor working within multilateral institutions where its sovereignty and decision-making may be constrained, aside from privileged clubs such as G8 or the UN Security Council (UNSC).[2] Hence, Moscow prefers multipolarity to multilateralism, where its power is enhanced rather than its involvement in cumbersome bodies where its power is diminished by the presence of several smaller countries. Russia is also more interested in regional organizations than global bodies, especially where it can play a leading role within them or act as a counterweight to Western leadership. Russia also favors participation in inter-institutional frameworks, in which it can assume an equal position to that of the EU, the U.S., or NATO, such as within the "Quartet" which deals with the Middle East peace process.

Despite initial expectations that a prosperous Russia will evolve into a democracy with a more benign foreign policy, the exact opposite occurred. With Putin as president from 1999 and the subsequent decade-long oil bonanza, Russia became more authoritarian in its domestic politics and increasingly imperialistic toward its neighbors. This trend has been largely supported by the Russian public, as the state media inculcated the myth that during the 1990s, Russia was in a chaotic state of affairs precipitated by international meddling, and that a strong centralized state was the most effective alternative.

Western analysts often assume that Russia is acting in accordance with its national interests rather than its state ambitions. It is useful to distinguish between the two rather than simply accepting official Russian assertions at face value. For instance, is it in Russia's legitimate interest to prevent the accession of neighboring states into NATO or to oppose the positioning of NATO infrastructure among new Alliance members? Accepting such positions would indicate that NATO is a threat to Russia's security and

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[1] President Dmitry Medvedev's Speech at the World Policy Conference, Evian, France, October 8, 2008, http://natomission.ru/en/society/article/society/artnews/21/
[2] Charles Grant, "Can Russia Contribute to Global Governance?" *Insight,* Centre for European Reform (CER), June 17, 2009, http://centreforeuropeanreform.blogspot.com/2009/06/can-russia-contribute-to-global.html

territorial integrity rather than being primarily a pretext used by Moscow to deny the sovereignty of neighboring countries.[3]

Russia's ambitions are to fundamentally alter the existing European security structure, to marginalize or sideline NATO, and to diminish the U.S. role in European security. In all these areas, Russia's national interests fundamentally diverge from those of the U.S.; or, more precisely, the Russian leadership does not share Western interests or threat perceptions.[4] To affirm its national interests, the Medvedev administration has released three major policy documents: the Foreign Policy Concept in July 2008, the Foreign and Security Policy Principles in August 2008, and the National Security Strategy in May 2009.[5]

The Foreign Policy Concept claims that Russia is a resurgent great power, exerting substantial influence over international affairs and determined to defend the interests of Russian citizens wherever they reside. According to the Foreign and Security Policy Principles, Moscow follows five key principles: the primacy of international law, multipolarity to replace U.S.-dominated unipolarity, the avoidance of Russian isolationism, the protection of Russians wherever they reside, and Russia's privileged interests in regions adjacent to Russia.

Russia's National Security Strategy, which replaced the previous National Security Concepts, repeats some of the formulations in the other two documents and depicts NATO expansion and its expanded global role as a major threat to Russia's national interests and to international security. The document asserts that Russia seeks to overcome its domestic problems and emerge as an economic powerhouse. Much attention was also devoted to the potential risk of future energy wars over regions such as the Arctic, where Russia would obviously defend its access to hydrocarbon resources. The document also envisages mounting competition over energy sources escalating into armed conflicts near Russia's borders.

Among the customary list of threats to Russia's security, the National Security Strategy includes alleged falsifications of Russian history.[6] The Kremlin is engaged in an

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[3] Among policy reports that fail to distinguish between *objective* national interests (state security, territorial integrity) and *subjective* national interests (regional dominance, curtailing sovereignty of neighboring states), see (i) "The Right Direction for U.S. Policy Toward Russia," A Report from the Commission on U.S. Policy Toward Russia, March 2009, Washington D.C., The Nixon Center; (ii) Steven Pifer, "Reversing the Decline: An Agenda for U.S.-Russian Relations in 2009," *Policy Paper,* No.10, January 2009, Brookings Institution, Washington, D.C.; and (iii) Anders Aslund and Andrew Kuchins, "Pressing the 'Reset Button' on U.S.-Russia Relations," *Policy Brief,* Number PB09-6, March 2009, Center for Strategic and International Studies and the Peterson Institute for International Economics, Washington D.C.

[4] David J. Kramer, "The Russia Challenge: Prospects for U.S.-Russian Relations," *Policy Brief,* June 9, 2009, The German Marshall Fund of the United States, Washington D.C., 2.

[5] Consult Marcel de Haas, "Medvedev's Security Policy: A Provisional Assessment," *Russian Analytical Digest,* No.62, June 18, 2009, www.res.ethz.ch and www.laender-analysen.de, 3.

[6] On August 28, 2009, Kremlin chief of staff Sergei Naryshkin chaired the first session of the presidential commission "for counteracting attempts to falsify history to the detriment of Russia's interests." The commission's first task was to "correct textbooks." The Education and Science Ministry started this process

extensive historical revisionist campaign in which it seeks to depict Russia's Tsarist and Soviet empires as benevolent and civilizing missions pursued in neighboring countries. Systematized state-sponsored historical distortions have profound contemporary repercussions. Interpretations of the past are important for legitimizing the current government, which is committed to demonstrating Russia's alleged greatness and re-establishing its privileged interests over former satellites.

Pragmatic Reimperialization

The word "pragmatic" has been loosely applied in describing Russia's foreign policy by implying partnership, moderation, and cooperation, as well as by counterposing it to an ideologized and expansive imperial policy characteristic of the Cold War. Paradoxically, pragmatic imperialism is a useful way to describe Putinist Russia's foreign policy, which has been continued under the Medvedev presidency, particularly in the strategies employed to realize specific national ambitions.[7]

The primary goal of Putinism is to restore Russia as a neo-imperial state – if not as a global superpower then as a regional superpower. Moscow's overarching goal toward the West is to reverse the global predominance of the United States by transforming the current unipolarity into multipolarity in which Russia exerts increasing international leverage. To achieve these long-range objectives, the Kremlin is intent on expanding the "Eurasian space" in which Russia is the dominant political player, and thus the Western, or Euro-Atlantic, zone of security would become increasingly fractured and neutralized. In this strategic struggle, "Eurasianism" for Moscow involves two interconnected approaches: transforming Europe into an appendage of the Russian sphere of influence and debilitating Euro-Atlanticism by undercutting Europe's connections with the United States.

The two strategic objectives were succinctly highlighted by Russia's newly installed president Dmitry Medvedev during his visit to Berlin in June 2008 when he proposed the creation of a pan-European security pact that would sideline or absorb NATO and steadily enfeeble U.S. influence. In Medvedev's words: "Atlanticism as a sole historical principle has already had its day. NATO has failed to give new purpose to its existence."[8] Medvedev followed up his initial proposal for a new European security framework during

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by approving "The History of Russia from 1945 to 2008 for 11th Graders" whose aim is to "ideologically prepare an entire generation of young people to loyally and complaisantly serve the Russian ruling class." See Vladimir Ryzhkov, "An Enlightened Way to Distort Soviet History," The Moscow Times, September 1, 2009, http://www.moscowtimes.ru/opinion/article/381661/.

[7] For details on Russia's policies toward individual states see Janusz Bugajski, *Dismantling the West: Russia's Atlantic Agenda*, Potomac Books, 2009, and *Expanding Eurasia: Russia's European Ambitions*, CSIS Press, 2008.

[8] Dmitry Medvedev's speech at a meeting with German political, parliamentary and civic leaders, June 5, 2008, Berlin, Germany, http://www.kremlin.ru/eng/speeches/2008/06/05/2203_type82912type82914type84779_202153.shtml

the World Policy Conference in Evian, France, on October 8, 2008.[9] In elaborating on the initial plan, he posited the notion of "equal security" in which Russia would maintain a veto on any further NATO enlargement and where no state or international organization would possess "exclusive rights" in providing peace and stability in Europe. In effect, Moscow would be in a position to block any moves by the Central-East European (CEE) countries to enhance their own security and obstruct any changes in NATO's military infrastructure in Europe.

Moreover, the European states would need to negotiate with Russia on any proposals for missile defense, weapons modernization, or peacekeeping deployments. Meanwhile, the U.S. would be expected to take a back seat in a process intended to weaken transatlantic ties. In sum, under Moscow's security plan an authoritarian and expansive Russia would become an "equal partner" in determining European security. Some Western analysts initially acquiesced to the Kremlin's strategic objectives by contending that the West needs to be cognizant and even sympathize with Russia's "national humiliation" because of the recent loss of its empire.[10] This is tantamount to compensating Russia for its past imperial failures and serves to gloss over or even justify imperialism, colonialism, enforced Russification, and the panoply of Soviet communist crimes as understandable "national interests." Such an accommodating stance can also act a cover for tolerating the recreation of a new Russian-dominated zone in Eurasia in which anti-Americanism and anti-Westernism play an important political role.

Russia under Putin's guidance has evolved into an imperial project for two core reasons. First, it has clearly articulated ambitions to restore its global status, primarily in competition with the United States, and to undermine international institutions that hinder these aspirations. Second, Moscow's drive to dominate its former satellites, curtail the expansion of Western structures, and neutralize Europe as a security player is accomplished through a mixture of threat, subterfuge, disinformation, pressure, and economic incentives. Russia's national interests are viewed as predominating over those of its smaller neighbors and European partners.

However, Russia's neo-imperialism no longer relies primarily on traditional instruments such as military might, the implanting of political proxies in subject states, or the control of territory. Instead, Moscow employs an assortment of diplomatic, political, informational, economic, and security tools to encourage the evolution of pliant governments that either remain neutral or actively promote Moscow's strategic agenda. Nonetheless, military force may also be employed to destabilize a neighboring government and fracture its territory as the invasion of Georgia in August 2008 poignantly illustrated. In contrast with the Cold War, Russia has deployed novel tools for

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[9] A valuable analysis can be found in Marcin Kaczmarski, "The Russian Proposal For a New European Security System," *CES Commentary,* Issue 11, October 16, 2008, Centre for Eastern Studies, Warsaw, Poland.

[10] For instance, see Thomas Graham, "U.S.-Russia Relations: Facing Reality Pragmatically," in *Europe, Russia and the United States: Finding a New Balance,* Center for Strategic and International Studies, Washington, D.C., July 2008, 1. One wonders whether the same principle should apply to Germany's loss of the Third Reich or the dissolution of the British Empire.

subversion, disinformation, and domination. In particular, Moscow's growing monopolization of energy supplies from within Russia and the Caspian Basin to Europe buttresses its power projection. Europe's growing energy dependence and Russia's accumulative purchases of energy infrastructure and other assets in targeted states reinforce the latter's political influence.

The statist and neo-imperialist essence of the Kremlin's policy challenges the West – primarily as an alternative center or fulcrum of independent statehood, international security, and economic development. It specifically confronts the concept of American pre-eminence, or "Atlantic-centrism," in which the world is allegedly welded to a single-axis controlled from Washington. In building a new "global order," Moscow strives to renew itself as a major pole of power by recreating its dominant role in a revamped empire, beginning with the post-Soviet space, which has become a euphemism for Russia's "imperial space."

Russia's internal and external developments are closely interlinked. The Putinist system has interwoven centralism and statism with imperial restoration and great power ambitions. In this equation, the Kremlin's often-cited pragmatism is not a policy agenda but a means to an end. Pragmatism in foreign policy signals variable approaches and elastic tactics for achieving specific long-range goals. However, the objectives – and not the means – are what ultimately define state policy. Putinism is an eclectic and goal-oriented assemblage of precepts and philosophies that blends communist and Tsarist, nationalist and internationalist symbols together with disparate events and personalities from Russian history to demonstrate and develop Moscow's enduring dominance. Russia's neo-imperialist ideology (or system of precepts and justifications) involves a patriotic synthesis of all previous Muscovite empires in which the priority is to restore the strength and stature of the Russian state.

Russia's rulers are not simply "pragmatists" or "realists" devoid of ideology and pursuing their objective national interests. Autocratic regimes also possess a set of precepts regarding the role of government while specific national ambitions guide their domestic and foreign policies. Contemporary Russia forges strategic links with other autocracies that value strong government to ensure national unity and a political *status quo* rather than experimenting with unpredictable democracies that can grievously weaken state structures. Without declaring any ideologically motivated global mission and by claiming that it is pursuing pragmatic national interests, the Kremlin engages in asymmetrical offensives by interjecting itself in its neighbor's affairs, capturing important sectors of local economies, subverting vulnerable political systems, corrupting or discrediting national leaders, and systematically undermining Western unity.

Moscow's stealth tactics have persuaded some analysts to believe that Moscow's geoeconomic goals prevail over geostrategic imperial objectives and that power holders in the Kremlin are focused on profit rather than politics.[11] The contention that private

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[11] For example, see Dmitri Trenin, "Russia Redefines Itself and Its Relations with The West," *The Washington Quarterly,* vol.30:2 (Spring 2007): 95-105.

interests motivate Moscow's policy decisions is highly contentious. Such suppositions fail to answer important questions about the Kremlin's policy: in particular, how are the private interests of state officials separated from state interests? Russia has traditionally been governed by arbitrary rulers who controlled the economy and whose private interests overlapped with their ideological predispositions and imperial ambitions. Moreover, the expansion of Russia's power and influence actually serves the "private interests" of Kremlin leaders: getting rich and making Russia strong are now largely synonymous. Centralized control over growing energy revenues enabled the Kremlin to accelerate the pursuit of both objectives.

Russia's Pragmatic Strategies

Observers debate the degree to which the Kremlin pursues a "grand strategy" to achieve its stated or disguised objectives. Under Putinism decision-making has been centralized in all sectors of government and a narrow clique of former KGB officers have established a "Chekistocracy" by capturing the state apparatus and the economy to serve specific policy objectives. Foreign and security policy are tightly coordinated by the Kremlin's inner circle, and there has been little indication of dissension among Russia's leaders concerning state interests or national ambitions. In pursuit of its long-term trans-continental objectives, the Kremlin employs several interlinked strategies which amount to an agenda of insidious and pragmatic reimperialization.

1. Discrediting the West

Moscow charges the West in general and the United States in particular with "democratic messianism," in which Western values and political systems are evidently forced upon defenseless states. Washington is accused of a multitude of imperialist designs, including political unilateralism, aggressive militarism, disregarding international institutions, undermining state sovereignty, overthrowing governments, and breaking up independent states. Russian leaders thereby seek to promulgate anti-Americanism and anti-Westernism while depicting Russia as the stalwart bastion against Washington's neo-imperialist encroachments. Russian leaders, however, do not seek international isolation but continue their interaction with the U.S. to gain strategic advantages while highlighting the alleged NATO threat to Russia.

2. International posturing

The Russian state poses as a defender of the international system and of international law, in contradistinction to the West. It selectively highlights evidence of its multilateralism and determination to work through international institutions such as the United Nations. Moscow postures as the spokesperson for the national independence, political stability, and territorial integrity of all sovereign states regardless of their political structures. Moreover, Russia's self-defined "sovereign democracy" is depicted as a valid independent model that should be emulated more widely.

At the same time, Moscow disguises its unilateral and aggressive record toward Georgia, Moldova, Ukraine, and other neighboring states that it seeks to dominate. Moscow's position remains contradictory as it has broken the international rules that it vehemently upholds in the UN, especially on the question of non-intervention in neighboring states. Russian exceptionalism has therefore been stressed by Moscow, which claims the right to protect its passport holders in neighboring countries, such as Georgia, and intervene militarily on their behalf.[12] To justify the *de facto* partition of Georgia and the recognition of Abkhazia and South Ossetia as independent states, Russian officials allege that they had no choice, as the international system of law had allegedly broken down and Russia was merely acting to defend its interests. This has given added impetus to the Kremlin's claims that a new security architecture is needed for Europe.

3. Expanding spheres of influence and interest

The Russian regime defines its national interests at the expense of its neighbors, whose statehood is considered secondary or subsidiary and whose borders may not be permanent. Putinist foreign policy focuses on establishing several zones of expanding influence among former satellites where Western influence needs to be curtailed or comprehensively eliminated. This can be described as an essentially zero-sum calculation. In the Kremlin's approach, smaller European countries are not accorded full sovereignty but must have their security interests dictated either by Moscow or Washington or remain neutral by remaining outside of NATO. Hence Russia pursues political dominance over the post-Soviet republics and political preeminence among former Central and East European satellites. In the latter it seeks to neutralize, isolate, and marginalize new NATO and EU member states.

Moscow employs a broad range of tools to achieve these strategic ambitions, ranging from diplomatic offensives and informational warfare to energy blackmail, military threats, and the purchase of political influence. It benefits from political uncertainty and territorial conflicts within and between neighboring countries and often encourages them in order to pose as a mediator and a leading regional power. The August 2008 war transformed the conflict in Georgia from a dispute over sovereignty, inter-ethnic relations, and central control to an overt inter-state confrontation over borders and territorial control.[13] As one Russian analyst and Putin critic points out:

> *Russia's war with Georgia in August 2008 was a watershed in Russia's development, demonstrating the ruling team's return to imperial ambitions and attempts to rebuild Russia's spheres of influence. The war proved premature the conclusion that the Russian*

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[12]Alexander Artemev, "War As An Exception," *Gazeta.ru,* July 29, 2009, http://www.gazeta.ru.politics/2009/0229_a_3228830.shtml
[13] See Vicken Cheterian, "The August 2008 War in Georgia: From Ethnic Conflict to Border Wars," *Central Asian Survey,* vol. 28:2 (June 2009): 155-170.

elite had switched to post-imperial moods. In August 2008, the Russian political regime turned to a neo-imperialist strategy of survival.[14]

4. Dividing and dominating

Moscow sparks conflicts with specific states to test the reaction of the larger powers and multinational organizations, including the EU and NATO. It thereby seeks to foster international divisions and disrupt the emergence of a unified policy toward Russia. By periodically acting in an aggressive manner toward countries such as Georgia, Estonia, or Poland, Moscow probes and gauges Western reactions. It is encouraged by a weak and divided Western response to expand its assertive foreign policy posture. Provoking a fractured and ineffective Western reaction is also designed to demonstrate the limitations of Western security guarantees and the vulnerability of individual states to Moscow's pressures. In the Kremlin's estimations, this can contribute to making NATO an increasingly irrelevant defense alliance and a weakened strategic player.

5. Promoting strategic indispensability

Rather than posing as a superior ideological, political, or economic alternative to the West, as during the Cold War, the Kremlin now depicts Russia as an essential and emergent player in global affairs. In this schema, the Europeans and Americans need to be convinced that Moscow's cooperation is necessary to resolve problems that Russia has in fact contributed to creating. Moscow poses as an indispensable partner on issues ranging from Iran's nuclear program to the spread of jihadist terrorism and the proliferation of WMD (Weapons of Mass Destruction). To underscore their indispensability, Russian officials also engage in strategic blackmail by asserting that they can terminate their assistance to the West in its negotiations with Iran or in allowing supplies across Russian territory to NATO troops in Afghanistan. Moscow calculates that increasing dependence on Russia's diplomacy will undercut an assertive Western response to its expansionist agenda.

6. Neutralizing through dependence

Moscow pursues several projects to enhance Europe's dependence on Russia, keep the EU divided, and undercut a more activist Western policy. This includes growing hydrocarbon energy supplies and increasing trade and business interconnections. Energy dependence is most obviously manipulated as a means of political pressure, whether through pricing policies, supply disruptions, or infrastructure ownership. For instance, Russia's periodic "gas wars" with Ukraine have contributed to furthering political division and economic uncertainty in Ukraine. Russia's "gas diplomacy" also serves to

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[14] Lilia Shevtsova, "The Medvedev Presidency: Russia's Direction and the Implications for Foreign Policy," James A. Baker Institute for Public Policy, Rice University, May 6, 2009, 11.

bribe, corrupt, and potentially blackmail local officials through lucrative payoffs from unregulated energy contracts.[15]

Energy deals can be a reward or an incentive for political agreement or unwillingness to challenge Russia's foreign policy. Lucrative investment deals are offered by Russian officials to those states, companies, and politicians that are perceived as Russia-friendly, particularly when political disputes with other Western governments are sharpened, as was the case following Moscow's military intervention in Georgia in August 2008. In some cases, as in Bulgaria, the impact of pending energy contracts limited government criticisms of Russia's intervention in Georgia.[16] Meanwhile, countries that do not qualify for EU or NATO membership because of insufficient reform or internal divisions, including Serbia and Bosnia-Hercegovina, become prime targets for Russia's economic and political overtures.

Another element of Moscow's dependency strategy is punitive: the imposition of periodic trade embargos and other economic sanctions against its near neighbors in order to promote Russian dominance over the patterns and terms of trade in the Commonwealth of Independent States (CIS). Where economies are dependent on Russian energy supplies or market access, such measures can be a strong source of political pressure.

7. Playing security chess

The Kremlin purposively manufactures security disputes with the U.S., NATO, or the EU in order to gain advantages for its positions vis-à-vis other security questions. Its negotiating strategy is to engineer a crisis and exploit the ensuing attention to secure beneficial concessions from its adversaries. Examples of this process of artificial crisis creation include NATO's incorporation of the Central-East European countries, the planned U.S. Missile Defense system in Central Europe, and Kosova's independent status. All three have been presented as threats to Russia's national interests, and the West was pressured to make concessions. President Obama's abandonment of the Bush administration's missile defense system in Central Europe in September 2009 was depicted by Russian officials as a vindication of Moscow's opposition. The Kremlin has also reserved the right to challenge and oppose Washington's plans to construct an alternative sea-and-land-based interceptor system to counter short- and medium-range Iranian missiles. Some Russian officials claimed that President Obama's new anti-missile

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[15] Some Western analysts believe that Russia has gained little from its energy pressures against neighboring states but, they do not conduct a thorough political impact assessment. For example, see Olga Oliker, Keith Crane, Lowell H. Schwartz, and Catherine Yusupov, "Russian Foreign Policy: Sources and Implications," Rand Project Air Force, April 2009, 95-96, http://www.rand.org. This Rand analysis is also flawed by a focus on more nebulous Russian government goals of achieving respect and prestige rather than the concrete and observable objectives of power, influence, and dominance.

[16] See "Bulgaria in the Middle," August 15, 2008, http://sofiaecho.com/2008/08/15/662901_bulgaria-in-the-middle. Sofia was evidently concerned about its inclusion in the Russian-sponsored South Stream gas pipeline and the Bourgas-Alexandroupolis oil pipeline.

plans could still pose a threat to Russia's security and specifically its ability to effectively use strategic nuclear weapons.[17]

8. Two steps forward, one step back

Russia's leaders seek strategic advantages by partially stepping back from an initially aggressive stance and pushing the West to make concessions by accepting some of its gains. Several Western leaders then herald their evident success in averting a larger international crisis. Russia's invasion of Georgia in August 2008 can be seen in the light of such calculations, whereby the focus of the EU's attention was on dispatching monitors to the "buffer zones" that were created by Russian forces deeper inside Georgian territory rather than to the disputed regions of South Ossetia and Abkhazia, which Moscow recognized as independent states and where it has since stationed troops evidently on a permanent basis.

9. Mixing messages and threats

Russia's regime periodically sends mixed messages through purposeful ambiguity with regard to its foreign policy intentions in order to confuse and disarm Western capitals. For instance, while it claims to be working toward a peaceful resolution of the bilateral disputes in the frozen conflicts in Georgia and Moldova, it simultaneously prepares political pressures and military responses to gain clearer advantages. A positive message may be intended to lull the West into a false sense of security while a veiled threat is subsequently issued regarding potentially harmful actions by Moscow. The latter can include withdrawal from an arms treaty, the cancellation of an energy agreement, or a direct challenge to develop or deploy nuclear weapons against NATO territory. Initial combative statements serve to warn Western capitals of adverse consequences if compromises are not secured. Such threats can be retracted when gaining a concession from its adversary.

10. Liberals vs. hardliners

Moscow engages in disinformation campaigns about the presidential succession by depicting President Dmitry Medvedev as a liberal and democrat and a person with whom the world can work pragmatically. A similar campaign was initiated when Vladimir Putin took over the Russian presidency in 2000 when the new president was presented as a legal scholar and reformer despite the fact that he was intent on establishing a "power vertical" and a "managed democracy."[18] The depiction of Medvedev as a reformer and occasional statements by the President supporting such contentions entices Western governments to downplay Russia's domestic human rights abuses and foreign policy

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[17] Conor Sweeney, "Russia Still Cool On New US Anti-Missile Scheme," *Reuters,* September 29, 2009, http://www.reuters.com/article/topNews/idUSTRE58S2YY20090929

[18] For a valuable analysis of the non-democratic nature of Russia's political system, see Lilia Shevtsova, "The Medvedev Presidency: Russia's Direction and the Implications for Foreign Policy," James A. Baker Institute for Public Policy, Rice University, May 6, 2009, 1-40.

assertiveness while offering various incentives and concessions to the Kremlin. This "good cop–bad cop" routine depicts Prime Minister Putin as the hardliner whose policies may be somewhat muted if the West engages with the Kremlin and overlooks its authoritarian and expansionist policies.

Russia's Vulnerabilities

While Russia pursues a neo-imperial foreign agenda its domestic conditions continue to deteriorate, thus making the country vulnerable as a potentially failed state.[19] Some of Russia's deep-rooted problems were highlighted by President Medvedev in a revealing report released in September 2009 in which he depicts Russia as having a "primitive economy based on raw materials and endemic corruption."[20] According to Medvedev, Russia suffers from "an inefficient economy, a semi-Soviet social sphere, a fragile democracy, negative demographic trends, and an unstable Caucasus." There are several interpretations regarding the release of the Medvedev report. It could indicate either a brewing internal power struggle with Prime Minister Putin or a choreographed tandem routine to create confusion in Western policy circles; alternatively, it may be a harbinger of major domestic upheaval.

One cannot assume that Putinism has ensured a stable and durable authoritarian system. Russia confronts several looming crises: demographic (with a declining population of productive age and serious health problems, including high death rates and declining birth rates); ethnic and religious (especially in the North Caucasus); economic (with overreliance on the price of primary energy resources); social (as the stifling of democracy restricts flexibility, adaptability, and modernization); and political (as power struggles may become manifest between Kremlin oligarchs and security chiefs who gained control over large sectors of the economy).

Russia's economy is significantly more dependent on hydrocarbon exports than ever before. In 1998 oil and gas sales accounted for 44 percent of export revenue; by 2009 this figure had exceeded 67 percent, with many manufacturing and service industries linked to the resource sector.[21] As a result of its over-dependence on primary resources and other structural weaknesses, the Russian economy was projected to contract by 8 percent in 2009 and to remain stagnant during 2010. In terms of demography, conservative estimates indicate that Russia's population is expected to decline from about 141 million in 2007 to fewer than 135 million by 2017, and to fewer than 127 million in 2027. Even more tellingly, Russia has a shrinking labor force, a growing pool of pensioners, and an expanding Muslim population that may increasingly resent Slavic dominance and Moscow's centralism.

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[19] For a useful outline of Russia's internal problems see Steven Pifer, "Russia and Eurasia," Neyla Arnas (Ed.), *Fighting Chance: Global Trends and Shocks in the National Security Environment,* Washington D.C., National Defense University, 2009, 207-223.

[20] Dmitry Medvedev, "Go Russia!" *Official Web Portal*, President of Russia, September 10, 2009. http://eng.kremlin.ru/speeches/2009/09/10/1534_type104017_221527.shtml

[21] Katinka Barysch, "Russia: A Tale of Two Crises," Center for European Reform, July 13, 2009, http://centreforeuropeanreform.blogspot.com/2009/07/russia-tale-of-two-crises.html

Nonetheless, economic weakness does not automatically signal a Russian withdrawal from its neo-imperial agenda.[22] Indeed, long-term economic and demographic weaknesses may engender short-term assertiveness to consolidate spheres of interest that Russia's leaders will seek to maintain under Moscow's long-term dominance. The Kremlin may also be calculating that its economic problems are only temporary as the market price of oil has steadily increased since the spring of 2009 and the Russian stock exchange rebounded as foreign investment began to return to the country. Regardless of these trends, Russia remains a highly volatile and vulnerable economy that is over-dependent on oil revenues and commodity price cycles. This boom-and-bust system could actually stimulate a more expansive appetite during the boom cycle to compensate for potentially more restricted foreign policy capabilities during economically leaner periods.

Some Russian analysts believe that there are divisions within the ruling elite, partly based on policy prescriptions but mostly rooted in interest groups and their control over key resources. Piontkovsky concludes that there is a distinction between the "globalist kleptocrats" and the "nationalist kleptocrats."[23] Although both are anti-Western and seek to restore Russia's power and global reach, the nationalist kleptocrats favor more isolation from Western influences and include the country's military chiefs. The globalist kleptocrats, on the other hand, invariably possess property and bank accounts in foreign countries and even while they berate the West, they staunchly oppose national isolation.

Russia may also become increasingly susceptible to ethnic nationalism, especially as the Muslim population continues to grow, economic uncertainties continue, and the influx of workers from Central Asia, and from China to Siberia and the Far Eastern provinces, accelerates ethnic tensions. Russia's nationalist backlash could be supported by various interest groups or used by the Kremlin to mobilize public support. As a declining power, Russia may become even more threatening – or even desperate – during its potential devolution, as it will seek to prevent and disguise its deterioration by projecting strength, extracting maximum advantages from the weakness of neighbors, and promoting the commensurate decline of other major powers, competitors, and adversaries.

The August 2008 invasion and partition of Georgia indicates that the disintegration of the Soviet Union may actually be continuing as "the end of the USSR's existence as a formal and legal entity is not the same thing as the historical disintegration of the 'Kremlin empire.'"[24] Moscow has established a new precedent in former Soviet territories by recognizing South Ossetia and Abkhazia as independent states as this can be used to

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[22] Russia's history demonstrates that "economic dysfunction was accepted as the inevitable price of strategic power" and what has traditionally made an economically weak Russia into a military power and expansionist state was political power and centralized control over society and the economy. See George Friedman, "The Russian Economy and Russian Power," *Stratfor Global Intelligence,* July 27, 2009.

[23] Andrei A. Piontkovsky, "Moscow's Power Divide," *Transitions Online,* Czech Republic, August 18, 2008.

[24] Sergei Markedonov, "The 'Five-Day War:' Preliminary Results and Consequences," *Russian Politics and Law,* vol. 47:3 (May-June 2009): 72.

justify and legitimize the gradual partition of other former Soviet republics, as well as of certain republics within Russia itself.

There is a rising danger of separatism and territorial partition within the Russian Federation, especially in the North Caucasus but also in the Volga republics and several eastern territories.[25] In the Caucasus, Chechnya, Ingushetia, and Dagestan remain the most important flashpoints, as insurgent groups are spreading and launching violent attacks against local leaders appointed by Moscow. Inter-ethnic and clan conflicts are growing amidst local nationalisms and pan-regional religious radicalism where republican borders are not recognized. The region is also racked by corrupt and abusive governance, high rates of unemployment, widespread poverty, and the breakdown of the social infrastructure. In the midst of a spreading economic crisis, this is a heady mix of problems that federal authorities may not be able to contain. The addition of South Ossetia and Abkhazia, which are fully dependent on Russia economically and militarily, will further deplete federal resources and contribute to instability inside Russia.

When its energy earnings were high, Moscow was confident that it could extinguish unrest in the North Caucasus with financial assistance. However, as the federal government's ability to finance corrupt local despots has diminished, its room for maneuver has shrunk. Meanwhile, the arbitrary brutality of the local security forces against civilians has fuelled vendettas and increased the number of recruits for the rebel movements. The Kremlin could decide to employ greater force against rebels and thereby provoke a broader insurgency, or it may manipulate inter-ethnic grievances to keep local political forces in check. Alternatively, local leaders who fear losing their power and resources could exploit ethnic or religious conflicts or even support territorial separatism to their advantage

Paradoxically, the Russo-Georgian war and Moscow's recognition of the independence of Abkhazia and South Ossetia on August 26, 2008, could presage a new phase in the disintegration of the contemporary Russian empire and also involve the breakup of other post-Soviet states. Several national groups in the North Caucasus may insist that the principle of self-determination and independence in Abkhazia and South Ossetia should now apply to them, and this could create conflicts with neighbors, minorities, and the federal government. A plethora of territorial and political disputes pepper the North Caucasus.[26] Since coming to power in 2000, Putin has sought to curtail or altogether eliminate the autonomy of the ethnic republics and regions but has met with significant resistance. In several parts of the Russian Federation, the indigenous or titular populations are pushing for independence; in other areas the Russian majority supports

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[25] See Alexey Malashenko, "The Kremlin's Violent Underbelly," *The Moscow Times,* Moscow, Russia, July 29, 2009, http://www.moscowtimes.ru/article/1016/42/379916.htm

[26] Nona Mikhelidze, "After the 2008 Russia-Georgia War: Implications for the Wider Caucasus and Prospects for Western Involvement in Conflict Resolution," Background paper of the conference on "The Caucasus and the Black Sea Region: European Neighborhood Policy (ENP) and Beyond," Rome February 6-7, 2009, 13, Instituto Affari Internazionali, http://www.iai.it/pdf/DocIAI/iai0901.pdf.

sovereignty, and in a few cases both the titular and the Russian populations back separation.[27]

Conclusions and Western Approaches

Some Western officials and security analysts contend that Russia's neo-imperialism and strategic expansionism remain illusory, as Moscow does not possess the capabilities to effectively challenge the West – either in military or in economic terms – and is increasingly interconnected with the West through energy, trade, finance, and business. These arguments underestimate the damage that Western interests can sustain from an aggressive and opportunistic Russia, even one that may be in terminal decay. Irrespective of Russia's structural weaknesses, with over-dependence on hydrocarbon revenues and facing serious domestic economic and demographic problems, in the immediate future Russia remains a serious threat to its weaker neighbors whether through political subversion, energy entrapment, military pressure, or other forms of purposeful destabilization. Such persistent threats, even toward new NATO and EU members, are compounded by a disunited and unfocused West that remains preoccupied with numerous other global and regional challenges.

