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HOW SHOULD THE EU RESPOND TO ILLIBERAL POPULIST GOVERNMENTS AMONG ITS MEMBER STATES? A POLICY MEMO ON EU STRATEGY

Áron Mátyás Tóth

ABSTRACT

The values of the European Union are persistently violated by illiberal populist governments -namely Poland and Hungary. European institutions and illiberal populist member states have clashed frequently, however, measures have failed to induce positive change as status quo policies (Article 7) have excess legal requirements. At stake is the political and ideological integrity of the European Union, and consequently, the EU's role on the global geopolitical stage. Therefore, with key factors, alternatives, and possible negative effects considered, *this paper advises the EU to propose linking structural funds to adherence to the rule of law in the subsequent financial framework.*

Key words: religion, blasphemy, God revengers, peace, fanaticism, war

Background

Populism has become a significant issue in the European Union as illiberal populist governments threaten the political and ideological integrity of the European Union by persistently violating the values of the EU laid down in Article 2 TEU and the Copenhagen criteria (human dignity, freedom, democracy, equality, the rule of law, respect for human (including minority) rights, pluralism, non-discrimination, tolerance, justice, solidarity and gender equality). Therefore, the EU must develop a framework for responding to illiberal populist governments.

Populism and the terms associated with it (people, elite, general will) are extremely vague, therefore it is essential to define populism in the European context. This paper defines populism as a political stance, a moralistic discourse that envisions a polarised, binary political environment with two antagonistic forces, i) the real people, the bearers of the general will and ii) the conspiring liberal elite, the so-called bureaucratic establishment (Mudde (2004) & Kaltwasser (2017), Norris & Inglehart (2016) and Albertazzi & McDonnell (2008). Although populism is not a coherent ideology, rather a malleable concept (Mudde, 2004) that can denote

a broad spectrum of phenomena by merging with other ideologies, contextualised within European liberal democracy, it generally refers to anti-immigration (xenophobia) and the rejection of progressive beliefs (Counterpoint, 2014). Populism can be understood as an “illiberal democratic response to undemocratic liberalism”: in this sense, “causes and effects of populism are interlinked and mutually reinforcing”, making it extremely hard to tackle it (Mudde, 2015; Morijn, 2019).

Identifying the relevant actors is key in order to provide an adequate recommendation to the EU on tackling illiberal populist governments among its member states. Currently, Hungary and Poland can be classified as illiberal populist member states. Though both Italy and Austria had populist parties in the governing coalition not so long ago, neither countries are relevant in this particular discussion, as the coalitions including populist parties have already broken up. Furthermore, these countries have not violated EU values to the same extent as their Eastern counterparts did. Therefore, this paper narrows the scope of discussion down to Hungary and Poland.

The World Justice Project’s Rule of Law Index is quantitative tool with a conceptual framework comprised of 8 main factors (further disaggregated into 44 sub-factors). Factors roughly coincide with the values laid down in Article 2 TEU. In this particular report, Poland (0.66) and Hungary (0.53) scored two of the worst scores (19th and 24th) in the EU, EFTA & NA. According to the latest annual report, both countries fall short from the EU average (0.731 with Cyprus, Latvia, Luxemburg, Malta, Ireland and Slovakia not included) in 2020 by a significant margin (Poland by an average of 0.2 and Hungary by an average of 0.3 factor score) on a scale ranging from 0 to 1) in almost every aspect. Furthermore, the report shows that while other low-scoring countries (Bulgaria, Croatia and Italy) are on an upward trajectory, Hungary and Poland face downward trends.

There also have been concrete actions taken by Poland and Hungary that were received with particular frustration by the European Union. Besides the systematic violation of minority and individual (sex and gender) rights, the penetration of state administration, the erosion of civil society and NGOs, corruption, gerrymandering, and party-takeover of the media (Ash, 2019; Davies & Rankin, 2020; Hutton, 2018), both Viktor Orban’s Fidesz and Jaroslaw Kaczynski’s and Andrzej Duda’s PiS grabbed hold of unprecedented power by overruling constitutional constraints.

Consequently, the values represented by and actions committed by Poland and Hungary are not compatible with those upon which the European Union was founded. Attacks launched on democratic and liberal values have been gradually fueling tensions between illiberal populist governments and EU members and institutions. For this reason, the EU has launched measures such as the suspension of rights procedure (Article 7 TEU) and infringement cases.

In particular, Poland adopted several laws that allowed the executive and the legislative branch to interfere in composition and functioning of the judicial branch (Cuddy, 2017) resulting in the European Commission launching the Article 7 procedure and the ECJ ruling that it was up to the Polish Supreme court to settle the dispute. The Article 7 procedure was also triggered against Hungary in 2018 due to constitutional degradation. Nevertheless, sanctions have not provided results, nor have they induced positive change (considering that the annual WJP Rule of Law Indexes report a worsening situation in both countries). For this reason, the EU must reassess its policy options.

With Poland and Hungary being two of the main benefactors of EU funds, it is problematic that funds are used to push forward agendas that are in conflict with EU principles. However, the underlying conflict is not solely material: Poland and Hungary (and the Czech Republic and Slovakia) fuel a longstanding East v. West politico-economic tension in the EU by “exploiting” the “subsidy paradox” (Gosling, 2020).

As demonstrated, the political and ideological integrity of the European Union is at stake. Should the EU fail to address the threat presented by illiberal populist governments, an incoherent and disintegrated EU would be very much likely to fail at responding to broader geopolitical challenges such as threats posed by Russia, China’s rise, the leadership-vacuum in Western institutions left by the US, global climate action or migration, just to mention a few. Consequently, the EU must reassess its policy options in terms of its stance towards the illiberal populist governments within the integration in order to preserve its own ideological and political coherence.

Policy options

This section provides recommendations on how to respond to illiberal populist governments on the EU-level. Recommendations account for the implications derived from the previous section and preserve the integrity of the EU. Therefore, this paper will not discuss proposals advocating

for non-punitive measures (e.g. non-state actor involvement; naming and shaming approaches) or measures that are not in accordance with political realities i.e. feasibility (e.g. treaty amendments; expanding the mandate of agencies or institutions). For the latter reasons, the EU has a very limited range of policy options (PO) given that policies must be aimed at illiberal populist governments, not parties or the wider phenomenon itself.

PO1: Simultaneous Invocation of Article 7 Procedures

This policy options refers to the “status quo” sanctioning mechanism, more precisely, the Article 7 TEU procedure. Perhaps the biggest advantage of this measures is that it is democratic, precedented and the legal framework already exists. Furthermore, Article 7 TEU is superior compared to the Article 258 TFEU procedure, as the latter can only be applied in specific cases (failure of fulfilment of treaty obligations), whereas the earlier can be applied for systematic violations. However, Article 7 procedures on previous occasions have not succeeded due to failure to fulfil legal requirements. As proceeding from 7(2) to 7(3) (the suspension of rights) requires unanimity, affiliated member states a priori vetoed the procedure aimed at the other. Poland and Hungary have already done so (presumably as some sort of quid-pro-quo), therefore individual procedures on their own are arguably inefficient.

The Article 7 procedure can only succeed if the European Commission invokes the procedure against Hungary and Poland at the same time, thus bypassing their veto power (Michelot, 2018). Legal scholars note that if the four-fifth of member states invoke Article 7(1) against another member state, the voting rights of the member state concerned are pending (not suspended) (Scheppelle, 2016). Presumably, if the procedure was invoked against Hungary and Poland at the same time, they would be unable to veto the use of Article 7(1) against each other (ibid). The main concern with this, however, is that the treaties do not condescend upon the particulars of two parallelly invoked Article 7 procedures, therefore the member states concerned would be very likely to challenge the legitimacy of the measure.

