Identities and Foreign Policies in Russia, Ukraine and Belarus The Other Europes

Stephen White and Valentina Feklyunina



Identities and Foreign Policies in Russia, Ukraine and Belarus

The Other Europes

Stephen White

James Bryce Professor of Politics, University of Glasgow, UK, and Visiting Professor, Institute of Applied Politics, Moscow

Valentina Feklyunina

Lecturer in Politics, School of Geography, Politics and Sociology, Newcastle University, UK





© Stephen White and Valentina Feklyunina 2014

All rights reserved. No reproduction, copy or transmission of this publication may be made without written permission.

No portion of this publication may be reproduced, copied or transmitted save with written permission or in accordance with the provisions of the Copyright, Designs and Patents Act 1988, or under the terms of any licence permitting limited copying issued by the Copyright Licensing Agency, Saffron House, 6–10 Kirby Street, London EC1N 8TS.

Any person who does any unauthorized act in relation to this publication may be liable to criminal prosecution and civil claims for damages.

The authors have asserted their rights to be identified as the authors of this work in accordance with the Copyright, Designs and Patents Act 1988.

First published 2014 by PALGRAVE MACMILLAN

Palgrave Macmillan in the UK is an imprint of Macmillan Publishers Limited, registered in England, company number 785998, of Houndmills, Basingstoke, Hampshire RG21 6XS.

Palgrave Macmillan in the US is a division of St Martin's Press LLC, 175 Fifth Avenue, New York, NY 10010.

Palgrave Macmillan is the global academic imprint of the above companies and has companies and representatives throughout the world.

Palgrave® and Macmillan® are registered trademarks in the United States, the United Kingdom, Europe and other countries

ISBN: 978-0-333-99361-3

This book is printed on paper suitable for recycling and made from fully managed and sustained forest sources. Logging, pulping and manufacturing processes are expected to conform to the environmental regulations of the country of origin.

A catalogue record for this book is available from the British Library.

A catalog record for this book is available from the Library of Congress.

Identities and Foreign Policies in Russia, Ukraine and Belarus

Preface and Acknowledgements

Issues of identity scarcely arose as long as the European continent was divided, sometimes literally, by a barrier between East and West. The dissolution of divisions that took place in the early 1990s left a whole series of new and often intractable questions about 'belonging'. Partly, they were a question of alliances: should the newly independent countries of Eastern Europe and the former Soviet Union join the European Union, or even NATO, if they were no longer adversaries? But choices of this kind could hardly be understood outside the debates that had been taking place, and continued to take place, within a foreign policymaking community that extended beyond government to the political parties, business, think tanks and others. And policymakers themselves worked within the wider context of a public opinion that was normally preoccupied with the cost of living but occasionally so concerned about their country's international orientation that they demonstrated in large numbers to express their dissatisfaction with government policy. As they did, for instance, in Kyiv in the later months of 2013 and the early months of 2014.

Our investigation of these issues starts with an exploration of the ambiguity of 'Europe', and of the ambiguity of the attitudes towards it that have been taken in the three Slavic post-Soviet republics that are the focus of the book as a whole: Russia, Belarus and Ukraine. We move on to examine the development of relations between the Soviet Union and what was originally an Economic Community up to the conclusion of a formal agreement at the end of the 1980s, and then with the individual republics over the post-Soviet period. In the spirit of constructivist approaches to international relations, we set out the diversity of views that informed attitudes towards 'Europe' in each of the three countries, and the tension between a 'Western choice' of this kind and a 'Slavic choice' that suggested a rather different pattern of affiliation. And we suggest our own, more discriminating conceptualisation of these divisions: at one extreme, a 'Europe' discourse that constructs the three countries as unconditionally European; in the middle, a 'Greater Europe' discourse that constructs the three countries as simultaneously European and qualitatively different from it; and at the other extreme, an 'Alternative Europe' discourse that conceives of the three countries as radically different from the European mainstream and indeed more genuinely 'European' than a continent that has lost much of its original identity.

