

Sabine Fischer, Heiko Pleines (eds.)

The EU and Central & Eastern Europe

Successes and Failures of Europeanization
in Politics and Society

CHANGING EUROPE

Edited by Dr. Sabine Fischer, Dr. Heiko Pleines and
Prof. Dr. Hans-Henning Schröder

ISSN 1863-8716

Sabine Fischer, Heiko Pleines (eds.)

THE EU AND CENTRAL & EASTERN EUROPE

Successes and Failures of Europeanization
in Politics and Society

Bibliografische Information der Deutschen Nationalbibliothek

Die Deutsche Nationalbibliothek verzeichnet diese Publikation in der Deutschen Nationalbibliografie; detaillierte bibliografische Daten sind im Internet über <http://dnb.d-nb.de> abrufbar.

Bibliographic information published by the Deutsche Nationalbibliothek

Die Deutsche Nationalbibliothek lists this publication in the Deutsche Nationalbibliografie; detailed bibliographic data are available in the Internet at <http://dnb.d-nb.de>.

Dieser Titel ist als Printversion im Buchhandel
oder direkt bei *ibidem* (www.ibidem-verlag.de) zu beziehen unter der

ISBN 978-3-89821-948-8.

∞

ISSN: 1863-8716

ISBN-13: 978-3-8382-5948-2

© *ibidem*-Verlag
Stuttgart 2012

Alle Rechte vorbehalten

Das Werk einschließlich aller seiner Teile ist urheberrechtlich geschützt. Jede Verwertung außerhalb der engen Grenzen des Urheberrechtsgesetzes ist ohne Zustimmung des Verlages unzulässig und strafbar. Dies gilt insbesondere für Vervielfältigungen, Übersetzungen, Mikroverfilmungen und elektronische Speicherformen sowie die Einspeicherung und Verarbeitung in elektronischen Systemen.

All rights reserved. No part of this publication may be reproduced, stored in or introduced into a retrieval system, or transmitted, in any form, or by any means (electronical, mechanical, photocopying, recording or otherwise) without the prior written permission of the publisher. Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

Contents

List of Tables	7
List of Figures	8
Foreword	9
<i>Sabine Fischer and Heiko Pleines</i>	
Introduction	11
PART I. EUROPEANIZATIONS FROM ABOVE IN POST-SOCIALIST EU MEMBER STATES AND CANDIDATE COUNTRIES. CASE STUDIES OF SUCCESS AND FAILURE	
<i>Robert Sata</i>	
1. The Geopolitics of Minority Politics. Minority Rights under Europeanization in East-Central Europe	15
<i>Sihal Semsit</i>	
2. EU Enlargement Conditionality and the Europeanization of Regulations on the Flow of People. Comparative Analysis of Poland and Turkey Using the External Incentives Model	27
<i>Noemi Kakucs</i>	
3. Contested Global Strategies. Can and Will Gender Mainstreaming Become Local in Hungary?	39
<i>Ingi Iusmen</i>	
4. The Transformation of Child Protection in Romania. Institutions, Instruments and the Dynamics of Change	51
<i>Sanin Hasibovic and Manja Nickel</i>	
5. Governance of Domestic Violence in Central and South-Eastern Europe	65
PART II. CHANGING PERCEPTIONS, VALUES AND IDENTITIES	
<i>Raluca Prelipceanu</i>	
6. Highly-Skilled Migration and Societal Transformation in Romania. Implications for EU Integration	79

Elitsa Dimitrova

7. Family and Reproduction in Post-Socialist Bulgaria. Towards a New Demographic Transition 91

Robert Kulpa

8. Breaking the Silence. Some Thoughts About Gay and National Identities in Poland after 1989 101

Anna Wylegala

9. Memory, Memories and Rootedness. A New Polish Community in a Formerly German Town 111

PART III. CIVIL SOCIETY AND GLOBALIZATION PRESSURES

Marlene Spoerri

10. Democratic Parties with Undemocratic Practices. Examining Foreign Assistance to Political Parties in Serbia 123

Emira Ibrahimasic

11. Agency Through Struggle. Muslim Women's Identities in Secular Bosnia-Herzegovina 135

Ulla Pape

12. NGOs and HIV/AIDS in Russia. A Political Assessment 143

Thijs Rommens

13. The Impact of the European Neighbourhood Policy on Democratization in the South Caucasus 155

About the Authors 165

List of Tables

2-1: Table: Factors Affecting the Europeanization Process in Poland and Turkey on the Flow of People under the Framework of the External Incentives Model	33
7-1: Descriptive Statistics of the Ideal Age for a Woman or Man to Become a Parent	95
7-2: Result of Binary Logistic Regressions	97

List of Figures

7-1: Total Fertility Rate (TFR) and Mean Age at Birth of First Child in Bulgaria, 1960–2006	91
7-2: Extramarital Births in Bulgaria (% of all live births), 1960–2006	92

Foreword

This book presents a selection of the papers discussed at the Changing Europe Summer School on 'Central and Eastern Europe in a globalized world', held at the University of Bremen, Germany in July/August 2008. The Summer School brought together young academics from all over the world working on issues related to Central and Eastern European societies and the enlarged EU.