For this reason, it would be important to include an independent body e.g. the European Court of Justice as a third-party guarantor of fairness. The ECJ could, on one hand, depoliticise the process thus ensuring that the issue is not seen as a clash of East and West; on the other hand, the ECJ could also clarify the underlying legal precariousness. Nevertheless, it is worth noting

that launching two new Article 7 procedures not so long after two failed procedures would inevitably lead to loss of credibility with regards to the procedure.

PO2: Conditionality in EU funds

The EU could link availability and access to structural funds to adherence to the rule of law. With overall funds being disaggregated into 5 different funds (ERDF, ESF, EAGF, EAFRD, EF), the overall budget of these funds amounted for approx. €451 billion in the 2014-2020 Multiannual Financial Framework (MFF). From the overall €451 billion for 2014-2020, Poland received more than €63 billion (1st) and Hungary received more than €17 billion (5th).

For the 2021-2027 MFF period, the Commission could propose ex-ante and ex-post conditionalities (Selih et al, 2017) tied to adherence to the rule of law, meaning that the EU could suspend, reduce or restrict access to fund in a way “proportionate to the nature, gravity and scope of the deficiencies” (European Commission, 2018). In case of non-adherence, funds could still be allocated to CSOs, NGOs and local municipalities in order to ensure that the wider society is not harmed by sanctions.

Monitoring could be done by an inter-institutional framework consisting of the Fundamental Rights Agency, the European Council’s Venice Commission and the High Commissioner of Human Rights (Garrido & Castillo, 2019). Indicators could be provided by NGOs and CSOs and reports could be evaluated based on the Copenhagen criteria and Article 2 TEU. The final verdict should be decided by the European Commission, by qualified majority voting. The motion is advantageous as it is backed by a wide legal framework (TFEU Articles 121, 317, 322, 325) therefore the Commission could legitimise the imposition of such conditionalities without having to change the treaty or legislations (Selih et al, 2017). It is important to mention that recipients must already meet certain policy objectives and conditions. However, the Commission must make the rule of law conditionality and the criteria explicit by referencing a link between adherence to rule of law criteria and funds in the next regulatory framework (ibid). Though the Commission has to accept the MFF Regulation unanimously, linking structural funds to policy areas is not unprecedented (ibid).

PO2 has the potential to achieve compliance due to countries’ extent of dependency on EU structural funds. Also, it can be used against any member state, therefore PO2 is more versatile than PO1. On the flipside, even though the economic consequences are hard to assess precisely,

financial deficiency could lead to incentives for countries to open up their economy to Eastern investment (Poland to China, Hungary to China and Russia) (Michelot, 2018).

Solidifying regional economic differences by disincentivising investment in Central Eastern Europe can lead to economic and political polarisation (increased anti-EU sentiment; consolidation of trust in domestic actors) and the deepening of the East v. West divide (ibid).

PO3: Do not take any measures

The EU might also consider not taking any measure. The main argument in favour of a laissez-faire approach is, that by definition, every measure taken against an illiberal populist government will result in intensified populist narratives that can lead to the deepening of the divide within the EU. With Poland and Hungary being key actors in the “Eastern-bloc” of the EU, a Warsaw-Brussels or Budapest-Brussels clash can ultimately lead to an East v. West polarisation that can undermine the integration. Also, empirically speaking, measures taken against illiberal populist governments have not been able to achieve genuine results but hindered the functioning of the European Union.

However, not taking any measure is both morally and normatively wrong: assuming that the EU firmly believes in the principles upon which it was built, then it has a moral responsibility not only to promote, but to safeguard European liberal democratic values. Furthermore, strategically speaking, doing nothing projects internal and external weakness. On one hand, it would risk that illiberal populist governments continue pursuing their behaviour, thus projecting political weakness. Also, other members potentially adopting a similar behaviour can lead to further disintegration. On the other hand, not taking measures would signal the lack of power and cohesion both towards allies and rival powers. Foes within the EU would not only weaken the EU, but also NATO in the wider geopolitical context.

Policy recommendation: PO2

As preceding measures have failed to contain illiberal populist governments, the EU’s firm stance concerning the preservation and upholding of European liberal democratic is indispensable. Compliance with EU values is the prerequisite of cooperation and integrity. This paper therefore advises the EU to link structural funds to adherence to EU values (laid down in

Article 2 TEU and the Copenhagen criteria) in the next MFF (2021-2027) in order to achieve compliance from illiberal populist member states.

Specifically, the EU should:

- Propose conditionalities tied to adherence to the rule of law to the subsequent MFF, specifically, to the Cohesion Fund and to CAP funds (EAGF and EAFRD)
 - Conditionalities must be proportionate to the nature, gravity and scope of the deficiencies
- Accept the Common Provisions Agreement in a democratic process, preceded by an open dialogue with all member states involved
 - Explicitly articulate the criteria to meet for all member states in the next regulatory framework
 - Explicitly articulate the nature, gravity and scope of sanctions in case of non-compliance in the next regulatory framework
- Establish an interinstitutional monitoring framework with the involvement of third-parties in order to depoliticise the process (CSOs, NGOs)
- Ensure allocation to non-state actors even in case of non-compliance from the member state

The aforementioned objectives are intended to ensure a democratic, fair process while maximising gains and minimising costs with regards to the EU as a whole. The legal framework for PO2 already exists and PO2 would not be unprecedented. This particular policy option is desirable as conditionality only has the potential of sanctions but is completely up to the actions of a member state whether sanctions are invoked. Also, PO2 is the most versatile policy option mentioned in this paper as sanctions can be tailor-made.

On a negative note, PO2 has the potential to induce further politico-economic polarisation and solidify existing regional divides. The imminent financial deficiency can also possibly incentivise sanctioned member states to turn to alternatives i.e. opening up their economy to Russia or China.

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REVIEW: RESTRAINT: A NEW FOUNDATION FOR U.S. GRAND STRATEGY – BY BARRY R. POSEN

Tekla Gabritchidze

In an emerging multipolar world, the grand strategy of U.S. foreign and security policy is challenged by the growing number of International Relations scholars and researchers. In his latest book, *Restraint: A New Foundation for U.S. Grand Strategy*, MIT Ford professor, and a pre-eminent defensive structural realist of our day, Barry Posen denounces the current U.S. activist grand strategy and introduces the alternative grand strategy of Restraint. Posen's research projects focus on U.S. grand strategy and national security policy. Besides the current book under review, the scholar has published two books, *Inadvertent Escalation: Conventional War and Nuclear Risks* and *The Sources of Military Doctrine*. He is also the author of numerous articles including "The Case for Restraint," and "Command of the Commons: The Military Foundation of U.S. Hegemony." As the protégé of Kenneth Waltz, the main early figure of Neorealism, Posen's scholarship deeply echoes Waltz's sense of direction and the foundation of analysis. Posen was one of the first pioneers in political science who profoundly researched conventional military strategy and operations. His military knowledge is deeply reflected in the book discussed below.