We explore these views not only through articles and statements in the mass media but also through a series of extended interviews with elite actors in each of the three countries: in presidencies and foreign ministries, in parliaments and the political parties, and with representatives of the armed forces

and private business (and in the offices of their EU and NATO counterparts). We place these discussions within the wider context of public opinion in a further chapter that draws not only on nationally representative surveys conducted over a decade or more but also upon the views of members of these societies themselves through a series of focus group discussions in each of the three countries. And in a concluding chapter we focus on the impasse that has developed over recent years, arguing for a more pluralist understanding of 'Europe' that extends beyond an EU framework and the arrogant assumption that the only way forward is the unilateral adoption of its values and accumulated legislation by the states that are its neighbours but not yet – and perhaps will never be – its members.

The study that follows has been more than a decade in the making and it draws on the support of a wide range of individuals and organisations. Its point of origin was the UK Economic and Social Research Council's research programme on 'One Europe or Several?', directed by Helen Wallace. A first product was a study of *Putin's Russia and the Enlarged Europe*, written by Roy Allison and Margot Light as well as Stephen White, which appeared in 2006. But we had always intended a second, rather longer study that would give due attention to the other Slavic republics and allow us to consider a much larger body of evidence. Initially, its authors were to be the three grantholders, Margot Light of the London School of Economics and John Löwenhardt of (at that time) the University of Glasgow as well as Stephen White. For some time Roy Allison, then at the London School of Economics and now at Oxford, was another author. But it was only when Margot and Roy agreed that Valentina Feklyunina, then a research assistant at Glasgow and now a politics lecturer at Newcastle, should join the team that the project began to acquire real momentum. The book in its present form appears under the authorship of Stephen and Valentina, who are jointly responsible for the entire text, but with the blessing of the friends and colleagues who were a part of the team in its earlier stages.

We are grateful, not only to those who helped us to develop this project in its early years, but also to the other individuals and organisations who have assisted us over the past decade or so. There will inevitably be a few we have failed to mention, and we have no wish to suggest a 'hierarchy', but all the same in the first place we should mention Stephen's current research assistant, Tania Biletskaya, for her contribution to the checking of sources, multivariate statistics and (particularly) those parts of the discussion that relate to Belarus. We were fortunate at an earlier stage to have had access to the skills and good humour of Julia Korosteleva, now at University College London. Stephen has worked closely with Olga Kryshtanovskaya of the Institute of Sociology of the Russian Academy of Sciences for more than twenty years, most closely in this case in relation to our elite interviews and focus groups. Another colleague of long standing is Ian McAllister of the Australian National University, who has shared the authorship of many of our more quantitatively oriented papers. Ronald Hill of Trinity College Dublin worked closely with us in the early stages, especially in relation to Moldova; so did Michael Andersen, particularly in relation to the Ukrainian press; and so did Clelia Rontoyanni, particularly in relation to Belarus. David Bell and Maud Bracke were particularly helpful on West European communist parties. We are grateful for advice and assistance on other matters to Cristian Collina and Grigory Ioffe; and to Nikolai Kaveshnikov and his colleagues at the Institute of Europe of the Russian Academy of Sciences.

A study of this kind could not have been contemplated without the support of some important funding bodies, chief among them the UK Economic and Social Research Council, under two grants in particular: 'The Outsiders: Russia, Ukraine, Belarus, Moldova and the New Europe' (L213252007, 1999-2001), and 'Inclusion Without Membership: Bringing Russia, Ukraine and Belarus Closer to "Europe" (RES 000-23-0146, 2003-6). Stephen held a Leverhulme Major Research Fellowship over 2008-11 (F00179AR), which took him out of routine teaching and administration. Additional support came from many other bodies, including the Carnegie Trust for the Universities of Scotland and the Nuffield Foundation.

The authors, finally, would like to thank each other for a book we have been happy to share and a collaboration that we hope will continue into the future. We would hardly wish to claim that we have resolved all the complexities of our subject. But we are confident the relationship between identities and foreign policies in a world in which boundaries of a conventional kind have become increasingly irrelevant will matter at least as much to governments, scholars and a wider public in the future as it has done in the recent past.