Since 2006, the Changing Europe Summer School has each year invited approximately thirty young academics from different disciplines (political science, sociology, history, anthropology, economics, law, geography) to share their work on Central and Eastern Europe. Our main goal is to give them a chance to present and discuss their research projects and become more integrated into the academic community. Participants are selected in an anonymous review process that is kindly supported by the members of our international review panel (for more information on the Changing Europe Summer School see www.changing-europe.de). The results of each Summer School are published in a book series.

It goes without saying that this book would not have been possible without ample support. First of all, our thanks go to the participants in the Summer School, who, with their enthusiasm and knowledge, made it an unforgettable event. We would also like to thank all the referees who supported us in the selection of appropriate participants. We are additionally grateful to all those who helped to organize the Summer School and the book production, namely Hilary Abuhove (language editing), Christopher Gilley (language editing), Judith Janiszewski (style editing), Olivia Koß (Summer School organization), Julia Kuszniir (organizational support), Matthias Neumann (technical editing), and Wojciech Rośkiewicz (organizational support).

Last but certainly not least, we want to express our gratitude to the Volkswagen Foundation for its generous support of the Changing Europe Summer Schools.

Bremen and Paris, March 2009

The Editors

Introduction

The changes in post-socialist Central and Eastern European countries have been affected by external influences more than any preceding wave of democratization. Most Central European states quickly and successfully set course for EU and NATO membership, which had major implications for the transformation of their polities, societies and economies. States and societies on the territory of the former Soviet Union and in the Balkans experienced more – as well as more severe – difficulties in their transformation, resulting in a broad spectrum of hybrid political regimes with varying degrees of European integration.

Europeanization is a two-way street. Consequently, the contributions in this book focus on two sets of issues: The first set revolves around the influence of external factors on the transformation processes in Central and Eastern Europe in the context of their relationship with the EU. The second set addresses the ways in which political systems, societies and economies have reacted (and continue to react) to these external forces and how they fit into the European environment.

For the purpose of this book, we use Radaelli's definition of Europeanization, which includes a variety of

processes of a) construction, b) diffusion and c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, 'ways of doing things', and shared beliefs and norms which are first defined and consolidated in the EU policy process and then incorporated in the logic of domestic (national and subnational) discourse, political structures and public policies.¹

The first part of the book deals with Europeanization 'from above', i.e. with the European Commission's deliberate promotion of specific rules, values and related policies during the integration process. Most of the studies conducted in the wake of the EU's eastern enlargement are marked by an inherent selection bias in that they focus almost exclusively on successful processes of Europeanization. By contrast, the contributions in this book include examples of failed Europeanization. The added value of these studies is their demonstration of the shortcomings and limits of Europeanization and of the EU's influence on new and prospective member states.

The contributions in this first part examine five policy fields. Robert Sata looks at minority rights and Suhal Semsit offers a comparative study of migration policies. Noemi Kakucs analyses the politics of gender mainstreaming, while Ingi Iusmen looks

1 Radaelli, Claudio M.: *Europeanisation. Solution or Problem?*, European Integration Online Papers, 2004 (Vol. 8), No. 16, pp. 3–4. An overview of the current state of research is given by Quaglia, Lucia et al.: *Europeanization*, in: Cini, Michelle (ed.): *European Union Politics*, 2nd edn, Oxford: Oxford University Press, 2007, pp. 405–420.

at child protection in Romania and Sanin Hasibovic and Manja Nickel jointly examine the governance of domestic violence. The fact that all of these policy fields have a strong normative dimension and address key rights considered part of European identity as defined by the EU allows for direct comparisons. In short, these studies highlight the severe limits of the EU's influence on the national regulation of these policy fields not only in prospective member states but also in countries that joined the EU long ago.

In the second part of the book, the perspective shifts to Europeanization as a process of changing perceptions, values and identities. This process is multi-lateral and much less hegemonic than the implementation of EU-designed policies. It is also much less centred on political actors. Taken together, the contributions in this part illustrate the wide variety of Europeanization effects and underline the necessity of a broader Europeanization approach, as implied in Radaelli's definition. They also provide evidence that the top-down processes described in Europeanization research are sometimes hard to dissect in empirical research. On the contrary, processes of changing perceptions, values and identities related to Europeanization have many directions.