Restraint: A New Foundation for U.S. Grand Strategy was first published in 2014 by Cornell University Press. The editors of the book, Robert J. Art, Robert Jervis, and Stephen M. Walt belong to the realist school of International Relations and like Posen, represent a stream of defensive realism in their works. As the book was published 6 years ago it does not reflect the recent developments in the world politics, such as the establishment of the ISIS caliphate and the great power proxy war in Syria, Russian annexation of Crimea and intervention in Ukraine, and trade war between the US, led by Trump administration, and China and its president Xi Jinping.

The architecture of the book is plain. First, it discusses the evolution of the Post-Cold war U.S. grand strategy that is widely called Liberal hegemony, the term coined by John Ikenberry. Then the author provides a critique of the current strategy and presents the political outlines of the

alternative grand strategy of Restraint. Finally, in order to support the political strategy, Posen describes the military aspects, the force structure, and the defence budget of Restraint.

Posen gives a very narrow definition of grand strategy and embeds it in Realism's most important notion, security. According to Posen's definition, security is about sovereignty, territorial integrity, the safety of the people, and the power position of the state. (Posen 2014, p.1) The power is a relative concept, thus states are interested to secure their relative set of capabilities vis à vis other states to preserve the first three elements of security. The capabilities comprise a wide range of aspects such as geography, population, military power, and economy. (Posen, 2014, p.3) As all of these resources are scarce, the grand strategy is about managing scarcity and priorities. In practice, this does not always correspond to the decisions of the policy-makers, as Posen writes "national security is a term of enormous emotive power in some nation-states, especially the United States, and every analyst or group with an overseas agenda has a powerful interest in implying a connection between their specific interest and national security." (Posen, 2014, p.2)

The grand strategy of Liberal Hegemony that has prevailed in the U.S. foreign and security policy consensus on both sides of the political spectrum since the U.S. unipolar moment in international politics is "costly, wasteful and counterproductive." (Posen, 2014, p.24) Posen believes it is liberal because it tries to promote liberal values such as democracy, rule of law, free trade and free markets globally, and it is hegemonic because it aims for U.S. primacy in the system and greater relative power through the investment in and use of military power. (Posen, 2014, p.5) Posen does not give a precise definition of liberal foreign policy, particularly the role of liberalism in the grand strategy besides the spreading of liberal values the current strategy aims to pursue, but provides the argumentation against liberal hegemony based on the wars the United States has fought, and the humanitarian and ideological interventions it has conducted. Another part of the strategy criticised by Posen is the commitments that the United States has made to its allies as it encourages sufficiently strong states to cut their budgets and cheap ride at the expense of American taxpayers. Since the unipolar moment, when the U.S. has been in the most secure and powerful position, "it has been at war nearly twice as often... as it was during the Cold War." (Posen, 2014, p.67) Posen maintains that such interventionist policies have been unnecessary and counterproductive as it has emboldened adversaries, both nation-states and non-state actors to pursue more anti-American aggressive policies. Posen presents pure Realist BoP logic and warns D.C. policy-makers of the fading gap between the U.S. and the emerging China and deems the tightening Sino-Russian rapprochement and their

soft and hard balancing against the U.S. as the cost of the activist foreign policy and the expansion of NATO responsibilities to the former Soviet republics that has pushed Russia towards the East. In the words of Waltz “the further NATO intrudes into the Soviet Union’s old arena, the more Russia is forced to look to the east rather than to the west.” (Waltz, 2000, p.22) Following Posen’s analysis the balancing politics by U.S. antagonists will grow in the coming years, as Realist thinking suggests “international politics is anarchy, a system without a sovereign. If actors within that system value their autonomy, they have an incentive to keep a wary eye on the most capable among them, lest the unrestrained powerful choose to attack. When one state grows too strong and threatens the sovereignty of the others, there is a tendency for the others to concert action and accumulate military power in order to defend themselves.” (Posen, 2014, p.28)

Liberal Hegemony as a strategy is criticised for the lack of priorities and giving importance to the minor issues that do not matter greatly for the U.S. national security. Humanitarian and ideological wars that are very costly, over insurance commitments that encourage cheap riding from European allies and Japan, and the reckless driving from some partners and client states such as Israel, Georgian government in 2008 and Maliki regime in Iraq, in the long run, all contribute to the weakening of the relative position of the United States in the system of states. According to Posen, the strategy of Liberal Hegemony seeks power for power’s sake, while himself, a defensive realist perceives generating excess power as dangerous for the security and the maintenance of the primacy of the state. Despite the flaws of the current grand strategy, Posen is not consistent and objective in his judgment of liberalism, as the liberalism described in the book is reinterpreted and adjusted to his realist critique. The liberalism that he strongly opposes is rather presented as expansionist, “muscular liberalism” that although has some basic tenets of liberalism, and to some degree is present in current Washington foreign policy-making, in practice is largely based on the use of force that is absent in pure liberal doctrine such as Kantian Perpetual Peace. By more than Liberalism, American foreign-policy is deeply influenced by reprogrammed national security elites and experts with their own projects they are chasing.

World politics is entering a new period that will substantially alter U.S. positioning in the system. As Posen argues, the U.S. will face challenges at home such as the scarcity of resources, and rising threats abroad from the emerging powers, and politically mobilised and strong-armed groups (Posen, 2014, p.35). Due to the growing number of challenges, the strategy of Liberal Hegemony needs to be rejected as it is insufficient and counterproductive in the long run. Posen

argues that simply reforming it with incremental changes will not bring the necessary outcomes, thus he presents a totally alternative strategy of Restraint, which implies more isolationist U.S. foreign policy. According to Posen, the grand strategy is a political and military strategy, but his strategy of Restraint also substantially deals with the economy and its role in state relations. “Winter is coming” and the Restraint buys some insurance, time, and USD for the U.S. primacy. As the unipolar moment is fading, and international politics is transitioning to a multipolar or even bipolar system, the United States needs to constrain and allocate costs carefully in order to exert sufficient influence, but at the same time enjoy the benefits rather than excess costs of the primacy.

The strategy of Restraint has been focused on the U.S. national security objectives which are the BoP politics on the Eurasian landmass to prevent the emergence of China as a hegemon, fighting terrorism and the problem of nuclear proliferation. For the latter, Posen does not give a model of the precise solution. (Posen, 2014, pp.70–74). In Restraint, the less is more, and the U.S must reduce its military presence from the territories of the allied states to encourage them to increase their defence budgets, as well as from the Middle East where the presence of foreign forces contributes to the rise of the anti-American sentiments and the mobilisation of aggressive young groups. The realist scholar discussing nationalism and identity politics is appealing, even though Posen, an old-style defensive realist does not address new challenges brought by globalisation. The cyberspace, a newly emerged domain of international politics, and the new battleground for great powers, plays a significant role in the mobilisation of national sentiments and recruiting young people for anti-Western aggressive behaviour.

The maritime military strategy “Command of the Commons” that is appropriate for Posen’s political Restraint focuses on naval, air, and space power. As the name suggests itself, the main strength of the strategy is based on naval power that Posen claims to be the best fit due to the U.S. geographic and security position. (Posen, 2014, pp.139–140) Like political strategy, “Command of the Commons” is also constrained and suggests significant cuts in the U.S. forces. Surprisingly, in addition to the substantial cuts in the U.S. ground forces, Posen even proposes a reduction in naval power. (Posen, 2014, pp.145–151) He argues that it will save time and money, while in case of any need the U.S. economy would be able to build up its forces in a short period of time. Posen lacks coherence in his analysis while stating that the U.S. military is highly professional in terms of equipment and human resources, and at the same time arguing that the U.S. would be able to restore large and professional forces rapidly (Posen, 2014, pp.162–163). The book does not give a clear argument on how it will be possible to recover

highly modernised and expensive military capabilities, and most importantly, professional human capital shortly, and especially, if the U.S will have to fight on several battlefields at the same time. Hence, as Posen's strategy is a modernised version of the U.S. naval capabilities prior to WWI, it fails to account for the challenges the new technologies bring to modern warfare. Posen's military strategy might be an opportunity for the adversaries of the United States, encouraging them to carry out aggressive foreign policies vis á vis passive U.S. endeavours. In the absence of the safety provided by the United States, some weak to moderate allies might bandwagon with great powers, or strong states might "buck pass" the responsibilities to each other. These concerns are not exhausted in the book sufficiently.