Moscow continues to exploit and deepen Western disunity to undermine the effectiveness of multinational institutions and neutralize the West's reactions to its destabilizing policies. Furthermore, a serious internal crisis inside the Russian Federation may have even more damaging consequences along the country's long borders. Moscow is likely to manipulate perceptions of besiegement and external threat to deflect attention from its mounting domestic challenges and apply additional pressures – if not engaging in outright aggression – against its near neighbors.

President Barack Obama's election was perceived by the Kremlin as an opportunity to undermine the U.S.'s global reach, and the Russian authorities are likely to purposively test the new president's resolve. President Medvedev challenged Obama to make strategic compromises by withdrawing from the planned Missile Defense system in Poland and the Czech Republic and acquiescing to Moscow's goal of establishing demarcated "spheres of interest" in Eastern Europe and a "balance of power" in Eurasia encapsulated in a new European or Eurasian security treaty.

Nevertheless, behind the Kremlin's rhetoric lurks a lingering fear that the Obama administration may be a potentially grave threat to Russia's ambitions. President Obama could raise the U.S.'s global stature, reduce anti-Americanism, and provide an impetus for a renewed Western strategy that could undercut Russia's expansive ambitions. If handled adroitly by a united and determined West, the ultimate failure of Russia's Orwellian "sovereign democracy" and Moscow's inability to construct durable zones of

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[27] For an insightful analysis of separatist sentiments in Russia, see Louk Hagendoorn, Edwin Poppe, and Anca Minescu, "Support for Separatism in Ethnic Republics of the Russian Federation," *Europe-Asia Studies,* vol. 60:3 (May 2008): 353-373, Department of Central and East European Studies, University of Glasgow, www.informaworld.com/smpp/title~content=t713414944.

dominance or even ensure the coherence of the Russian state could provide an important boost for the reanimation of democratic and pro-Western development along Russia's over-extended borders.

Although Washington and Brussels have few direct tools available to influence or accelerate Russia's internal developments, they can deploy their substantial economic, diplomatic, and security resources to prevent and contain any instabilities emanating from Russian territory that challenge the security and sovereignty of various European countries, whether they are EU and NATO members or aspirants, or of Central Asian states seeking to contain Russia's subversive influences. The first step in curtailing Moscow's drive to dominate Eurasia and to disarm the West is a realistic appraisal of Russia's imperial pragmatism and a thorough assessment of Moscow's diverse capabilities.

PUZZLES OF STATE TRANSFORMATION:
THE CASES OF ARMENIA AND GEORGIA

Nicole Gallina[*]

Abstract

The problems of weak state structures, including state territoriality, in the South Caucasus has highly influenced political developments and the building of a democratic state. This paper explains the difficulty of recovering statehood in the cases of Armenia and Georgia, both in the context of post–Soviet state transformation and post–conflict state-rebuilding. It argues that recovering statehood in the South Caucasus meant at once maintaining the status quo within the state structures and managing the highly volatile political and ethnic relations (culminating in armed conflict). In the cases of conflict, elite management impeded conflict solution. In this context, this paper finds that elite power slowed the construction of a democratic and effective state. In particular, elite fragmentation has led to serious impediments for state development and the consolidation of territoriality. In sum, elite-led state development and conflict management hindered the successful consolidation of state territoriality.

Keywords: Armenia, Georgia, state-building, frozen conflicts, elite fragmentation

Introduction

In the South Caucasus, questions of state reform and state territoriality have dominated the post-Soviet situation. In particular, the insufficient consolidation of state territoriality has had a great impact on the overall state capacities, often characterized by large military budgets and low social spending. Instable territoriality and separatist tendencies led to military conflicts in both Armenia and Georgia – most recently in Georgia in August 2008. The example of Georgia has clearly shown the importance of territorial questions in post-Soviet political development. The first hot conflict phase in the early 1990s resulted in the heavy destruction of infrastructure and in the degradation of living conditions. In both Armenia and Georgia the development of the state was very slow in terms of institutionalizing democratic state structures and tackling endemic corruption. International organizations such as the World Bank and academic research consent[1] that weak state structures have been an important factor in their negative assessments of the level of development, the management of territorial questions and the state as a whole. In analyzing both the state structures and the territory of the South Caucasian states, it quickly becomes clear that it is difficult to speak of consolidation. In Georgia some territory was regained, such as the quasi-autonomous territory of Adjara, but similar

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[1] See World Bank, *World Development Report 1997: The State in a Changing World* (New York: Oxford University Press, 1997) and Joel S. Midgal, *State in Society. Studying how States and Societies Transform and Constitute one another* (Cambridge: Cambridge University Press, 2001).

political courses of action failed in the cases of South Ossetia and Abkhazia, and the August 2008 war led to the probable loss of those two territories. By contrast, Armenia and Azerbaijan are involved in an international conflict over the Azerbaijani territory of Nagorno-Karabakh, where a large number of ethnic Armenians live. Although the two conflicts have fundamental differences (e.g. international relevance, interested parties and degree of escalation), they are both unresolved and the potential of conflict escalation remains.

Here, the next question arises – of who is responsible for this situation. As regards the August 2008 war in Georgia, international observers have agreed that the Georgian political leadership bears responsibility for the conflict in provoking conflict escalation.[2] Other examples in the South Caucasus have underlined the importance of elite conduct in determining the trajectory of territorial questions and of state-building. In Armenia political leadership has proved a hindrance to democratic state development and the solution of territorial conflict, in terms of not being able to find a solution to the Nagorno-Karabakh issue and in dedicating high attention to security tasks. The political elite are arguably those responsible for non-consolidation after 1991 and the unclear situation, as they offer no clear road maps for conflict resolution. Thus, elite conduct could neither stabilize the state structures nor solve the conflicts in a sustainable way. In this sense, this paper aims to show the linkage between state-building, conflict and the conduct of the political elite.

First, the paper provides a brief overview of the theoretical assumptions on the connection between state-building, conflict and the political elite. It links the frozen conflicts to the character of the elite system and the post-independence achievements in state development of Georgia and Armenia, with a focus on recent developments. The paper also discusses the similarities and differences of both cases regarding state structures, territoriality and separatism and emphasizes the gap between the state reform attempts and the conflict situation the state has to face. The aim is to present some empirical findings on the connection between institutional state and elite structures and conflict. On the effect that the elite have, the paper highlights the role of the respective state presidents regarding conflict resolution. It concludes with a general assessment of the state in an insecure environment.

State-Building, Conflict and the Political Elite

The literature on State Theory has discussed the prerequisites and the intricate ways for building a functioning state, often in the context of contested territories within the state itself. This aspect has been also relevant in the transition of post-Soviet states. However, the academic discussion on post-communist state-building has instead assumed a linear path of state development in regard to the transition and consolidation of political systems.[3] The discussion also centers on the establishment of a civil society–controlled democratic political system and the introduction of market capitalism. As such, the construction of a functioning state has been understood as the institutionalization of central state powers and the inclusion of social powers, and has to some extent neglected the destructive effects of the unsolved question of national security. Therefore, it is of value to account for the insights of classic state theorists who underline the importance of state territory consolidation in order to build a functioning state. They hold that the precondition for building a stable state is the intactness

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[2] Independent International Fact-Finding Mission on the Conflict in Georgia, *Report*, 30 September, 2009, http://www.ceiig.ch/Report.html (accessed 30 December 2009).
[3] See the discussions on the transition paradigm, e.g.: Juan J. Linz and Alfred Stepan, "Toward Consolidated Democracies," *Journal of Democracy*, vol 7:2 (1996): 14–33; and Thomas Carothers, "The End of the Transition Paradigm," *Journal of Democracy*, vol 13:1 (2002): 5–21.

of a state, which can be understood as the State having the capability to ensure both the territorial integrity and the security of the population living within its territory. Here, state-building is understood as the institutionalization of central state powers and the reform of old state structures, namely the military, security agencies and other (police) forces. If state-building occurs before nation-building and territorial consolidation, it has the effect that these efforts of institutionalization will face strong constraints.[4]

In this sense, the power of the State becomes important. State theorists hold that a state in which power is centralized and actions are coordinated has advantages in the process of development over a state that does not display such features. To achieve those goals of development, political actors either adhere to infrastructural power, i.e. political elite decisions that are controlled and in line with civil society, or despotic power, which is characterized by paternalistic elite decisions.[5] Overall, a strong and capable state should be characterized by the subordination of political actors, namely the political elite, within the formal institutional framework of a state and a dynamic competition between the elite. However, state-building remains a process that enforces political power upon social and economic spheres, and has to be followed by an overall consensus on the chosen political system, whether that system is democratic or authoritarian. Thus, state-building, to a large extent, depends on the citizens of the State and how they accept and back state structures.

Concerning the political elite, they have a considerable weight as they are capable of building and influencing state structures more directly than ordinary citizens, namely in their function of directly taking and enforcing political decisions. If the political elite of a given state guarantee and agree on the prerequisites of democratic state-building and enforce them, then the essential prerequisites for a dynamic state transformation are set.[6] But it is not only elite consensus that play an important role, elite consensus has to be enduring, and the elite that ensures the construction of a strong state have to remain in office and act according to the formal institutional framework – notably according to formal legislation that supports the build-up of a strong state.

The opposite phenomenon can be described as elite fragmentation: Elite fragmentation is a situation in which there are strong differences apparent within the governing elite and serious problems between the governing and the oppositional elites.[7] This includes trench-mentality and the positioning of elites into "enemy-categories". In an atmosphere of elite fragmentation, oppositional elite lack serious political oppositional power and instead focus on extra-political activities to generate power. Such behavior is only one example, but it is a strong indicator that the political elite themselves are fragmented and have serious problems within the institutional framework. On an institutional level,

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[4] Charles Tilly, *Coercion, Capital and European States, AD 990-1992* (Oxford: Blackwell, 2002); and Charles Tilly "War Making and State Making as Organized Crime," in *Bringing the State Back In*, ed. Peter D. Evans et al. (Cambridge: Cambridge University Press, 1985), 169.

[5] Charles Tilly, "Western State Making and Theories of Political Transformation," in *The Formation of National States in Western Europe* (Princeton: Princeton University Press, 1975), 10; and Michael Mann, "The Autonomous Power of the State. Its Orgins, Mechanisms and Results," in *States in History*, ed. John Hall (Oxford: Basil Blackwell, 1986), 113. See also the example of Armenia in the article of Lucan Way, "State Power and Autocratic Stability. Armenia and Georgia compared," in *The Politics of Transition in Central Asia and the Caucasus. Eduring Legacies and Emerging Challenges*, ed. Amanda E. Wooden and Christoph H. Stefes (London: Routledge, 2009).

[6] Nicole Gallina, "The Impact of Political Elite Conduct on State Reform: The Case of Ukraine," *CEU Political Science Journal*, vol. 3:2 (2008): 183–200; and Anna Grzymala-Busse and Pauline Jones Luong, "Reconceptualizing the State: Lessons from Post-Communism," *Politics & Society*, vol. 30:4 (2002): 529–554.

[7] John Higley and György Lengyel, *Elites After State Socialism. Theories and Analysis* (Lanham: Rowman & Littlefield, 2000).

elite fragmentation signifies the discord of the political elite over the requirements for building a democratic system. Elite fragmentation as such is based on the overall principles of informality and power proximity and focuses on personalized relationships which stand diametrically opposite to the requirements for a democratic system, but which function well within autocratic political frameworks. Elite fragmentation poses serious challenges for transformation toward democratic systems, and generally efficient state institutions.

"Frozen State Developments" in the South Caucasus

Elite fragmentation between different elite groups was clearly evident in the perestroika years and as a result of the disintegration of the Soviet Union in 1991. A new nationalist elite emerged in the Caucasus and challenged the communist-based powers in different ways. In Armenia the national movement assumed power after independence and formed a coalition with the communist-based elite, but was destabilized in the long term by the Nagorno-Karabakh conflict and the attempts to resolve it. As a consequence, the old communist elite resumed power by relying at once on the national factor and strong power networks. In Georgia the attempt by the nationalist-inclined elite to overtake the independent state failed and led to a civil war. According to theorists on Caucasian conflicts,[8] post-Soviet Caucasian polities were susceptible to violent conflicts because they were characterized by power struggles on central and sub-national levels, most notably in Georgia. Here, ethnic groups were demanding autonomy, on the one hand, and on the other hand, central state structures were almost non-existent (e.g. the state was unable to provide public goods and did not have a monopoly over the police and the military).[9] Additionally, stability was challenged by the nationalist elite on national and sub-national levels. The structures of the disintegrating Soviet Empire proved too weak to contain nationalist developments in the initial period while new structures did not work, and a state-building process in the above-mentioned sense did and could not take place. As a result of conflict and the weakened nationalist elite, the old communist-based elite took their chance and could step in again. They succeeded in building a strong power elite, but the elite system remained unreformed as such and, therefore, could not serve as a base for democratization and state reform.

In Georgia the different levels of elite fragmentation are also present. The result of armed conflict in Georgia was that the old communist leader Eduard Shevardnadze was able to assume the position as president, and remained there with his old garniture until the so-called Rose Revolution in 2003. In contrast to Armenia, where the communist-based elite managed to include the nationalist elite within the power structures, in Georgia the nationalist Georgian elite had discredited themselves in the early 1990s, and lost power in favor of Shevardnadze. The presidencies of Eduard Shevardnadze and Mikheil Saakashvili largely put an end to internal elite fragmentation, i.e. the political opposition remained weak and could not provide political input. However, the elite system in Georgia continued to be fragmented, i.e. founded on principles of informality and power proximity. In this sense, both the post-communist and the nationalist-inclined political elite proved incapable of assessing the

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[8] The reasons for conflict in the Caucasus have been discussed by, among others, Christoph Zurcher in *The Post-Soviet Wars: Rebellion, Ethnic Conflict, and Nationhood in the Caucasus* (New York: New York University Press, 2007); and Svante Cornell, *Small Nations and Great Powers. A Study of Ethnopolitical Conflict in the Caucasus* (London: Routledge Curzon, 2005).

[9] Here, the legacy of Soviet ethno-federalism may be important. In this system, territory was linked to an ethnically defined titular group. As central power disappeared, this system would be increasingly questioned. In particular, two Georgian entities – South Ossetia and Abkhazia – have sought independence before and after the break-up of the Soviet Union. In Armenia it has been the Nagorno-Karabakh conflict that has strongly influenced politics since 1988.

potential of corruption or conflict situations to escalate within the country (and, put slightly differently, they provoked the re-escalation of territorial conflict).

In general, contested state territory is a highly volatile political factor that has a strong impact on the quality of the state system. States have to cope with a highly insecure environment when facing secession of territorial entities or territorial conflicts with neighboring states. As the old state structures of the Soviet Union had disappeared, former Soviet entities gained their independence, and several ethnic groups within states such as Georgia claimed more autonomy, if not independence (which was also due to awakening nationalism).[10] Accordingly, unstable situations emerged and state performance was low, characterized by incertitude, short-term politics and corruption. Violent conflict did not lead to territorial consolidation, but to consolidation in the elite sphere, mostly in terms of maintaining old (post-communist) elite structures. The cases of Armenia and Georgia show the impact of the territorial factor on the political elite. In Georgia the nationalist governing elite headed by Zviad Gamzakhurdia was ousted by opponents after proving incapable and old power structures reinstalled under Eduard Shevardnadze. In Armenia the nationalist and post-communist elite formed a strong coalition, being inclined to use measures that can be described as autocratic to remain in power.

In the following sections, this paper explains that on an institutional level those both variants of elite rule affected the development of the state negatively – both in terms of institutional performance and of the nature of the political system.[11]

Formally, the fragmentation between the nationalist and the post-communist elite has ceased in both Georgia and Armenia. According to theory, such a unified elite should lay the prerequisites for socio-economic development. Consulting development data, a rather bleak picture appears. In the recently published 2009 Human Development Index, out of 177 countries, Armenia is ranked 84th, and Georgia 89th.[12] Thus, the question is whether there are structures beyond the formal consolidation of nationalist and post-communist elite that influence state development. Comparing Armenia with Georgia, Armenia displays an autocratic elite which leads a strong state. Despite the strong character of the state in Armenia, institutional performance remains weaker than in Georgia as expressed in the 2009 Transparency Corruption Perceptions Index, with Armenia given a rating of 2.7, and Georgia one of 4.1.[13] The more corrupt a state, the weaker its institutions, which are meant to provide common goods, as well as the distribution of common goods in terms of infrastructure (energy, roads, etc.) and welfare. Elite system–based categories impeding institutional development might include the importance of personal networks and clientelistic structures and the degree of personalization of public office. Here, the principle of informality and the necessity of proximity to power structures to

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[10] See footnote 8 on conflict theorists for Caucasian countries and their explications for internal conflict.

[11] See Way's article (footnote 5) on how the political party elite have influenced the formation of an autocratic (Armenia) or pseudo-democratic regime (Georgia).

[12] UNDP, *Human Development Report 2009*. Fact Sheet Armenia, 2009, http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs_ARM.html; (accessed 30 December 2009); and UNDP, *Human Development Report 2009*. Fact Sheet Georgia, 2009, http://hdrstats.undp.org/en/countries/country_fact_sheets/cty_fs_GEO.html (accessed 30 December 2009).

[13] On the Transparency International Indices "10" is the rating for the least corrupt and "1" for the most corrupt. Transparency International, "Transparency International Corruption Perceptions Map," 2009, http://media.transparency.org/ imaps/cpi2009/ (accessed December 6, 2009). On Armenia read "Armenia Again Slides In Global Graft Rankings," *Azatutyun*, November 17, 2009, http://www.azatutyun.am/content/article/1880702.html (accessed December 6, 2009).

provoke decisions of any kind are very relevant. This phenomenon can be also called *frozen elite structures*.

Another question is whether post-conflict containment could be explained by the nature of elite structures. The linkage between frozen elite structures and the fact that the territorial conflicts go unresolved is an interesting point. In any case, the Nagorno-Karabakh conflict between Armenia and Azerbaijan as well as the Georgian territorial conflicts in South Ossetia and Abkhazia have become frozen conflicts, i.e. conflicts where the central state does not recognize the secession of a given territory and where political settlement cannot be achieved. Such conflict is "stalled", and the situation is one of conflict perpetuation, with the risk of new conflict escalation being real – as the example of Georgia has proved.[14] The relation between elite structures and conflict will be elaborated underneath in more detail for the example of the role of the state presidents and conflict management. The following section examines the linkage between the elite and institutional system. It will concentrate on the institutional and on the policy-making (political elite) levels. In this context, the next paragraphs shall give an impression of the linkage between weak state development, elite conduct and the overall imperative of the territorial question for the leading political elite.

The Institutionalization-Elite Nexus in Armenia and Georgia

Considering post-Soviet political developments, the two countries have certain similarities. Both have to face post-communist political realities, i.e. economic decline, state structures that do not function for the public's well-being and questions of territorial inclusion and exclusion. Unresolved issues of territoriality stand beside the necessity for the development of the institutional system and the state as a whole.[15] The territorial conflicts are of a different nature. In Armenia the state authorities succeeded in exercising control over the national state and the disputed region of Nagorno-Karabakh that formerly had not been part of the Armenian state.[16] The conflict on Nagorno-Karabakh and surrounding territories can also be treated as an external problem, but it has determined political and economic development of Armenia decisively. In Georgia problems are connected to territories that legally were part of the Georgian state. The Georgian political leadership had, and has, to face a quasi-disintegration of the contested territories, sc. South Ossetia and Abkhazia. The conflicts have been handled in a similar manner, i.e. there have been military rather than political attempts to resolve them. In general, those conflicts led to the "nationalization" of politics. In Armenia, for example, the elite from Nagorno-Karabakh became the leading political force, and determined the issue, in particular in its degree of politicization. Here, the Nagorno-Karabakh military elite managed to grasp important political power positions in Armenia, and thus provoked a merger between the military and political elite, a recent example of which is the presidency of Serzh Sarkisian. In Georgia the military nationalist elite of the early 1990s could not establish themselves in such a way, as they

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[14] On conflict theory see Zurcher (above); Kalevi Holsti, *The State, War, and the State of War* (Cambridge: Cambridge University Press, 1996); and Aytan Gahramanova, "Peace strategies in 'frozen' ethno-territorial conflicts: integrating reconciliation into conflict management. The case of Nagorno-Karabakh" (working paper, University of Mannheim, 2007), www.mzes.uni-mannheim.de/publications/wp/wp-103.pdf for frozen-conflict theories and the Nagorno-Karabakh problem. Authors that apply the frozen-conflict term do not consent on the factors that determine whether peace or war will succeed.

[15] Jon Elster, Clauss Offe and Ulrich K. Preuss, *Institutional Design in Post-Communist Societies. Rebuilding the Ship at Sea* (Cambridge: Cambridge University Press, 1988).

[16] See a timeline of the Nagorno-Karabakh conflict on Radio Free Europe/Radio Liberty, "Nagorno-Karabakh: Timeline Of The Long Road To Peace," *rferl.org*, February 10, 2006, http://www.rferl.org/featuresarticle/2006/02/908366e9-f535-4958-9383-09f351a1ef0c.html (accessed December 6, 2009).

were out-powered by the political elite attached to Shevardnadze. Nevertheless, after the Rose Revolution President Mikheil Saakashvili made the issue of the secessionist regions a top priority, and emphasized military-political issues.[17]

The political framework of both countries cannot be called a consolidated democracy. Armenia is considered semi-authoritarian, while Georgia is rated a little better.[18] If a weak democratic framework is in place, then this leaves room for corruption and elite pacts that go uncontrolled by formal structures. Analysts of post-Soviet countries have observed an inclination toward authoritarian policy-making, as self-interested politicians look for institutions that provide them policy-making posts and control over the policy process.[19] In addition, local observers have criticized the gap between formal legislation and actual political deeds.[20]

Armenia formally established a semi-presidential system in 2005 based on an amendment made to the 1995 Constitution.[21] This included the formal strengthening of the rule of law, that is, legislation on civic freedoms. For example, the Law on the Freedom of Information was formally ratified, but practically not implemented. The formal strengthening of the control of institutions and provisions on rule of law and civic freedoms stand in contrast to practical politics. A first and important point is that executive agencies dominate the country (the role of the president will be analyzed in detail below). In Armenia a powerful police and security apparatus is employed to strengthen the current elite system, for example, in suppressing oppositional unrest and activities. Powerful executive agents go hand in hand with the use of administrative resources to ensure support for the governing party (viz. the Republican Party). The army still is estimated (real numbers are a state secret) to include over 40,000 soldiers, for a population of three million, and military expenses account for a significant portion of the budget.[22] Questions of armed conflict often take precedent over questions of state

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[17]For the military-political aspects in Georgia, see, for example, Vicken Cheterian "Georgia's arms race", *Open Democracy*, July 4, 2007, http://www.opendemocracy.net/conflicts/caucasus_fractures/georgia_military. And on the Armenian political elite's link with military, see "Armenia: New Government Takes Shape," *rferl.org*, April 17, 2008, http://www.rferl.org/content/article/1109586.html (accessed December 27, 2009).

[18]Freedom House Nations in Transit Reports. Freedom House, "Country Report Georgia (2008)," *Nations in Transit*, http://www.freedomhouse.org/template.cfm?page=47&nit=452&year=2008 (accessed December 6, 2009); and Freedom House, "Country Report Armenia (2008)," *Nations in Transit*, http://www.freedomhouse.org/template.cfm?page=47&nit=444&year=2008 (accessed December 6, 2009).

[19] Philip G. Roeder, "Varieties of Post-Soviet Authoritarian Regimes," *Post-Soviet Affairs*, vol. 10:1 (1994): 61–101; and Marina Ottaway, *Democracy Challenged. The Rise of Semi-Authoritarianism* (Washington DC: Carnegie Endowment for International Peace, 2003).

[20] Former Armenian foreign minister Vartan Oskanian in an interview with *azatutyun.am*. (Karine Kalantarian, "Oskanian Questions Government Commitment To European Values," *azatutyun*, November 11, 2009, http://www.azatutyun.am/content/article/1875502.html [accessed November 29, 2009].) On a more general level, Nicole Gallina discusses the gap between formal legislation and informal practices in *Political Elites in East Central Europe* (Opladen: Budrich, 2008).

[21] Alexandr Markarov, "Macroinstitutional Political Structures and their Development in Armenia," *Demokratizatsiya*, vol. 14:2 (2006): 159–170.

[22] Find some information in: Sargis Harutyunyan, „Ex-Official Concerned Over Actual Military Budget Cut," *Radio Free Europe/Radio Liberty*, 6 October 2009, http://www.armenialiberty.org/content/ article/1845045.html (accessed 30 December 2009). As a consequence of the tight military-political elite nexus, the relationship between the army and the State remains problematic in Armenia. See, for instance, Philipp Fluri and Viorel Ciboratu (eds.), *Defence Institution Building: Country Profiles and Needs Assessments for Armenia, Azerbaidjan, Georgia and Moldova* (Geneva: The Geneva Centre for the Democratic Control of Armed Forces, 2008). The 2009 World Development Indicators list the following military expenditures: Armenia, 18.1% of central government expenditures (2007). Georgia, 32.7% of central government expenditures (2007). International Bank for Reconstruction and Development: World Development Indicators (Washington, D.C.: The World Bank, 2009).

reform, as security issues are an overarching and recurring theme. The territory in question and the future of the country runs counter to the institutionalization of central state power in terms of government, parliament and jurisdiction, including police, tax administration or basic social welfare.

Compared to president's powers, other political institutions remain weak (namely Parliament). Prime minister enjoys relatively little power. In theory, however, they should be important political players since Armenia has a semi-presidential system. Political parties have little to offer beyond national rhetoric, and could be considered informal associations to secure individual needs and power. The opposition has seen its role reduced to post-election protests ("institutionalized" since 1995), being almost invisible in between. The fact that single persons dominate the political landscape underlies the importance of leader-figures and personalized relations to generate proximity instead of the necessary institutional development and democracy.[23]

The fact that Armenian parties in general are passive can be also explained by their informal ties to the governing structures. In this context, the elite fragmentation on public display between the governing and the oppositional parties would be only part of the game, and efficiently conceal back-door agreements. Indeed, informal ties between party members exist, but formally, government and opposition parties blame each other for political failures and electoral fraud, and maintain the formal picture of party fragmentation.

Another interesting aspect is that politicians provoke unrest during elections and channel popular unrest. For example, in March 2008 the Armenian government restricted the citizens' right to freedom of assembly and allowed the authorities to prosecute demonstrators. In between elections, the political elite are left to their own resources. In those periods, parliamentary representation mostly follows business interests and lobbies for their respective interests. In Armenia, for example, speaker of the parliament Hovik Abrahamian is also well known for being an important businessman. MPs can also be reproached for voting "on demand".

The judiciary, which is another pillar of the institutional system that should lay the backbone for institutional development, is largely dependent on the political leadership. The 2007 Global Integrity Index speaks clearly on this issue: It allocated 34 (out of 100) points to Armenia for law enforcement, stating that despite having a respectable legal framework, the implementation of laws is lacking.[24] The media faces intimidation, especially in times of elections. During the 2008 presidential election campaign, most broadcast media failed to give an objective picture of the campaign and were harassed if trying to do so.[25]

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[23] Political parties are mostly the creations of single political leaders. For a discussion of this topic regarding Georgia see Ghia Nodia and Álvaro Pinto Scholtbach, *The Political Landscape of Georgia. Political Parties: Achievements and Prospects* (Tbilisi: Caucasus Institute for Peace, Democracy and Development, 2006).

[24]The overall impression of the system was "very weak" (Global Integrity "Armenia: 2007," http://report.globalintegrity.org/Armenia/2007 [accessed December 5, 2009]). Georgia scored similar rates, having a very large implementation gap: Global Integrity "Georgia: 2008," http://report.globalintegrity.org/Georgia/2008 (accessed December 5, 2009).

[25] Observations of the author in Armenia 2008, and Blanka Hancilova and Olga Azatyan, "Armenian Presidential Elections Decided by the Past?" *CACI Analyst*, February 6, 2008, http://www.cacianalyst.org/ ?q=node/4788 (accessed November 29, 2009).

As far as the institutionalization of democratic institutions and the role of executive forces and security agencies are concerned, similar political constellations can also be observed in Georgia.[26] A major difference between Georgia and Armenia, however, has been that the Georgian population managed to question the trajectory of state transformation after independence from the Soviet Union, as well as that of the communist-based political leadership installed in the early 1990s. As the political elite turned increasingly authoritarian and self-assertive, popular protest showed its discontent with the old guard in 2003. This elite power replacement – of Shevardnadze for Saakashvili – gave hope to the Georgian public for breaking the vicious circle of unresolved conflict, undesirable institutional developments and elite fragmentation. Indeed, the new governing elite initiated a serious discussion on state transformation, such as tackling organized crime and political corruption, and managed to pacify executive agencies that had become increasingly uncontrollable (in particular the traffic police and customs officials).[27] Georgia was thus seen as a hope for democracy based on elite change in the Caucasus. The constitutional amendments enacted in February 2004, however, spoke another language.

In contrast to Armenia, which decreased the formal (but not the actual) power of the executive structures, the amendments strengthened the power of the Georgian President. As such, he is allowed to dissolve parliament twice within one (five-year) presidential term. Since 2008 the role of the president was also strengthened in light of a possible military conflict. In particular, he was given the right to dismiss ministers, such as those of the justice, the interior and the defense, which gave him power over military decisions. The frequent amendments to the Constitution in both countries might prove that the Constitution has not been regarded as a document laying the foundations of an institutionally strong state but as an instrument to ensure political power. Another interesting fact in this respect was the transfer of the Georgian Constitutional Court to Batumi in July 2007, where it has been "forgotten" ever since. The concentration of power in the hands of the executive branch in Georgia has consequences for the use of administrative resources and emergency instruments.[28] The use of administrative resources has been widespread in the form of electoral engineering in order to influence presidential and parliamentary elections, e.g. to allow only the minimum period of two months to organize the election campaign. An important emergency instrument was the power to declare a state of emergency that was used against demonstrators, as in November 2007.[29]

In Georgia, institutional powers which should function as instruments of democratic control, namely Parliament and the Prime Minister are weak. The ruling party (the UNM – United National Movement) currently has a two-thirds majority in Parliament, which enables it to pass legislation and constitutional amendments. Such a political constellation is also facilitated by a favorable election framework and the reallocation of constituencies approved by Parliament. Ministers and prime

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[26] Charles King, "Potemkin Democracy: Four Myths about Post-Soviet Georgia," *The National Interest*, No. 63 (2001): 93–104; Ghia Nodia, "Georgia: Dimensions of Insecurity" in *Statehood and Security: Georgia after the Rose Revolution*, ed. Bruno Coppieters and Robert Legvold (Cambridge: MIT Press, 2005); and Jaba Devdariani, "Georgia: Rise and Fall of the Façade Democracy," *Democratizatsiya*, vol. 12:1 (2004): 79–115.

[27] Nodia 2005 (footnote 23).

[28] Zurab Chiaberashvili and Gigi Tevzadze, "Power Elites in Georgia: Old and New," in *From Revolution to Reform: Georgia´s Internal Struggle with Democratic Institution Building*, ed. Philipp, H. Fluri and Cole Eden Vienna: National Defence Academy and Bureau for Security Policy, 2005), 187–207. David Darchiashvili, "Power Structures in Georgia," in *IDEA, Building Democracy in Georgia. Power Structures, The Weak State Syndrom and Corruption in Georgia*, (Discussion Paper No. 5, International Institute for Democracy and Electoral Assistance, Stockholm, 2005), 8–15.

[29] International Crisis Group, "Georgia: Sliding towards Authoritarianism," *Europe Report N°189*, December 19, 2007, http://www.crisisgroup.org/home/index.cfm?id=5233&l=1 (accessed November 29, 2009).

ministers are appointed on the grounds of loyalty and have little expertise; they are also changed rather quickly.[30] In addition, the volatility of MPs does not allow for long-term political reforms and concepts to be developed and implemented by the legislative bodies. An elite system composed of both nationalist and communist-based elite and rooted in the executive agencies dominates the scene. This is also demonstrated by the fact that Parliament has been used to approve legislation in favor of the President and his party. Political parties, especially the opposition parties, have not succeeded in unifying and are highly polarized and fragmented. Mutual antagonisms impede the emergence of a strong oppositional bloc. Moreover, opposition parties have boycotted parliamentary work after the 2008 elections, and stuck to extra-parliamentary opposition connected to demonstrations, with little effect. In contrast to Armenia, Georgia regularly experiences high-level political scandals, such as the death of Prime Minister Zurab Zhvania, the arrest of the politician Irakli Okruashvili and the intimidation of the owner of the Imedi television station, the late Badri Patarkatsishvili. The conduct of the political elite in Georgia more openly includes harassment, intimidation and criminal methods.[31]

The judiciary is also largely dependent on the elite system, a fact that completes the picture of executive dominance (or its takeover by the unified nationalist, communist-based elite). The Office of the Public Defender, or the Ombudsman, was installed, but its ability to act as a counterweight and whether his reports criticize Georgia's lack of judicial and electoral independence highly depends upon the personality of the ombudsman.[32] International reports, such as the Global Integrity Report, underline the lack of the independence of the judiciary, and point out that the pressure on judges and attorneys to act in a certain way is high.[33] Independent media coverage has been regularly hindered, with a focus on nationwide media. A particular case was the closing of the independent television channel Imedi in November 2007.[34] As a consequence of the tensions and the war of August 2008, Russian TV stations and websites were closed and blocked in Georgia.[35] Such decisions, not only in

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[30] For example: Zurab Noghaideli – 2005–07; Lado Gurgenidze – 2007/8; and Grigol Mgaloblishvili – 2008/9. Since independence (1991) there have been sixteen different prime ministers (fourteen in Armenia).