Accordingly, the authors featured in this part contrast the monolithic focus on Europeanization with their observation of an immense variety of societal processes. Raluca Prelipceanu writes on highly-skilled migration in Romania, followed by Elitsa Dimitrova's investigation of Bulgaria's demographic transition. Robert Kulpa analyses Poland's changing sense of self through the prism of queer identity; Anna Wylegała scrutinizes local historical memory in Poland. These authors' contributions show that societal processes are much more complex than the 'common European value system' implicit in the Europeanization approach would suggest.

The third and final part of this book therefore goes beyond the Europeanization approach. It places Europeanization in the context of the various globalization pressures on civil society. The contributions in this part show that Europeanization is – especially in European countries that have not (yet) joined the EU – just one influence among many and often far from the strongest one. Marlene Spoerri takes a look at foreign assistance to Serbia's political parties. Emira Ibrahimovic examines Muslim women's attempts to exert agency in Bosnia-Herzegovina. Ulla Pape analyses Russian NGOs fighting HIV and Thijs Rommens studies the possible impact of EU policies on democratization in the Southern Caucasus.

The contributions in this volume reflect the wide variety of Europeanization processes taking place in Central and Eastern Europe. They not only serve to illustrate the significant differences among post-socialist transformations, but also highlight the variety of theoretical concepts and methodological approaches at our disposal to research different aspects of Europeanization in the broader context of globalization and identity changes.

Part I. Europeanizations from Above in Post-Socialist EU Member States and Candidate Countries. Case Studies of Success and Failure

1. The Geopolitics of Minority Politics. Minority Rights under Europeanization in East-Central Europe

The literature of nationalism is not only rich in detailed descriptions of particular ethnic conflicts, but much energy has also devoted to general theorizing about the nature of international minority rights. The relevant literature identifies three main groups of minority rights claims: recognition, participation and self-government. Much of the literature groups together the aforementioned categories of rights claims under the umbrella term of self-determination. I shall also focus our analysis on the principle of self-determination, as employed by international actors, and its relationship to international minority rights. Since international law on minority rights is not entirely clear-cut or monolithic, I shall consider some of the underlying tensions and the main contradictions of competing interpretations in the following pages. Along the way, I will identify the promoted principles and outline the different meanings of the right to self-determination to be found in various international instruments.

The birth of modern international law dates back to the 1648 Peace of Westphalia, which also established the first minority protection system of the international forum. The principle of self-determination is a more recent phenomenon, dating from the American and French revolutions.¹ Religion-based minority rights also dominated the peace treaties of the eighteenth century and the early nineteenth century, but it was the Congress of Vienna that first defined minorities as national groups and not merely religious communities, and also extended the principle of minority rights to these groups.²

WWI proved to be an important turning point for minority rights in that the principle of self-determination became an important instrument for the creation of new nation-states or joint-states, mainly in Europe. Given that the borders of existing nations and the newly created states did not fit each other neatly, a set of minority treaties was adopted to safeguard the minorities' right to self-determination.³ Nevertheless, one can argue that the League of Nations never fully endorsed self-determination as a universal right of the peoples because the treaties it ratified were aimed at protecting certain groups (but not others). In addition, the treaties were applied only to

1 Hannum, Hurst: *International Law*, in: Motyl, Alexander J.: *Encyclopedia of Nationalism*, San Diego/CA: Academic Press, 2001, pp. 405–419.

2 Jackson Preece, Jennifer: *Minority Rights in Europe. From Westphalia to Helsinki*, in: *Review of International Studies*, 1997 (Vol. 23), No. 1, pp. 75–92.

3 Armstrong, David: *From Versailles to Maastricht*, London: Palgrave Macmillan, 1996.

the defeated parties of the war or the new states and gave mandates to intervene on behalf of the minorities only to the victors.⁴

Many blamed the minority treaties for the great destruction that took place in WWII; therefore, the United Nations renounced minority rights as such and followed a different trajectory based on the evolution of human rights. Unlike in previous eras, minority rights were considered contrary to international peace and security, and the 1947 Paris Peace Treaties had nothing to say about language or cultural rights. European norms on minority protection evolved in a similar fashion. The European Convention on Human Rights⁵ and its Protocols contain no specific provision on minority rights.⁶ As such, European norms of minority rights endorsed individual over collective rights and negative over positive rights. In this sense, Europe conformed to the rest of the world, which accepted a principle of sanctity of borders and the territorial integrity of states rather than one promoting the self-determination of peoples.⁷