The challenge to the status quo is certainly growing. Posen's analysis of the current system and the U.S. grand strategy is valuable for anyone interested in the relationship of power, hegemony, the current world order, and multipolarity observed from a realist perspective. While Posen successfully brings pitfalls of the current U.S. grand strategy to the surface, less successfully manages to assure the reader of the primacy of his grand strategy of Restraint. While Restraint aims to balance enough influence with manageable costs, it fails to deal with growing threats to U.S. primacy. In the context of the emerging challenges to U.S. dominance in the international system, Restrain does not provide consistent answers to the open questions of U.S. security. The scholar might be right in accusing Liberal Hegemony of being too expansionist, but his strategy of Restraint tends to be more constrained than needed. As Waltz said: "The vice to which great powers easily succumb in a multipolar world is inattention; in a bipolar world, overreaction; in a unipolar world, overextension." (Waltz, 2000, p.13)

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TERRORISM FINANCING AND RACIAL DISCRIMINATION IN UKRAINE BY RUSSIAN FEDERATION

Kristina Lazebna

Introduction

Over the last decade, however, a new generation of Russian leaders has sought to turn the clock back, characterising the break-up of the Soviet Union as the “greatest geopolitical catastrophe of the 20th century” and adopting a Soviet-style policy aimed at restoring Russian dominance over its neighbours. Since then, Ukraine has become the target of an escalating campaign of Russian interference and aggression.

The Russian Federation has escalated its interference in Ukrainian affairs to dangerous new levels, intervening militarily in Ukraine, financing acts of terrorism, and violating the human rights of millions of Ukraine’s citizens, including, for all too many, their right to life.

Russian Federation has violated the International Convention for the Suppression of the Financing of Terrorism and the International Convention on the Elimination of All Forms of Racial Discrimination.

The fact of violation will be noted and define below.

Ukraine & Russian Federation case

Ukrainian State initiated its case against Russia in the International Court of Justice (ICJ) in January 2017. Ukraine seeks an immediate end to Russia’s International Conventions violations, including stopping the unlawful flow of weapons to illegal armed groups in eastern Ukraine and ending discriminatory practices against Crimean Tatars and Ukrainians in occupied Crimea. Ukraine also has requested the Court to order Russia to pay compensation for the harm Russia has caused to the people of Ukraine.

In April 2017, the ICJ issued provisional measures, ordering the Russian Federation to refrain from limitations on the ability of the Crimean Tatar community to conserve its representative

institutions, including the Mejlis (a single supreme plenipotentiary representative and executive body) of the Crimean Tatar people, ensure the availability of education in the Ukrainian language.

In fact, instantly, after the change governmental situation in Kiev, Putin met privately with his closest security advisers and plotted his countermove – the annexation of the largely Russian – populated Crimea peninsula. “Little green men” – soldiers without insignias – appeared in the streets and the principal airport seized. A referendum as quickly held on 16 of March 2014 and it reported that 83 % of Crimea’s eligible voters supported “reunification” with Russia.

Drawing on a variegated set of tropes, evoking glorious imperial precedents and calling up potential affective attachments to nation and faith, the speech, and the annexation it justified was enormously popular in Russia. Putin’s rating soared.¹

Russian Federation acts as a beleaguered and humiliated nation-state. An aspiring Great Power that wanted then demanded more respect from other countries.²

In eastern Ukraine, the Russian Federation has instigated and sustained an armed insurrection against the authority of the Ukrainian state, including by systematically supplying illegal armed groups with heavy weaponry, money, personnel, training, and other support. That assistance has been used not only to support combat against the Ukrainian authorities but also to conduct devastating terrorist attacks, including the shooting down of Malaysian Airlines Flight MH17, with 298 innocent civilians on board.

A densely populated residential area in the port city of Mariupol targeted for bombardment. A passenger bus carrying civilians shelled near Volnovakha. A peaceful and patriotic rally in Kharkiv was bombed. Throughout Ukraine, civilians suffered as the Russian Federation and its proxies have attempted to extract concessions. The Russian Federation’s sponsorship of this brutal campaign of terrorism in Ukraine deliberately flouts fundamental principles of two international law, including those enshrined in the International Convention for the Suppression of the Financing of Terrorism.

In the Autonomous Republic of Crimea and City of Sevastopol, the Russian Federation seized a part of Ukraine’s sovereign territory by military force. In an attempt to legitimise its act of

¹ Kivelson, V.A. and Suny, R.G., 2017. *Russia’s Empires*. Oxford: Oxford University Press, p.420.

² van Herpen, M.H., 2016. *Putin’s Propaganda Machine: Soft Power and Russian Foreign Policy*. Rowman & Littlefield, p.319.

aggression, the Russian Federation engineered an illegal “referendum,” which it rushed to implement amid a climate of violence and intimidation against non-Russian ethnic groups.³

The significant issue: “Will Ukrainian culture and language survive In Crimea?”

Before moving on to the next part of essay, let’s define some content of the International Convention for the Suppression of the Financing of Terrorism. (Given Convention signed on behalf of the Russian Federation in New York on April 3, 2000, ratified by Federal Law No. 88-FZ of July 10, 2002, entered into force for Of the Russian Federation on December 27, 2002).

Article 1(1) of the Terrorism Financing Convention defines “funds” broadly to include “assets of every kind.” The Russian Federation provides entities and individuals responsible for terrorist acts in Ukraine with direct financial assistance, as well as in-kind contributions including heavy weaponry and training.

Article 2(1): The crime of terrorist financing as the offence committed by "any person" who "by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out" an act "intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organisation to do or to abstain from doing any act”.⁴

Under **Article 18**, the Russian Federation is required to “cooperate in the prevention” of terrorism financing offences as defined by Article 2. That obligation includes “taking all practical measures...to prevent and counter preparations in its territories for the commission of those offences.”

3 Icj-cij.org, 2017. *International Court of Justice Application* [pdf] Available at: <<https://www.icj-cij.org/files/case-related/166/19314.pdf>>

⁴ International Convention for the Suppression of the Financing of Terrorism, 2798 U.N.T.S. 197 (entered into force 10 April 2002).

Far from preventing the financing of terrorism, the Russian Federation has financed terrorism as a matter of state policy. These actions are blatant violations of Article 18 of the Terrorism Financing Convention.

Russia still promoting and sponsoring terrorism on Ukrainian land

Contrary to the ratification by Russian Federation acceded to the Terrorism Financing Convention - it made a solemn commitment to cooperate in efforts to prevent the financing of terrorism. By the way, in Ukraine, the Russian Federation demonstrated, how it is mocking the Convention's goals by actively promoting and sponsoring terrorism.