[31] Both opposition and government elite receive death threats. A recent case was that of the Georgian businessman Badri Patarkatsishvili who died under suspicious circumstances in February 2008 ("Georgia: Sudden Death of Opposition Billionaire Stirs Political Pot," *Radio Free Europe/Radio Liberty,* February 13, 2008, http://www.rferl.org/featuresarticle/2008/2/879500E9-589E-4DC3-97BC-17C3E8915F48.html [accessed November 29, 2009]).

[32] Sozar Subari, the Georgian Ombudsman from 2004 to 2009, turned into a prominent critic of the Saakashvili government, and complaints to the office jumped from 1,400 to 5,100 annually (Tara Bahrampour "Georgia's Counterweight to Power. Ombudsman Thrives Even as President Increases His Control," *The Washington Post*, July 24, 2009, http://www.washingtonpost.com/wp-dyn/content/story/2009/07/24/ ST2009072400097.html [accessed November 29, 2009]). His successor was determined to "be an assistant to state structures" ("Incoming Public Defender Speaks of Priorities," *Civil Georgia,* July 31, 2009, http://www.civil.ge/eng/article.php?id=21312 [accessed November 29, 2009]).

[33] Another interesting point was the October 2008 merger of the Office of the Prosecutor General and the Ministry of Justice. The official is empowered to start criminal proceedings against all high political officials (only the President is empowered to dismiss him). The Ombudsman claimed that the Office of the Prosecutor General and the Interior Ministry had become repressive political instruments, in particular to apply pressure on the courts.

[34] See the reports in RFE/RL and Freedom House: Claire Bigg "Georgia's Neighbors On Edge After Week Of Unrest," *Radio Free Europe/Radio Liberty*, 9 November 2007, http://www.rferl.org/featuresarticle/ 2007/11/35A73AAC-67DF-4329-B748-D25F465FAAAA.html (accessed November 29, 2009). On general scores that are both low for Georgia and Armenia, see the IREX Media Sustainability Index: "Media Sustainability Index - Europe and Eurasia," IREX, http://www.irex.org/programs/MSI_EUR/2009/exec.asp (accessed December 5, 2009).

[35] IFJ/IFEX, "IFJ endorses joint Russian and Georgian demand to end media restrictions," 10 November 2009, http://www.ifex.org/georgia/2009/11/10/ media_restrictions/ (accessed 30 December 2009). For the August 2008 situation see: RSF/IFEX, "Several Georgian, Russian websites blocked following attack by rival groups, hackers," http://www.ifex.org/georgia/2008/08/14/several_georgian_russian_ websites/ (accessed 30 December 2009).

Georgia but also in Armenia, underlined that the conflict situation worked in detriment to institutional development, and was used by the political elite to maintain and generate political power. The elite-system supports strong executive structures that have overtaken the institutional system and are personalized by the President. The next section will show in more detail the effects of political leadership, institutional control and conflict escalation for the cases of Armenia and Georgia.

Strong Leadership and State Integrity

In general, unconsolidated democratic political systems, but also authoritarian-inclined political systems, do not rely on formal structures but on informal networks and on persons who present themselves to the public, for example, as charismatic or decisive rulers, and have in common that they personalize political power – and that this is the only possibility for achieving stable rule. The façade of "all is under control" is filled with populist rhetoric and the use of administrative resources. Such methods of ruling fail to consolidate the State but often succeed in maintaining the picture of a political leadership that is in control of power and the political agenda. Within the context of elite fragmentation, a strong political leader plays an important role. He has to ensure his power over his networks and resources to defeat any real or imagined opponents. In a setting of formal elite fragmentation, the political leader has to ensure that either side will be satisfied with their resource allocation. In a conflict-prone setting of fragmentation, strong leadership becomes especially important to unify the elite against opponents and to ensure success. Armenia is an example of successful elite unification in order to dominate territory for the Armenian side, while Georgia is not. Independent of the outcome, in conflict-ridden societies the role of the political leader has developed into an especially important one. Indeed, his role is a double-edged one: his leadership can lead to the resolution of conflict, but also its escalation, while other institutional powers can do little to prevent the escalation of both conflict situations. In a setting of weak institutionalization and strong leadership, it is the President who provides crucial incentives for conflict resolution. In this respect it is important to examine the role of the Armenian and Georgian political leaders in conflict resolution.

The problem-solving capacities of Georgian presidents are ambiguous. The first post-independence president Zviad Gamsakhurdia did not prevent the rise of paramilitary groups in South Ossetia and Abkhazia. President Shevardnadze could stabilize the country after the post–independence civil wars, but he could not solve the conflicts, which turned into "frozen" ones.[36] The third Georgian president after independence, Saakashvili, was determined to find a resolution both to the state and territorial crises. He established supra-presidential control over the political institutions, as well as with respect to resolving the territorial conflicts of the country. In regard to conflict resolution, he chose a thoroughgoing way for dealing with the separatist territories. His methods were accompanied by rhetoric ("with a heavy hand") and high military spending. The political instruments applied were mainly nationalist rhetoric and the accusation of the opposition or oppositional criticism as unpatriotic. He used these methods to retain and consolidate power. The presidential policy was arguably partly justifiable as Russia supported Abkhazian and South Ossetian secession ambitions, e.g. by distributing passports to the population in Abkhazia and South Ossetia, or imposing an economic embargo on Georgia. President Saakashvili demonstrated a stick-and-carrot approach combining democratic and autocratic elements including threats to use force, but not showing a clear line to resolve the conflict. The Georgian political leadership did not define long-term strategies and a

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[36] See R.G. Suny on elite problems of Georgia in the 1990s: "Elite Transformation in Late-Soviet and Post-Soviet Transcaucasia, or: What Happens When the Ruling Class Can´t Rule?" in *Patters in Post-Soviet Leadership*, ed. Timothy J. Colton and Robert C. Tucker (Boulder, Colorado: Westview, 1995), 141–167.

road-map for state development and conflict resolution.[37] The stick-and-carrot approach was not helpful in settling the territorial conflicts for either side, and the result was the August 2008 war.

In Armenia, Robert Kocharian played a decisive role in the occupation of the wider Nagorno-Karabakh territory. As a result of the conflict and the war, the political elite from Nagorno-Karabakh were able overtake the elite system and play a decisive role in the management of the conflict, leading to its current situation. The period between 2003 and 2008 was characterized by a political stalemate, with the opposition boycotting the Parliament, and the President having an open field to act without (even if limited) parliamentary control. When it came to Nagorno-Karabakh, the issue was used politically to camouflage urgent structural tasks and state problems, and used to distract attention from other issues. The Nagorno-Karabakh conflict has been highly emotionalized in Armenia, in particular in presenting it as one of the most urgent national problems, and has been the source of sharp rhetoric on both sides.[38]

The conflict afforded legitimacy to the political leadership and excuses for power accumulation and the application of political instruments, such as the declaration of the state of emergency by outgoing president Robert Kocharian in March 2008. In Armenia the support of and need for strong political leaders is emphasized by Armenian researchers.[39] However, those strong leaders did little for real conflict resolution. Instead, they relied on the prevailing institutional fragility and the existing power gap between the executive and all the other political branches. This political constellation did not support the management of the conflicts toward a sustainable solution for the involved parties. Even if the conflict-setting suggested that the presidents acted for the sake of national interest, much self-interest was involved in influencing state development and national security policy.[40] To date, the presidents, mainly in Armenia, managed to satisfy group claims, but this so far did not work in favor of sustainable state integrity and a reconciliation concerning Nagorno-Karabakh.

Conclusion

In sum, the analysis of the role of the political leaders in Armenia and Georgia and their actions to resolve the frozen conflicts and to prevent them from turning "hot" does not provide a very positive image. Presidents strongly focus on their role and image as a strong political leader to manage both domestic and external threats. The actions of the Armenian and Georgian presidents have mainly proved that security threats can cause a political stalemate and impede fundamental state transformation.

In Georgia and Armenia, heated debate on inclusion and exclusion of both elite and territory influences political discussions and the building of state structures. The "specialty" of the political

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[37] Interview with the Georgian analyst Ghia Nodia in Radio Free Europe/Radio Liberty: Robert Parsons, "Georgia: Analyst Ghia Nodia Assesses Saakashvili's Attempts To Transform Country," *Radio Free Europe/ Radio Liberty*, June 15, 2006, http://www.rferl.org/featuresarticle/2005 /6/404C8894-8F48-4403-8045-BFDA6D4764EE.html (accessed November 30, 2009).
[38] Levon Zourabian, "The Nagorno-Karabakh Settlement Revisited: Is Peace Achievable?" *Demokratizatsiya*, vol. 14:2 (2006): 252–265.
[39] Vahe Sahakyan and Artur Atanesjan, "Democratization in Armenia: Some Trends of Political Culture and Behavior," *Demokratizatsiya*, vol. 14:3 (2006): 347–354.
[40] Richard Giragosian, "Redefining Armenian National Security," *Demokratizatsiya*, vol. 14:2 (2006): 223–234. Also, the above-cited Cornell/Starr work underlines that the nationalist movement in Armenia co-opted the clan structures, while the nationalist movement was to a large extent ousted in Georgia.

elite is that they rely on populism and nationalist slogans to reach their political goals, but are not capable of resolving the territorial questions. An example has been the rhetoric of the Georgian President Saakashvili about South Ossetia and Abkhazia before and after the August 2008 war. However, an interesting turn of events is the recent attempts of rapprochement and signing of protocols between Armenia and Turkey (which has caused tensions in Azerbaijan fearing that the Nagorno-Karabakh conflict would be solved to the detriment of the country). But the fact is that decades after the eruption of the tensions none of the conflicts has been solved by a formal peace treaty and mutual reconciliation.

The conflicts of Georgia and Armenia are of different nature, taking place in different institutional and elite settings. But both Georgia and Armenia were so far unable to reform their states, and one reason has been that they are confronted with questions of external and domestic integrity. State development must remain incomplete in this insecure environment, and the task of territorial consolidation dominates political decisions and structures explicitly or implicitly. Unsolved territorial and ethnic minority issues most often were not new but a legacy from Soviet times, and they developed into serious problems in the late years of the Soviet Union and afterward. Here, it could be suitable to speak of a political and a cultural-ethnic fragmentation that has severely impeded state-building. Questions of unresolved territorial issues, identity, nation and ethnicity are confronted with weak state institutions. The general situation in both states is characterized by low spending on public goods related to health, infrastructure and education, and high spending on goods related to combat readiness. The structures that are necessary to found a stable state are not strong enough to support state-building efforts, especially in terms of the judiciary and the rule of law, central political institutions, Parliament and political opposition. From a state-building point of view, the goal of constructing a state that provides a minimum of social welfare, guarantees sustainable economic development – i.e. in supporting productive industries or services – and generates infrastructure has not been achieved.

Analyzing the cases of Georgia and Armenia, one can observe common points that are important: elite characteristics and interpretation of political rule, and patterns of elite leadership that prevent conflict resolution. In this context, according to state theorists that elite determination in building up a functioning state within a consolidated territory should be carried out without the use of the tactics of informality – namely informal, personalized structures and the necessity of power proximity. The observation in both countries is that the decision-making processes are not transparent, and are highly personalized – as well as that the influence of democratic political institutions (which could serve to drive conflict resolution) is marginal. The personalization and concentration of power in the hands of the state presidents, and executive branches, such as the resilience of authoritarian politics are the visible outcomes of undemocratic thinking of the political elite. It is possible that the understanding of politics as a power struggle, in which the highest political representative is not allowed to make concessions, greatly contributed to the inability to resolve the frozen conflicts in both Georgia and Armenia. The general political atmosphere in both countries is tense and characterized by the polarization between the governing elite and the political opposition, and an overall lack of political alternatives. Moreover, in the course of instable political developments, informal structures – namely the elite system – have undermined formal provisions and the political institutions such as Parliament. The corruption rates, for example, show that both states are not ready to accept the formal regulations of the political framework that restrict individual governing.[41]

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[41] The issue of wide-spread corruption remained crucial for national security. One can even speak of the systemic corruption that undermines the state together with presidential power and unresolved conflict. If corrupt structures have

A common feature has persisted in both countries: The political elite, in general, do not feel compelled to adhere to a democratic code of conduct. Thus, the conviction prevails that the elite can do whatever they feel like, even with regard to conflict resolution. In this context, self-criticism and the capability for compromise between political leaders is unimaginable. Political transparency, openness and creativity are rather understood as power-endangering. The political landscape has been dominated by a lack of dialogue, political compromise and respect for political diversity.

Furthermore, the ruling elite use conflicts as political instruments in order to render legitimate a politically strong leader who acts and makes decisions that are incompatible within a democratic political framework. Military intervention has gone hand in hand with additional legitimacy of political leadership, being best observed in Armenia, where the Nagorno-Karabakh political elite dominate the Armenian elite system. Securing regime continuity becomes more important than proposing future visions of state composition and development. In the long-run an understanding of politics as based on conflict and elite fragmentation has a negative impact on the political culture and on conflict settlement. Thus the unresolved conflict has strengthened authoritarianism vis-à-vis democratic policy-making.

In Georgia the inclination to oust President Saakashvili after the war of August 2008 and the subsequent political developments have not been very successful. Questions of political power and state development that surfaced in the mid-2000s were set back, as the future of the whole state is still contested. In Armenia a fundamental political change seems desirable neither for the political elite nor for the Armenian population until Armenia and Azerbaijan have resolved the Nagorno-Karabakh problem.[42] In the end, those conflicts slow the modernization of the state and lead to a frozen state development. But this slowly undermines the legitimacy of the whole state (even if the elite refer to such conflicts to generate legitimacy).

This connection of conflict, the elite and state development could be called a vicious circle. The question is how to break this circle that provokes long-term instability – even if the South Caucasian states cannot be regarded as failed states at the moment, especially Georgia, which confronted periods of territorial, social, economic and political disintegration and partial collapse.

One solution could be political elite reform. It is crucial how and if the political leadership succeeds to subdue under a formal institutional framework for the sake of state-building. Unfortunately, there have been not very many efforts toward this requirement. The Presidents of Armenia and Georgia have so far demonstrated little political commitment for peaceful conflict solution, and we get a dubious picture of political leadership in both countries. Mutual mistrust among the political elite prevails, and informal networks and patron-client relationships are used to retain political power. In this context, a strong political leader who relies on strong informal groups, police forces, and security agencies is perceived as necessary to guide the country through an insecure environment.

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proved their efficacy in controlling economic resources, political decision-making and the manipulation of political and social opponents, they are hardly changed.

[42] The respective sites offer lengthy and recurring articles on the topic, e.g. the homepage of azatutyun.am, http://www.azatutyun.am/. An example of an article is Jamil Bayramov, "Double Standards Hinder Karabakh conflict settlement," *News.az*, November 21, 2009, http://www.news.az/articles/3043 (accessed November 25, 2009).

If we examine contested territoriality and weak state structures, it is additionally interesting to ask what impact those factors have on public behavior, and if their toleration for weak state structures correlates with the intensity of conflict. In Armenia when political protests occurred, they were not about Nagorno-Karabakh but against political corruption. Here, a part of the population protested, mainly tied to the Armenian political opposition, for example, in April 2004 or in February 2008 as a reaction to the results of the presidential election. However, those protests largely aimed at the transfer of political power from one power-network to another. In Georgia the population in general unified with the government against the secessionist population. When public protests broke out, they had the goal of a real change in the political culture and conceptions of power. The protests did not include the territorial issues in the first place. For example, one can recall the protests in 2003/4 that led to a transfer of power in January 2004.[43]

In the context of the August 2008 war, the situation changed to a certain degree, as President Saakashvili was blamed for having contributed to conflict escalation. But he managed to stay in office on account of, among other factors, the public's tendency to avoid demanding a change in the political leadership when territorial conflict is perceived as a direct threat. Again, the vicious circle becomes visible: If conflict settlement has developed into a prerequisite for fundamental political change and the development of state structures, there is a need for constructive proposals and serious negotiation (it also requires the same willingness to negotiate on the side of the adversaries). One hope here has been the recent rapprochement between Armenia and Turkey, which has proved that at some point elite change is possible. Also, the defection of some high-level government officials to the opposition in the aftermath of the presidential election in February 2008 in Armenia proved that the elite are not a coherent bloc, and changes might be possible.

However, institutional changes and reforms remain fragile as long as questions of territorial integrity are unresolved. In particular, social and economic reforms cannot be called sustainable if the threat of an armed conflict is acute and great portions of the state budget are dedicated to the military and adjacent agencies (or disappear in diffuse channels). In this sense, public unrest might bring changes for elite renewal, even if former attempts have failed. Maybe it is up to the public to remind the political elite that the resolution of unresolved territorial conflicts remains at the heart of state reform in the South Caucasus.

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[43] Jonathan Wheatley, *Georgia from National Awakening to Rose Revolution. Delayed Transition in the Former Soviet Union* (Aldershot: Ashgate, 2005).

RUSSIA'S NATIONAL SECURITY STRATEGY TO 2020: A GREAT POWER IN THE MAKING?

Sophia Dimitrakopoulou[*] & Dr. Andrew Liaropoulos[**]

Abstract

The publication of Russia's National Security Strategy in May 2009 provoked a discussion regarding the security challenges that Moscow is facing. This article reviews, firstly, the security context that defined the Putin era and then relates the analysis of the latest national security strategy to the broader dilemmas that Russia will encounter in the next decade. The purpose is to identify the priorities and threat perceptions that are outlined in the latest national security strategy and to question whether Russia will become a great power in the near future.

Keywords: *Russian security policy, Russian foreign policy, National Security Strategy to 2020, great power, national interests, threat perceptions*

Introduction

Nearly two decades after the break-up of the Soviet Union, Russia is still searching for its place in a complex and multipolar world order. Sitting on the periphery of both Europe and Asia, Russia's leaders need to shape an effective security policy. Acting as a hegemonic power in its immediate neighborhood, maintaining strategic nuclear parity with the United States, securing its borders and coping with the current economic crisis is not an easy task. Adding to the above the demographic crisis and the need to reform its armed forces, it is certain that Moscow faces many dilemmas.

It is in this light that the publication of Russia's latest National Security Strategy in May 2009 deserves closer attention. The National Security Strategy to 2020 (NSS),[1] aims to define the domestic and foreign threats and suggests measures that will guarantee the security and development of the Russian Federation. The analysis of the NSS will be a useful indication on how Moscow plans to formulate its security policy for the coming decade. This article will first describe the security context that characterized the Putin era and highlight the main aspects of its security policy. A selective analysis of key issues raised in the NSS will follow, in order to identify elements of both change and continuity regarding Russia's security strategy. The article concludes with a critical evaluation of the NSS and the challenges that Moscow is facing.

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[1] Security Council of the Russian Federation, *National Security Strategy of the Russian Federation up to 2020,* signed on May 12, 2009, http://www.scrf.gov.ru/documents/99.html (accessed November 22, 2009).

Russia's Security Policy: From Putin to Medvedev

Over the past few years, Russia has made efforts to restore its prestige in the world. After surpassing the memories of the Cold War and the ideological confrontation with the West,[2] Russia has turned over a new leaf in its history. Under Putin's administration, Moscow reevaluated its national objectives in order to cope with the rising menaces in a world that is changing constantly. The shift from a bipolar to a multipolar system and the appearance of global and regional challenges has forced Russia to adjust its priorities and redesign its foreign policy. The record so far has been mixed.[3] On the one hand, Russia has reasserted itself as an important global actor. On the other hand, Russia's resurgence as a major European and Asian power has brought back Cold War like memories to some of its neighbors and global competitors.

Russia has tried to take advantage of the opportunities offered by her strategic place and political heritage. The desire to strengthen its geopolitical role in the Eurasian continent, eliminate Russophobia and elaborate closer relations with the member-states of the Commonwealth of Independent States (CIS) has been high on the agenda for the Kremlin. It is not only a matter of prestige for Moscow to sustain a leading role among the post-Soviet countries, but also a way to secure stability in its near abroad, where it has enormous national interests.

The Caspian region constitutes an important source of Russian wealth and serves one of the greater goals of Russian security policy - its economic development.[4] The exploitation of Caspian oil and gas and the control over the pipelines, has justifiably been characterized as the new Great Game.[5] Russia has been hostile to any kind of penetration by other states and foreign industries in this important area. The strict policy concerning energy prices - followed by Vladimir Putin and his successor Dmitry Medvedev - was reflected in the energy-related disputes between Russia and its neighbors. The energy crises with Ukraine in 2006 and 2009 and with Belarus in 2004 demonstrated that Russia is not willing to allow any neighboring state to take advantage of its geographic location at the crossroads of the transportation routes for the European market.[6]

Relations with NATO remained difficult during the Putin years. To start with, Moscow had difficulty coming to terms with the fact that NATO, founded in the early days of the Cold War, still operated in the twenty-first century. Nevertheless, Russia wanted to avoid isolation and sought a special relationship with NATO. The 9/11 attacks and the so-called "Global War on Terrorism" provided the opportunity, but the results were discouraging. The NATO-Russia Council (NRC) failed to embrace a strong partnership[7] and the expansion of NATO to Eastern Europe and its potential enlargement reaching the Russian borders provoked the negative reaction of Moscow.[8] The latter has accepted, although unwillingly, NATO and EU enlargements, but the participation of

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[2] This article uses the term "West" rather broadly, encompassing European and North American NATO members.

[3] Regarding Russian foreign policy during the Putin period, see, for instance, Andrei Tsygankov, *Russia's Foreign Policy* (Oxford: Rowman & Littlefield Publishers Inc, 2006) and Robert Legvold (ed), *Russian Foreign Policy in the 21st century & the shadow of the past* (NY: Columbia University Press, 2007).

[4] Eugene Rumer, "Russian Foreign Policy Beyond Putin," *Adelphi Papers*, 47:309 (2007): 25-27.

[5] The term "Great Game" refers to how world politics have affected Central Asia over the last two centuries. The term is also used to describe the current relations between Russia, China and the USA, as these countries compete for influence in the resource rich, but politically volatile region.

[6] Elana Wilson Rowe and Stina Torjesen (eds), *The Multilateral Dimension in Russian Foreign Policy* (New York: Routledge, 2009), 92-95.

[7] Jakub Kulhanek, "Putin's Foreign Policy and the Founding of the NATO-Russia Council," *Central European Journal of International & Security Studies*, 3:1 (2009): 134-151.

[8] Eugene Rumer and Angela Stent, "Russia and the West," *Survival*, 51:2 (2009): 98-99.

Ukraine and Georgia in the western security architecture constitutes a red line for Russia. Moscow considers the membership of the said countries in NATO a violation of Russia's traditional sphere of influence and a Western attempt to put into practice the idea of Russia's strategic encirclement.[9]

The project of the anti-ballistic missile defense system, which was intended to be installed by the United States in Poland and the Czech Republic, was another challenge to the relations between NATO and Russia.[10] President Barack Obama has recently reevaluated this project and is planning to put forward a new missile defense plan that is more realistic, in terms of the existing threats, thereby reducing the tension between the two countries.[11]

The breakaway regions of South Ossetia and Abkhazia constitute a thorny issue for Russia in the Caucasus. Moscow intervened in the internationally recognized territory of Georgia to protect South Ossetia, when an armed attack was launched by the President of Georgia Mikheil Saakashvili against it in August 2008. The Russian-Georgian conflict demonstrated that Russia will not permit any neighboring country to use force and act autonomously in a region where Russia has special interests. The "Five Day War" in Georgia confirmed the declarations of President Medvedev that are found in the Foreign Policy Concept (FPC). According to this document, Russia supports collective actions and wants to be a guarantor of security, but it also has every right to act unilaterally when its national interests are involved.[12] Obviously, the voices within the transatlantic community varied, since Russia is no longer the Cold War enemy, but a crucial international actor, a business partner and an energy supplier.

Russia rejects any external influence from other states on its domestic and foreign policy issues and accuses the United States and NATO of influencing the policymaking of some of its neighboring countries. As a result, Moscow is reluctant to participate in western coalitions and tries to reinforce a number of regional integration associations. The Eurasian Economic Community (EurAsEC), the Collective Security Treaty Organization (CSTO) and the Shanghai Cooperation Organisation (SCO) are all examples of efforts to counterbalance western organizations and strengthen Russia's role in Central Asia.[13]

In general terms, during the Putin era, Russia reestablished itself as an important global actor in the international arena. Moscow has recovered its pride, and is exercising once again classic Realpolitik in order to diminish Western influence in the former Soviet Union. Russia fears further NATO enlargement, and has used the energy card in order to test the limits of its geopolitical influence in Europe.[14] So what will happen next? Are Russia and the West headed for a new Cold War-style confrontation? Or will Moscow focus on overcoming its economic, social and political backwardness? What are the strategic factors that will define Moscow's behavior in the coming years? Will cooperation between Russia and the West be possible in the near future? These are hard

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[9] Igor Zevelev, "NATO's Enlargement and Russian Perceptions of Eurasian Political Frontiers," *George Marshall European Centre for Security Studies*, www.nato.int/acad/fellow/98-00/zevelev.pdf (accessed October 13, 2009).
[10] Michael Rywkin, "Russia: In Quest of Superpower Status," *American Foreign Policy Interests,* 30:1 (2008): 18.
[11] Andrin Hauri, "A Better Missile Defense," *International Relations and Security Network* (ISN) October 2, 2009, http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch/Detail?id=106572%26lng=en (accessed October 4, 2009).
[12] The Ministry of Foreign Affairs of Russia, *The Foreign Policy Concept of The Russian Federation*, approved on July 12, 2008, http://www.mid.ru/ns-osndoc.nsf/osnddeng (accessed September 20, 2009).
[13] Olga Oliker, Keith Crane, Schwartz H. Lowell and Yusupov Catherine, *Russian Foreign Policy Sources and Implications* (Santa Monica, CA: RAND Corporation, 2009): 102-104.
[14] James Sherr, "Russia and the West: A Reassessment," *Shrivenham Papers*, No. 6 (Swindon: Defense Academy of the United Kingdom, January 2008).

questions that the following analysis of the National Security Strategy to 2020 can only partly answer.

The National Security Strategy to 2020: An Overview

The NSS at once analyzes the evolving international system and attempts to formulate the policymaking of the Russian Federation for the next decade.[15] The difference between the NSS and the National Security Concept of the Russian Federation (NSC)[16] lies in the recurring changes in the security environment and in Russia's international position. It is important to point out that the NSS is characterized by optimism and confidence without bearing the heavy sentiments either of conspiracy or of encirclement when referring to Russia's global competitors. Adapted to the reality of the twenty-first century, it emphasizes both hard and soft security issues, as well as the need for international cooperation and economic development.

The definition of national security has been broadened in the NSS. This is documented under the chapters such as "National Defense", "State Security and Civil Protection", "Improvement of Living Standards", "Economic Growth", "Research, Technology and Education", "Healthcare", "Culture", "Ecology", "Strategic Stability and Partnership on Equal Terms" and "Organizational, Regulatory and Informational Measures".[17] A quick glance over the titles illustrates that, despite the references to protection from internal and external threats, security is closely related to sustainable development.

Defense is presented in a rather vague way, and the document does not clarify what kind of changes will occur regarding defense transformation. It should be borne in mind, however, that Russia is about to release a revised military doctrine in the coming months. Nevertheless, the document underlines the need to improve the organization and structure of the armed forces in order to make a transition to a modernized army that can secure stability.[18] Many military officers are unenthusiastic about the current reform plans that involve a major restructuring, reduction and modernization of the armed forces. They fear that the recruitment of professional soldiers and the introduction of professional non-commissioned officers will simply create a small army that will be unable to fight a large-scale war with NATO.[19]

The main sources of concern for Moscow are missile defense in Eastern Europe and local conflicts in its near abroad. Moreover, attention is given to the delimitation of the borderlines and the enhancement of their protection. Taking into account the conflict with Georgia, Russia needs to endorse the presence of military forces along its lengthy borders and protect them from regional

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[15] For a brief review of the NSS, see, inter alia, Marcel de Haas and Henning Schröder, "Russia's National Security Strategy," *Russian Analytical Digest* No. 62 (June 18, 2009) and Keir Giles, "Russia's National Security Strategy to 2020," *NATO Defense College*, (Research Division, June 2009).

[16] The Ministry of Foreign Affairs of Russia, *National Security Concept of the Russian Federation*, approved on January 10, 2000, http://www.mid.ru/ns-osndoc.nsf/1e5f0de28fe77fdcc32575d900298676/36aba64ac09f737fc32575d9002bbf31?OpenDocument (accessed November 22, 2009).

[17] Katarzyna Zysk, "Russian National Security Strategy," *GeoPolitics in the High North,* (June 2009), http://www.geopoliticsnorth.org/index.php?option=com_content&view=article&id=87:russian-national-security-strategy&catid=1:latest-news (accessed November 22, 2009).

[18] Regarding the Russian defense reform, see, inter alia, Roger McDermott, "The Restructuring of the Modern Russian Army," *The Journal of Slavic Military Studies,* 22:4 (2009): 485-501 and Andrew Liaropoulos, "Russian Defense Reform and its Limitations," *Caucasian Review of International Affairs*, 2:1 (2008): 42-49.

[19] *Strategic Survey 2009, The Annual Review of World Affairs* (London: The International Institute for Strategic Studies, 2009), 207.

conflicts and illegal trafficking. The importance of being a nuclear power continues to be reflected in Russia's policymaking. The new strategy points towards nuclear deterrence[20] and parity with the USA while stressing the need for arms control and the possibility of a world free of weapons of mass destruction.

This security strategy has a critical view of the European security architecture. Over the past decade, there has been little progress in NATO-Russia relations. Due to Russia's inability to influence the Alliance's decisions, as a partner in the NATO-Russia Council, the Russian leadership favors the invigoration of international organizations that can guarantee security issues and promotes the evolution of regional coalitions like the OSCE, CSTO, SCO, EurAsEC and the BRIC (Brazil, Russia, India and China) group. Nevertheless, the above alliances have obvious limitations. Neither the CSTO nor the SCO are a "Warsaw Pact 2", and the BRIC group is a rather loose cooperation, in which China and India are unlikely to follow Moscow's revisionist agenda.[21]

Although Russia has been making decisions with a constant eye on its near abroad, the NSS reflects the call for global collaboration and openness. Russia perceives other powerful actors - the EU, China and India - as necessary partners against global threats. It also promotes cooperation with the United States in terms of an equal strategic partnership in fields of common interests, making references to arms control, non-proliferation, counterterrorism and conflict settlement. The NSS marks the altered perception of the Russian leadership that tries to combine elements of the past and the future and set on a realistic basis Russia's relation to the rest of the world.

The economy has an eminent place in the document, projecting Russia's aspiration to obtain the fifth place among the strongest economies of the world in terms of gross domestic product.[22] A series of steps are pointed out in order to increase the growth and effectiveness of the national economy, such as support for productivity, the reform of the banking system, the establishment of market mechanisms and industrial development.[23] For the current leadership, the effort to avoid the devastating results of the crisis and create successful economic performance constitutes the key to strengthening Russia's place in the world.[24] Russia remains highly dependent on revenues from oil and gas, and the economy is still heavily centralized. As a result, the current administration seeks to inaugurate an industrialized era and promote scientific and technological research in order to implement innovations and facilitate economic development throughout Russia.[25] After all, it was the economic growth during the last decade that fuelled its ambitious foreign policy agenda.

Energy security is of central importance for the Russian leadership. Energy-related issues and regions like the Arctic, the Caspian Sea and Siberia are highlighted in the security planning through 2020. The global concern about the depletion of natural reserves and the rising demand for gas and oil supplies[26] has upgraded energy to a major security issue. Russia participates in the struggle for the exploitation of regions rich in resources and the control of the transportation routes. Thus, in

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[20] Regarding the issue of nuclear deterrence, see, for instance Stephen J. Cimbala and Peter Jacob Rainow, *Russia and Postmodern Deterrence* (Washington DC: Potomac Books Inc, 2007).

[21] Dmitri Trenin, "Russia Reborn. Reimagining Moscow's Foreign Policy," *Foreign Affairs*, 88:6 (November/December 2009): 73.

[22] Zysk, "Russian National Security Strategy".

[23] de Haas and Schröder, "Russia's National Security Strategy," 3-4.

[24] Richard Connolly and Peeter Vahtra, "Russia and The Economic Crisis," *Russian Analytical Digest* No. 65 (October 6, 2009): 2-14.

[25] de Haas and Schröder, "Russia's National Security Strategy," 8-9.