The most important elements of law-making by European institutions with respect to the internationalization of minority rights are the European Charter for Regional or Minority Languages⁸ and the Framework Convention for the Protection of National Minorities⁹ (FCPNM). According to the Charter, which was adopted in the spirit of the traditional conception of international minority rights, individuals are the sole bearers of these rights. It lists a wide range of instruments to promote the use of minority languages, but it leaves states with considerable leeway on how to implement them. The Charter protects only the languages themselves, not minority groups. Furthermore, the Charter does not apply to migrant or non-territorial languages and therefore discriminates in favour of historical minorities.¹⁰

The FCPNM is similar in its conception of minority rights since it does not provide 'clear claimable rights against the state' on the part of minorities.¹¹ The Convention does not define the subjects of the FCPNM and contains mostly programme-type provisions that allow states discretion in their implementation. The core issues of minority

4 Fink, Carole: *Minority Rights as an International Question*, in: *Contemporary European History*, 2000 (Vol. 9), No. 3, pp. 385–400.

5 Council of Europe: *The European Convention on Human Rights*, 4 November 1950, <http://www.hri.org/docs/ECHR50.html>

6 Medda-Windischer, Roberta: *The European Court of Human Rights and Minority Rights*, in: *European Integration*, 2003 (Vol. 25), No. 3, pp. 249–271.

7 Geldenhuys, Deon / Rossouw, Johann: *The International Protection of Minority Rights*, The FW de Klerk Foundation, 2001.

8 Council of Europe: *European Charter for Regional or Minority Languages*, 5 November 1992, <http://conventions.coe.int/treaty/en/Treaties/Html/148.htm>

9 Council of Europe: *The Framework Convention for the Protection of National Minorities*, 1 February 1995, <http://conventions.coe.int/treaty/en/Treaties/Html/157.htm>

10 Geldenhuys, Deon / Rossouw, Johann: *The International Protection of Minority Rights*, The FW de Klerk Foundation, 2001.

11 Deets, Stephen: *Reconsidering East European Minority Policy. Liberal Theory and European Norms*, in: *East European Politics and Societies*, 2002 (Vol. 16), No. 1, pp. 30–53, here p. 36.

protection that are explicitly enumerated are: the right to non-discrimination and protection of identity (art. 4, 5 and 6), linguistic rights (art. 10 and 11), educational rights (art. 12 and 13), effective participation and representation (art. 15), and trans-border co-operation (art. 18). The FCPNM also differs from a formal convention in that although it is a binding document, it is not easily enforceable because it is not directly applicable to domestic law but requires interpretation. Its weak wording and escape clauses, together with its deficiencies in the envisioned processes for signing, ratifying and implementing the clauses of the document, enable governments to 'slip through the cracks' with respect to its binding requirements.¹²

Nevertheless, the FCPNM constitutes the most significant development in international minority rights since it is the first multilateral treaty to deal exclusively with these rights that is binding, unlike previous international instruments, which contained only political obligations.¹³ Notwithstanding this positive development in international law with regards to minority rights, one must note that although minority rights have been on the EU's foreign policy programme regarding Central and Eastern Europe (CEE), they have rarely made it onto the EU's internal agenda. This has resulted in the criticism that the EU employs double standards vis-à-vis minority rights and lacks an overarching minority policy, which has in turn resulted in very different practices of minority protection in Eastern and Western Europe.¹⁴

Ongoing Europeanization has been a key concept for the development of minority protection in Europe because the EU has been generating a new type of multi-level governance that challenges the traditional notion of sovereignty. The Pact of Stability has proved to be the most influential instrument of European pressure to settle inter-ethnic relations through bilateral co-operation, linking accession to the EU to the successful settlement of minority issues and also allowing for direct intervention to break deadlock situations.¹⁵ Thus, the Europeanization of minority rights can happen in two ways: the EU as a framework can add new constitutional and policy options to the list

12 Gál, Kinga: *The Council of Europe Framework Convention for the Protection of National Minorities and its Impact on Central and Eastern Europe*, in: *Journal on Ethnopolitics and Minority Issues in Europe*, 2000 (Winter), pp. 1–17; Troebst, Stefan: *The Council of Europe's Framework Convention for the Protection of National Minorities Revisited*, in: *Speaking About Rights*. Canadian Human Rights Foundation Newsletter, 1999 (Vol. 14), No. 2, pp. 10–11.

13 Gilbert, Geoff: *Religio-nationalist Minorities and the Development of Minority Rights Law*, in: *Review of International Studies*, 1999 (Vol. 25), pp. 389–410.

14 Amato, Giuliano / Batt, Judy: *Minority Rights and EU Enlargement to the East*, RSC Policy Paper 98/5, European University Institute, 1998.

15 Besseney Williams, Margit: *European Integration and Minority Rights. The Case of Hungary and Its Neighbors*, in: Linden, Ronald (ed.): *Norms and Nannies. The Impact of International Organizations on the Central and East European States*, Lanham/MD: Rowman & Littlefield, 2002, pp. 227–258.