The illegal armed groups in eastern Ukraine have engaged in a consistent pattern of attacking civilians. For the effectiveness of it invasion, Russian Federation Russia supplied dangerous weapons and other support.

In a result of its illegal aggressive actions, the Russian Federation has committed a numbers of disasters:

- **Shoot-Down of Malaysian Airlines Flight MH17 in July 2014.**

Europe immediately caught up to research and investigate the materials of this case, while the Russian side only denies its interference and invent fake own investigation.

Active investigation was held by the Netherlands, Denmark, Malaysia, Belgium, Australia and Ukraine.

At one point, Russian officials said the Boeing 777 downed by a Ukrainian air-to-air missile fired by a Ukrainian fighter. Russian TV even produced a much-ridiculed satellite photograph purporting to show the moment of attack.

The proven fact today is that hard evidence that missile system carried across the border from the Russian city of Kursk into rebel-held separatist territory in eastern Ukraine. The BUK even naming the Brigade, they say it was 53rd anti-aircraft Brigade that carried it across in a convoy of vehicles that all belonged to the Russian military, every location of BUK movements was validated by investigators; as proof for the court there is video fixation.

An independent investigation by Netherlands team have proclaimed that they are convinced that findings in a result of the investigation confirm the conclusion that BUK originated from Russian Federation. They showed the base on a Russian territory – it was a convoy consisting of almost 50 different vehicles, including six different BUK.

- **Shellings of Civilians in Volnovakha, Mariupol, and Kramatorsk, bombing of Ukrainian civilians, including in Kharkiv.**
- **Bombings of Civilians in Ukrainian Cities.**

The Security Service of Ukraine conducted investigations and documented the crimes of the Armed Forces of the Russian Federation:

Let's expose the tragic events that took place in the city of Mariupol, in the south of the Donetsk region, on January 24, 2015, 29 people died and 92 were injured, besides, the shells hit residential houses and non-residential premises, including the market.

During the detailed investigation, it was found that this crime was committed by personnel Russian servicemen of the Armed Forces of Russia, in particular, this terrorist act was organised with the help of two regular jet divisions of the Armed Forces of the Russian Federation. On this day, the two of Russian missile divisions identified were shooting 120 fires in a peaceful city. After receiving information on the arrival of representatives of the OSCE mission, the Russian leadership began to bustle and take measures to hide the traces of a crime; the leaders began to give the command to hide the Russian divisions, all military vehicles, what confirmed by wiretap.

The Security Service of Ukraine accomplished to remove the record of telephone conversations of the heads of the terrorist act, who managed the actions and fed to the shots of their security forces. These phone conversations permeated with cruelty, indifference to human lives.

Who performed a decision to give a team to shelling a peaceful Ukrainian city?

The highest military and political leadership of the Russian Federation can only take such a ruling. Let's take into account the words of Vladimir Putin himself: "In Russia, proper, as in any Presidential Republic, the President is responsible for everything, and as for the military, the Supreme Commander is responsible, I draw your attention that we have the same person."

Ukraine has been referred to the ICJ 29 volumes with evidence of the financing of the Russian Federation of terrorism, which consists of 17,500 pages of text and weighs approximately 90 kg.

On April 19, 2018, the International Court of Justice granted the request of Ukraine to impose temporary measures on the Crimea (in particular, Russia should abolish the prohibition of the Mejlis) but did not approve of the Donbass. At the same time, the court upheld both proceedings.

The litigation continues and determined on 3–7 of June 2019 to file a Memorandum on Ukraine against Russia in violation of the International Convention for the Suppression of the Financing of Terrorism and the UN Convention on the Elimination of All Forms of Racial Discrimination.

After the Russian annexation of Crimea in Donbass, armed conflict continues, which resulted in the deaths around 13,000 Ukrainian citizens, according to the UN.

Ukraine and the West accuse Russia of the armed support of separatists. Russia rejects these allegations and states that in Donbass there may be Russian “volunteers.” Russia also argues about the “legitimacy” of capturing the Crimea in contravention of international law as “restoring justice.”

In the ICJ session during a lawsuit filed by Ukraine in the Russian Federation, the court noted that Ukraine should provide evidence that would be sufficient to establish the intention of the Russian Federation to raise funds to finance terrorist acts.

Regarding the violation of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)

Given Convention, purpose is to prevent any form of racial discrimination, and according to the Article 1, it is necessary to prove the ethnic aspect of discrimination.

The Russian Federation’s policy of cultural erasure in Crimea, targeting in particular the Crimean Tatar and ethnic Ukrainian communities, violates Articles 2, 3, 4, 5, and 6 of the CERD. In furtherance of this policy, and beginning with its illegal invasion and referendum,

the Russian Federation has engaged in a widespread pattern of discriminatory acts, each of which is an independent violation of the CERD.⁵

In the lawsuit, Ukraine relies on Articles 2 and 5 and asks the court to take precautionary measures to protect the rights of people violated based on racial discrimination on the part of the Russian Federation, namely: the prohibition of Mejlis and the restriction of educational rights for ethnic Ukrainians on the territory of the Crimean peninsula.

On the grounds of evidence of Ukraine, the court will establish a relationship between violation of rights and the application of preventive measures for the Russian Federation.

Suspension, on the basis of a court decision, violation of the rights of ethnic Ukrainians and Crimean Tatars in Crimea to cultural self-expression and education, which includes restrictions on teaching in the Ukrainian language, the resumption of the Mejlis, rapid investigation of missing persons and prevention of political and cultural discrimination against ethnic Ukrainians in Crimea.

Before applying a precautionary measure, the court should establish a risk of irreparable damage. ICJ noted that the prohibition of interstices, in fact, violates the rights of the Crimean Tatars and the permanent population of Crimea. The High Commissioner has explained, that none of the organisations representing the Crimean Tatars, who are registered in the Crimea, cannot replace the Mejlis, which is the Tatar Kurultay. In addition, the UN mission in summer 2015 found pressure on schools, local administrations to stop learning Ukrainian, the High Commissioner confirmed that since 2016 in Crimea, in particular, in the city of Sevastopol, training in the Ukrainian language is decreasing, there are real constraints. The court found that facts, provided by the country confirmed the existence of irreparable damage to the rights of Ukrainians and Crimean Tatars and voiced the establishment of preventive measures for the Russian Federation.

⁵ International Convention on the Elimination of All Forms of Racial Discrimination. Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965, entry into force 4 January 1969.

Conclusions

International law cannot tolerate support for indiscriminate targeting of civilians. Russian Federation twisting a law and distorting the facts being keeping Illegal intervention for the human rights of the Ukrainian people.

Ukraine brought this case to establish the Russian Federation international responsibility under these Conventions, and to seek redress for its people who have suffered the consequences of the Russian Federation's illegal behavior.

Officials of the Russian Federation are stubbornly lying to abdicate all the crimes they committed on the territory of Ukraine. To overcome this lie lies only with truth and evidence.

To do this, we need the position of the International Court of Justice, which will give an appropriate assessment of the actions of the Russian Federation and will not leave them the opportunity to hide from responsibility for further manipulations and shouts "it's not us" and "we are not there."

The prohibited aggression of the Russian Federation against Ukraine in the occupied territories led to the deaths of thousands of innocent people, moving from the hot spots of two million people.

The presentation of the Memorandum in the case against Russia is an important stage in proving that for all its illegal actions the Russian Federation should be held accountable. Ukraine insists on protecting its rights and relying on Russia's violation of its obligations under Articles 2 and 18 of the Convention on the Prevention of the Financing of Terrorism.