[26] US Department of Energy, Energy Information Administration, "International Energy Outlook 2009," http://www.eia.doe.gov/oiaf/ieo/world.html (accessed October 27, 2009).

harmony with previous documents such as the National Security Concept and the Foreign Policy Concept, Russia desires to be a country that plays a leading part in energy, serving both economic and political goals.[27]

Another field of key importance in the NSS is domestic security. Many aspects of human life, like health, labor and education, are promoted in terms of a modernized society. In the NSS, the acknowledgement of the link between Russia's international status and the welfare of its population is obvious. Russia needs to overcome the deficiencies of its institutions and accelerate the process of reforming the state mechanisms.[28] An emphasis is also placed on cultural issues. According to the NSS, it is important to promote cultural education as it serves one of the most crucial priorities in Russian security planning: the coherence of its multinational society. The protection of Russian citizens abroad also has an important place, as it did in the NSC. Yet the current version promotes intensifying the efforts to protect the rights and interests of Russian citizens abroad, echoing the voices that refer to the attempt of the administration to legitimize the military action against Georgia in 2008.[29]

Threat Perceptions and Reality

The section on threat perceptions occupies a significant part of the NSS. In the economic sector, threats are specific and have a prominent place. Russia needs to improve its industries, boost its productivity and upgrade the level of industrialization in certain regions. Moreover, the dependence of the Russian economy on the export of raw materials and the involvement of foreign actors are recognized as threats to Russian national interests. The 2008-2009 financial crisis revealed the structural weaknesses and the fact that the Russian economy is increasingly dependent on imports of energy resources. The memories from the Yeltsin era, when shock therapy resulted in illegal privatization, a rise in crime and the impoverishment of more than half of the population, are strongly ingrained in the Russia society's collective consciousness. As a result, prosperity and stability are deemed to be of great importance.

The control over natural resources has long been a vital issue for the Kremlin; therefore, any kind of policy that aims to alter the status quo, against Russia's will, in strategic regions - like in the Arctic and the Caspian Sea - is considered a threat that under certain circumstances could lead to military action. In fact, the NSS proposes the creation of a new military force for the Arctic.[30] In order to avoid tension and form a prosperous energy market, the document promotes cooperation based on multilateral agreements and general principles. Yet, despite the emphasis given to energy resources, the NSS suggests that more steps should be taken in order to moderate the dependence on oil revenues and promote technological progress.

As far as military threats are concerned, the NSS deliberately avoids naming which leading countries are trying to obtain military supremacy in the areas of precision guided weapons and missile defense systems and upgrade their information warfare and cyber-warfare capabilities. The document both states that the unilateral use of military force is a destabilizing factor for the international community and reflects the dissatisfaction of the Russian leadership about the existing

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[27] László Póti, "Evolving Russian Foreign and Security Policy: Interpreting the Putin-doctrine," *Acta Slavica Iaponica*, No. 25 (Slavic Research Center, 2008): 38-39.
[28] Trenin, "Russia Reborn," 75.
[29] Giles, "Russia's National Security Strategy to 2020," 8.
[30] Margaret Blunden, "The New Problem of Arctic Stability," *Survival*, 51:5 (2009): 125-126.

security architecture in Eurasia.[31] Moscow strongly desires to upgrade the status of regional coalitions and play a more active role in the European security. Indicative of this desire is the fact that Russia has recently proposed the pan-European security treaty, with the official aim of facilitating crisis resolution and preventing tensions.[32]

Regarding NATO, Russia's solid position is the rejection of any NATO military presence close to its borders. The NSS clarifies that the relationship with the Alliance depends on NATO's compliance with international law. The question of whether Georgia and Ukraine should be admitted to NATO's Membership Action Plan (MAP) and the plans for a European-based US missile defense system had alarmed the Russian leadership, whose displeasure was reflected in the FPC. Unlike the NSC, this security strategy names neither NATO nor the United States as security threats. In fact, the existing differences do not exclude the possibility of cooperation. During the last few years, Russia and the Unites States have managed to exchange views and cooperate on a series of international problems on the bilateral level, as well as through the NATO-Russia Council and the OSCE. Both states have continued the negotiations to reduce strategic offensive weapons, supporting initiatives like the Cooperative Threat Reduction (CTR) and the Strategic Arms Reduction Treaty.[33]

Another challenge is the protection of its borders, since Russia has the world's longest land borders.[34] The NSS document places emphasis on the improvement of its border facilities, naming the Arctic region, the Russian Far East and the Caspian shores as particularly important areas. Russia is a transit point towards Europe and faces issues like human and drug trafficking, so it is urgent to protect the borders properly.

With regard to public safety, the NSS recognizes epidemics, drug addiction, alcoholism, food security and the deterioration of health among citizens as important threats to Russian society and its citizens. Any future measures for improving the living standards of the Russian people can only slightly change the country's demographic reduction. The demographic problem is becoming more and more aggravated and has raised fears for Russia's future.[35] Depopulation is linked to security issues and reflects the weakness of the Russian state in exploiting strategic regions such as Siberia. A strong Russian presence in Siberia would allow Moscow to utilize its natural resources and counterbalance China's increasing economic influence. It also mentions the staffing of the armed forces and makes more urgent their structural reform. In sharp contrast to the NSC, the NSS does not grant terrorism the attention it had in 2000, when the Chechen issue was at its peak.

Conclusion

Overall, the NSS describes the international environment and defines Russia's national interests and strategic priorities. The NSS is part of a sequence of documents (sc. The Military Doctrine, the Food Security Doctrine to 2020, and the Foundations of State Policy in the Arctic to 2020 and

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[31] Zysk, "Russian National Security Strategy".

[32] Simon Saradzhyan, "Pan-European Security: Considering Russia," *International Relations and Security Network* (ISN), September 4, 2009, http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch/Detail/?lng=en&id=105553 (accessed November 10, 2009).

[33] Defense Threat Reduction Agency, "Defense Strategic Plan," http://www.dtra.mil/index.cfm (accessed October 1, 2009).

[34] Giles, "Russia's National Security Strategy to 2020," 8.

[35] Ben Judah, "Russia: Ominous Demographics," *International Relations and Security Network* (ISN), October 14, 2009, http://www.isn.ethz.ch/isn/Current-Affairs/Security-Watch/Detail/?id=108474&lng=en (accessed November 15, 2009).

Beyond),[36] that form Russia's security policy. The drafting of the document was in the hands of the Security Council, yet there was broad participation by ministries, bureaucracies, organizations and members of the academic community, all of whom had diverging priorities. The effort to unify these priorities into a coherent policy paper is obvious. Any ambiguous points in the document are due to the fact that it had to please a wide audience.[37] Although the NSS is only a piece of the puzzle, it is a starting point in evaluating Russia's priorities.

In the NSS, the Russian Federation appears to be much more confident in its capabilities, but the efforts that are needed to improve its security and guarantee its future development are not neglected. The way Russia views the world has changed. The pessimism that characterized Moscow after the Cold War, due to the economic and moral decline, has been replaced by a more pragmatic view of the globalizing international environment and Russia's place in it. The NSS reflects the restoration of Russia's great power identity (*derzhavnost*) that took place during the Putin era, but the question of how Moscow will cope with these challenges remains open. Echoing Dmitri Trenin, Russia needs reimagining its foreign policy.[38] To a large extent, the National Security Strategy to 2020 encapsulates this vision.

In the NSS the concept of security has been broadened. The reference to economic growth, technological progress, education, environmental issues and living standards of the citizens definitely point in the right direction. To what extent Moscow will favor sustainable development or emphasize on traditional security priorities like military reform, remains to be seen. Will Russia benefit from the opportunities of globalization, develop its economy, expand its trade, strengthen its ties with other global actors and become a twenty-first-century great power? Or will Russia fail to address these challenges successfully?

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[36] Giles, "Russia's National Security Strategy to 2020," 4.
[37] de Haas and Schröder, "Russia's National Security Strategy," 9-10.
[38] Trenin, "Russia Reborn".

INTERNATIONAL LANGUAGE RIGHTS NORMS IN THE DISPUTE OVER LATINIZATION REFORM IN THE REPUBLIC OF TATARSTAN

Dilyara Suleymanova[*]

Abstract

This paper explores the role of international language rights norms in the dispute over script reform in the Republic of Tatarstan, Russia. In the late 1990s, the authorities of Tatarstan initiated reform to change the orthographic base of the Tatar language from a Cyrillic- to a Latin-based script. However, this reform was subsequently banned by a Russian federal law that stipulated the mandatory use of the Cyrillic alphabet for all state languages in Russia. In protesting this decision, Tatar language activists referred to international human and minority rights provisions and used categories of international law to frame their case as a violation of international norms. However, it is not clear whether this case would really qualify as a violation of international norms and whether international instruments would have the power to overturn this state decision. Rather than being practically applicable, international language rights norms have shaped the strategies minorities employ in advocating their rights and contesting state decisions.

Keywords: *minority rights, language politics, international law, state-minority relations, Republic of Tatarstan*

Introduction

International language rights norms are acquiring growing significance in minorities' strategies for the preservation of their languages and cultures. These minorities' aspirations often seem to be supported by the international community, which in recent years has actively promoted the values of cultural and linguistic diversity on the global level. The question arises, however, whether current international language rights provisions can effectively respond to and support the efforts of minorities in protecting and preserving their languages. This paper examines the role of international language rights norms in the dispute over the change of the orthographic base of the Tatar language from a Cyrillic- to a Latin-based script that was initiated in the Republic of Tatarstan in the late 1990s and the early 2000s. The discussion of this topic will begin with an outline of the position of language rights in contemporary international law. I will then present the Tatar Latinization case and continue with an analysis of the role of international instruments in this issue. Finally, I will look at how existing international language rights provisions handle the Latin script issue.

Minority Language Rights in International Law

The question of minority language rights has to date received little attention in international law.[1]

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[1] Robert Dunbar, "Minority Language Rights in International Law," *International and Comparative Law Quarterly*, vol. 50 (2001): 90.

However, the situation has been changing, and in recent years the international community has shown a growing interest in minority-language issues. This can be explained by several reasons. One reason is that minority rights are regarded by the international community as an important factor in regional security and inter-ethnic peace, particularly in countries of the former Soviet Union. Regional security organizations, such as the OSCE, consider issues related to national minorities, among them language rights, part of their mandate.[2] The second reason for increased attention to minority language rights is the international community's concern with the preservation of the world's cultural and linguistic diversity, which is threatened by the processes associated with globalization.

In spite of these substantial reasons to take language rights seriously, international legal instruments on language rights remain among the weakest that international law has at its disposal. International human rights instruments, such as the International Covenant on Civic and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR), provide for "negative rights" that are limited to non-discrimination and linguistic tolerance. This is evident in Article 27 of the ICCPR, which merely prohibits States from preventing individuals belonging to minority cultural groups from using their own language:

> In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."[3]

The ECHR prohibits discrimination on the basis of language or association with a national minority (Article 14) and enshrines the right to be informed in one's own language in courts or while under arrest if an individual does not understand the official language (Articles 5 & 6). Only international human rights documents, such as the ICCPR and ECHR, have legally binding effects and can be enforced through individual petition. They can be effectively used by minorities faced with repressive and openly assimilationist policies of the State.[4] However, often minorities' demands go far beyond mere non-discrimination and state tolerance of their languages. The greatest threats to minority languages today result from the more subtle processes and policies of the State vis-à-vis minority cultures and identities – as well as from large-scale factors such as globalization and the spread of English – rather than direct discrimination. That is why policies promoting and supporting the use of minority languages in the public sphere are the key issues minorities are advocating today.

European documents specifically devoted to minority rights, such as the Framework Convention for the Protection of National Minorities (FCNM) and the European Charter for Regional or Minority Languages (ECRML), have gone somewhat further in establishing a regime of linguistic promotion that encompasses certain "positive rights" – rights to enjoy public services, education, and media in minority languages.[5] The right to have public authorities use a minority language where reasonably justified is also referred to in an increasingly large number of resolutions, declarations, and other documents from the Council of Europe, the European Union, the Organization for Security and Co-

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[2] Fernand de Varennes, "The Linguistic Rights of Minorities in Europe," in *Minority Rights in Europe: European Minorities and Languages*, ed. Snezana Trifunovska (The Hague: T.M.C. Asser Press, 2001), 244. See, for example, *Document of the Copenhagen Meeting of the Conference on the Human Dimensions of the CSCE* (the "Copenhagen Declaration").
[3] International Covenant on Civil and Political Rights (ICCPR), part III, Article 27.
[4] Dunbar, 2001.
[5] Ibid.

operation in Europe, and the United Nations.[6] However, according to some observers, these norms are essentially updated versions of the old "right to enjoy one's culture" approach.[7] Even if some of the articles of the FCNM contain certain positive rights and obligations for States to provide for education or public services in minority languages, these obligations are subject to various conditions, such as a "sufficient level of demand," a "demonstrated real need," and "administrative and financial resources of the states," creating a situation that allows States to avoid taking necessary measures, and limits effective implementation of these regulations. Furthermore, although the FCNM does create binding international obligations, its provisions are not enforceable through individual petition, but are only subject to a system of state-reporting and national enforcement.[8]

The European Charter for Regional or Minority Languages adopted in 1992 by the Council of Europe is the first international document solely devoted to regional or national minority languages in Europe, specifically advocating their preservation and promotion. However, rather than granting language rights to minority groups or persons belonging to minority groups, this document outlines certain principles on which States should base their policies vis-à-vis languages and sets up measures necessary for the implementation of these principles.[9]

General principles upon which States should base their legislative instruments and concrete policies vis-à-vis regional or minority languages are contained in Part II of the ECRML. Part III encompasses concrete actions aimed at protecting and promoting minority languages in various public spheres, such as education, mass media, and public services. However, it is up to the State to decide which provisions of Part III apply to which minority or regional language in accordance with the "situation of each language."[10] Most importantly, there is no direct enforcement mechanism in the articles; instead, there is a procedure of monitoring which the Committee of Ministers of the Council of Europe uses to make recommendations on how to bring state legislation and policies in line with the obligations stipulated under the Charter. Concerning the violation of the articles of the Charter, only "bodies and associations" legally established in the country – not individuals – can submit information to the European Charter's Advisory Committee on such violations. As observers admit, individuals should consider the information mechanism under the European Charter as part of a long-term "lobbying and education" effort to get governments to improve their respect for and protection of minority rights, not as a mechanism of direct enforcement of language rights.[11]

In this context, and as other observers recognize, language rights have not yet been given the status of fundamental rights under international law.[12] Many of the most useful measures of positive support have not attained the status of binding international legal principles. Those regulations that have internationally binding effects and pertain to human rights are limited to non-discrimination and to the individual right to use one's language.

Though international standards concerning language rights cannot provide minorities with sufficient guarantees in protecting their languages and cultures, they still influence the way minorities

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[6] Fernand de Varennes, "A Guide to the Rights of Minorities and Languages," COLPI paper, no. 4 (Budapest: OSI, 2001), 28.

[7] Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (New York: Oxford University Press, 2007).

[8] Dunbar, 2001.

[9] Eduardo Vieytez. "Minority Languages of the Russian Federation: Perspectives for Ratification of the European Charter of Regional and Minority Languages," *Mercator Working papers*, no. 6 (2002).

[10] European Charter for Regional or Minority Languages (ECRML), Part III, articles 8, 9, 10.

[11] de Varennes, 2001.

[12] Dunbar, 2001.

advance their claims and fight for their cause. In the following sections, I will present the case of the dispute between a State and a minority, which is related to the use of a script where the role of international norms has played out in different ways.

Alphabet Reform of the Tatar Language and Russian Federal Law on Cyrillic Script

This section examines how international instruments were involved in a dispute over the switch of the Tatar language from a Cyrillic- to a Latin-based script – the so-called Latinization reform – in the Republic of Tatarstan during the late 1990s and the early 2000s. Tatarstan is a federal unit within the Russian Federation and the homeland of the largest ethnic minority in Russia – the Tatars, a Turkic-speaking people who traditionally practice Sunni Islam. They claim a history of statehood that dates back to the medieval states of Volga Bulgaria and the Golden Horde and a rich tradition of political activism within the Russian state, of which they became a part in the middle of the sixteenth century. Tatars constitute about 53 percent of Tatarstan's population, while Russians make up about 40 percent, and various other ethnic minorities account for the rest.[13] While Tatarstan is regarded as the center of Tatar culture and political life, the majority of Tatars (about 70 percent) live outside Tatarstan, especially in the neighboring republics and oblasts of the Volga-Ural region, Siberia, as well as in the cities of Moscow and St. Petersburg.

Since the 1990s, Tatarstan has pursued autonomous language policies intended to revitalize the Tatar language and bring it to equal standing with Russian. One of the measures envisioned by the government of Tatarstan in this direction was the script reform in which the Cyrillic script imposed by the Soviet regime in 1939 was changed to a Latin-based alphabet, considered as more appropriate for the Tatar language. The Latin script (a specially developed version called *Yanalif*) was already used for the Tatar language between 1927 and 1939, while prior to 1927 the Arabic script was used. In 1999, the State Council of Tatarstan adopted a law titled *On the Restoration of the Tatar Language Based on the Latin Alphabet*.[14] This document envisioned the switch to the Latin alphabet by the year 2011; by 2000, preparatory measures for this change were begun in Tatarstan.

Though the main argument of the proponents of the Latin script was based on a linguistic reasoning that the Cyrillic alphabet is not suitable for the Tatar phonetic system, the envisioned orthographic reform had clear political underpinnings. Tatarstan, which in the late 1980s and early 1990s experienced a revival of nationalist sentiments and demanded full union status[15] within the Soviet federal hierarchy, clearly demonstrated its political ambitions with the adoption of the 1990 *Declaration on the State Sovereignty of the Tatar Soviet Socialist Republic*, as well as with a subsequent referendum in 1992 on the status of the republic. It was clarified by the president of Tatarstan Mintimer Shaimiev, however, that the referendum was not about secession from Russia and was not intended to change the territorial integrity of the Russian Soviet Federative Socialist Republic.[16] A majority of the republic's population – 61,4% voted in favor of Tatarstan being "a sovereign state, subject to international law."[17] A federal treaty signed with Moscow in 1994 acknowledged Tatarstan as a State united with the Russian Federation. The treaty contained a list of

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[13] 2002 Russian population census data.

[14] *Zakon Respubliki Tatarstan "O vosstanovlenii tatarskogo yazyka na osnove latinskoi grafiki"* (September 15, 1999).

[15] That is, the same status bestowed upon the Baltic republics, Ukraine, Belarus, etc.

[16] Damir Iskhakov, "Politicheskoe razvitie Tatarstana posle prin'atiya Konstitucii (1992-1994)" [Political development of Tatarstan after the adoption of Constitution (1992-1994)], in *Suverenitet i etnicheskoe samosoznanie* (Moscow, 1995).

[17] "Rezultaty referenduma Respubliki Tatarstan ot 21 marta 1992 goda" [Outcomes of the referendum of March 21, 1992 in the Republic of Tatarstan], *Panorama-Forum*, no. 8 (1996).

arrangements giving Tatarstan autonomy in economic, fiscal, and other spheres, including the right to enter into bilateral treaties with governments of foreign states. Diplomatic relations with foreign countries or international organizations have become an important part of Tatarstan's sovereignty project. Tatarstan has initiated contacts with several international organizations, most notably with the UN and UNESCO; the UNPO (Unrepresented Peoples Organization); various pan-European organizations, such as the Assembly of the European Regions; as well as with non-European organizations, such as the League of Arab States and the Organisation of the Islamic Conference. It opened economic representative offices in seventeen countries, including the USA, France, and Germany. In 1995, president Shaimiev, represented Tatarstan at the Davos World Economic Forum, emphasizing in talks that Tatarstan had been invited to the forum "as an independent actor." [18]

Two other important arenas in which Tatarstan implemented its sovereignty were language and education policies. Both the Tatar and Russian languages were declared official languages of the Republic of Tatarstan, equal in standing. The Law on Languages was adopted in July 1992, several months prior to the adoption of the republic's constitution. The Law introduced official bilingualism, stipulating that both state-languages are to be used, for instance, in the republic's government offices, in Parliament, and in communication with the population. The Law also decreed that both state-languages should be taught in all of Tatarstan's schools in equal measure. A large part of the Law on Languages was dedicated to the preservation and development of the Tatar language, including provisions where the republic provides opportunities to learn the Arabic and Latin (viz. *Yanalif*) scripts, prepares teaching staff, and publishes books, textbooks, and other study materials in the new script.[19]

The switch to the Latin script was framed in the public discourse in Tatarstan as a vital measure for preserving and developing the Tatar language and as a step towards the "strengthening of the sovereignty" of Tatarstan. As one observer noted, supporters from different sides and with different viewpoints were unanimous in one thing: the Latinization of the Tatar language was not only a question of alphabets but also of the survival and development of the Tatar people as a distinct cultural group.[20] At the same time, it was about correcting those injustices of the Soviet regime that had marginalized the native languages of minority peoples. Shaimiev, during the Second World Congress of Tatars in Kazan in 1997, declared that "in 1939 without any discussion, and without consulting the Tatar intelligentsia, the Tatars were forced to adopt the Cyrillic alphabet which, in large part, does not conform to the rules and spirit of Tatar speech."[21]

Another important argument in favor of the script reform was that a Tatar language based on the Latin alphabet would facilitate integration with information and communication technologies, in particular easing the use of the Tatar language on the Internet and with computer software. It was argued that Latinization would make the Tatar language competitive, modern and raise it to the level of international languages – languages that are most widely used on the Internet.[22] It would also help to raise the status and prestige of the Tatar language within Tatarstan, which remained

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[18] Timur Akulov, "Mejdunarodnye i vneshneekonomicheskie sviazi Respubliki Tatarstan" [International and foreign economic relations of the Republic of Tatarstan], *Kazan Federalist*, no.17-18 (2006): 196-210.

[19] *Law on Languages of the Peoples in the Republic of Tatarstan* (July 8, 1992), Article 23.

[20] Gulnara Khasanova, "Latinskiy alfavit dlya Tatar: ukreplenie suvereniteta ili tureckaja ekspansia v alfavite?" [Latin scrit for Tatars: strengthening of the sovereignty or Turkish expansion in the script?], *Nezavisimaja Gazeta,* February 27, 2001.

[21] Gulnara Khasanova, "Language and sovereignty: The politics of switching to the Latin alphabet in Tatarstan," *Prism*, vol. 3:16, http://www.jamestown.org/single/?no_cache=1&tx_ttnews%5Btt_news%5D=19920&tx_ttnews%5BbackPid%5D=219 (last accessed January 5, 2010).

[22] Khasanova, 2001.

rather low in spite of the government's policy of official bilingualism. In these arguments, the Latin reform was presented as one step in Tatarstan's efforts towards internationalization, establishing itself as an independent international actor on one hand, and the preservation and development of the Tatar language on the other.

A significant aspect in this case of script reform was that the Latinization of the Tatar script would affect not only the population of Tatarstan but also Tatars living outside the republic, who constitute about 70 percent of Russia's entire Tatar population. The opponents of the Latin reform argued that if Latinization was implemented, Tatars from outside of Tatarstan would not be able to read Tatar books and newspapers, consequently this would cut them off from the Tatar culture. Nevertheless, the delegates of the 1997 World Congress of Tatars, where representatives of Tatar organizations from around the world gathered, supported Latinization. One of the delegates from St. Petersburg stated that the switch to a Latin script would enable Russia's Tatars to communicate with Tatars from other parts of the world and facilitate the integration of the Tatar language into the global information technologies.[23]

However, the Latin reform provoked serious opposition from the federal center (sc. Moscow). The attack against the Latinization reform can be regarded as one step in a series of encroachments undertaken by Putin's federal government on Tatarstan's autonomy.[24] For their desire to abandon the Cyrillic alphabet, the Tatars were accused of ethno-national separatism, pan-Turkism, and allying with Turkey. In a report presented before the Russian parliament, it was stated that "The Tatars' change from the Cyrillic to a Latin alphabet and Turkey's active participation in the preparation of cadres in madrasahs in several Russian cities represent a threat to the national security of the Russian Federation."[25] Moreover, it seemed that a stronger opposition came from the Tatar community itself: in 2001 a group of well-known Tatars from Moscow, in a letter published in the official Russian newspaper *Rossiiskaia Gazeta*, protested against Latinization, arguing that changing the script will estrange Russia's Tatars from their national culture. However, the authenticity of the letter was called into question in Tatarstan. Later on, when the Latin Front for the Defense of Latinization was founded, most of its member-groups were national organizations from outside of Tatarstan, notably Moscow.

In November 2002, the Russian parliament adopted an amendment to the 1991 Law *On Languages of Peoples of the Russian Federation*, later signed by then-President Vladimir Putin, which mandates the use of a Cyrillic-based alphabet for all official languages in the Russian Federation unless otherwise determined by federal law.[26] Since Tatar was an official language of Tatarstan, this amendment prohibited the change of its orthographic base from Cyrillic to Latin.

The diasporic condition of the Tatar people was used to present the ban on the Latin script as a democratic decision. As one of the initiators of the bill, Russian MP Kaadyr-ool Bicheldei,[27] stated, "We have protected the right of citizens to education and access to information […]. For instance, if Tatarstan moves to restore Roman letters, then only two million people, those who permanently

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[23] Iskander Izmailov, "Reformy pismennosti tatarskogo yazyka: proshloe i nastojashee" [Reforms of the script of the Tatar language: the past and the present], *Rodina*, no.1, 1999. http://www.tataroved.ru/publication/npop/5/ (accessed January 5, 2010).

[24] See Matthew Derrick, "Contested autonomy: Tatarstan under Putin (2000-2004)," *Journal of Central Asian and Caucasian Studies*, vol. 3:6 (2009): 75-103.

[25] Quoted in Derrick, 2009.

[26] *Federalnyi zakon N 165-ФЗ o vvedenii popravki k zakonu "O yazykakh narodov Rossiiskoi Federacii"* [Federal Law N 165-F3 on Amendment to the Law "On the Languages of Peoples of the Russian Federation"] (December 12, 2002)

[27] One of the authors of the draft bill and chairman of the subcommittee of the Russian Duma for the language policy, who is an ethnic Tuvin.

reside in the Republic, will be able to use the Tatar language. While the other four million Tatars who live in other regions will not be able to use it – since the law will be applicable only on the territory of that region."[28]

Though there was no clear consensus about the script reform within the Tatar community, Tatar activists and state authorities of the Republic of Tatarstan were unanimous in protesting against this Law. In an official reaction – from the State Council (Parliament) of the Republic of Tatarstan as well as Shaimiev – the Law was interpreted not only as infringing on the rights of the Tatar people to decide independently on which script to use for their language but also as an encroachment on human rights.[29] In its address to Putin, the State Council of the Republic of Tatarstan emphasized that the amendment that forbade official languages in Russia to be based on scripts other than Cyrillic contradicted international documents which the Russian Federation had signed, including the ICCPR, ECRML, and FCNM. Tatarstani MPs asked Putin to overturn the federal law as it did not correspond to international norms and to the Constitution of the Russian Federation.[30]

A concrete step in challenging this Law was undertaken by the State Council of Tatarstan, which submitted a lawsuit to the Russian Constitutional Court, examining the constitutionality of this amendment. The Russian Constitution establishes Russian as a state language of the Russian Federation and simultaneously allows republics to institute their own state languages, thus rendering language under republican jurisdiction. The Constitutional Court examined this issue, and in its decision of November 23, 2004, ruled that the amendment to the 1991 Law on Languages did not contradict the Russian Constitution. It stipulated that, although republics have the right to institute state languages, language-related issues could not be under the exclusive jurisdiction of constituent units since they affect citizens of the entire country as well as the country's cultural and educational unity. Further, the Constitutional Court based its decisions on the argument that Latin reform "could lead to the limitations of the rights of citizens who live outside the republics to use their native language or freely choose their language of communication."[31]

The decision of the Constitutional Court provoked a new wave of the protest in Tatarstan; this time mainly from below. Tatar activists organized a public movement called the "Latin Front," which aimed at "protecting the linguistic rights of the Tatar people" and the right to use the Latin script. The Latin Front united more than sixty national organizations, most of them being from outside Tatarstan, and put forward two main aims: to begin using the Latin script in spite of the official ban, and to force Russia to follow international norms on human rights and the "rights of nations" to which it had committed itself.[32]

After the Russian law on the Cyrillic script was adopted by the Russian Parliament, some Tatar activists addressed the International PEN club, and in 2002 the 68th World Congress of Writers of the International PEN club adopted a resolution containing a demand to the Russian authorities "to observe international rights and linguistic norms for the unhindered reinstatement of the Tatar

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[28] "Tatary ostalis' bez latyni" [Tatars lost Latin], *Gazeta.ru*, November 15, 2002, www.gazeta.ru/2002/11/15/tatarlisauta.shtml (accessed January 5, 2010).

[29] President of Tatarstan Mintimer Shaimiev, in an interview to Interfax, said that this amendment not only contradicts the international documents on minority rights but also can be regarded as an encroachment on human rights. Interview of Mintimer Shaimiev to Interfax, November 17, 2002, http://www.tatar.ru/?DNSID=a4b42e155f3c68225f42d6ea0988ae04&node_id=1772 (accessed January 5, 2010).

[30] Address of the State Council of the Republic of Tatarstan to the President of the Russian Federation Vladimir Putin, November 15, 2002, http://www.tatar.ru/?DNSID=a4b42e155f3c68225f42d6ea0988ae04&node_id=1769 (accessed December 10, 2009).

[31] Decision of the Constitutional Court of the Russian Federation on November 16, 2004, *Rossiskaja Gazeta*, November 23, 2004, para.4 § 2.

[32] "Novosti s Latinskogo fronta" [News from the Latin Front], *Zvezda Povoljia*, December 16, 2004.

written language in Latin script."[33] In September 2004, the World Congress of Writers sent a letter to the Constitutional Court with a similar appeal. However, these appeals had no effect. Later on, in October 2004 a delegation of the Parliamentary Assembly of the Council of Europe visited Kazan, and representatives of the Tatar PEN-Center provided them with documents concerning the problem of switch to the Latin script.

Although few activities were in place in relation to one of Latin Front's aims – to start using the Latin script – some concrete steps were taken towards internationalizing the issue. The Latin Front wrote a letter to the Director-General of UNESCO, Koichiro Matsuura, concerning the Latin script issue. They addressed UNESCO on International Mother Language Day and asked UNESCO to assist in the protection of the Tatar language and the rights of the Tatar people. They called on UNESCO "to acknowledge the presence of a clear humanitarian problem and to start legal procedures to undertake measures for the protection of the linguistic rights of the Tatar people."[34] Thus, the Russian federal law on scripts and the Tatar Latinization reform were brought to the attention of international organizations. Advisory Committee on the Framework Convention for the Protection of National Minorities as well as shadow reports from Russian NGOs on the compliance of the Russian Federation with FCNM provisions raised this issue. It was also discussed within the Assembly of European Regions at the Council of Europe, where Tatarstan is represented. The Latinization case has also received coverage in the international media, including the BBC.[35]

The Role of International Norms in the Latin Script Issue

The supporters of Latinization in Tatarstan – local authorities as well as grass-roots movements – frequently invoked international standards on minority rights when advocating their claims. They contest state decisions, namely Russian federal law mandating the use of the Cyrillic script, by referring to existing international norms and the State's non-compliance with these norms. The international commitments of States therefore create a legal framework within which minority claims can be addressed and where state decisions can be challenged. The questions arise, however, of whether international instruments can effectively address minorities' language claims, and whether they are able resolve such disputes in favor of the minority.

The following example also points out that Tatar language activists feel their claims are supported not only by existing international norms but also by the growing importance that cultural diversity acquires on an international level. In an address by the Latin Front to UNESCO, for example, activists linked the protection of the linguistic rights of the Tatar people to the current global trend of the promotion of cultural and linguistic diversity, as the following excerpt from the letter to Matsuura shows:

> [I]n your address on the occasion of the International Mother Language Day you
> have stated that [the] protection of the mother tongue is a central issue for the
> indigenous peoples, for the preservation of their distinctiveness and cultural
> heritage. Your position on this issue assures us that the Tatar people will [see]
> understanding and support from UNESCO and other institutes of [the] international
> community in their strivings for [the] re-establishment of their linguistic rights.[36]

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[33] "The Latin Front," address to the Director-General of UNESCO Koichiro Matsuura on the Occasion of the International Mother Language Day from the Coordination Council of "The Latin Front," January 11, 2005, in *Zvezda Povoljia*, January 13, 2005.
[34] "The Latin Front," 2005.
[35] "Russia court sticks to letter law," BBC, November, 16, 2004, http://news.bbc.co.uk/2/hi/europe/4016571.stm (accessed January 5, 2010).
[36] "The Latin Front," 2005.