According to the words of the President of Ukraine Petro Poroshenko:

"If the leaders of some countries put the struggle for 'justice', which Hitler likes to justify his crimes; if international law is trampled by an aggressor; if the annexation of Crimea in translation into Germanic Russian propaganda calls 'Anschluss'; If everything happens – then, where is the guarantee that we are insured from repeating other tragic pages of the recent past?"

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THE KEMALIAN DREAM - THE ROOTS AND OBSTACLES OF THE EUROPEAN INTEGRATION OF TURKEY

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ABSTRACT

The relation between European integration organisations and Turkey have a long history. If we would like to understand the complexity of the process of the European integration process of Turkey, we have to look back at the beginning of the integration period and we must be aware of those facts, that man cannot understand the European culture without Christianity, and Turkey without its Islamic roots. It is not disputed that the teachings of Christianity and Islam are incompatible with each other not only in dogmatic or theological terms, but also in many moral-ethical and anthropological issues. Turkey has not only Islamic, but also Inner-Asian Turkish and Byzantine historical-cultural roots, and by virtue of Atatürk's reforms was subjected an intensive Westernisation. Turkey plays a key role of the European History.

Key words: Turkey, EU-accession, Christianity, Islam, westernisation, Byzantine tradition

Introduction

The relation between European integration organisations and Turkey have a long history. Turkey's intention to join the European Union is entitled called "Kemalian Dream", as Kemal Atatürk, the first president of Republic of Turkey was the man, who focused in his policy on the integration of Turkey into the family of European countries, and it has been appeared shortly after the Second World War, as Turkey has already submitted a request of association on 30 July 1959 to the European Economic Community.

Turkey's desire to join to the EEC and the to the EU has stretch for 20 years as accession process began and it still continues till this day. Turkey is a founding member of the United Nations (1945), a member of NATO (1952), the Council of Europe (1949), the OECD (1960) and the OSCE (1973) and was an associate member of the Western European Union (1992). (Prieger, 2015, p.64.) However, accession negotiations are currently under way, although only fifteen of

the thirty-five accession chapters have been opened, and only one chapter has been provisionally closed so far. Although no final results have been achieved over the years, accession negotiations are still ongoing. (Prieger, 2018a, p.70)

If we would like to understand the complexity of the process of the European integration process of Turkey, we must be aware of that fact, that the European culture cannot be interpreted without Christianity, as Christian roots of Europe, besides Roman law, Greek philosophy and the effects of Reformation and Enlightenment, appear to be an indisputable and decisive feature in it, and the philosophical thinking and views of Christianity still have a significant influence on European culture and identity as well as politics and law, despite the great secularisation and the loss of religious conviction in the continent. The Islamic Sharia has a similar role as a background in the Muslim-rooted Turkey, despite Atatürk's secularism, and Turkish and Byzantine roots that still exist in Turkish law and culture.

The hypothesis of my essay is that the role of the historical past is decisive in the formation of a society and its identity (deep structure, self-image, worldview, value system), which affects the actual enforcement of the rules. It is not disputed that the teachings of Christianity and Islam are incompatible with each other not only in dogmatic or theological (especially Christological) terms, but also in many moral-ethical and anthropological issues. Therefore, in the relationship between a Christian-rooted Europe and the Muslim Turkey, the most difficult challenges are the religious and cultural differences. (Prieger, 2017, pp.26–27)

Today, Turkey's situation position is accompanied by outstanding international attention as it plays a central role in addressing the European immigration problem and is also a key player in the Middle East conflict as the nearest NATO member state with significant armed force. Turkey's relationship with the EU is constantly on the agenda, as Turkey has a key role in the future of Europe, and has paramount interests in South-East-Europe.

Given that this type of association can conceptually only be related to European countries, so the criterion of European statehood is one of the basic prerequisites for membership, I have briefly examined the notion of Europeanism.

The content of the concept of Europeanism is, therefore, an important issue, in which no unified Western standpoint has been reached so far. During the development of the European Union, there is a constant debate about both the notion of Europeanism and the ultimate goal of the European integration project. This was well demonstrated by the case of the aborted European

Constitutional Treaty, in which there were fierce debates about whether in the Preamble had to appear at least a mention of Christian roots or God.

Despite the fact that only 3% of the territory of the Turkish state lies on the European continent while the remainder is entirely in Asia, it did not seem to be an obstacle to the prospect of later membership at the conclusion of the Association Agreement and considered that Turkey fulfils the geographical criterion of Europeanism by this 3%.

Robert Schuman also suggested that compliance with the criterion of “Europeanism” should not only be examined geographically. Accordingly, only a state can become a member of the community who has the spirit of European traditions and according to these has an arrangement based on the principle of freedom and respect for human rights. In my view, the content of the notion of Europeanisms is defined by what we consider as the reason, the ultimate goal and the final boundary of European integration. This is, on the one hand, a value-order choice and, second, as the case of Turkey shows, it is undeniable that, in the case of the admission of third States, the EU will take into account other aspects than legal ones.

Ataturk and Europe

The Preamble of the Constitution of the Republic of Turkey commemorate the founder of the Republic of Turkey, Ataturk as “immortal leader and the unrivalled hero”, and his reforms and principles. It is quite uncommon that a Constitution mentions a single person, and his thoughts as a source of national constitutionality. However, the Fundamental Law of Hungary also refers to Holy King Stephen I., the founder of the Hungarian State. A man or woman should be an extraordinary person, who deserved to be mentioned in his or her homeland’s Constitution. Ataturk has deserved this extraordinary role because he has launched Turkey on the way of the modernisation and the Western values. The heritage of Ataturk’s affects also nowadays, as Turkey makes significant efforts to join to the European Union for many years.

Ataturk plays a key role of that the European integration roots appeared in Turkey. Ataturk has analysed the relationship between Turkey and Europe both in his speeches and many articles in newspapers. The First President of the Republic of Turkey has highlighted a great deal of correlations in his time, which are all contemplative also today. He has always stood up with Western-European-style modernisation in Turkey. Ataturk said: “The ideologies, which have liberated some countries of the world from bondage and helped them to sovereignty, are

enemies for those, who hope in old obsolete institutions and insist to outdated administrative practices.” (Prieger, 2017, pp.73–74)

In his speech on 6 March 1922, he sent message to Europe: “You all know that the most important states of Europe have been established such a way that by their ascension, Turkey suffered a damage. Today, all that affects the world, the most powerful development in our people’s lives and in our country, was created by the fact that Turkey has suffered losses at the same time. If Turkey has always been strong then its present-day policy could not have been established. If Turkey did not lose first against Vienna, then against Budapest and Belgrade, the Austro-Hungarian Monarchy would never have been established. Thanks to these, France, Italy and Germany developed and strengthened. So things that have caused damage during history will partially consume the strength of the injured party.”