A second aspect of the connection between international norms and minorities' claims to which this case points is that international instruments play a certain discursive role in framing minorities' claims. Concepts that are not common in the Russian public discourse and for Tatar ethnic group self-representation – such as "national minority" or "linguistic rights" – are used in the Latin script dispute and frame its narrative in accordance with the dominant international discourses. The term "national" or "ethnic minority" in the Russian Constitution refers to ethnic groups that have Russian nationality but enjoy an independent political entity outside of borders of Russia, such as Germans, Kazakhs, Greek, Mongols, Koreans and others.[37] In the Russian public discourse it is also employed in reference to migrant ethnic communities, especially those that after the fall of the USSR moved to Russia from ex-Soviet republics. It is not used in relation to ethnic communities that have ethno-territorial units (titular republics or oblasts) within the Russian Federation (such as the Tatars in Tatarstan), where terms such as "titular people" or "titular nationality" are generally used. However, in the documents and speeches of Tatar language activists and republican authorities concerning the Latin script, Tatars are frequently referred to as a "national minority." Another term that has been appropriated within the course of the Latin dispute is "linguistic rights." While in international law it is a well-established and universally accepted term, it is not common within the Russian public discourse or legislation to refer to the "linguistic rights" of peoples or persons. Tatar Latin script defenders frequently invoke this term, for example, in an appeal to UNESCO, where the Latin script issue was presented as an "infringement on [the] linguistic rights of the Tatar people."[38] These examples show how Tatar activists appropriated and used internationally accepted categories in order to frame their issue as a matter of international concern and represent their claims as internationally legitimate.

Apart from the discursive role of international human and minority rights norms in the dispute over the Latin alphabet, there is the issue of using the international instruments in practice, for example, to pressure States into overturning their decisions. One of the ways to make international instruments work is to launch a legal proceeding on a certain case through an individual appeal to an international or European judicial human rights authority. This process, however, is rather complicated and depends on several factors. First of all, an address to an international judicial authority is only possible if all national and domestic solutions are exhausted. And secondly, it is rather problematic to raise a language issue under one of the existing international human rights provisions since, as already indicated, the provisions concerning individual language rights, not to mention collective rights, are poorly elaborated upon in international law.

The supporters of using a Latin script for Tatar have undertaken some practical steps towards the implementation of their claims with the help of international instruments. As stated in their appeal to UNESCO, the Russian internal legal resources for the protection of the basic linguistic rights of the Tatar people were exhausted. Seeking help from the international community, they directly addressed an international body, UNESCO, in the hope that it would exert pressure on the Russian Federation. However, this did not have any effect beyond attracting some international attention. As a last resort, activists of the Tatar Latinization movement intended to apply to the European Court of Human Rights on the grounds that Russian legislation prevents Tatars from asserting their right to self-determination.[39] In December 2004, St. Petersburg resident Chulpan Bolgari stated that his

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[37] For more on term "national minorities" in the Constitution and on the use of categories to describe minorities in Russia, see: NGO Shadow Report "On the Implementation of the Framework Convention for the Protection of National Minorities by the Russian Federation," Moscow, February 2006, http://www.minelres.lv/coe/statereports.htm (accessed December 10, 2009).
[38] "The Latin Front," 2005.
[39] David Cashaback, "Accommodating Multinationalism in Russia and Canada: A Comparative Study of Federal Design and Language Policy in Tatarstan and Quebec" (PhD diss., London School of Economics and Political Science,

appeal against the prohibition by the Russian government of the introduction of the Latin script in Tatarstan has been accepted for consideration by the European Court of Human Rights. In his appeal, Bolgari listed five articles of the Russian Constitution which, according to him, were violated by the amendment stipulating the mandatory use of the Cyrillic script.[40] However, the fate of his appeal remains unknown, since to date there has been no hearing concerning this case in the said Court.

In light of the discussion above, it would be interesting to see whether the notions and representations that minority activists have about international instruments really correspond to their expectations. For this purpose, I will look into European documents, such as the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages, and investigate whether they address and how they handle the aforementioned issues raised by Tatar activists.

The Latin script case under the FCNM and ECRML

The FCNM and the ECRML can be regarded as the internationally binding documents that address the issues of minority language rights most extensively and comprehensively. However, their provisions are not enforceable through a court decision, but rather are subject to regular monitoring (e.g. a state-reporting procedure). Whereas the FCNM addresses the rights of national minorities in general, the ECRML is designed specifically to target language issues. It should be mentioned that the Russian Federation is a party to both instruments; however, whereas the Framework Convention was ratified by Russia (in 1998), the ECRML has been signed (in 2001) but not yet ratified and thus does not have legal force.

The issue of the then-draft amendment stipulating the mandatory use of the Cyrillic script by all sub-state languages in the Russian Federation was raised in the FCNM Advisory Committee's *Opinion on the Russian Federation* (13 September 2002). It was raised in relation to the Article 10 of the FCNM:

> *The Parties undertake to recognize that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.*[41]

In its comments, the Advisory Committee states that Article 10 of the Framework Convention does not address the issue of the choice of alphabet separately from the right to use a minority language. Indeed, it considers it difficult to draw a clear distinction between them, and to design separate legal regimes for, these two interlinked concepts.

> *While acknowledging that there is not always consensus within the minorities concerned – such as Tatars – as to which alphabet should be used in the context of their minority language, the Advisory Committee considers that in principle this should be a matter to be decided by those directly concerned and that the federal authorities should refrain from imposing any artificial solutions.*[42]

2006), 110.

[40] RFE/RL Tatar-Bashkir report: January 4, 2005. http://www.rferl.org/content/article/1346671.html (last accessed January 5, 2010).

[41] Framework Convention for the Protection of National Minorities, Section II, Article 10.

[42] Advisory Committee on the Framework Convention for the Protection of National Minorities. Opinion on the Russian Federation. Strasbourg, 13 September 2002, paragraph 83, p. 21.

It further states that, in cases where the use of a language does not concern interactions with public authorities, the use of an alphabet by an individual should be left to individual discretion without any normative limitations.[43]

Thus, the monitoring body did not consider this state decision as violation of Article 10 and criticized this decision referring mainly to the argument that artificial solutions should not be imposed. Furthermore, by upholding the individual right to use one's language, including the script associated with it, without interference (which means the right of an individual to write using the Latin script in private or public), the Convention made an exception for the right to the use of the language and script when dealing with public authorities. Thus, it did not uphold the right for a group to decide what language in which form (script) should be used in the official settings.

A 2006 unofficial shadow report on the implementation of the Framework Convention compiled by a number of Russian NGOs, however, had another view on this issue. In contrast to the official Advisory Committee Opinion, it was more explicit in its comments. It stated that "even after [the] ratification of the FCNM, Russia made certain changes in the law *inconsistent with the country's obligations under the Convention*" (my emphasis), to which this report added the 2002 amendment concerning the mandatory use of Cyrillic for official languages in the Russian Federation.[44] It also stated that the choice of the script could not be separated from the right to use minority languages, which is protected under Article 10 of the FCNM.[45]

As for the European Charter for Regional or Minority Languages, if the Russian Federation ratifies it, it would imply the application of the general principles and aims foreseen in Part II to all recognized languages of the Russian Federation.[46] It would then be possible to raise the issue of the script under Article 7(2) (Part II):

> *The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it.*[47]

The imposition of one script on a minority language could be interpreted as a restriction on the use of minority language that discourages the development or maintenance of it. The Tatar case is not exceptional, and tensions related to script differences have appeared in a number of countries in Eastern and Central Europe and in Asia.[48] The recognition of script differences of minorities' languages is found in a number of state constitutions (India, Cambodia, Pakistan, and Slovenia, among others).[49] However, international instruments have very little to say about the script issue. Neither the FCNM nor the ECRML contains explicit provisions concerning the script. It seems evident that this is so because script can hardly be considered separately from the language (though there are few documents which state this explicitly). As some scholars have observed, "Language cannot be interpreted in a solely linguistic sense to exclude such aspects as script, which may serve

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[43] Ibid.
[44] NGO Shadow Report "On the Implementation of the Framework Convention for the Protection of National Minorities by the Russian Federation," Moscow, February 2006, http://www.minelres.lv/coe/statereports.htm (accessed December 10, 2009), 18-19.
[45] Ibid., 54.
[46] Vieytez, 2002.
[47] European Charter for Regional or Minority Languages, Part II, Article 7.
[48] For instance, the Croatian-Serbian conflict over the use of the Cyrillic script in Krajina, or the dispute over the mandatory use of the Gurmukhi script in the Punjab region and others.
49 Fernand de Varennes, *Language, Minorities and Human Rights* (The Hague: Kluwer Law International, 1996), 105.

as symbols of group identity and form a heritage rooted in culture or religion […].”[50]

If a script is regarded as an integral language component, then the rights accorded to the use of language should also apply to the use of the script. However, it is not clear whether this right pertains to the public use of the language (that is an official one) or to the use of a language in private. As a part of human rights, minorities have the right to use a particular script (such as Cyrillic, Greek, Latin, Hebrew, etc.) in their private activities – in international law this is protected under freedom of expression, and may also be a right under Article 27 of the ICCPR. As de Varennes asserts, any attempts by public authorities to ban the private use of a particular script would be a violation of fundamental rights contained in international law and in European treaties.[51] However, when addressing the use of official language in the public sphere, as in the case of Tatar, the official language of Tatarstan, then other considerations can come into the play. The official status implies that a certain script will be used in all public activities, including work in the government, mass media, and education in a defined territory. In this case, for example, changing from a Cyrillic- to a Latin-based alphabet for the Tatar language within Tatarstan could limit the ability of people living outside the republic to read Tatar books or newspapers that are published in Tatarstan. The decision of the Constitutional Court of Russia pointed to this problem when stating that alphabet reform “could lead to the limitations of the rights of citizens who live outside the republics to use their native language or [to] freely choose their language of communication.”[52] At the same time, there are arguments pertaining to the considerations of a country’s cultural and linguistic unity, such as one mentioned in the official report of the Russian Federation on the implementation of the FCNM provisions. This report states that the amendment on the mandatory use of the Cyrillic was adopted “in order to unify the graphical base of the alphabets of [the] state languages of the Russian Federation and the republics.”[53] Here the script issue becomes a part of the long-term dispute between the States, which are concerned with their territorial integrity, and minority groups seeking to decide on their own cultural or linguistic development.

Conclusion

Several conclusions can be drawn from the case of Tatar Latinization reform. International human and minority rights instruments can be involved in a conflict between a State and a minority culture group in different ways. As the case of the Latin script issue shows, minorities use existing international norms in their strategies of advocating language rights. As one of the coordinators of the Latin Front movement stated, “We ran out of all legal resources; all judicial instances within the country gave their decisions. The only thing left for us to do is to seek [the] protection of our rights beyond Russia.”[54] National legislation, namely Russian federal law and the decision of the Constitutional Court of the Russian Federation, has opposed Latinization reform, and Tatar language activists have turned to international human and minority rights norms as an ultimate authority which could resolve their problem. The role of international instruments in this dispute was twofold. On the one hand, they played a discursive role – Tatar activists, by referring to

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50 Philip Vuciri Ramga, “The Bases of Minority Identity,” *Human Rights Quarterly,* vol. 14 (1992): 427.
51 de Varennes, 2002.
52 Decision of the Constitutional Court of the Russian Federation dated November 16, 2004, *Rossiskaja Gazeta*, November 23, 2004.
53 Report of the Russian Federation on the progress of the second cycle of monitoring in accordance with Article 25 of the Framework Convention for the Protection of National Minorities, April 26, 2005,
http://www.coe.int/t/e/human_rights/minorities/2._framework_convention_%28monitoring%29/2._monitoring_mechanism/3._state_reports_and_unmik_kosovo_report/2._second_cycle/List_2nd_Cycle_StateReports_en.asp#TopOfPage
(accessed December 10, 2009).
54 Vera Postnova, “Latinisty upovaut na UNESCO” [Latinists set hopes upon UNESCO], *Nezavisimaja gazeta*, January 31, 2005.

internationally recognized norms on language rights and by using categories of international law, framed their case as a matter of international concern and presented it as a violation of internationally accepted human and minority rights provisions. On the other hand, Tatar activists tried to use the existing international instruments practically – they appealed to international organizations such as UNESCO and asked to start legal procedures, and for pressure to be exerted on the Russian Federation. However, though the Latin case received international attention, this did not affect the Russian Federation and its decision.

Despite the complexity of the script issue, it is not adequately addressed by international norms. It is not clear whether this case could be considered a violation of human rights because it does not address the private, individual use of a certain script but rather the use of a certain script by official public institutions. It falls under the category of a minority group right – a right given to a (minority) group to choose which script to use in communication within the community and with public authorities. As we have seen from the analysis of international minority rights documents – such as the FCNM or ECRML – the script issue was not adequately addressed by these norms. It was possible to raise it under existing international language rights provisions; however, these provisions did not allow for the interpretation of a state decision as contradicting international norms. And even if ratified by Russia, these international documents could not suspend this legal decision. The lack of effective mechanisms of enforcement thus weakens the said international instruments.

The Latin script dispute points out that Tatar language activists presumed international instruments would work in favor of minorities and were too optimistic about them. Despite the weaknesses of these norms, the existence of international instruments for minority rights and the promotion of the values of cultural diversity on the global level still encourage minorities to make claims for certain rights, and they give minorities the possibility to present their claims as a matter of international concern.

The Tatar Latinization case also points out that scripts are not merely ways languages are written; instead, they carry with them historical memory, cultural, and symbolic meanings. Without consideration of the symbolic aspects of a script, we cannot understand the ways in which it is politically manipulated.

Legal decisions that regulate scripts, such as the Russian amendment to the Law on Languages, in most cases function as discriminatory practices against minorities since an ethnic majority can always freely decide on which scripts to use for its own language. Arguments from the Russian Constitutional Court claiming to protect the cultural and educational unity of the Russian Federation contradict the Court's own official statements that Russia is a federal state and a multinational country. It also contradicts the global trend of recognizing and promoting cultural diversity and attests to the fact that the Russian Federation is moving in the opposite direction – towards the eradication of cultural diversity. And as the Latin script issue showed, Russia's international commitments on human and minority rights cannot really affect the situation.

As the Latin script ban has not provoked a backlash or strong popular protest from the part of the Tatar population, it is clear that such policies alienate the Tatar minority from the Russian state. And without trust in the State, without confidence that the State is there to protect the people's interests, the construction of an "all-Russian" civic identity which the Russian government is striving for is not possible.

Yet despite the official ban on the use the Latin script, there is a space in which it can be used and is used today without limitations. There are several web pages, including those of mass media, that

have Tatar Latin versions,[55] and individual users write on the Internet with Latin script. Also, many Tatars from outside of Russia have their sites entirely in the Latin script (for example, Tatars in Finland). Indeed, many Internet sites do not allow Tatar words to be written in Cyrillic correctly because of the special characters of Cyrillic's Tatar version. The Internet thus becomes the principal space where free expression of cultural diversity is possible.

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[55] See, for example, http://www.azatliq.org/section/Azatliq_Radiosi/48.html; http://www.intertat.ru/?lang=tatlat/

EUROPEAN FOREIGN POLICY AFTER LISBON: STRENGTHENING THE EU AS AN INTERNATIONAL ACTOR

Kateryna Koehler[*]

Abstract

Following years of compromise, the Treaty of Lisbon finally came into force on December 1, 2009. This article analyses the new substantive law regulations and institutional arrangements of the Lisbon Treaty in the field of external relations and their impact on the effectiveness of the European foreign policy and the European Union as an international actor. For this purpose, this paper starts with analyses of the principle of coherence and continues with the reformed structure and legal personality of the EU, which was previously a serious challenge for the coherence of the EU's foreign policy. Finally, this article examines the functions and implications of institutional innovations, namely, the positions of the High Representative of the Union for Foreign Affairs and Security Policy, the President of the European Council and the European External Action Service. This paper argues that the Treaty of Lisbon improves the preconditions for a higher degree of coherence in European external relations and strengthens the EU as an international actor, even if the success of the European foreign policy, especially in the field of CFSP, still depends to a great extent on the Member States' willingness to cooperate.

***Keywords:** European Foreign Policy, Treaty of Lisbon, Common Foreign and Security Policy, legal personality of the EU, coherence*

Introduction

After the failure of the Treaty establishing a Constitution for Europe and a "period of reflection", the agreement on a "Reform Treaty" was reached at an informal summit in Lisbon on October 19, 2007. Three months later, on December 13, the Treaty of Lisbon was signed and came into force on December 1, 2009. The innovations of the Treaty of Lisbon are not as far reaching as those of the Constitutional Treaty. Nevertheless, they have the potential to increase the effectiveness of European foreign policy[1] and to strengthen the EU as an international actor. Coherence is a necessary precondition for the efficacy of foreign policy not only of the EU but of all international actors.[2] In the past, however, coherence constituted a challenge to European foreign policy. One of the reasons was the structure of the EU and the differences in the institutional involvement and procedures between different issue areas of the EU's foreign policy. The issue of the legal

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[1] For the purpose of this article, the term "European foreign policy" refers to the intergovernmental and supranational aspects of the EU's foreign policy, as well as the national foreign policies of the 27 EU Member States.

[2] See Clara Portela and Kolja Raube, "(In-)Coherence in EU Foreign Policy: Exploring Sources and Remedies" (Paper presented at the European Studies Association Bi-annual Convention, Los Angeles, April2009); Uwe Schmalz, „Kohärenz der EU-Außenbeziehungen? Der Dualismus von Gemeinschaft und Gemeinsamer Außen- und Sicherheitspolitik in der Praxis" [Coherence of the EU's External Relations? The Duality of Community and Common Foreign and Security Policy in the Praxis] (Arbeitspapier/working paper, Konrad Adenauer Stiftung, Sankt Augustin, 1997), 4.

personality of the EU, which is closely connected to the EU's structure, has been presented as a serious obstacle to the EU's foreign policy and to the perception of the EU as an international actor. On the other hand, there have also been discrepancies between the agreed Common Foreign and Security Policy (CFSP) at European level and the varying behaviour of the Member States at national level.

The Treaty of Lisbon has led to a simplification of the EU's structure, the explicit provision on the EU's legal personality and institutional amendments related to the European foreign policy, namely, the new position of the President of the European Council, the revised position of the High Representative and a new institution, the European External Action Service. These substantive and institutional innovations affect European external relations, particularly their coherence, in a positive way. In contrast, the Treaty of Lisbon has no effect on the principle of coherence codified in the Treaty on European Union (TEU), since the wording of the relevant Articles was marginally changed; the legal value of the principle of coherence remained unchanged.

Since coherence is a crucial precondition for the efficacy of foreign policy, it seems appropriate to begin this paper by examining the treaty's obligations related to the coherence of the European foreign policy. Subsequently, the article will analyse how the abovementioned amendments influence the European foreign policy and the role of the EU as an international actor. Starting with the analysis of the reformed structure and the legal personality of the EU, the article continues with the examination of the institutional innovations and their consequences for the European foreign policy.

Coherence as a Principle of European Foreign Policy

As previously stated, coherence is a necessary precondition for the efficacy of foreign policy not only of the EU but of all international actors. Coherence can be defined as a principle that guides foreign policy. In the case of the EU, coherence indicates, on the one hand, the degree of congruence between the external policies of the Member States and that of the EU (vertical direction) while, on the other hand, it refers to the level of internal coordination of EU policies (horizontal direction).[3] Since the establishment of the EU with the Treaty of Maastricht, the principle of coherence in the external relations of the EU has been codified in the TEU. According to Article 3 of the Treaty on European Union in its consolidated version of Nice (2002)/TEU(N),[4] the Union "shall in particular ensure the consistency of its external activities as a whole in the context of its external relations, security, economic and development policies". The Article therefore provides for the coordination of and coherence in the "external activities as a whole", while consistency has to be ensured within and between all components of the EU's external relations.[5] This provision can be understood as a principle of horizontal coherence since it refers to the level of internal coordination of the EU policies and implies that the various external policies of the EU should converge or at least not contradict one another. The Council and the Commission are

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[3] For the purpose of this article, the term "coherence" is used as a synonym of "consistency". For a discussion on the difficulties associated with the definition of "coherence" and with the delimitation between "coherence" and "consistency," see Simon Nuttall, "Coherence and Consistency", in *International Relations and the European Union,* ed. Christopher Hill and Michael Smith (Oxford: Oxford University Press, 2005), 91–112; Christian Tietje, "The Concept of Coherence in the Treaty on European Union and the Common Foreign and Security Policy", *European Foreign Affairs Review*, vol. 2 (1997): 211-233; Pascal Gauttier, "Horizontal Coherence and the External Competencies of the European Union", *European Law Journal*, vol. 10 (2004): 23-41.
[4] Article C of the Treaty on European Union in the Maastricht version /TEU(M).
[5] See Simon Duke, "Consistency as an Issue in EU External Activities" (working paper 99/W/06, European Institute of Public Administration, Maastricht, 1999). It is worth noting that the TEU did not refer specifically to "foreign policy" as might have been expected.

charged with the particular responsibility to "ensure such consistency and shall cooperate to this end".[6] The objective of achieving coherence in the external activities of the EU is, therefore, to ensure that the Union can "assert its identity on the international scene".[7]

Member States are also obliged to "support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity", and to "work together to enhance and develop their mutual political solidarity".[8] Furthermore, Member States are required to "refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations".[9] The abovementioned provisions of Article 11(2) of the TEU(N) apply to the CFSP and can be understood as a principle of vertical coherence. The Council is charged with the responsibility to ensure compliance with this principle of loyalty.[10]

The Lisbon Treaty maintains the principles of both horizontal and vertical coherence. According to Article 21(3) of the revised Treaty on European Union (TEU(L)), "The Union shall ensure consistency between the different areas of its external action and between these and its other policies". As a result, the wording and the obligations of Article 21(3) of the aforementioned treaty are very similar to those of Article 3 of the TEU(N). Nevertheless, in contrast to the previous responsibility for compliance borne by the Commission and the Council, now, also the High Representative is responsible for horizontal coherence.[11]

With respect to vertical coherence, Article 24(3) of the TEU(L) can be therefore considered. Similar to the principle of horizontal coherence, the wording and the substance of the principle of vertical coherence, which was previously laid down by Article 11(2) of the TEU(N), was not amended significantly by the Lisbon Treaty. Article 24(3) of the TEU(L) states:

> *The Member States shall support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity and shall comply with the Union's action in this area.*
>
> *The Member States shall work together to enhance and develop their mutual political solidarity. They shall refrain from any action which is contrary to the interests of the Union or likely to impair its effectiveness as a cohesive force in international relations.*

Alongside the previous responsibility of the Council for conformity, now the High Representative is also responsible for compliance with the principle of vertical coherence.[12]

Therefore, with respect to the principles of vertical and horizontal coherence, the Treaty of Lisbon did not bring significant changes since under the TEU the institutions of the EC/EU, as well as the Member States, were already obliged to cooperate and to coordinate their policies in order to achieve a higher degree of coherence in the European foreign policy. The Lisbon Treaty does not

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[6] Article (3) of the TEU(N).
[7] Article 2 of the TEU(N).
[8] Article 11(2) of the TEU(N).
[9] Article 11(2) of the TEU(N).
[10] See Article 11(2) of the TEU(N).
[11] See Article 21(3) of the TEU(L), which is nearly identical with Article III-292 of the Constitutional Treaty according to which "The Union shall ensure consistency between the different areas of its external action and between these and its other policies. The Council and the Commission, assisted by the Union Minister for Foreign Affairs, shall ensure that consistency and shall cooperate to that effect."
[12] See Article 24(3) of the TEU(L).

influence the legal nature of the principle of coherence. The legal effect of the obligations to cooperate and to coordinate is still relativised by the fact that neither the principle of horizontal coherence of Article 21(3) nor the principle of vertical coherence of Article 24(3) of the TEU(L) are justiciable, because these Articles do not fall under the jurisdiction of the Court of Justice of the European Union (ECJ), which was the case concerning Articles 3 and 11(2) of the TEU(N).[13] The exclusion of the principle of vertical coherence in the CFSP from the supervision of the ECJ illustrates the lingering discrepancy between the Member States' general willingness to cooperate and their more specific willingness to determine the character of the European foreign policy in concrete situations, and continues to limit the legal aspects of the EU's foreign policy. With respect to vertical coherence, the Treaty of Lisbon has failed to discourage Member States from pursuing national foreign policies, diverging from the agreed European positions and, therefore, to increase the vertical coherence of the European foreign policy.

Furthermore, the explicit obligations of the Member States "to comply with the Union's action" and "to support the Union's external and security policy actively and unreservedly in a spirit of loyalty and mutual solidarity"[14] appear to become ambivalent when taking into account Declarations 13 and 14 concerning the CFSP.[15] Declaration 13 states:

> *The Conference underlines that the provisions in the Treaty on European Union covering the Common Foreign and Security Policy, [...] do not affect the responsibilities of the Member States, as they currently exist, for the formulation and conduct of their foreign policy nor of their national representation in third countries and international organisations.*

Moreover, Declaration 14 reiterates once again the sovereignty of national foreign policy by affirming that:

> *The provisions covering the Common Foreign and Security Policy [...] will not affect the existing legal basis, responsibilities, and powers of each Member State in relation to the formulation and conduct of its foreign policy, its national diplomatic service, relations with third countries and participation in international organisations, including a Member State's membership of the Security Council of the United Nations. (ibid.)*

In light of these Declarations, it is not clear how "an ever-increasing degree of convergence of Member States' actions"[16] and compliance with the EU's foreign policy can be achieved when the provisions on the CFSP do not affect the Member States' responsibility for the formulation and conduct of their foreign policies. Furthermore, the specific emphasis on the UN Security Council seems to reduce the added value of Article 34(2) of the TEU(L), according to which "when the Union has defined a position on a subject which is on the United Nations Security Council agenda, those Member States which sit on the Security Council shall request that the High Representative be invited to present the Union's position".[17] In view of the ongoing debates on strengthening the European profile within the UN and on the advantages and disadvantages of a single EU seat in the

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[13] According to Article 24 of the TEU(L) and Article 275 of the Treaty on the Functioning of the European Union (TFEU), the Court of Justice of the European Union (ECJ) has no jurisdiction in the field of the CFSP. See Hans-Holger Herrnfeld, "Artikel 46 EUV" [Article 46 TEU], in *EU-Kommentar*, ed. Jürgen Schwarze, (Baden-Baden: Nomos, 2009, 229.
[14] Article 24(3) of the TEU(L).
[15] See TEU(L).
[16] Article 24(2) of the TEU(L).
[17] See Article 34(2) of the TEU(L).

UN Security Council,[18] this provision could potentially contribute to a more consistent and, therefore, more influential representation of the EU in the UN.[19] However, Declaration 14 seems to constrain the provisions of the abovementioned article, reducing the possibility of the High Representative, and the EU as a whole, to extend their influence within withi the UN Security Council.

As a result, the overall impact of the Treaty of Lisbon on the codified principles of coherence in the European foreign policy is very moderate. Nevertheless, some positive effects can be expected from the reformation of the EU's structure and the explicit regulation of its legal personality, as well as from certain institutional innovations that will be discussed below.

Structure and the Legal System of the EU after Lisbon

The relationship between the Treaty on European Union and the Treaty establishing the European Community (TEC) was a subject for discussion since the signing of the Maastricht Treaty. The prevalent form to describe the structure of the EU was a temple model featuring the three pillars.[20] The pillar structure of the EU and the differences in the institutional involvement and procedures between different issue areas of the European foreign policy constituted a challenge to the coherence of the EU's foreign policy in the past.

Although the Treaty of Lisbon sets out the relationship between the European treaties in a new way, the EU is still founded on two treaties as was the case prior to the Treaty of Lisbon. In contrast to the Treaty establishing a Constitution for Europe, which envisaged the incorporation of the TEU and the TEC into one treaty, under the Treaty of Lisbon the EU is founded on the Treaty on the Functioning of the European Union (TFEU) and the Treaty on European Union (TEU(L)).[21] According to Article 1 of the TEU(L), both Treaties have the same legal value. They constitute a largely homogeneous core of the EU.[22]

Nevertheless, the Treaties' equal value does not, of course, mean a similar application of the supranational regulations and procedures in all areas. The Treaty of Lisbon does not change the CFSP's exceptional position; instead it systematically emphasises its special status by the fact that,

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[18] See Edith Drieskens, Daniele Marchesi, and Bart Kerremans, "In Search of a European Dimension in the UN Security Council", *International Spectator*, 42:3 (2007), 421–30.

[19] See Jan Gaspers, "The quest for European foreign policy consistency and the Treaty of Lisbon", *Humanitas Journal of European Studies*, vol. 2:1 (2008): 38.

[20] The TEU separates the three issue areas: according to Article 1 of the TEU(N) (Article A of the TEU(M)), "The Union shall be founded on the European Communities, supplemented by the policies and forms of cooperation established by this Treaty". Thus, the intergovernmental areas of Titles V (CFSP) and VI (Police and Judicial Cooperation in Criminal Matters/PJCC) should "supplement" the supranational European Communities. The common provisions of the TEU should resemble the roof (Articles 1 to 7 of the TEU(N)) and the final provisions the bottom of the temple (Articles 46 to 53 of the TEU(N)), which are meant to connect the three pillars (see Rudolf Streinz, *Europarecht* [European Law] (Heidelberg, 2008), 34 – 35). Although the literature increasingly pointed to the fact that "the 'bits and pieces', which together make up the entity which is referred to as the European Union, are more connected" (Ramses A. Wessel, "The Inside looking out: Consistency and Delimitation in EU External Relations", *Common Market Law Review*, vol. 37 (2000): 1135) and that the metaphor of the Greek temple does not mirror the connection between pillars in an appropriate way (see Armin Hatje, *Loyalitätsprinzip als Rechtsprinzip in der Europäischen Union* [Principle of Loyalty as a Legal Principle in the European Union] (Baden-Baden: Nomos, 2001), 11); nevertheless, the EU's separated structure was not to deny, and the temple model continued to be a prevalent instrument to describe it.

[21] See Article 1(2) of the TFEU.

[22] See Jörg Philipp Terhechte, "Der Vertrag von Lissabon: Grundlegende Verfassungsurkunde der europäischen Rechtsgemeinschaft oder technischer Änderungsvertrag?"[The Treaty of Lisbon: Fundamental Constitutional Document of the European Law Community or Technical Revision Treaty?], *Europarecht*, vol. 2 (2008): 153.

in contrast to the Police and Judicial Cooperation in Criminal Matters (PJCC) which became part of the TFEU, the CFSP is an intergovernmental part of the TEU(L), with unanimity as a prevailing decision-making procedure.[23] The wording of the Treaty emphasises the exceptional status of the CFSP, which is further defined as "subject to specific rules and procedures" and "the specific role of the European Parliament and of the Commission in this area",[24] which in turn is further determined by the Treaties. Thus, the Treaty of Lisbon does not abolish the separation of the issue areas, but it merely displaces the axis of separation, while the dualism of the EU's supranational and intergovernmental external relations remains the same. In other words, the Treaty of Lisbon simplified the structure of the EU but it failed to unify it.

The EU's Single Legal Personality

The question of the EU's legal capacity was closely connected to the debate on the relationship between the TEU and the TEC. In contrast to the expressly regulated legal personality of the European Community in Article 281 of the TEC, the issue of the EU's legal personality was neither explicitly regulated in the Treaties of Maastricht and Amsterdam nor in the Treaty of Nice, while every previous revision of the EU's legal basis reinforced the discussion on its legal capacity with strong arguments on both sides – in favour of an implicit derivation of the EU's legal personality from the provisions of the TEU, as well as against it.[25] The ambiguity of the legal regulations with respect to the EU's legal personality was a source of uncertainty in the international legal relationships.

By the Treaty of Lisbon, the High Contracting Parties established among themselves a new European Union,[26] which has – according to Article 47 of the TEU(L) – a legal personality. The acquirement of legal personality of the newly established EU was a logical consequence of the amendment of the three-pillar structure, since the EU replaced and succeeded the European Community (EC).[27] The fact that the EU's legal personality is now formally recognised under

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[23] Although there is a small number of exceptions (Article 31(2) of the TEU(L)), unanimity is still the prevailing rule in the area of the CFSP (Articles 24(1) and 31(1) of the TEU(L)). Article 31(1) of the TEU(L) contains the option of "qualified abstention" as a flexible alternative to unanimity. "Qualified abstention" was already accepted by Article 23(1) of the TEU(N), where every Member State could abstain in a vote by making a formal declaration. Subsequently, the Member State "shall not be obliged to apply the decision, but [it] shall accept that the decision commits the Union".
[24] See Article 24(1) of the TEU(L). Furthermore, the ECJ does not have jurisdiction with respect to the CFSP, with the exception of the monitoring of compliance with Article 40 of the TEU(L) and the review of the legality of certain decisions as provided for by Article 275 of the TFEU.
[25] See Roland Bieber, Astrid Epiney and Marcel Haag, *Die Europäische Union. Recht und Politik* [The European Union. Law and Politics], 7. Auflage, (Baden-Baden: Nomos, 2006), 99 & 534; Oliver Dörr, "Zur Rechtsnatur der Europäischen Union" [On the Legal Nature of the European Union], *Europarecht*, vol. 4 (1995): 334-348; Jan Klabbers, „Presumptive Personality: The European Union in International Law", in *International Law Aspects of the European Union*, ed. Martti Koskenniemi (The Hague: Martinus Nijhoff, 1998), 231 – 253; Daniel Thym, „Die völkerrechtlichen Verträge der Europäischen Union" [The International Agreements of the European Union], *Zeitschrift für Ausländisches Öffentliches Recht*, vol. 66 (2006): 863 – 925; Christian Tomuschat, „Die Europäische Union als ein Akteur in den internationalen Beziehungen" [The European Union as an Actor in International Relations], in *Verhandeln für den Frieden – Negotiating for Peace, Liber Amicorum Tono Eitel*, eds. Jochen Frowein, Klaus Scharioth, Ingo Winkelmann and Rüdiger Wolfrum (Berlin: Springer, 2003), 799 – 821; Ramses A. Wessel, "The International Legal Status of the European Union", *European Foreign Affairs Review*, vol. 2 (1997): 109 – 130; Matthias Pechstein, "Rechtssubjektivität für die Europäische Union?" [Legal Personality for the European Union?], *Europarecht*, vol. 31 (1996): 137 – 144.
[26] See Article 1 of the TEU(L).
[27] See Article1 of the TEU(L).

Article 47 of the TEU(L) "simplifies its status and appears as an important step towards legal certainty".[28] In other words, the EU became indisputably an actor under international law.

Furthermore, the Treaty of Lisbon clarifies the controversy surrounding the institutions of the EU/EC, which are now listed in Article 13(1) of the TEU(L), and includes, alongside the European Parliament, the Council and the European Commission, the European Council, the position of which within the institutional framework was long a subject of debate in the literature.[29]

As a consequence of this legal personality being acquired by the EU, the diplomatic representation came under the Union's authority: the Commission's delegations became the Union's delegations under the authority of the High Representative and are part of the structure of the European External Action Service (EEAS).[30]

These amendments clearly strengthen the EU's status as an international actor, since the Treaty explicitly regulate the legal personality of the EU, and, furthermore, it clarifies the question concerning the Union's diplomatic relations and the status of its institutions, which solidifies the EU's position in the international arena under international law.

Consequences of the EU's Legal Personality for the CFSP

Regarding the CFSP, the explicit regulation of the EU's legal personality has at least two consequences: first, it refers to the question concerning the person who acts as a European party in international relations, particularly as a "European contracting party" in international agreements, and second, it corresponds to the external means of the EU to implement the CFSP.

Uncertainty with respect to the EU's legal capacity prior to the Treaty of Lisbon meant uncertainty concerning first abovementioned question. Accepting the arguments in favour of the implicit derivation of the EU's legal personality from the provisions of the TEU meant that the activities in the field of the CFSP were – from a legal point of view – to be classified as the EU's activities in accordance with the TEU. Rejecting these arguments meant that the EU's Member States, rather than the EU itself, were acting jointly on the legal basis of the TEU. The subsequent ambiguity with regard to the EU's legal personality gave rise to uncertainty with respect to the European legal partner in international legal relationships. Following the entering into force of the Lisbon Treaty, it is now the EU that always acts "without regard to the question whether a specific action is a matter of European competency or of Member States' responsibility – or of both".[31]

The second consequence of Article 47 of the TEU(L) corresponds to the EU's external means to implement the CFSP. The main instruments to implement the CFSP, such as common strategies, joint actions or common positions, were previously listed in Article 12 of the TEU(N). The Treaty of Lisbon reorganises the system of the instruments of the CFSP by listing the general guidelines

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[28] Ingolf Pernice, "The Treaty of Lisbon: Multilevel Constitutionalism in Action", *Columbia Journal of European Law*, vol. 15: 3 (2009): 396.

[29] See Andreas Haratsch, Christian Koenig and Matthias Pechstein, *Europarecht* [European Law] (Tübingen: Mohr Siebeck, 2006), 42; Cordula Stumpf, „Artikel 3 EUV" [Article 3 TEU], in *EU-Kommentar*, ed. Jürgen Schwarze , 2. Auflage, (Baden-Baden: Nomos, 2009), 77.

[30] See Council of the European Union, "Presidency Report to the European Council on the European External Action Service" (Brussels, 23 October 2009, 14930/09).

[31] Ingolf Pernice, "The Treaty of Lisbon: Multilevel Constitutionalism in Action", *Columbia Journal of European Law*, vol. 15: 3 (2009): 397.

and decisions as the central instruments of the CFSP in Article 25 of the TEU(L).[32] The instruments of Article 12 of the TEU(N), as well as those of Article 25 of the TEU(L), have as primary internal function the coordination of the Member States' external activities:

> *Although the external dimension of those competences in Title V [CFSP] and VI [PJCC] TEU is obvious, it is ironic to note that [...] they basically relate to the relationship between the Union and its Member States rather than its relationship with third states and other international organisations. This means that explicit external competencies are largely absent in these areas [...].*[33]

With regard to the external means for the implementation of the CFSP, the authority to conclude international agreements may be considered, which was previously regulated by Article 24 of the TEU(N):

> *When it is necessary to conclude an agreement with one or more States or international organisations in implementation of this title [CFSP], the Council may authorise the Presidency, assisted by the Commission as appropriate, to open negotiations to that effect. Such agreements shall be concluded by the Council on a recommendation from the Presidency. (ibid.)*

In contrast to Article 300 of the TEC, Article 24 of the TEU(N) contained no explicit reference to the contracting party and let the question unanswered about whether the EU or the Member States acting jointly could conclude such international agreements. On the one hand, these could be understood as an "abbreviated formulation" for the conclusion of a series of treaties of the Member States'; however, such interpretation does not explain why the Member States that abstained from voting became a contracting party.[34] This contradiction would be resolved if one considered the EU as a contracting party to an international agreement concluded under Article 24 of the TEU(N). Nevertheless, this interpretation is again not convincing in light of Article 24(5) of the TEU(N), according to which

> *No agreement shall be binding on a Member State whose representative in the Council states that it has to comply with the requirements of its own constitutional procedure; the other members of the Council may agree that the agreement shall nevertheless apply provisionally. (ibid.)*

This provision supports the interpretation that it is not the EU but the Member States, that act within a framework of the EU, conclude international agreements under Article 24 of the TEU(N).

In light of the debates on international agreements and the EU's legal capacity, the provision of Article 24(6) of the TEU(N), according to which agreements concluded under Article 24 of the TEU(N) "shall be binding on the institutions of the Union", was ambivalent. On the one hand, this provision was understood as evidence of the EU's legal personality.[35] On the other hand, it has been argued that the institutions listed in Article 5 of the TEU(N) are institutions of the EC, and the

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[32] The previous instruments of common action and common position fall under the category of "decision", which is further differentiated into "decisions" and "arrangements for the implementation of the decisions"; see Article 25(b) of the TEU(L).

[33] Andrea Ott and Ramses Wessel, "The EU's External Relations Regime", in *The European Union and Its Neighbours*, eds. Steven Blocksmans and Adam Lazewski (The Hague: Asser Press, 2006), 29.

[34] The possibility of "qualified abstention" is regulated by Article 23(1) of the TEU(N).

[35] See Jörg Philipp Terhechte, „Artikel 24 EUV" [Article 24 TEU], *EU-Kommentar*, ed. Jürgen Schwarze, 2. Auflage, (Baden-Baden: Nomos, 2009), 146.

European Council mentioned in Article 4 of the same treaty is not independent enough to be considered as an institution of the EU.[36] Thus, from a legal point of view the EU had no institutions of its own that could be bound by international agreements under Article 24 of the TEU(N).

The increasing praxis of international agreements, concluded in the name of the European Union on the basis of Article 24 of the abovementioned treaty, put forth arguments in favour of the EU's legal personality.[37] On the other hand, even if the EU acted as if it had the legal capacity, the lack of commitment by the Member States to grant the EU its legal personality explicitly or implicitly through the amendment of the Treaty could not be substituted through the Council's varying contractual practice. As a result, the Member States jointly, and not the EU, constituted a contracting party to international agreements concluded on the basis of Article 24 of the TEU(N), while the external instrument of legal international agreements on the CFSP was not a legal instrument of the EU.

With an explicit provision on its legal personality in the Treaty of Lisbon, the EU is now able to take legal actions concerning itself, while the legal actions taken on the basis of the TEU(L) – including those in the area of the CFSP – are actions of the EU and not of the Member States. Since the Lisbon Treaty entered into force the EU became a contracting party to international agreements. Article 216(1) of the TFEU contains an explicit provision on the conclusion of international agreements by the EU in the scope of its responsibilities:

> *The Union may conclude an agreement with one or more third countries or international organisations where the Treaties so provide or where the conclusion of an agreement is necessary in order to achieve, within the framework of the Union's policies, one of the objectives referred to in the Treaties, or is provided for in a legally binding Union act or is likely to affect common rules or alter their scope. (ibid.)*

Furthermore, Article 216(2) of the TFEU stipulates that international "agreements concluded by the EU are binding upon the institutions of the Union", which are now expressly listed in Article 13(1) of the TEU(L), as well as on the Member States.[38]

The Union's authority to conclude international agreements on the CFSP is explicitly regulated by Article 37 of Chapter 2 on "Specific Provisions on the Common Foreign and Security Policy" of the TEU(L), according to which "The Union may conclude agreements with one or more States or international organisations in areas covered by this Chapter".[39]

The procedure for the conclusion of an international agreement within the framework of the CFSP is still based on unanimity,[40] and thus differs from the general procedure for the conclusion of international agreements based on qualified majority.[41] Nevertheless, with the explicit treaty-making authority in the scope of the CFSP the EU acquired for the first time an external legal instrument to execute the CFSP, which goes beyond the instruments for coordination of the Member States' external activities within the EU framework.

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[36] See Andreas Haratsch, Christian Koenig and Matthias Pechstein, *Europarecht* [European Law], 5. Auflage, (Tübingen: Mohr Siebeck., 2006), 40.

[37] See Daniel Thym, „Die völkerrechtlichen Verträge der Europäischen Union" [The International Agreements of the European Union], *Zeitschrift für Ausländisches Öffentliches Recht*, vol. 66 (2006): 863 - 925.

[38] See Article 216(2) of the TFEU.

[39] Article 37 of the TEU(L).

[40] See Article 218(8) of the TFEU and Article 31(1) of the TEU(L).

[41] See Article 218(8) of the TFEU.

Institutional Reforms and their implications for European Foreign Policy

With regard to the EU's foreign policy, the Treaty of Lisbon introduced three major institutional innovations, namely, the position of the High Representative of the Union for Foreign Affairs and Security Policy, the position of the President of the European Council and the European External Action Service. In this part of the paper, the functions of each of these institutions and their influence on the coherence and the effectiveness of European foreign policy will be analysed in view of the provisions of the Lisbon Treaty.

High Representative of the Union for Foreign Affairs and Security Policy

Compared with the position of the High Representative for the CFSP, the Lisbon Treaty strengthens the new position of the High Representative of the Union for Foreign and Security Policy (FASP), who is responsible for conducting the Union's foreign and security policy. The High Representative for FASP enjoys the right to submit proposals for the development of the CFSP and the common security and defence policy (CSDP), which he or she shall carry out as mandated by the Council.[42]

Furthermore, the High Representative for FASP chairs the newly established Foreign Affairs Council[43] and is simultaneously one of the Vice-Presidents of the Commission.[44] Consequently, the formation previously known as "the Troika" is now incorporated into the one position of the High Representative for FASP.[45]

The incorporation of the supranational and intergovernmental elements into the one position of the High Representative aims at increasing the horizontal coherence of the European foreign policy. The High Representative "shall ensure the consistency of the Union's external action" and is – as one of the Vice-Presidents of the Commission – "responsible within the Commission for responsibilities incumbent on it in external relations and for coordinating other aspects of the Union's external action".[46] On the one hand, the wide scope of the High Representative's responsibility for coherence in external relations can be understood as a single mandate over the external relations of the Commission,[47] which would constrain the power of certain Commissioners. On the other hand, it seems to be more appropriate to interpret this position as an overall coordinating function enclosing all external dimensions of the Commission's policy.[48] Nevertheless, the High Representative obtains a special status within the Commission, which results from his or her appointment by the European Council. This exceptional status, as well as the responsibility for overarching coordination of the Commission's policies with an external dimension, is a potential source of tension between the High Representative and certain Commissioners, as well as the

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[42] See Article 18(2) of the TEU(L).

[43] See Articles 18(3) and 27(1) of the TEU(L). After the Lisbon Treaty entered into force, the previous General Affairs and External Relations Council is now divided into a General Affairs and a Foreign Affairs Council. The previous General Affairs and External Relations Council was chaired by the Presidency which rotated every six months. Now the rotating Presidency continues to chair the General Affairs Council.

[44] See Article 18(4) of the TEU(L).

[45] The formation known as "the Troika" referred previously to the High Representative for CFSP, the Commissioner for External Relations and the Minister for Foreign Affairs of the Presidency-in-Office, who changes every six months.

[46] See Article 18(4) of the TEU(L).

[47] First in the areas of the European Neighbourhood Policy, Enlargement and Trade, Development and Humanitarian Aid.

[48] See Graham Avery, "The new architecture for EU foreign policy", in *The people's project? The new EU Treaty and the prospects for future integration*, ed. Graham Avery et al. (Brussels: European Policy Centre, 2007), 20.

President of the Commission.[49] Concerning the latter, tension may arise because the High Representative challenges the President's *primus inter pares* position within the Commission.[50]

Despite possible conflicts, the new position of the High Representative for FASP is an answer to criticism regarding the previous failure to address the incoherence and ineffectiveness of the EU associated with the pillar-structure and the separation of the issue areas, as well as the EU's "fragmented" representation in international relations. As argued by Pernice, the "double hat" and "double role" of the High Representative "in some way mirrors the unity of the supranational (Commission) and the intergovernmental (Council) logic of the Union, it combines in one person the European and the Member States' lines of interest".[51] The responsibility of the High Representative for ensuring the coherence and consistency of the Union's external action[52] "precisely describes what the Treaty of Lisbon is aiming at: The Union shall be perceived as one unit, speak with one mouth and implement consistent policies in external matters".[53] At the same time, the High Representative may contribute to more vertical coherence in the European foreign policy, taking into account his or her chairmanship in the Foreign Affairs Council with a potentially positive effect on the harmonisation of the Member States' positions.[54]

Catherine Ashton was appointed as the first High Representative for FASP on November 19, 2009 by the European Council, with the agreement of the President of the Commission.[55] Comments on this appointment vary. On the one hand, Ashton is referred to as a weak figure because of her lack of visible experience for the post of foreign policy chief. Her appointment can be understood as the unwillingness of the Member States to underpin the strengthened position of the High Representative by a strong personality. On the other hand, her previous experience may shift the working style in the field of the CFSP in favour of a greater consideration of the European interests, since Ashton was a Commissioner for Trade prior to her appointment to the post of High Representative. As a member of the Commission, she worked in the EU's supranational institution and was accustomed to advocate the European idea and European interests. Moreover, it has been argued that the first incumbent of the post of High Representative for FASP would have a personal bias in favour of promoting the foreign policy interests of the Council and the Member States

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[49] See Jan Gaspers, "The quest for European foreign policy consistency and the Treaty of Lisbon", *Humanitas Journal of European Studies*, vol. 2:1 (2008): 24.

[50] The authority of the President of the Commission within the Commission, as well as in relation to the High Representative, is challenged, for instance, by the fact that the Commission's President no longer has the authority to request the resignation of the Commissioner for External Relations without having obtained the prior consent of the European Council (Article 17(6) of the TEU(L)). See Graham Avery, "The new architecture for EU foreign policy", in *The people's project? The new EU Treaty and the prospects for future integration*, ed. Graham Avery et al (Brussels: European Policy Centre, 2007), 19; Brian Crowe, *Foreign Minister of Europe*, (London: Foreign Policy Centre, 2005), 5.

[51] Ingolf Pernice, "The Treaty of Lisbon: Multilevel Constitutionalism in Action", *Columbia Journal of European Law*, vol. 15: 3 (2009): 399.

[52] See Article 18(4) of the TEU(L).

[53] Ingolf Pernice, "The Treaty of Lisbon: Multilevel Constitutionalism in Action", *Columbia Journal of European Law*, vol. 15: 3 (2009): 399.

[54] See Jan Gaspers, "The quest for European foreign policy consistency and the Treaty of Lisbon", *Humanitas Journal of European Studies*, vol. 2:1 (2008): 24.

[55] According to Article 18(1) of the TEU(L) "the European Council, acting by a qualified majority, with the agreement of the President of the Commission, shall appoint the High Representative of the Union for Foreign Affairs and Security Policy". Concurrent with Ashton's appointment as High Representative, she becomes a Vice-President of the Commission, which is subject to confirmation by the European Parliament (Article 17(7) of the TEU(L)). After the Treaty of Lisbon entered into force, the posts of the High Representative and the Secretary-General of the Council of the European Union are held by two different people. Subsequently, Pierre de Boissieu was appointed as Secretary-General.

instead of acting as an honest broker between the Council and the Commission.[56] The appointment of Ashton to the position may have a positive effect on the balance between the external policies of the Council and those of the Commission.

As a result, in spite of possible conflicts regarding the delimitation of responsibilities between the High Representative, on the one hand, and the members of the Commission, on the other hand, the Treaty of Lisbon strengthens the institutional preconditions for more coherence and efficacy of the European foreign policy by introducing the "double position" of the High Representative for FASP.

President of the European Council

One the most important innovations introduced by the Lisbon Treaty concerns the formal introduction of the European Council as one of the EU's constituent institutions[57] and the introduction of the position of the President of the European Council.

Prior to the Treaty of Lisbon, the European Council had never officially acquired the status of an EU institution.[58] Nevertheless, its declarations have served as important reference points for the formulation and implementation of the foreign policy by the institutions of the EC/EU and those of the Member States, and it has therefore served as an important instrument to increase the coherence in foreign policy.[59] The formal introduction of the European Council as an institution of the EU is accompanied by the manifestation of the right of the European Council to identify the strategic interests and objectives of the Union, which relate to the CFSP and to other areas of the Union's external action.[60] In legal terms, this constitutes a significant extension of the European Council's authority, although it already exercised those functions before the Lisbon Treaty entered into force.[61]

The introduction of the new position of the President of the European Council affects first the continuity of the European foreign policy. Before the Treaty of Lisbon entered into force, the Head of State or Government of the Member State that held the Presidency of the Council of Ministers also held a chairmanship during the meetings of the European Council; however, this position was not explicitly set out in the Treaty.[62] The Presidency of the Council of Ministers rotates every six months between the Member States in an order defined by the Council, and all positions related to the Presidency also rotate. According to the reforms of the Lisbon Treaty, the President of the European Council will be elected by the European Council by qualified majority for the period of two and a half years that can be renewed once,[63] thus the post is no longer subject to alternation

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[56] See Jan Gaspers, "The quest for European foreign policy consistency and the Treaty of Lisbon", *Humanitas Journal of European Studies*, vol. 2:1 (2008): 26.

[57] See Article 13 of the TEU(L).

[58] For a discussion on the institutional status of the European Council, see Andreas Haratsch, Christian Koenig and Matthias Pechstein *Europarecht* [European Law] (Tübingen: Mohr Siebeck, 2006), 42; Simon Hix, *The Political System of the European Union* (Basingstoke: Palgrave Macmillan, 2005), 35 – 38; Philippe de Schoutheete and Helen Wallace, „The European Council," *Research and European Issues,* vol 19 *(2002)* http://www.notre-europe.eu/uploads/tx_publication/Etud19-en.pdf (accessed December 13, 2009); Cordula Stumpf, „Artikel 3 EUV" [Article 3 TEU], in *EU-Kommentar*, ed. Jürgen Schwarze (Baden-Baden: Nomos, 2009), 77.

[59] See Simon Nuttall, "Coherence and Consistency," in *International Relations and the European Union,* ed. Christopher Hill and Michael Smith (Oxford: Oxford University Press, 2005), 104.

[60] See Article 22(1) of the TEU(L).

[61] See Stephan Keukeleire and Jennifer MacNaughtan, *The Foreign Policy of the European Union* (Basingstoke: Palgrave Macmillan, 2008, 68-69.

[62] For the chairmanship of the European Council refer to Article 4 of the TEU(N).

[63] See Article 15 of the TEU(L). On November 19, 2009, Herman Van Rompuy was nominated as the first "permanent" President of the European Council.

every six months. In other words, this innovation now has a positive effect on the continuity of the European foreign policy.

Furthermore, the President chairing the European Council should endeavour to facilitate cohesion and consensus within the European Council and to ensure the preparation and continuity of its work in cooperation with the President of the Commission, as well as on the basis of the work of the General Affairs Council.[64] Thus, according to the provisions of the TEU(L), the President of the European Council is supposed to increase the coherence of the supranational and intergovernmental aspects of the EU's external relations, while the cooperation between the President of the European Council and the President of Commission is of particular importance for the facilitation of coherence.

Stressing the importance of the Presidency of the European Council for the coherence of European foreign policy, the amendments of the Lisbon Treaty are, at the same time, ambiguous with respect to the delimitation of responsibilities. The responsibility of the President of the European Council for the preparation and continuity of the work of the European Council, as well as for driving forward its work, means that he or she is involved in the formulation and implementation of the intergovernmental or even the Community aspects of the EU's foreign policy,[65] which bear potential conflicts and tensions with the authority of the High Representative.

The provisions of the Lisbon Treaty are particularly ambiguous with respect to the EU's external representation. Article 15(6) of the TEU(L) stipulates that the President of the European Council "shall, at his level and in that capacity, ensure the external representation of the Union on issues concerning its common foreign and security policy, without prejudice to the powers of the High Representative of the Union for Foreign Affairs and Security Policy".[66] The delimitation of responsibilities between those of the President of the European Council and those of the High Representative is difficult from a legal perspective and could be rendered impossible in the praxis,[67] which may result in the incoherence of European foreign policy.

The function of the EU's external representation at the highest level is exercised not only by the President of the European Council but also by the President of the Commission in the areas under the Union's authority. Following the argumentation of Ingolf Pernice, this means that the unity achieved at the ministerial level by uniting the Troika representation in the one position of the High Representative is not realised at the level of Heads of State or Government.[68]

The Treaty of Lisbon, on the one hand, consolidates the representative function with respect to the CFSP at the ministerial level and, on the other hand, bears new potential for conflicts between the President of the European Council and the High Representative, and, to a lesser extent, the President of the Commission. Thus, the effectiveness of the European foreign policy greatly depends on a possible agreement between single institutions.

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[64] See Article 15(6) of the TEU(L).

[65] See Jan Gaspers, "The quest for European foreign policy consistency and the Treaty of Lisbon", *Humanitas Journal of European Studies*, vol. 2:1 (2008): 30.

[66] Article 15(6) of the TEU(L).

[67] See Jörg Philipp Terhechte, "Der Vertrag von Lissabon: Grundlegende Verfassungsurkunde der europäischen Rechtsgemeinschaft oder technischer Änderungsvertrag?"[The Treaty of Lisbon: Fundamental Constitutional Document of the European Law Community or Technical Revision Treaty?], *Europarecht*, vol. 2 (2008): 167; Daniel Thym, "Die neue institutionelle Architektur der Europäischen Außen- und Sicherheitspolitik" [The New Institutional Architecture of the European Foreign and Security Policy*], Archiv des Völkerrechts*, vol. 42 (2004): 64.

[68] See Ingolf Pernice, "The Treaty of Lisbon: Multilevel Constitutionalism in Action", *Columbia Journal of European Law*, vol. 15: 3 (2009): 400.

European External Action Service

The establishment of the European External Action Service (EEAS) is of paramount importance in order to ensure the coherence of the EU's external relations and the strengthening of its role as an international actor. According to the Presidency report, the EEAS "should play a leading role in the strategic decision-making".[69] Article 27(3) of the TEU(L) stipulates that "the High Representative shall be assisted by a European External Action Service". Taking into account the scope of tasks and the responsibilities of the High Representatives, the creation of the EEAS was a necessary step to ensure the capacity of the High Representative to perform his or her functions. The scope of the EEAS "should allow the [High Representative] to fully carry out his/her mandate as defined in the Treaty".[70] At the same time, to ensure the coherence of European external relations, the EEAS "should also assist the President of the European Council and the President as well as the Members of the Commission" in the areas of external relations and closely cooperate with the Member States.[71]

With regard to the scope of the EEAS, the service "should be composed of single geographical [...] and thematic desks, which will continue to perform under the authority of the High Representative the tasks [previously] executed by the relevant parts of the Commission and the Council Secretariat".[72] At the same time, the Commission's exclusive authority in trade, development and enlargement policy will not be transferred to the EEAS; however, the service will have "desks" on those issues. Regarding the European Security and Defence Policy, the Crisis Management and Planning Directorate (CMPD), the Civilian Planning and Conduct Capability (CPCC) and the Military Staff (EUMS) should constitute parts of the EEAS and form an entity placed under the direct authority and responsibility of the High Representative.[73] Even if the separation of the issue-related decision-making powers and the duality of the supranational and intergovernmental dimensions of the EU's external relations still remain, the allocation of all issue areas to one institution has without doubt the potential for a more coherent European foreign policy once the development of the EEAS is completed.[74] The composition of the EEAS may likewise contribute to a higher degree of coherence in the EU's external relations, since the service should comprise officials from relevant departments of the Council's General Secretariat and of the Commission, as well as staff seconded from national diplomatic services of the Member States.[75] The EEAS is thought to play a "unique role" and should be "a service of a *sui generis* nature"[76] that is separate from the Commission and the Council Secretariat. However, although the High Representative and

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[69] Council of the European Union, "Presidency Report to the European Council on the European External Action Service" (Brussels, October 23, 2009, 14930/09).

[70] See Council of the European Union, "Presidency Report to the European Council on the European External Action Service" (Brussels, October 23, 2009, 14930/09).

[71] See Council of the European Union, "Presidency Report to the European Council on the European External Action Service" (Brussels, October 23, 2009, 14930/09).

[72] See Council of the European Union, "Presidency Report to the European Council on the European External Action Service" (Brussels, October 23, 2009, 14930/09).

[73] See Council of the European Union, "Presidency Report to the European Council on the European External Action Service" (Brussels, October 23, 2009, 14930/09).

[74] The final proposal on the formation of the EEAS should be made by April 2010, and the institution is supposed to become fully operational by 2012. See Council of the European Union, "Presidency Report to the European Council on the European External Action Service" (Brussels, October 23, 2009, 14930/09).

[75] See Article 27(3) of the TEU(L); see also Council of the European Union, "Presidency Report to the European Council on the European External Action Service" (Brussels, October 23, 2009, 14930/09).

[76] See Council of the European Union, "Presidency Report to the European Council on the European External Action Service" (Brussels, October 23, 2009, 14930/09).

the EEAS can prepare initiatives, Member States make the final decisions and the Commission also plays a part in the technical implementation.

Conclusion

The analysed numerous innovations of the Lisbon Treaty aim at enhancing the coherence of EU's external actions and at expanding its resource base, thus increasing the effectiveness of European foreign policy and strengthening the role of the EU as an international actor. At the same time, the Lisbon Treaty does not bridge the duality of European Foreign Policy while the separation between the CFSP and the other issue areas of external relations remains in place. Concerning the CFSP, unanimity is still the prevailing decision-making procedure, which protects national interests and bargaining behaviour at the expense of common European interests. In this area, the implementation of the European foreign policy in concrete situations continues to depend, to a great extent, on the Member States' willingness to cooperate and compromise. Nevertheless, the Lisbon Treaty considerably strengthens the EU as an international actor through the explicit provision of the EU's legal personality by equipping the EU with its own external instruments to implement the CFSP and its own institutions, and by reorganising the EU's diplomatic relations as the successor of the European Community. All these amendments simplify the international status of the EU and constitute an important step towards legal certainty in international relations.

By revising the institutional arrangements related to European foreign policy, the Treaty of Lisbon expands the institutional preconditions for more a coherent, and thus more effective, foreign policy, even if it does not change the legal nature of the principles of horizontal and vertical coherence, which is still non-justiciable and depends on the willingness to cooperate among the Member States and the EU institutions. Positive effects are supposed to result first from the strengthened position of the High Representative for FASP and his or her "double hat", which contribute to more coherence in European external relations and may enhance the effectiveness of European foreign policy and the EU's credibility as an international actor. At the same time, the High Representative – in his or her function as chairman of the Foreign Affairs Council – may facilitate the vertical coherence in the European foreign policy by contributing to the harmonisation of the Member States' positions. The new position of the President of the European Council also aims at facilitating the coherence of the supranational and intergovernmental aspects of the EU's external relations, while the cooperation between the President of the European Council and the President of Commission is of particular importance. Furthermore, by extending the term in office of the President of the European Council from six months to two and a half years, the Lisbon Treaty improves the institutional preconditions for continuity of the European foreign policy.

By stressing the importance of coherence and creating "new faces" of European foreign policy, the Lisbon Treaty, at the same time, creates new potential for conflicts between the High Representative, the President of the European Council and the President of the Commission. This is because the provisions of the Treaty are ambiguous with respect to the delimitation of their responsibilities. Institutional tensions could be expected first between the coordinating function of the High Representative for FASP and Members of the Commission with responsibilities for external policies, and second, between the High Representative and the President of the European Council. These tensions may concern the particular function of the EU's external representation.

Despite possible conflicts, the Treaty provides a stronger institutional basis for a more effective foreign policy of the EU, through the creation of the EEAS, among others. This institution is supposed to play a "unique role" and should be "a service of a *sui generis* nature" that is separate from the Commission and the Council Secretariat and should ensure the coherence and better

coordination of the Union's external action. Supporting the High Representative in carrying out his or her mandate as defined in the Treaty, the EEAS should also assist the President of the European Council, the President and the Members of the Commission, as well as closely cooperate with the Member States, thus contributing to horizontal and vertical coherence. The service should be composed of geographical and thematic desks, which should perform the tasks previously performed by the Commission and the Council Secretariat. Even if the exclusive authority in trade, development and enlargement policy executed by the Commission is not transferred to the EEAS, the service should have "desks" on those issues. This allocation of all issue areas to one institution has a strong potential for an increase in the coherence of European external relations, although the duality of the supranational and intergovernmental dimensions of the EU's external relations still remains. The composition of the EEAS may similarly facilitate coherence since the service should comprise officials from the General Secretariat of the Council and the Commission, as well as national diplomatic staff of the Member States.

In conclusion, the main finding of the article is that the Treaty of Lisbon contributes to a more coherent foreign policy of the EU, thus strengthening the EU as an international actor. With its contributions, the Treaty is a positive step towards a higher degree of coherence in the EU's external relations, even if it is still far away from achieving its goal of a truly common European foreign policy. Currently, there are no reasons to believe that this kind of policy can be reached in the future. Nevertheless, coherence in the formulation and implementation of foreign policy at national level also constitutes an exception rather than the norm.

THE FALL OF THE BERLIN WALL: TWENTY YEARS OF REFORM IN CENTRAL AND EASTERN EUROPE

COMMENTARY BY

Aleksandr Shkolnikov[*] & Anna Nadgrodkiewicz[**]

Abstract

Reflecting upon transition twenty years after the fall of the Berlin Wall yields important lessons about the challenges of establishing democracies and market economies. Neither appears overnight; both require difficult and often unpopular reforms in order to create inclusive and responsive institutions of governance and business. The outcomes of the systemic transition in Central and Eastern Europe are undoubtedly impressive but vary greatly, and even the most successful countries continue to struggle with corruption, delayed reforms of key economic sectors, and disillusionment and lingering nostalgia among their populations. In order for the region's democracies to deliver growth and prosperity, their democratic and market institutions must become more representative and inclusive so that a genuine public-private dialogue can lead to concrete reforms. Local civil societies and business communities are crucial agents of this process, providing grassroots input into policymaking and bringing substance to the region's democratic development.

Keywords: Central and Eastern Europe, the fall of the Berlin Wall, democracy, market economy, reforms, transition outcomes

Introduction

Just a few months ago the world celebrated the twentieth anniversary of the fall of the Berlin Wall. There have been many reflections on the significance of the night of November 9, 1989, when the symbol of Europe's division was torn down by the very people it divided – without a

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single shot being fired. This memorable event proved to be the turning point of a fundamental transformation. An unprecedented collapse of political and economic systems followed across the post-Communist space, fueled by expectations that democratic market economies would immediately take root.

The wave of democratization that swept through the region ushered in renewed hope for democracies worldwide. In fact, reflecting on the collapse of the authoritarian command economies, Francis Fukuyama, an American political scientist, declared a victory of liberal democracy in his now famous article on the end of history.[1] Although the failure of the command-and-control model was evident, the transition to different political and economic systems was much more difficult than anyone expected at the time. With the collapse of the Wall, the region may have achieved its negative goal of dismantling the old system, but the positive goal of building functional democracies and market economies in its place proved to be much more elusive.

The key questions to ask, twenty years after the Wall fell, revolve around whether this positive goal has indeed been achieved. Have democratic market economies taken root across Central and Eastern Europe (CEE)? Is the job of democratization complete, as the European Union (EU) membership of several former Communist countries suggests, or is there more that remains to be done? And finally, what are the major lessons of the transition?

Uneven Outcomes of Transition

There are certainly fundamental changes that have shaped the region over the past twenty years. In Central Europe, these changes were driven by the hope of EU membership, which provided a strong reform incentive to the aspiring countries and sustained the resolve of their often fragile governments. The EU enlargements in 2004 and 2007 were the fruition of long and painful structural reforms meant to solidify democratic and market institutions. As a result, the new EU members are undoubtedly night-and-day different today from the 1989 starting-point. However, the outcomes of transition are not so uniformly positive throughout the region.

As supported by many studies, including Freedom House *Nations in Transit* reports, the paths of countries in the post-Communism space clearly have been quite diverse. Countries in Eurasia, Central Asia, and the Caucasus are lagging or even regressing in terms of the quality of their democratic and market institutions as compared to their Central European or Baltic counterparts.

Outcomes of reform vary even among the new EU members. Corruption continues to wrack Bulgaria and Romania, who have recently been subjected to strong criticism from Brussels, including a decision to withhold Bulgaria's development funds. High-level scandals continue to erupt elsewhere. In Poland, for instance, there have been notorious cases of undue influence of private interests on legislation. In the Czech Republic, several Defense Ministry officials were accused of corruption in connection with commissioning overpriced public contracts. In Hungary, a scandal shook the country a few years ago when the government admitted to lying about economic indicators and governance in order to win elections.