He argued for Turkey belonging to Europe in a peculiar way. He believed that the Turkish people could be integrated into peoples of Europe only as a coequal partner. Westernisation is not enough, rather Turkey needs to eliminate the political, military, economic and cultural dependence of the preceding two hundred years of Ottoman history. As Atatürk put it, “actually, while Europe has reached a higher level and has developed, Turkey has just plummeted and plummeted. As a result, many minds, emotions and thoughts focused on destroying Turkey, and following this, generations of subsequent centuries could further devastate Turkey. This devastation was aimed at bringing Turkey into a more civilised state, but it was only used as a pretence for Europeans to infiltrate in the internal affairs of Turkey. There was a need for advice from Europe. Every case had to be addressed for European purposes and lessons from Europe has to be taken. But what is the independence that has evolved by advices and plans of foreigners? History has not seen this yet.” (Tengeri, 2011)

In 1923, in connection with Westernisation, he said, “We do not take over Western civilisation to mimic them. What we find good in it, because it meets our specifics, we are going to interiorise in world-class. Countries are different, but there is only one civilisation, and we must inevitably join it for national ascension. The decadence of the Ottoman Empire began even when, in its overwhelming victories over Europe, it cut off the fibres that bind to the European peoples. This was a mistake, and we will not fall into this mistake again ... The Turkish people are friends of all educated nations.”

On 29 October 1923, he said: “We want to make the country more civilised and more cultured. Which is the country that has not turned to the West in order to develop civilisation?” This

argumentation should not influence the Turkish attitude to turn to the resistance to the world. Atatürk himself published an article in *Vakit Gazetesi* on 11 February 1924, where he wrote as followed: “The Turkish [people] is a friend of cultured peoples. The peoples are different, but the culture and the civilisation are single. The Republic of Turkey, in order to develop, must cooperate with the civilisation.”

In his speech held in March 1933, we can discover ideas that are almost prophetic: “Colonisation politics and imperialism will disappear from the Earth, and an Era of cooperation will begin, where colour, religion, and nationality will no longer be decisive.” He said that the Republic of Turkey must cooperate with Europe in order to achieve significant progress in the economy, science and technology. In one article, he predicted the state of contemporary Europe as well: “As it was yesterday, tomorrow will be the fate of Europe. The fate of Europe will depend on Germany. Germany has a tremendous dynamism, it is extremely diligent and precise, and if the 70 million people are caught in the “political blast”, then a lot might happen” [1932, *Cumhuriyet Gazetesi*]. (ATAM, n.d.)

For Atatürk, the implementation of secularisation was an extremely important element, which is also an important criterion for its accession to the European Union. He said, “I am happy to see that we all agree with the thought of the secularised Republic. This has always been the basis of my policy, and it remains to be.” He also explained as followed on this subject: “As they have been for centuries, there are still, here and abroad, who take advantage of the ignorance and fanaticism of the peoples and want to use us as a tool by guiding them from a variety of political and personal interests. I cannot but say something about this topic. As long as mankind does not armour himself with the scientific knowledge pointing to the essence of religions, he will not be relieved of superstitions, and he will not grow up by achievements of true science and technology, there will always be people who play with religion.” (Kansu, 2017, p.128)

Atatürk’s purpose was to join the West, more specifically to join Europe. In our view, the target system of the modernising state of Atatürk could be describe by the concept of populism. The concept of people of populism is based on the concept of a unitary, homogeneous Nation, that is, an idea that does not exist in itself. Nation is created by that power with institutional and symbolic means, which refer to it. He was aware that the loyalty of the majority of the Turkish people towards the Republic is still fragile, and they did not identify himself with the vision of merging into the community of peoples of Europe. In this situation, the personal cult of the

leader of the War of Independence was the element that could help Turkish society to accept the accession to the European community.

Ataturk deliberately built his own cult to cast shadow to the shine of the Ottoman dynasty.¹ He tried to cut off Turkish society from the Ottoman past and propagated a new idea of the Nation. In this nationalistic vision, accession to Europe has played an important role. The Republic of Turkey's policy was built on the fact that the Turkish nation is European and had much more to do with the French, Germans and Italians than, under the Islamic *umma* concept, with the underdeveloped Arab world. But a large part of the Turkish people in Ataturk's life were still loyal to Islam, the values and institutions of the Republic were barely infiltrates to the lower layers of society. Ataturk exploited trust in a charismatic leader and tried to prove affiliation to Europe with his own example: he wore a hat and a European suit in public places, and went to the country to teach the people a new writing system, etc. He would have had less success in his efforts if he were not a war hero, who achieved the Turkish independence. But he based his policy's success on his own person so much that he did not take care of the effective protection of the results of the Europeanisation program. At the time of Izmet's presidency, the conservative trend came to power and criticism of the Westernisation appeared.

The roots of the European integration in Turkey

I would like to emphasise my assertion that without knowing the historical antecedents, it is impossible to understand that, why Turkey, despite the repeated rejections during almost 70 years passed since 1959, still insists on joining the European Union.

According to Berna Türkdogan, in the 21st century there is a special duality between globalisation and integration. In the earlier stages of history, the unions have been created for the purpose of preventing war and building peace. But nowadays, the main goals are placing economic communities on a stable basis and keeping financial problems in one hand.

But the European Union is not just a free trade zone, it is also a legal community. The legal system consists not only of rules, but of principles, which depend directly on the world view of

¹ Ataturk is an absolute and irresistible honour in his homeland. His personalities have been recalled by statutes since 1926, and he the course of the History of the Turkish Revolution was taught from 1934, whose central personality became Ataturk. See: Flesch, I., 2007. *A Török Köztársaság története*. Budapest, p.41.

a society. It is therefore important to take account of the identity determining the legal system of the European Union as an intergovernmental organisation with Christian roots and Turkey as a country with Muslim roots and of the impact of these identity on society. From this point of view, it is a fundamental question whether countries of different cultures and historical traditions could form a legal community at all, so it is important to examine the history and culture of Turkey, which has developed more different paths compared to core Europe than any other former candidate country during the last half a millennium. (Prieger, 2018b, pp.140–141)

Taking account of Turkey's history cannot be ignored in this regard either. The remnants of Islamic law in force under the Ottoman Empire can still be observed in Turkey even today, despite the fact that the country has been a secular Republic for almost a century because of the work of Mustafa Kemal Atatürk. At the same time, Mustafa Kemal Atatürk launched the country in the 1920's approaching Europe, the logical continuation of which is the claim for EU membership of the country. These two circumstances, however, are not sufficiently addressed in Hungarian science, in the absence of appropriate, targeted research, and therefore the aim of this research is to explore the roots of the European integration thinking in Turkey, as well as to examine the perceptible presence of Islamic roots and traditions. (Prieger, 2018b, p.6)

In this connection, I pointed out that among the sources of Turkish law, besides Islamic law, played an important role not only the Inner-Asian Turkic roots, but also the Byzantine tradition, which binds Turkish law to European legal systems.

In connection with the modernisation of Atatürk, on the one hand, I have drawn attention to the fact, that some of the remnants of Islamic law have survived to Turkish law to this day. On the other hand, I emphasised the fact that Atatürk's goal was to integrate Turkish people into the great family of European peoples, so the European integration aspirations can be traced back to Atatürk.