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[1] Francis Fukuyama, "The End of History?" *The National Interest*, No. 16 (Summer 1989): 3-18.

Many similar examples exist, demonstrating that corruption remains widespread even in countries that have made great strides toward solidifying their democratic and market institutions. Corruption is a deadweight loss that scares off investors, increases the cost of conducting business, and hurts economic prospects. Other problems persist as well. Many transition countries have failed to scale back their overblown public sectors, reform public finances, balance their budgets, and reduce excessive credit growth. The current global economic crisis exposed such weaknesses and hit several of the region's economies hard – such as Hungary and Latvia who had to ask for IMF bailouts.

These evident problems that remain in the region contrasted with the success of countries in joining the EU suggest that democratic consolidation is much more than a box-ticking exercise. Yes, the *acquis communautaire* compels countries to introduce and put into place the necessary regulations, but it is only the first step. Much work remains to be done in order to change perceptions, build institutions, and reform practices.

Moreover, nostalgia for the past in Central and Eastern Europe remains strong, indicating that, for large portions of the population, the new system failed to deliver expected material outcomes. A recent survey in Hungary, for example, shows that 70 percent of those who were already adults at the time when the Wall fell are disappointed with the change of the political system. [2] A similar survey in Bulgaria suggests that 60 percent of the people think they lived better under Communism.[3] In Poland, 44 percent of people think positively of the former Communist rule, with the numbers even higher (54 percent) among the elderly.[4]

A recent Pew Global Attitudes Project[5] survey highlights the evident weakness of many key democratic institutions in CEE by providing interesting insights into the mood of its citizens. For instance, while there is a clear popular desire for democratic values and institutions (in Bulgaria 81 percent say free judiciary is very important, in the Czech Republic 66 percent think free media is very important, and in Hungary 65 percent think freedom of speech is very important), overwhelming majorities of surveyed individuals do not think that such institutions function properly in their countries. In Bulgaria only 8 percent think they have a fair judiciary, in the Czech Republic only 17 percent think they have a well-functioning free media, and in Hungary only 13 percent think freedom of speech prevails. In other words, the region is seeing a significant democracy gap, i.e. the difference between people's notion of democratic values and the actual functioning – or malfunctioning – of the democracy they experience.

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[2] CNBC, "Nostalgia for Communism, 20 Years After," November 9, 2009, http://www.cnbc.com/id/33784324 (accessed December 7, 2009).

[3] Anna Mudeva, "Special Report: In Eastern Europe, People Pine for Socialism," November 8, 2009, Reuters, http://www.reuters.com/article/idUSTRE5A701320091108 (accessed December 31, 2009)

[4] M&C News, "Survey: Polish opinion split over communist past," June 19, 2009, http://www.monstersandcritics.com/news/europe/news/article_1484630.php/Survey_Polish_opinion_split_over_communist_past (accessed December 7, 2009).

[5] Pew Global Attitudes Project, "The Pulse of Europe 2009: 20 Years After the Fall of the Berlin Wall," November 2, 2009, http://pewglobal.org/reports/display.php?ReportID=267 (accessed December 10, 2009).

The Challenge of Building Democracies that Deliver

As much as Central and Eastern Europe has achieved, the lingering feelings of nostalgia and disillusionment are worrisome. As Hungarian economist Janos Kornai put it, [when the Berlin Wall was still standing], people "felt it a hopeless daydream that within the foreseeable future their countries would become democratic market economies. Today, however, though this has become a reality, many are disappointed and bitter."[6] These attitudes are shaped by the fact that it is not enough to desire democracy in the abstract, as people did in the 1980s; it is much more important to build the institutions of democratic governance and make democracy deliver for all segments of the population.

This task is not easy, although it seemed that way for many. When the Wall fell, it seemed that without the bonds of Communism, those countries would quickly achieve the same degree of democratic rule and economic prosperity for which they had long envied their Western neighbors. This understandable euphoria, however, presumed that the institutions and attitudes underlying democracies and market economies would just spring up in the absence of authoritarian restraint. That certainly has not been the case. As Zbigniew Brzezinski noted, "It is especially difficult to restructure a statist centralized economy into a functioning market system. The latter involves not only an intricate set of economic relationships but also the emergence of an entrepreneurial culture."[7]

Whether an entrepreneurial culture has truly replaced the culture of dependence on the state remains to be seen. Certainly the results of the polls cited above indicate that older generations in particular long for the social welfare aspect of Communism, while the current global financial meltdown has undermined confidence in free markets among younger citizens. According to the World Bank, CEE is forecast to experience the deepest economic contraction among all emerging and developing regions, with GDP in Central and Eastern Europe and the Commonwealth of Independent States expected to shrink by 5 percent and 6.7 percent, respectively, in 2009.[8] Although it was largely due to international factors outside their control that triggered it, this crisis showed that in order to stay competitive, post-Communist countries must reinvigorate much needed reforms. And in order to continue reforms, they must build and sustain public support for them through improved social dialogue and more inclusive political processes.

Democratic institutions cannot be just minimalist frameworks that engage the citizenry only during periodic elections but between them provide little opportunity for policy input. This has been the Achilles' heel of the young CEE democracies, as polls show that parliaments and political parties are among the institutions with the lowest levels of social confidence. In a recent Eurobarometer survey, public trust in parliaments was only 20 percent in the Czech Republic, 18 percent in Poland, 15 percent in Hungary, and a mere 6 percent in Latvia – the lowest in the EU. The trust in political parties was

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[6] Janos Kornai, "The Great Transformation of Central Eastern Europe: Success and Disappointment," Presidential Address, delivered at the 14th World Congress of the International Economic Association in Marrakech, Morocco, on August 29, 2005.

[7] Zbigniew Brzezinski, "A Common House, a Common Home," *New York Times*, November 15, 1989, http://www.nytimes.com/1989/11/15/opinion/a-common-house-a-common-home.html?scp=3&sq=communist+transition&st=nyt (accessed December 10, 2009).

[8] Pradeep Mitra, Marcelo Selowsky, and Juan Zalduendo, *Turmoil at Twenty: Recession, Recovery, and Reform in Central and Eastern Europe and in the Former Soviet Union* (Washington, DC: The World Bank, 2010), 1.

even lower, with Estonia's 16 percent (highest among the new EU states), 15 percent in the Czech Republic, 12 percent in Poland and Romania, 10 percent in Hungary, and 5 percent in Latvia.[9]

Similarly, a market economy cannot exist in its full form if it is tainted by corruption and cronyism. Despite progress, governments in the region still too often pick economic winners and losers and fail to create business environments that would effectively foster entrepreneurship. This interdependency between economic and political reforms points to the fact that democracies and market economies are intrinsically linked, because democracies need well-functioning markets to deliver and market economies, in turn, need democracies to provide the right economic policies. That is why political and economic reforms should not be considered in isolation from each other. The transition process showed that if these reforms are to deliver expected results, they must be pursued in tandem.

Lessons Learned from Transition

There are several lessons that stand out from successful political and economic transitions of the past twenty years. These are particularly relevant for countries that have not sufficiently moved forward in shaking off the institutions of the old system, and still boast largely uncompetitive political environments, weak economies, and poor policy development and implementation.

The need to implement often painful and politically unpopular but necessary reforms

Much of the debate on transition has focused on "shock therapy vs. gradualism." Proponents of shock therapy argued that swift economic reforms on all fronts were needed, while proponents of a gradual approach suggested more restrained measures with minimized impact on the population. Analyses on transitions have largely exposed the fallacy of this debate, showing that both approaches can be relevant, and that the choice of either one depends on the unique set of country conditions. In other words, what is good for Poland may not necessarily be good for Hungary, and vice versa.

However, what did become clear is that regardless of the reform approach – shock therapy or gradualism – the politics of economic reform matter. It is not enough to develop economic solutions to economic problems – countries must also solve the political barriers to implementing such solutions. One such barrier, with the introduction of competitive elections, is politicians' fear of losing popularity and re-elections.

Perhaps the best example of a reformer who has been able to overcome these barriers is Leszek Balcerowicz, known for pushing through his plan of rapid economic reforms in Poland in the early 1990s. The plan introduced a number of measures, such as the liberalization of exchange rates and prices, which were implemented all at the same time with a significant impact on the country's socio-economic conditions. Although the reforms were unpopular at the time, over the long term they made Poland one of the best performing economies in CEE. Balcerowicz, who endured much public scolding and saw his popularity decline significantly, noted that he was ready to sacrifice personal

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[9] Eurobarometer 71 (September 2009), http://ec.europa.eu/public_opinion/archives/eb/eb71/eb71_std_part1.pdf (accessed December 10, 2009).

popularity for the good of the country.[10] This is, in fact, one of the key lessons many leaders in transition economies around the world should take to heart.

The need to prepare a reform plan focused on institution-building in the local context

There are no substitutes for being prepared. This lesson particularly stood out in the early years of transition. Our earlier distinction between the "negative" goal of dismantling the old system and the "positive" goal of building democratic market economies in its place shows that the focus in post-Communist transitions has been on the negative rather than the positive. Thus, when the system collapsed, many reformers tried simultaneously to develop a plan for transition and to implement it in an environment where economic and political conditions changed dramatically on an almost daily basis.

Former Czech President Vaclav Havel once said that politics is not the art of the possible, but the art of imagining the impossible – and then making it happen. But there was no plan for transition. Neither local reformers nor the international community had a blueprint for what to do. As a result, CEE countries all too often uncritically accepted the advice of Western experts who had little understanding of the conditions on the ground. Their recommendations frequently followed the Washington Consensus mantra, "stabilize, privatize, and liberalize," with little consideration given to the political economy of reforms and the need to simultaneously build strong market and democratic institutions.

This pattern partly relates to the mistaken views of market economies and democracies. One of the myths of development has been that if the government gets out of the way, a market economy would emerge almost instantaneously – that if the government gets out of micromanaging the economy, a market economy simply takes its place.[11] It was a wrong assumption in post-Communist countries and elsewhere, since markets require good governance institutions and effective governments that can fulfill their fundamental role of policymakers and referees – setting clear, fair, and transparent rules of the game and enforcing them consistently. In fact, transparency, accountability, and fairness of governance still remain a major problem in many transition countries, epitomized by a weak judiciary and a general view of politics as corrupt.

The need to build domestic capacity to reform and engage civil society and the private sector

Apart from economic transition, the most fundamental post-1989 challenge was creating viable democratic systems. That challenge required defining what democracy actually means. At a most basic level, democracies must have free and fair periodic elections that facilitate freedom of political expression and peaceful transfers of power. But this minimalist definition does not capture the core of democratic aspirations that propelled the fall of Communism in Eastern Europe. People there yearned

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[10] Steven Greenhouse, "Upheaval in the East: Poland; Warsaw's Economic Chief Opposes Weakening of Plan," *New York Times*, January 6, 1990,
http://www.nytimes.com/1990/01/06/world/upheaval-in-the-east-poland-warsaw-s-economic-chief-opposes-weakening-of-plan.html?scp=8&sq=balcerowicz+said+&st=nyt (accessed December 10, 2009).
[11] John D. Sullivan, "The Business of Democracies that Deliver: Reflections on CIPE's 25th Anniversary," *Economic Reform Feature Service*, Center for International Private Enterprise, May 15, 2009,
http://www.cipe.org/publications/fs/pdf/051509.pdf (accessed December 10, 2009).

for a more meaningful democracy, comprising a system of participation, feedback, and accountability in the policymaking process. In this regard, civil society and the private sector have been crucial components of democratic transition.

A system of governance based on active civil society is a negation of the Communist utopia of a society coerced into an undivided and unquestioned ideological unity. In contrast, the very nature of civil society is diversity, pluralism of views and opinions, and checks and balances that provide ways to overcome differences through a compromise that respects individual rights. Not by coincidence are these attributes also the essence of liberal democracy – a vibrant civil society underlies its capacity to function. One example of how civil society has been contributing to successful transitions is the emergence of think tanks.

Although local think tanks did not play a significant role during the initial wave of reforms, they made their impact during the later part of transition once the democratic structures and procedures were better established. From 1991 to 2000, an average 24.5 think tanks were created per year in the region (though the rate decreased to 7.43 from 2001 to 2007), reflecting think tanks' increasing importance. Independent think tanks such as Bulgaria's Center for Liberal Strategies, Hungary's Center for Security and Defense, Agroconsult, or Poland's Gdansk Institute for Market Economics became a voice for reformers and provided valuable advice and support for the new democratic governments who were often unprepared for day-to-day policymaking. Moreover, these organizations often became hybrids that not only produced quality policy research that compensated for the shortcomings of the entrenched state bureaucracy, but also mobilized the public behind reforms and filled gaps in fledgling civil societies.[12]

Getting to that point was a long and a difficult process. In fact, this profound transformation of civil society and how it approaches reform throughout the region has been one of the key underestimated successes. In the early years of reforms, civil society groups would be excellent in pointing out structural problems and mistakes. Yet, in many instances, much of the contribution to the policy process would end at this stage, as delving into the problems in extensive detail remained beyond their capacity. Over time, however, civil society groups have learned and significantly improved the advocacy processes, becoming politically savvy in addressing key economic issues, developing and determining reform priorities, and accomplishing positive policymaking results.

These civil society groups included not only thinks tanks, but also business support organizations. In fact, the private sector is an often overlooked stakeholder and actor in the transition process, largely as a result of another persisting development myth that business is a monolith.[13] In reality, businesses that emerged after 1989 were extremely diverse, ranging from small and medium-sized enterprises and the informal sector to crony firms and state-owned companies. The latter often gave business a bad name, especially in the early days of transition filled with corrupt privatization and other abuses. Such firms fear the loss of their privileged position, but that does not mean that the entire business community is anti-reform. The majority of businesses do want reform; they want a better business environment with rules that apply fairly to everybody in the marketplace.

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[12] James G. McGann, "European Think Tanks: Regional and Trans-Atlantic Trends," The Think Tanks and Civil Societies Program, University of Pennsylvania (September 2009): 27-30.
[13] Sullivan 2009: 4.

Just as the business community, representative private sector organizations – associations and chambers of commerce – were not uniform. Some of these organizations in the region were clearly redistributive in nature, seeking to provide select benefits to their members, such as tariffs or legal protections against foreign investors, and in fact represented a barrier to reform. Yet, there were others who had as their goal broader reform efforts that had benefits far beyond their immediate membership – such as simplification of business registration procedures or improvements in contract enforcement. Just as think tanks, many of the pro-reform business organizations were quite weak in the early stages of the transition process, and required a significant investment in internal governance reforms, membership development, and advocacy to become effective participants in public policy reform representing the views of the broader business community.[14]

We have seen business associations play a much more pro-reform role than chambers, especially in the early stages, which is largely determined by the institutional structure of the organizations and the resulting set of incentives. The reason the role of chambers of commerce has been less pronounced in terms of grassroots advocacy is that chambers in CEE largely followed a continental model of organization, based on public law and mandatory membership (as opposed to the Anglo-Saxon model based on private law statute and voluntary membership). Although there are some benefits to the mandatory membership model, it lacks the independence and dynamism of the Anglo-Saxon approach which guarantees that the chambers are purely private sector organizations working for the benefit of their members. Voluntary membership in chambers provides the necessary set of incentives for them to continuously survey the needs of their members and deliver both in terms of concrete services as well as effective advocacy in creating a better business climate.[15]

Conclusion: Going Forward

The transition in Central and Eastern Europe showed that democracy is a living process, not a rigid checklist of activities and policies. It is a process with no easily defined final destination that allows reformers to declare the job done. On the contrary, countries can move closer to and further away from democratic market economies at any point in time as demonstrated by the uneven progress of reform in countries across the region and challenges persisting even among the most successful reformers.

Despite setbacks and a degree of nostalgia, we believe that democracies and market economies indeed have taken root in most countries of the region. Few would argue that no fundamental changes have taken place in the economies of even the slowest reformers, and even those nostalgic for the "good old days" surely do not miss the inefficient, scarcity-ridden command economy. Similarly, it seems inconceivable today that given the opportunity to join the EU any of the transition countries would choose to return to a repressive dictatorship. But backsliding is by no means out of the question, and reforms are still needed to solidify democratic and economic gains.

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[14] John D. Sullivan, Kim Eric Bettcher, and Aleksandr Shkolnikov, "Business Associations, Business Climate, and Economic Growth: Evidence from the Transition Economies," CIPE Economic Reform Issue Paper, No. 0807 (September 2008), http://www.cipe.org/publications/papers/pdf/IP%2008-07%20ISNIE.pdf (accessed December 10, 2009).

[15] Markus Pilgrim and Ralf Meier, "National Chambers of Commerce: A Primer on the Organization and Role of Chamber Systems," Center for International Private Enterprise (May 2005): 51, http://www.cipe.org/programs/ba/pdf/Chamber_Primer.pdf (accessed December 10, 2009).

In the political sphere, governments in the region must strive to become more participatory and more responsive to the needs and concerns of their people. In countries where reforms lag behind, a greater engagement of social stakeholders in decision-making between elections is crucial to ensure popular support for reforms. Countries that have progressed further with reforms and became EU members must avoid post-accession complacency and make sure their efforts to combat corruption and improve democratic governance are not de-prioritized.

In the economic arena, CEE countries must not succumb to the malaise of the global economic crisis and instead should use it as an opportunity to speed up difficult, often painful and long overdue reforms in areas such as healthcare, education, or unsustainable entitlement programs. They must also improve business environments to be able to deliver prosperity to their people.

Finally, transition countries must rid themselves of the myth that having private sector – after full state ownership of the economy under Communism – automatically means having a functioning market economy.[16] A market economy requires a complex institutional framework that goes beyond the presence of private enterprises. That framework can only be built through the democratic political process that establishes the rules of the economic game and puts into place key market institutions such as property rights and the rule of law.

The European Bank for Reconstruction and Development's (EBRD) surveys of perceptions of business obstacles, conducted in 1999, 2002, 2005, and 2008/09, indicate that even though there certainly have been improvements, there was also a decline in perceptions of several indicators during the last three years. Today as many as 70 to 85 percent of respondents across the CEE region consider access to finance, corruption, tax administration and tax rates as serious business obstacles. As the EBRD concludes, "Transition should therefore be about redefining the state as opposed to simply minimizing it, and about improving the quality of state and private institutions and ensuring that they work well together."[17] This probably is the greatest lesson of transition.

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[16] Sullivan 2009: 4.
[17] "Transition in crisis?" EBRD Transition Report 2009, 96-98.

KAZAN: THE RELIGIOUSLY UNDIVIDED FRONTIER CITY

COMMENTARY BY

Matthew Derrick[*]

Abstract

Located at the confluence of the Turko-Islamic and Slavic-Christian worlds, Kazan, the capital of the Republic of Tatarstan, a semiautonomous region of Russia, is populated by roughly even numbers of Muslim Tatars and Eastern Orthodox Russians. The city is separately important to each group's national history. For the Tatars, it is remembered as the seat of their Islamic state that held sway over Russian principalities to the west for three centuries before facing defeat at the hands of Moscow in 1552. For the Russians, the victory over Kazan marked the beginning of a vast multinational empire. In light of its geography and history, Kazan would seemingly be counted among the world's religiously divided frontier cities. Yet Kazan, in spite of pursuing a sovereignty campaign throughout the 1990s, has managed to avoid the type of ethno-religious-based conflict visiting other frontier cities, such as Jerusalem, Sarajevo, and Belfast. What lessons might Kazan offer other religiously divided frontier cities? In approaching this question, this article analyzes bordering processes, specifically looking at the invisible socio-spatial borders socially constructed through narratives and symbols.

Keywords: Kazan, Tatarstan, Russia, frontier city, Kul Sharif Mosque, the Cathedral of Annunciation

Introduction

Located at the confluence of the Turko-Islamic and Slavic-Christian worlds, Kazan is populated in roughly even numbers by Sunni Muslim Tatars and Eastern Orthodox Russians. The city is separately important to each group's national history. For the Tatars, Kazan, the capital of the Republic of Tatarstan, a semiautonomous region of the Russian Federation, is remembered as the seat of their Islamic state that held sway over Russian principalities to the west for three centuries before facing defeat at the hands of Moscow in 1552. This loss of statehood was followed by periods of forced Christianization – and, for much of the twentieth century, forced atheism – in and beyond Kazan. For the Russians, their victory over Kazan not only commenced the rapid expansion of a multi-ethnic

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empire but also "signaled the beginning of the Russian *reconquista*" aimed at liberating Christian lands, including Jerusalem and Constantinople, from the Muslims.[1]

In light of its geography and history, Kazan would seemingly be counted among the world's religiously divided frontier cities, which, according to Kotek, are characterized by three elements: "sovereignty's quarrel, double legitimacy and conflict."[2] To be sure, the Kazan-based government formed the vanguard of post-Soviet Russia's "parade of sovereignties,"[3] an assertion of territorial autonomy that, although stopping short of separatism, threatened to divide the city, along with the broader region, along ethno-confessional lines. Yet Kazan, enjoying unprecedented independence from Moscow throughout the 1990s, managed to avoid the type of ethno-religious-based conflict visiting other frontier cities, such as Jerusalem, Sarajevo, and Belfast (not to mention Grozny). In fact, Kazan today, with its skyline graced in tandem by the minarets of the grand Kul Sharif Mosque and the signature onion domes of the Cathedral of the Annunciation, positions itself as a model of inter-confessional harmony in a world where religious difference frequently is associated with internecine strife.

What lessons might Kazan offer other religiously divided frontier cities? In approaching this question, a framework centered on borders is employed. This is in light of the fact that frontier cities, located along ethno-religious fault lines, are disputed because they confound the political-territorial ideal in which distinct cultural groups presumably are afforded their own discrete territories. However, as Klein asserts in his discussion of Jerusalem,

> *"...conflict in the frontier city is not only over sovereignty, but also on collective identity, narrative, social control, spatial division of labor, economics and control of resources, culture and administration."[4]*

Indeed, empirical and theoretical studies by cultural-political geographers increasingly focus on the social construction and maintenance of *discursive*, *symbolic* and *institutional* borders which define and separate cultural collectives at various scales, including "the local and micro scales of sociospatial activity."[5] A look into how these types of borders have been negotiated in Kazan might well prove instructive for other frontier cities divided by religion.

Discursive and Symbolic Borders in the Frontier City

Defining who is "in" and who is "out" of an ideal community, discourses produce boundaries at all scales and therefore are integral in the social construction of collective identity. The Tatar political leadership of Kazan, in justifying its claim to territorial autonomy, crafted a narrative of a historically wronged cultural group. Instrumental was cultivating a sense of place among the region's Russians

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[1] Allen Frank and Ronald Wixman, "The Middle Volga: Exploring the Limits of Sovereignty," in *New States, New Politics: Building the Post-Soviet Nations*, eds., Ian Bremmer and Ray Taras (Cambridge: Cambridge University Press, 1996), 140.

[2] Joël Kotek, "Divided Cities in the European Cultural Context," *Progress in Planning*, vol. 52, 1999: 228.

[3] Henry Hale, "The Parade of Sovereignties: Testing Theories of Secession in the Soviet Setting," *British Journal of Political Science*, vol. 30, 2000: 31-56.

[4] Menachem Klein, "Old and New Walls in Jerusalem," *Political Geography*, vol. 24, 2005: 59.

[5] David Newman, "The Lines that Continue to Separate Us: Borders in our 'Borderless' World," *Progress in Human Geography*, vol. 30, no. 2: 144.

that stressed their closeness – a psychological similarity based on a centuries-long physical proximity – to the Tatar people. For example, this narrative is seen in a government-sponsored publication, which asserts that the region's two largest ethnic groups are united by a common territory and share a common "social culture" (*bytovaia kul'tura*):

> "*Tataria is our common home, our common care. For the Tatars, who have lived here from time immemorial, this land is their mother's bosom where they formed as a nation. For the duration of seven centuries they had their own statehood, which they have now regained. ... For Russians, who also have lived here for centuries, Tataria has also become their native land. The Volga Russians [volzhane-russkie] have formed a way of life that is clearly different from that of other Russians.*"[6]

Hence, this discourse works to produce boundaries that unite Tatars and Russians within the region. It also distances Volga Russians from their ethnic brethren beyond the region. This inclusive bordering narrative, echoed in public speeches delivered by Tatarstani President Mintimer Shaimiev,[7] contrasts sharply with those of other religiously divided frontier cities. For example, when asked how Northern Ireland became predominantly Protestant, Deagan de Bredun, the bureau chief at *The Irish Times*, summarized in five words the story oft-repeated among Belfast's Catholics: "Invasion, conquest, settlement, plantation, migration."[8]

Ensuring the protection, cohesiveness, and solidarity of a community, symbols act as borders that nurture and sustain collective identity. In religiously divided cities, synagogues, churches, and mosques often are the most important symbols of group identity. Indeed, perhaps the most important symbol of the Tatars' post-Soviet national revival, a project aiming to restore the invisible confessional boundaries collectively distinguishing them from Russians, was the reconstruction of the Kul Sharif Mosque within the confines of the Kazan Kremlin. Built as a replica of the mosque destroyed by Muscovite troops in 1552, the resurrected religious structure physically reaffirms the cultural collective's historical legacy and in so doing contributes to the transcendence of the "colonial/dominated quality of Tatar identity."[9] Importantly, in commencing the reconstruction of the Kul Sharif Mosque, the Tatar government simultaneously ordered the complete refurbishment of the Cathedral of the Annunciation, which, following Moscow's defeat of Kazan, had been constructed on the very foundation where the original mosque formerly stood.[10] Thus, in giving respect to the physical

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[6] R. Akhmetov, "O Nashem Patriotizme," [About Our Patriotism] in *Respublika Tatarstan: Noveishaia istoriia*, [Republic of Tatarstan: The Newest History] eds., Farid Mukhametshin and Liubov' Ageeva (Kazan: Medikoservis, 2000), 51.

[7] See generally Mintimer Shaimiev, *Tatarstan: Progress cherez stabil'nost'* [Tatarstan: Progress through stability] (Kazan: Idel Press, 2001).

[8] Quoted in Dominic Beggan and Rathman Indurthy, "Explaining Why the Good Friday Accord is Likely to Bring a Lasting Peace in Northern Ireland," *Peace and Change*, vol. 27, no. 3, 2002: 331.

[9] Azade-Ayse Rorlich, "History, Collective Memory and Identity: The Tatars of Sovereign Tatarstan, *Communist and Post-Communist Studies*, vol. 32, 1999: 380.

[10] The destruction or usurpation of mosques, synagogues, or churches and their subsequent replacement by or conversion to the conquerors' holy buildings is a highly symbolic act that signifies the complete subjection, and even literal extermination, of the enemy group. This is a practice with a long tradition. Early Christian rulers appropriated Greek and Roman pagan temples and turned them into churches; the Parthenon is a famous example. Hindu temples in Pakistan and India were commonly demolished by Muslim conquerors and overlaid with mosques. Soviet authorities, of course, employed this tradition, re-inscribing traditional holy sites with their own quasi-religious ideology. No faith was spared in the communist regime's drive to stamp out traditional religion and re-inscribe the

emblem of the Tatars' lost statehood, a religious structure important to the ethnic Russian nation, Kazan shows that the demarcations underpinning collective identity, though generated in distinction *from* the Other, need not be directed *against* the Other.[11] But, if the Kul Sharif Mosque and the Cathedral of the Annunciation separately undersign divergent ethno-national bordering processes, taken together, as seen in panoramic representations of the Kazan Kremlin, they provide a new and inclusive symbol that creates an inclusive boundary that defines the city.[12]

Linguistic Borders in Kazan: Transcending the Dual Landscape

The symbolic boundaries shaping national culture are expressed in seemingly banal ways that, in the context of the frontier city, can easily become points of bitter contention. For example, take the languages of street signs, which Klein likens to "barricade walls" protecting a community's cohesiveness.[13] In asserting its autonomy in the early 1990s, the Kazan government passed legislation making both Russian and Tatar official languages of Tatarstan,[14] an institutionalization of culture which manifested itself publicly in bilingual signage throughout the city. For the remainder of the decade, while the Tatar language was printed in a Cyrillic alphabet, its increasingly public presence raised no local objections. However, in 2000, when the Tatars' decision to switch to a Latin-based alphabet[15] was tested on the urban landscape, Moscow intervened to halt a bordering process that, as one Kazan-based newspaper observed, would strengthen the Tatars' "place in the Turkic world."[16] It's important to note, though, the federal center's interference garnered little support by the Russians of Kazan. Nonetheless, Moscow's continuing refusal to permit the Tatars' control of their own culture is symptomatic of a tendency that reverses Kazan's previously enjoyed autonomy.

Kazan's bilingual landscape[17] should not be mistaken for a dual landscape in which cultural difference is exaggerated through parallel governmental institutions and spatial segregation. Murphy[18] has shown how these dynamics have contributed to Belgium's current travails. In religiously divided Belfast, where, for example, Catholic children and Protestant children attend separate schools, a dual

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landscape with their totalitarian ideology. It is instructive that, while the Soviets destroyed thousands of holy Christian sites, including the largest and third-largest cathedrals in Moscow and Irkutsk respectively, they left the Cathedral of Annunciation in Kazan and St. Basil's Cathedral in Moscow intact. These churches, both symbols of the Russians' defeat of the Tatars in the sixteenth century, an event that heralded the onslaught of empire, were deemed untouchable by the Soviets.

[11] This lesson is starkly contrasted by the post-socialist experience in religiously divided Mostar, where Catholic Croats targeted mosques for destruction and Muslim Bosniaks did the same to Catholic churches, forces from each side recognizing that the elimination of an enemy group is precipitated by the elimination of its symbolic borders.

[12] See Nadir Kinossian, "The Politics of the City Image: The Resurrection of the Kul-Sharif Mosque in the Kazan Kremlin (1995-2005)," *Architectural Theory*, vol. 13, no. 2, 2008: 188-205.

[13] Klein, 2005.

[14] Until then, only Russian was recognized as an official language.

[15] See Dilyara Suleymanova, "International Language Rights Norms in the Dispute over Latinisation Reform in the Republic of Tatarstan", *Caucasian Review of International Affairs*, vol. 4, no. 1, 2010: 43-56.

[16] Sofiia Saiganova, "Turki Roiut pod Rossiiu Cherez Tatarstan," [Turks are digging under Russia through Tatarstan] *Vremia i Den'gi*, 8 February 2001: 3.

[17] The Kazan-based government until recent years pursued a policy of eventual functional bilingualism among all residents of Tatarstan, requiring all students, regardless of ethnicity, to study Tatar. This policy has effectively been halted by Moscow.

[18] Alexander Murphy, "Belgium's Regional Divergence: Along the Road to Federation," in *Federalism: The Multiethnic Challenge*, ed., Graham Smith (London: Longman, 1995), 73-100.

landscape, often physically separated by "peace walls," inhibits reconciliation between Republicans and Unionists.[19] Post-Dayton recovery and redevelopment was hampered in Bosnia's divided cities, where "half-mayors" oversaw municipal functions on either side of boundaries dividing populations along religious lines.[20] In Kazan, however, Tatars and Russians, though demarcated by invisible cultural borders, are integrated in all other respects, including spatial dwelling patterns.

Concluding Remarks

A few preliminary lessons can be taken from Kazan and applied to other religiously divided cities. First, past narratives and symbols of conflict are not immutable. They can be reinterpreted or new ones that are inclusive or reconciliatory can be developed, if political elites take the initiative. The destruction of the bridge linking the Catholic and Muslims sides of Mostar, for example, was so symbolic of the wartime hostilities that engulfed that city. New narratives and symbolizations should focus on the bridge's role in reconnecting the two formerly antagonistic sides. In Belfast, new murals emphasizing the current peace could counter the power of existing militant partisan murals. Also, there is particular support for memorials honoring all the victims of the conflict,[21] an idea that could be applied to other religiously divided cities. Second, the economic benefits of peace should be emphasized. Indeed, as witnessed by the increasing numbers of visitors, foreign and domestic alike, to Kazan, there is a growing tourism market for cities home to religious diversity. Perhaps the most profile guest to Kazan is United States' Secretary of State Hillary Clinton, who last October paid a visit to both the Kul Sharif Mosque and the Cathedral of Annunciation and praised the city for its interfaith harmony. A cultural frontier city could hardly ask for a better public relations endorsement.

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[19] See Joanne Hughes and Caitlin Donnelly, "Community Relations in Northern Ireland: A Shift in Attitudes," *Journal of Ethnic and Migration Studies*, vol. 29, no. 4, 2003: 643-61.
The Good Friday Accord, however, has led to the creation of a power-sharing government in Belfast, signaling a reversal that "is likely to bring long-lasting peace," according to Beggan and Indurthy, 2002: 331.
[20] See Julia Demichelis, *NGOs and Peacebuilding in Bosnia's Ethnically Divided Cities*, United States Institute of Peace Special Report, No. 32, 1998.
[21] See Kris Brown and Roger MacGinty, "Public Attitudes Toward Partisan and Neutral Symbols in Post-Agreement Northern Ireland," *Identities: Global Studies in Culture and Power*, vol. 10, 2003: 83-108.

"THE CURRENT TREND OF THE KREMLIN IS TO RATHER FORMALLY DISTANCE ITSELF FROM THE NORTH CAUCASUS"

Interview with Dr. Emil Souleimanov[*]

Conducted by Jesse Tatum, Interview Editor of CRIA

Dr. Emil Souleimanov.
Source: emilsouleimanov.eu

CRIA: Can you contextualize the recent surge in violence in the North Caucasus, especially in Daghestan and Ingushetia.