On the basis of an overview of the process of accession so far, it can be concluded that the accession of Turkey to the Union is undoubtedly more complicated than the previous accession processes and is therefore an individual case. (Kertész Váradi, 2014, p.258)

Atatürk's name also means making the Latin alphabet compulsory. Atatürk abolished Arabic writing. In Turkey, it was compulsory for everyone to learn the new writing, Atatürk visited personally the country, not just cities but small villages, with a board and chalk, in order to

teach to people the new alphabet, and to explain the importance of this new writing system. (Prieger, 2018, p.69)

The reforms of Atatürk brought enormous changes in the lives of women. From the analysis of the contemporary sources, we can see that, following the reforms of Atatürk, women have come to the fore in the world of work, and we can witness a vigorous progress. Before the Republic, women were unable to realise themselves, they had limited opportunities. However, the period of democratic Republic provided women with equal opportunities. Later, in 1934, women were given the right to vote. (Hargittai, 2015)

On 1 March 1926, the Turkish Penal Code was adopted on the basis of the Italian sample, and then on the same year the Turkish Civil Code adopted on the basis of the Swiss sample, and the three-part Trade Code following the Belgian, Chilean, German, French, Italian and Moroccan patterns. (Hamza, 2002, pp.234–235)

The beginning of the accession process

Turkey submitted its membership application to the Communities on 14 April 1987. (Kertészné Váradi, 2014, p.70) The Luxembourg European Council of 12 and 13 December 1997 confirmed Turkey's right of accession to the European Union and that it will be "judged on the same criteria as other applicant States." The Presidency Declaration of the European Council in Brussels on 16 and 17 December 2004 concluded that "Turkey sufficiently fulfils Copenhagen political criteria to open accession negotiations" with a pre-condition, "provided that Turkey brings into force the specific six pieces of legislation"; and appointed 3 October 2005 as the date of the opening of accession negotiations. (Söylemezoglu, 2014, p.71)

As the cause of the delay in the accession process, many points out also nowadays to that, that a Christian-rooted Europe is incompatible with a Muslim-majority Turkey from a religious point of view. But this is not simply an expression of the concerns of European fundamentalist Christians; this is well illustrated by the fact that the former French President Valéry Giscard d'Estaing, a person pursuing progressivist liberal principles, the President of the European

Convention on the Constitutional Treaty, said that Turkey's accession could mean the "end of the EU."²

Back in the days there were also many supporters of the Turkish EU-accession process, e. g. David Cameron, who said that in 2010 during his stay in Turkey that a European Union without Turkey at its heart is "not stronger but weaker... not more secure but less... not richer but poorer". (BBC News, 2010)

William Penn, a British politician raised in his essay published 1696 that, in order to achieving the European peace, it would be necessary to create a joint European Parliament instead of fragmented European states. His world-famous draft of the present and future of the European peace emphasised the responsibility of leading great powers in the creation of European unity. Penn would divide Europe into German, French and English spheres of influence, and emphasised the importance of integrating them. He believes that the integration of Russia and Turkey should be the second stage of enlargement in order to creating European unity and long-term peace. (Varga, 2010, p.664) There is no doubt that Penn considered these two countries to be European countries. However, it also should be noted that Turkey had included the whole Balkan region at that time.

According to Mr. Rostoványi, to answer the question of whether Turkey can be considered part of Europe, it should also be borne in mind that the presence of European Muslims can be traced back to centuries. He noted that the collision between the Islamic world and the West is generally bound by scholars to 1798 when Napoleon's expedition troops defeated the Mamelukes and conquered Egypt, but nevertheless the Islam was present in Europe since its origin, and it had a very serious impact on European civilisation, on the West, too. According to him, this hostile relationship that has evolved over the past decades resulted the misconception that the Islam as a "foreign body" is present in a "Christian"-rooted Europe. (Rostoványi, 2008, p.127)

An Association Agreement with Turkey was concluded on 12 September 1963 (the so-called Ankara Agreement), notwithstanding only 3% of the territory of the Turkish State lies on the European continent. It is interesting that, at the conclusion of the Association Agreement, the

² Recalls: Emerson, M., 2014. Has Turkey fulfilled the Copenhagen political criteria? *CEPS Policy Brief*, No. 48., Brussels: Centre for European Political Studies, p.5.; Tungul, L., 2013. Can 'the other' become 'us'? European Identity and Turkey. *Contemporary European Studies*, 2013, 8 (2), p.16. Similarly: Arnold, H., 2007. Political Arguments against Turkey's Accession to the European Union. *Internationale Politik und Gesellschaft*, 3/2007., p.102.

geographical criterion of Europeanism has not been discussed in relation to Turkey, but nowadays many people are questioning, even from a geographic point of view, that the country belongs to Europe.

Turkey applied for membership of the Communities firstly on 14 April 1987. This request was rejected, but at the Helsinki Summit in 1999 it was acknowledged that Turkey had been nominated for membership. (Kertészné Váradi, 2014, p.162)

On the basis of an overview of the development of the Turkish EU-accession process with regard to European integration and the regular annual reports of the Commission and the Parliament's resolutions adopted on these issues, it can be concluded that the intensity of the reforms necessary for accession has some periodic fluctuations.

In the first four years, reforms started slowly; the adoption of the National Reform Program of March 2001 brought change. In the next four years, between 2002 and 2005, the reforms followed each other fast, but between 2006 and 2009, after the opening of the accession negotiations, the reform process slowed down temporarily and only gained momentum in 2010. The last four-year period has begun encouragingly, but stopped after the attempted coup in July 2016, as Turkey was criticised by the EU because of the reactions of the Turkish Government to the coup. (Prieger, 2018b, p.4)

Conclusions

In 1923, Atatürk said in connection with Westernisation: "We do not take over Western civilisation to imitate them. What we find good in it, because it meets our specifics, we are going to interiorise on world-class. Countries are different, but there is only one civilisation and, in the interests of national ascension, we must inevitably join to it. The stalemate of the Ottoman Empire began also when, in its impetuosity from victories over Europe, he cut off the fibres that bound him to European peoples. This was a mistake, and we will not fall into this mistake again ... The Turkish nation is friend of all educated nations." (Kerekesházy, 1943)

According to the Hungarian Professor Hamza, who is a full member of the Hungarian Academy of Sciences and with whom I completely agree: "Turkey's legal system is at the same level as

the legal systems of EU-Member States.”³ The modernisation in Turkey was successful in many field, but the cultural differences also have still remained however, even the emergence of AKP and its Neo-Ottoman foreign policy as well as the tensions with the EU-Member States regarding the state of rule of law in Turkey have not resulted in discontinuing the EU-accession process. President Erdogan, the conservative Islamic leader of the AKP also emphasises that the aim of Turkey is still to obtain the full membership.

It shows that the idea of integration of Turkey into Europe is not only a matter of daily political debates or a tactical aim, but it has deep roots in Turkey as Turkey has always considered himself a heir of Byzantine, so a natural part of Europe with European ambitions. The Islam tradition is an important difference between Turkey and other European countries, but the Westernisation in the past century increased the common features. It is still an open question whether this approximation process would resulted in a full EU-membership of Turkey, but some level of integration seems to be inevitable.

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³ *Macar Yazar Prof. Dr. Gabor Hamza, Türkiye'nin hukuk sisteminin, Avrupa Birliği (AB) üye ülkelerinin hukuk sistemi ile aynı seviyede olduğunu söyledi.*” 1.: *Türk-Macar Hukuk İlişkilerini Anlatan Kitap Tanıtıldı*; [online] Available at: <<https://www.haberler.com/turk-macar-hukuk-iliskilerini-anlatan-kitap-10218155-haberi>> and <<https://www.dailymotion.com/video/x685rv6>> Hamza Professor has worked extensively on the relationship between the Turkish and the Hungarian legal system, published in several languages on this subject, so in 2017 from the Turkish Academy of Sciences he received the 2017 Academy Award (TÜBA Prize) in a category of: “Social Sciences and Humanities”; 2017 TÜBA Akademi Ödülü Sahipleri [online] Available at: <<http://www.tuba.gov.tr/tr/tuba-odulleri/uluslararasi-tuba-akademi-odulleri/2017-tuba-akademi-odulu-sahipleri-1>>

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