Souleimanov: In my understanding, the ongoing violence in the North Caucasus can be understood as an outcome of the continuous intermingling of ethnic nationalism, religious fundamentalism (some call it "Jihadism" and militant Islam) and customary law of the mountainous Caucasus.

In other words, some North Caucasians found themselves in the resistance movement because of their ethno-separatist aspirations – their desire to free their homeland, to make it independent on Moscow, to establish nation states. This was especially the case in Chechnya in the last decade.

Then, after the interwar period in Chechnya, a new phase emerged in which religious identification started playing an increasingly crucial role – and the North Caucasus resistance began associating itself with the local (North Caucasian), to some extent also global, jihadist movement rather than with ethno-nationalist separatism. Hence the ethno-nationalist identity declined in importance as the Chechen battlefield transformed over the years into a North Caucasian or rather North-East Caucasian one; Chechens, Daghestanis, Ingush and others became increasingly aware of their common Islamic heritage, as well as local (North Caucasian, or highlander) identity, which was to cement their sense of solidarity in an attempt to gain independence from Moscow and eventually establish some sort of supranational Islamic state (thus reviving the tradition of Imam Shamil's imamate) in the region.

Besides that, rules of traditional customary law (adat) still play a crucial role in the North-East Caucasus – in contrast to the North-West Caucasus, which is much more Russified and Westernized – as does the blood feud; and the archaic concept of honor is still intact in the

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traditionalist eastern parts of the Caucasus, which explains why the level of violence is so high in Chechnya, Ingushetia and Daghestan. To put it in other words: if you offend me or offend, kill or lethally injure a relative of mine, I shall do my best to retaliate – regardless of what my political persuasion actually is – I shall take revenge by killing the offender or, if I fail to do so, his closest male relative, be he a soldier, police officer or anyone else. So if the police kidnap a relative of mine or me on the suspicion that we are a "Wahhabi," or just in the hope to make some ransom money, or any other reason, beats me/him or humiliates me/him, I will have to take revenge, whatever the price of such retaliation. Because I am alone and the state authorities are strong and corrupt, I need some backing, whether organizational or financial – to achieve my goal – and that is why I am very likely to join resistance fighters up in the mountains. In doing so, I will be very likely to adapt to their way of thinking, which is now dominated by some sort of Jihadism, as do youngsters from across the North Caucasus who join the resistance movement because of their strong ideological persuasion, since they blame the pro-Moscow local authorities of all deadly sins. Now we are facing a new wave of violence in Daghestan, Ingushetia and Chechnya in which a local mixture of the blood feud and regional separatism cloaked in Jihadism plays an increasingly significant role.

I have explained this process in a detailed way in my recent book, An Endless War (2007).

CRIA: Ingushetia's president Yunus-Bek Yevkurov blamed corruption as the main factor behind ongoing violence and banditry (RFE/RL, Nov. 23, 2009). How accurate is this claim? What is the next step for the president in tackling the issue?

Souleimanov: Corruption as such is very unlikely to force people into killing others, although it is extremely instrumental in alienating the population from local governments, not only in Ingushetia but also across the North Caucasus republics. As I have mentioned above, one of the major reasons explaining the ongoing violence in the region is the ruthless behavior of the local police and the military authorities in fighting the real or alleged "Wahhabis" or in just making some money, combined with the typical North Caucasian nepotism where all profitable businesses, offices and, in some cases, even organized crime across the region, especially in Ingushetia, have been held by the relatives and close friends of the political elite, which Moscow has quietly accepted due to its specific political interests. If Yevkurov succeeds in breaking this circle and still remains alive, it will be his – and the entire region's – major accomplishment within the recent decade. Nevertheless, I am rather skeptical regarding whether he succeeds in his manifested endeavor.

CRIA: Can you summarize Moscow's current role in this milieu? How has it changed over the last ten to fifteen years?

Souleimanov: Moscow's main goal since 1991 has been to make sure the North Caucasus remains under its strict control. However, as we may look at it in a long-term perspective, its actions, as well as the actions of the local governments, have contributed to quite an opposite outcome: with the exception of North Ossetia, the North Caucasus, especially its eastern part, have never since the First Chechen War (1994-1996) been so alienated by Moscow and local governments. The current trend of the Kremlin is to rather formally distance itself from the region

and have its will carried out by the local governments, giving them carte blanche for their problematic economic activities as has been the broadly discussed case of Ingushetia.

CRIA: Will Medvedev's idea of placing a federal-level leader in charge of the entire North Caucasus improve the situation? Would Ramzan Kadyrov – reportedly the leading candidate for such a position – be suitable?

Souleimanov: No federal-level leaders will ever help improve the situation in the North Caucasus in any substantial way unless there is a clear political will in Moscow that this is to be done; however, such an initiative would mean a drastic shift in the Kremlin's policies toward the region, which is quite unlikely to happen in these days, given Russia's attitude toward the region. If put in such a position, Ramzan Kadyrov, given his character, previous position as autocratic leader of Chechnya and quite troublesome relationship with the Daghestani and current Ingushetia authorities, would only aggravate the overall situation in the North Caucasus rather than improve it.

CRIA: What are your thoughts on the potential for increased levels of inter-republic tension?

Souleimanov: Relations between the Turkic (Karachay, Balkar) and Adyge (Cherkes, Kabardey) populations of the North-West Caucasus have traditionally been uneasy, as are the relations between the various ethnic groups in the multiethnic republic of Daghestan. The tensions between the Ingush and North Ossetians are still high, albeit latent, after the bloody events of 1992 in the Prigorodniy district; a specific exception being the rather historically positive relations between the Muslim North Ossetians and the Ingush. The ongoing violence in the North Caucasus helps boost the sense of supranational (religious, regional, cultural) solidarity of North Caucasians, as ethnic identity plays a rather minor role in the resistance movement. However, it is a fact that, for instance, rural and, on average, more traditionliast Avars are more active in the resistance movement than the urban Kumyks, which then contributes to a relatively high level of mutual distrust amongst various ethnic groups in Daghestan. At the same time, as far as tensions between particular republics is concerned, the main source of instability has so far been the troublesome behavior of Ramzan Kadyrov's forces vis-à-vis Chechnya's neighbors to the west and east.

CRIA: Do unstable borders have any particular implications for Azerbaijan and Georgia, or for further north of the North Caucasus republics themselves – in Moscow, for example?

Souleimanov: Baku is traditionally suspicious of the activities of different religious and ethno-religious groups based on the country's north. These mountainous areas, inhabited mostly by Sunnis either of Azerbaijani, Avar, Lezgin or other North Caucasian populations, have historically been closely connected to Daghestan. Increased tensions in Daghestan are very likely to have a direct impact on Azerbaijan's rather traditionalist North. Islam also plays significant role, and the level of social mobilization is thus considerably higher than in some other areas of Azerbaijan. This is especially true for the country's Lezgin and Avar communities, which associate themselves with their ethnic brethren based in Daghestan as least as much as with the idea of Azerbaijani statehood.

As for Georgia, the northern areas of this South Caucasian country bordering Chechnya, inhabited by the Kists (ethnic Chechens, part of whom were evangelized and then Georgianized centuries ago), as well as by the Chechen refugees from the First and Second Chechen Wars, may be of concern to Tbilisi. Because of the smaller numbers of Kists and Chechens inhabiting Georgia's north than that of Avars, Lezgis and Sunni Azerbaijanis inhabiting Azerbaijan's north, and because of the fact that the Chechen/Kist community is rather isolated in Georgia in both political and geographic terms, the implications for Azerbaijan are more likely to be serious should the situation in Daghestan further deteriorate.

BOOK REVIEW

THE GUNS OF AUGUST 2008

RUSSIA'S WAR IN GEORGIA

EDITED BY SVANTE E. CORNELL AND FREDERICK STARR

Review by Till Bruckner[*]

"At the very least, it will be all but impossible hereafter for anyone to deny that Russia had engaged in detailed planning for precisely the war that occurred," write editors Svante Cornell and Frederick Starr of the Central Asia–Caucasus Institute & Silk Road Studies Program in the introduction of their new book on the August 2008 conflict between Georgia and Russia.

The volume develops three main themes. First, it presents evidence that Russia had been actively engaged in preparing for fighting a war against Georgia prior to August 2008. Second, it argues that the culpability for the conflict lies overwhelmingly with Russia. Third, it claims that Georgia's actions were justified both morally and legally, irrespective of who may have fired the first shot in that fateful month.

The volume fully achieves its main aim, documenting convincingly that Russia had been preparing for a military confrontation in the region. Andrei Illarionov, a former Chief Economic Advisor to Putin, asserts that Russia's rulers had decided to wage war against Georgia as early as 1999-2003. While this claim is insufficiently supported – extraordinary claims require extraordinary evidence, which Illarionov fails to provide – the bulk of his chapter chronicles in detail Russian preparations for a conflict from May 2008 onwards, including troop increases, railroad repairs and the Kavkaz-2008 military exercises. David Smith further expands on this theme, arguing that Russia had been preparing for a war of

aggression against Georgia since Kosovo's declaration of independence in February 2008. The leadership in Tbilisi had been aware of these preparations, Smith asserts, but its allies in the West turned a blind eye to the compelling evidence presented to them over a period of months and failed to react effectively to Georgia's repeated pleas for help. In the third chapter, Russian military analyst Pavel Felgenhauer also supplies evidence that Russia had been engaged in preparations for conflict for several months preceding the conflict.

While the data compiled by Illarionov, Smith and Felgenhauer leave no doubt that Russia had indeed been preparing for conflict, preparing for war is not the same as planning to launch a war of aggression. In fact, Russia might have had good reasons to believe that Georgia – a country that was publicly committed to rapidly reclaiming both South Ossetia and Abkhazia by all means necessary – might have been intending to force a military solution upon Russia's allies in the region.

Thus, in order to pinpoint Russia as the culprit, it is necessary to support the evidence for preparations with an assessment of culpability. Who actually started the war? Illarionov's key 'smoking gun' is the arrival of Russian journalists in Tskhinvali one week before the full-scale fighting began, an event that he documents extremely well. However, following this line of argument, Moscow might have sent in its media because it knew that Georgia was about to attack, and simply positioned journalists to help legitimize its subsequent reaction to an initial Georgian aggression. Felgenhauer seems agnostic on the question of who fired the first shot, but argues convincingly that Georgia's leaders had not expected to encounter a fully-fledged Russian invasion force. This casts doubt on Smith's version of the events, according to which it had been clear to anybody who wished to see that Russia was preparing for a large-scale cross-border incursion.[1]

In her chapter, legal expert Johanna Popjanevski states that "both sides are responsible for the escalation of hostilities in July and early August" 2008. Her article focuses on the events in the days and hours immediately prior to the Georgian advance into Tskhinvali. Tbilisi claims that it only attacked after Russian troops had already started rolling into South Ossetia through the Roki tunnel, while Moscow maintains that Georgian troops moved first, forcing it to invade. After a review of rival claims and timelines, Popjanevski leans towards the Georgian version, cautiously concluding that "the evidence of Russian troop movement on August 7 is compelling but for now circumstantial."

This lack of hard evidence itself seems strange. The United States has never presented the world with satellite imagery that would conclusively prove an initial Russian incursion. With a major Russian military build-up underway on the borders of a key US client state, and clear skies over South Ossetia during the days in question, it is hard to believe that no US satellite was in position at the time. Notably, in the early days of the war, the United States merely berated Russia for its "disproportionate *response*"[2] (my emphasis), implying recognition that Georgia moved first.

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[1] In fact, Smith – portrayed as a scholar and "columnist" in his short biography at the end of the volume – is commonly regarded in Tbilisi as a propagandist paid to present the Georgian government in the best possible light, and to support it as an advisor. This reviewer finds it hard to understand why the editors solicited a contribution by a spin doctor for publication in a scholarly volume.

[2] Michael Abramowitz and Colum Lynch, "Bush, Cheney Increasingly Critical," *Washington Post*, August 11, 2008, http://www.washingtonpost.com/wp-dyn/content/article/2008/08/10/AR2008081002311.html (accessed December 21, 2009).

Those interested in the question of who first initiated large-scale operations might want to read Popjanevski's chapter in parallel with a recent article by Wolfgang Richter, an army colonel who was involved in the Independent International Fact-Finding Mission on the conflict. Richter claims that President Saakashvili's order to attack "merely triggered the attack of [Georgian] forces which were already deployed in the field in combat order. Obviously, their logistical and tactical preparations, including those in the frontline, had started much earlier." While some Russian forces probably did pass through the Roki tunnel before the Georgian attack, Richter writes, "their size, functions and capabilities do not substantiate the claim of an imminent or progressing invasion."[3] This reviewer lacks both the military expertise and the data to decide which version of events comes closer to the truth.

Popjanevski hedges her position[4] by arguing that the question of who first initiated large-scale operations "should not be treated as the sole determinant for who was responsible" for two reasons. First, as it was Russia and not Georgia that crossed an international border in August, the burden of proof lies with Moscow – an excellent point, and one that has frequently been overlooked in the past. Second, international law permits a pre-emptive strike if an attack by the other side is imminent, which, according to Popjanevski, Georgia at the time had good reason to believe it was.

The core chapters of the book are framed by several additional contributions. Thomas Goltz provides an excellent overview of the historical context. While readers familiar with Goltz's book on Georgia will find little new here, his well-written and lively narrative will not disappoint newcomers to the region. Thornike Gordadze gives a useful summary of Georgian-Russian relations in the 1990s. Niklas Nilsson's chapter on Georgia's Rose Revolution is even-handed and rich in empirical detail but analytically weak, peppered with donor-speak about "vibrant civil society" and teleological references to a "democratization process on the back burner." Paul Goble discusses the "information war" between Russia and Georgia, while Stephen Blank and James Sherr deal with the international dimensions of the prelude and aftermath to the conflict, respectively.

Over wide stretches (and with some notable exceptions) "The Guns of August 2008" reads like an indictment of Russia more than an impartial and balanced piece of scholarship. In particular, the evident desire of some of the contributors to depict Russia as the 'bad guy' leads them straight into the trap of trying to paint Georgia as the contrasting 'good guy'. In this line of thinking, if Russia is aggressive, Georgia must be peaceable; if Russia is dictatorial, Georgia must be democratic. The resulting narrative of small, reasonable, peace-loving, democratic and – above all – innocent Georgia being maliciously savaged by a barbarous bear from the north is deeply misleading.

A retelling of the story of the August 2008 conflict as a clash between "good" and "evil" obscures three highly salient points. First, most South Ossetians and Abkhazians do not want to return into Tbilisi's fold. Second, a peaceful resolution of the conflict within a framework

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[3] Wolfgang Richter, "Initial Military Operations during the War in Georgia in August 2008," *Caucasus Analytical Digest*, No. 10, November 2, 2009, 5-9.
http://www.res.ethz.ch/analysis/cad/details.cfm?lng=en&id=109175 (accessed December 1, 2009).

[4] This reviewer contacted Popjanevski by email two weeks before this review was submitted, asking whether recent findings have caused her to change her assessment that "the evidence of Russian troop movement on August 7 is compelling". Regrettably, she did not reply in time for her answer to be included in this article.

of Georgian sovereignty was never a realistic option. Third, Georgia has been the main revisionist power in the region since 2004. The following section explores these three points in more depth.

1. The highly pertinent fact that a majority of people in both separatist republics are resolutely opposed to rejoining Georgia is consistently overlooked in the book. In over two hundred pages, this rather inconvenient truth is mentioned only once – in a single sentence by Stephen Blank. Out of eleven chapters, Thomas Goltz's historical overview alone offers hints as to why South Ossetians and Abkhazians resist reunification with Georgia. No other contributor ventures to point out that jingoism, racism and ethnic chauvinism are recurring and enduring features of Georgian political and social life. Rule from Tbilisi may have been unpopular in Soviet times; once Georgia became independent and free to mistreat its minorities with impunity, Georgian rule quickly became unbearable. This is not to suggest, of course, that ethnic Armenians, Ossetians or Abkhazians are necessarily more tolerant. The Abkhaz treatment of ethnic Georgians living in Gali is appalling, and Armenians have created what may be the most ethnically 'pure' country in the world. The fact that most people living in South Ossetia and Abkhazia today regard being bossed about by Medvedev's regime in Moscow as the lesser evil is testimony to how desperately unattractive the prospect of renewed Georgian dominance must seem to them.

For scholars and policy-makers alike, ignoring the aspirations of South Ossetians and Abkhazians and their leaders carries a heavy price. Just as Moscow mistakenly persists in regarding the regime in Tbilisi as a puppet show tightly orchestrated by America, the contributors to this volume seem to dismiss the possibility of independent volition and latitude for action by Tskhinvali and (especially) Sukhumi. The example of the successful reintegration of Adjara in early 2004 – which enjoyed the support of the majority of the local population, but was opposed by the local strongman and his backers in Moscow – cautions against completely ignoring or dismissing popular sentiment on the ground. Strong popular opposition in South Ossetia and Abkhazia to joining Georgia has significantly reduced the ability of local leaders to reach a compromise solution with Tbilisi.

2. A peaceful resolution of the conflict within a framework of Georgian sovereignty was never a realistic option.[5] To assuage the fears of South Ossetians and Abkhazians of surrendering to Georgian rule, Tbilisi suggested constitutional frameworks incorporating wide-ranging autonomy and safeguards for constitutional rights. However, no recent Georgian leader has displayed much concern with keeping his promises, let alone those of his predecessors, and none of them has proved susceptible to external restraint by unwritten conventions, parliamentarians or constitutional safeguards.

This pattern was repeated after the Rose Revolution, when President Saakashvili and his inner circle concentrated power in their own hands, placed themselves above the rule of law, threw many beneficiaries of the old system into prison and/or seized their assets, redistributed public sector positions to members of their own networks, curtailed Adjaran and local autonomy, curtailed civil liberties and hollowed out what was left of judiciary and media

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[5] Georgia's most realistic hope for a negotiated settlement was arguably to seek the partition of Abkhazia, with Georgia regaining the eastern part of the province in return for recognition of the status quo in the western part. President Saakashvili has confirmed that he suggested a solution along these lines to Russia in late June 2008. (http://www.civil.ge/eng/article.php?id=19282) His overture was rejected by Moscow; Tbilisi may have decided at that point that going to war offered the only hope of ever regaining its territories.

independence. As this reviewer has argued elsewhere, there were legitimate reasons for choosing this course of action at the time,[6] but it reinforced a pre-existing commitment problem vis-à-vis Tskhinvali and Sukhumi: neither ordinary people nor the elites in the separatist republics could trust Tbilisi to honour a deal once Georgians had regained power on the ground. Sacrificing constitutional democracy and the rule of law in pursuit of a stronger state was successful in some regards, but it worked directly against Tbilisi's stated goal of reintegrating Abkhazia and South Ossetia.

3. Since the Rose Revolution, Georgia has been the main revisionist power in the region, actively opposing the status quo. Time was working against its claims to territories where most ethnic Georgians had been expelled nearly a generation ago, but the separatist republics – Abkhazia in particular – seemed as unlikely to voluntarily surrender their independence as ever. Undaunted, the Georgian leadership repeatedly and publicly promised its electorate a speedy return to the lost lands, at times even unilaterally setting specific dates.

In the meantime, a newly confident – and comparatively solvent – Tbilisi armed itself to the teeth. From 2004 onwards, Georgia was one of the most quickly militarizing countries in the world, with military expenditures rocketing from 0.5 percent to 8 percent of GDP.[7] Incidentally, not a single contributor to the book mentions this massive Georgian arms build-up. (In contrast, several authors discuss Russia's escalating deployments of weapons and personnel.) Felgenhauer points out that Georgia's new doctrine and systems were not geared towards fighting a defensive war against Russia. In a report published in June 2008, the International Crisis Group noted that "Georgia remains determined to restore its territorial integrity, and hawks in Tbilisi are seriously considering a military option […]. It [Georgia] has quietly been making military preparations."[8]

To conclude, "The Guns of August 2008" contains some excellent material, but its strong pro-Georgian bias often undermines the quality of its scholarship, at times blurring the line between fact and fiction. Those unfamiliar with the history, culture and politics of the South Caucasus should take care to complement this book with other readings in order to get a balanced picture of the issues at stake.

Sadly, they may face an uphill task. Too often, academic scholarship on the region focuses on western preoccupations and works through western frameworks such as civil society (usually ill-defined), democratization (which is not happening) and formal structures as they appear on paper (which are usually meaningless). In contrast, this reviewer has yet to read a single mention of President Saakashvili's widely rumoured mental illness, details about opposition leader Nino Burjanadze's business interests or an in-depth discussion of the role of the

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[6] Till Bruckner, "Decision-Making and Georgia's Perpetual Revolution: The Case of IDP Housing" *Caucasian Review of International Affairs*, Vol. 3 (2), Spring 2009, 172-180. http://cria-online.org/7_5.html (accessed December 28, 2009). For a rival interpretation of the same developments that is much more critical of the ruling National Movement, see Irakly Areshidze, *Democracy and Autocracy in Eurasia: Georgia in Transition*, 2007 (Michigan: Michigan State University Press).

[7] Uwe Halbach, "The Longer 'Countdown to War'": Growing Confrontation between Georgia and Russia 2004-2008," *Caucasus Analytical Digest*, No. 10, November 2, 2009, 2-4, http://www.res.ethz.ch/analysis/cad/details.cfm?lng=en&id=109175 (accessed December 1, 2009).

[8] "Georgia and Russia: Clashing over Abkhazia," *International Crisis Group,* Europe Report No. 193, June 5, 2008, http://www.crisisgroup.org/library/documents/europe/caucasus/193_georgia_and_russia_clashing_over_abkhazi a.pdf (accessed December 22, 2009).

elusive but ever-present Rakeen corporation[9]. "Do you know what is *really* happening?" pundits in Tbilisi obsessively ask each other as soon as a new item comes up on the news, acutely aware that surface appearances and reality rarely match. Current scholarship[10] on Georgia usually fails to answer that question.

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[9] Rakeen is a property development company backed by members of the ruling family of Ras Al Khaimah, a constituent emirate of the United Arab Emirates (www.rakeen.com). Rakeen first appeared on the radar in Georgia in 2007, when it announced plans to invest a total of USD 1.5 billion in the country (http://civil.ge/eng/article.php?id=15261). Rakeen acquired major assets seized from oligarch Badri Patarkatsishvili when he fell from grace after supporting the November 2007 protests, including an amusement park and a controlling stake in the Imedi television channel (http://civil.ge/eng/article.php?id=21703). According to a foreign businessman based in Georgia, Rakeen's investments in the country seem to "make no economic sense" (interview in Tbilisi, 2008).
Georgia's main sources of foreign direct investment in the first three quarters of 2009 were the United Arab Emirates (through Rakeen) and Egypt, the latter driven by the company Fresh Electric (www.fresh.com.eg). The Georgian government announced in April 2009 that Fresh planned to invest at least two billion dollars in Georgia (http://www.civil.ge/eng/article.php?id=20651); at the time, Fresh Electric's website put the company's annual sales turnover at just USD 90 million.
Due to the continued insecurity of large-scale property rights – as illustrated by the seizure of the properties of Patarkatsishvili and others – big investors cannot stay aloof from politics in Georgia, but their role is rarely explored in the literature.
[10] For a refreshing exception to this rule, see Irakly Areshidze's book (cited above).
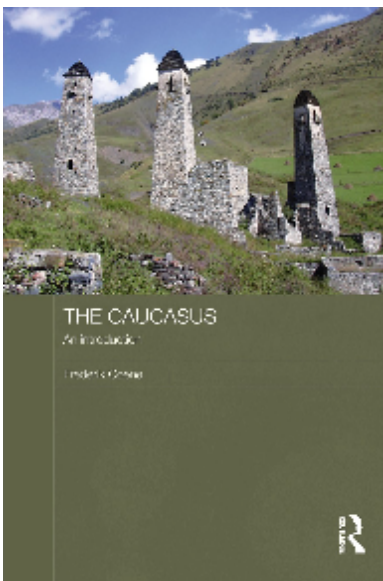
BOOK REVIEW

THE CAUCASUS: AN INTRODUCTION

BY FREDERIK COENE

(New York: Routledge, 2009, pp. 256, ISBN978-0-415-48660-6, $130.00)

Review by Alexander Jackson•

Frederik Coene is no stranger to the Caucasus. Currently the Attaché dealing with post-conflict assistance in the European Commissions' Mission to Georgia, he has also worked in organisations on both sides of the Caucasus Mountains, dealing with conflicts and developments. It is unfortunate that Mr Coene's on-ground experience – he worked in the North Caucasus during the savage violence of the Beslan school siege, for instance - does not always come through in this informative, but sometimes slightly shallow, volume.

To be clear, *The Caucasus: An Introduction* is intended to be just that. Mr Coene sets out his aim at the beginning: a thorough introductory volume which would "provide factual information [and also] help the reader to understand the Caucasus a bit better". The author argues that, for all the books on the Caucasus, there are none which combine and link the many different aspects of the region into a whole.

This is true to a great extent, but without the analysis which Mr Coene states he will not offer, it becomes difficult to link the different chapters - geography, administration, population and society, history, conflicts, international politics, economy, and culture – together, leaving him open to the same charge as his critics. Each chapter stands more or less alone.

Indeed, the main accusation that could be leveled at this volume is that its strength – its broad sweep – is also its weakness – a lack of any thorough assessment. The ongoing violence in the North Caucasus, a near-continuous cycle of insurgency and repression, is offloaded in a few dry sentences. Of the dynamics of the insurgency – the replacement of Chechen nationalism with extremist Islam, the huge upsurge in violence in Ingushetia and Dagestan (in particular) – Mr Coene says very little. Given his first-hand knowledge of the situation, these passages are crying out for additional colour and information. Although the danger of trying to write on current events is obvious – the references to the Georgian war are necessarily brief and already partly

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outdated – there was ample scope for more dynamic writing on the region's contemporary challenges.

The desire to cover so much ground inevitably leads to a lack of focus. The historical section is a dizzying blur of kings, with different empires rising and falling in the space of a few pages. To be sure, the evidence for many of these states and individuals is often scarce, and reading about the ebb and flow of Kartli or the Safavids may be a useful primer, but it cannot be much more than this. The chapters on conflicts and international politics – probably the most relevant chapters for the lay reader – lack the depth and analysis required to make them truly valuable reading. It may seem odd to some readers that the chapter on conflicts is only four pages longer than the chapter on geography, for instance. Indeed, a focus on geographical and administrative issues weighs down the first part of the book. The book is targeted at the lay reader, but it is hard to imagine many lay readers wishing to know about soil types or the structure of the legislature in Krasnodar Kray.

However, these criticisms should not detract from the book's merits. Its breadth is a drawback, but it is also a strength. Seldom in one volume has there been such an array of information gathered on the Caucasus, and as a reference volume, *The Caucasus: An Introduction* is very useful indeed. But as an in-depth analysis of the region's challenges, opportunities and ongoing dynamics, it leaves something to be desired.

About the author

Frederik Coene is currently Attaché dealing with post-conflict assistance in the Delegation of the European Commission to Georgia. His research on the Caucasus began in 1999 during his internship in the Office of the Secretary-General at NATO Headquarters. Since then he has researched, worked and travelled in all parts of the Caucasus.
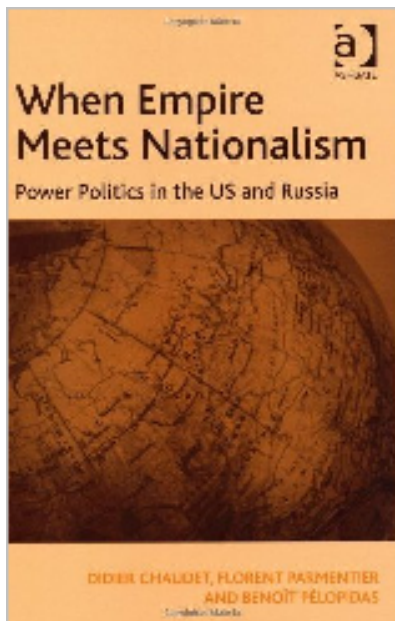
BOOK REVIEW

WHEN EMPIRE MEETS NATIONALISM.
POWER POLITICS IN THE US AND RUSSIA

BY DIDIER CHAUDET, FLORENT PARMENTIER & BENOÎT PELOPIDAS

Review by Samuel Lussac•

From the Iraq war in 2003 to the Russian-Georgian conflict in 2008, both neoconservative and neo-Eurasianist politicians have been held responsible for the recent power politics of Russia and the United States. After analyzing this issue in French in 2007[1] at the end of the presidential mandates of George W. Bush and Vladimir Putin, the English translation of the book[2] allows Didier Chaudet, Florent Parmentier and Benoît Pelopidas' work to reach a wider audience during the early days of Barack Obama's and Dmitri Medvedev's mandates.

The main argument of the book is to compare neoconservatives and neo-Eurasianists' worldviews and to confront the latter with the concept of empire. But in doing so, the authors also provide the reader with an in-depth study of these two political movements and of their impacts on the post–WWII foreign policy-making of Russia and the United States. The book is divided into three parts: the first one presents the genealogies of both neoconservatives and neo-Eurasianists; the second one confronts these movements to the notion of empire; and the third looks at how they position themselves regarding three main areas of Russia's and the United States' foreign policies: Islam, Turkey and Central Asia, and the Middle East.

Within this framework, the authors put forward an innovative study of both the neoconservatives and the neo-Eurasianists and of their concepts of empire. Five points should be highlighted. First, the authors are for the first time opening the "black box"[3] of neo-conservatism and neo-Eurasianism. They not only present each movement's genealogy, they also detail their roles in U.S. and Russian foreign policies. In this perspective, the last part of the book is very useful in understanding how neo-conservatives and neo-Eurasianists and their supporters deal with Islam, Central Asia and the Middle East.

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[1] Didier Chaudet, Florent Parmentier and Benoît Pelopidas, *L'empire au miroir : stratégies de puissance aux Etats-Unis et en Russie* (Genève, Paris: Droz, 2007).
[2] Chris Flower translated the book with the help of the authors.
[3] This concept refers to the work of Graham Allison on foreign policy-making. See *Essence of Decision. Explaining the Cuban Missile Crisis* (Boston: Little, Brown and Company, 1971).

Second, with an transdisciplinary approach as a theoretical leitmotiv, the authors provide the reader with an innovative definition of the concept of empire based on Dante's works. Thus, "empire" is defined here as "the continuing actualization by a political community of the narrative of its historical calling; the above-mentioned community embraces the difficulty of an indefinite expansion of its domination over an ever increasing territory likened to the whole world, upon which it imposes peace and offers to join its project of transforming the world" (p. 78).

From this definition, the authors draw a third interesting, though somewhat paradoxical point: neither the neo-conservatives nor the neo-Eurasianists are imperial but rather pseudo-imperial. The empire both movements promote does not lead to the enlargement of the territories of Russia or of the United States. It is rather instrumental to and deeply associated with nationalism. Their imperial project is ethnocentric: its main aim is not to expand the borders but rather to protect and to safeguard them and the identities that are within these borders.

The authors then distinguish two kinds of nationalism that fit with the neo-conservative and the neo-Eurasianist projects. Following the Wilsonian legacy, neo-conservatives promote a pseudo-imperial nationalism that rejects "otherness" and aims to change the world. The neo-Eurasianists, by contrast, support a hegemonic nationalism that is more philosophical: its supreme aim is to defend the status quo once its ambitions (mostly the expansion of the nationalist ideas within a predefined zone) have been fulfilled.

One could assume that the way in which neo-conservatives and neo-Eurasianists deal with empire is different, somehow opposite. The talent of the authors is to demonstrate that, on the contrary, both are linked by a similar conception of empire, labelled as "the empire of *ressentiment*". Both have experienced traumatic events: the 9/11 terrorist attacks for the neo-conservatives and the "Colour Revolutions" for the neo-Eurasianists. After these events, both neo-conservatives and neo-Eurasianists became aware of the vulnerability of their countries. U.S. foreign policy in the Middle East and Russian foreign policy in the post-Soviet space – or at least the way in which their foreign policies are interpreted by the neoconservatives and the neo-Eurasianists – is directly derived from such an analysis.

Thus, Didier Chaudet, Florent Parmentier and Benoît Pelopidas provide us with a very insightful book. Based on innovative concepts, they offer an interesting study of the post–Cold War foreign policies of both the U.S. and of Russia. It also avoids one of the main pitfalls often found in similar research, which is sometimes too didactic. Basing most of their analysis on primary sources and, at the same time, using a mix of academic references and popular ones (e.g. Dante, *Star Wars*), the authors develop very clear arguments in an easy-to-read way.

This book can be highly recommended to researchers working on the concept of empire or on U.S. and Russian foreign policies, as well as to readers outside academia who wish to know more about one of the two most important intellectual trends in the aftermath of the Cold War.

About the authors:

Didier Chaudet is a lecturer at the Institute of Political Science of Paris (Sciences Po Paris) and specialises in Central Asian politics. Florent Parmentier is a postdoctoral researcher at the Centre for European Studies at Sciences Po Paris and has worked extensively on the neighbourhood policy of the European Union. Benoît Pelopidas is a PhD candidate at Sciences Po Paris and at the University of Geneva. He is currently a research fellow at the Monterey Institute of International Studies in the United States.