> Stephen White Valentina Feklyunina August 2014

Contents

Lis	st of Tables and Figures	vi
Pre	Preface and Acknowledgements	
		-
1	Other 'Europes'	1
2	Negotiating a Relationship	31
3	'Europe' and the Post-Soviet Republics Since 1991	51
4	Russia and 'Europe': Elite Discourses	99
5	Ukraine and 'Europe': Elite Discourses	135
6	Belarus and 'Europe': Elite Discourses	163
7	Mass Publics and Foreign Policy Preferences	187
8	Conclusion: Identities and Foreign Policies in the Other Europes	229
Notes		271
A	Note on Sources	337
In	dex	343

List of Tables and Figures

Tables

1.1	Patterns of membership among the post-Soviet republics, 2014	5
1.2	Belarus, Ukraine and Russia: Societies and cultures, c. 2010	18
2.1	The European Economic Community–CMEA Agreement, June 1988	46
2.2	The European Economic Community–USSR Agreement, December 1989	48
3.1	The Partnership and Cooperation Agreement with Russia, 1994	66
3.2	Allocation of TACIS funds by country, 1991–2006 (million euro)	68
3.3	The EU and the post-Soviet republics: The pattern of relationships	87
3.4	Trade of the CIS countries and Georgia with the EU, CIS and others, 2010	92
4.1	Elite views of Russia's identity vis-à-vis Europe, images of the EU and foreign policy preferences	133
5.1	Elite views of Ukraine's identity vis-à-vis Europe, images of the EU and foreign policy preferences	160
6.1	Elite views of Belarusian identity vis-à-vis Europe, images of the EU and foreign policy preferences	184
7.1	'Feeling European' in Belarus, Ukraine and Russia, 2000–14	322
7.2	Attitudes to EU membership in Belarus, Ukraine and Russia, 2000–14	323
7.3	Predicting support for EU membership in Belarus, Ukraine and Russia (OLS regression estimates)	208
7.4	Regret for the demise of the USSR, 2003–14	324
7.5	Preferred political system, three countries, 2010–12	324

7.6	Support for CIS integration, 2003–14	324
7.7	Predicting a CIS orientation (OLS regression estimates)	224
7.8	Foreign policy choices, Belarus, Ukraine and Russia, 2010–12	325
7.9	Which historical path? Belarus, Ukraine and Russia, 2010–14	325
Figi	ures	
7.1	'Feeling European' in Belarus, Ukraine and Russia, 2000–14	206
7.2	Support for EU membership in Belarus, Ukraine and Russia, $2000{\text -}14$	207
7.3	Regret for the demise of the USSR, 2004–14	222
7.4	Support for CIS integration, 2003–14	223
7.5	A matrix of foreign policy positions	225
7.6	Foreign policy positions in Belarus, 2000–11	226
7.7	Foreign policy positions in Ukraine, 2000–12	227
7.8	Foreign policy positions in Russia, 2000–14	227

1 Other 'Europes'

The Russian Federation is the largest state in Europe, indeed anywhere. Ukraine is the second largest. The other Slavic republic that became independent in 1991, Belarus, is also entirely European in its geographical location. And yet all three have often interpreted their 'Europeanness' in ways that have been different from interpretations elsewhere on the continent. In particular, the 'Europes' they have sought to confront, cooperate with or even join have often been different from the 'Europe' of the European Union and its full-time officials in Brussels. In the chapters that follow we will seek to identify these various perspectives by investigating Russian, Ukrainian and Belarusian identities and the ways in which they shaped their countries' perceptions of 'Europe' in the post-Soviet period and underpinned their respective foreign policies. An understanding of these factors is fundamental in its turn if we are to explain the apparent stalemate that has developed in state-to-state relations, and perhaps help to overcome it. We start with an examination of the highly contested notion of 'Europe' in the post-Soviet context, and then move on to consider the various ways in which it has engaged policymakers as well as the wider society over long periods of time. The last part of the chapter presents our conceptual framework, explains our methodological choices, and sets out the structure of the book as a whole.

Defining 'Europe'

'Europe' has always been a contested concept. In conventional usage it embraced the territory between the Atlantic and the Ural mountains. But the Urals were not an obvious break, and they had not been thought to mark the outer limits of the continent until the early 18th century when two scholars, a Swedish military officer, Philip-Johann von Strahlenberg, and the Russian geographer, Vasilii Tatishchev, began to challenge the traditional river boundaries and to press the claims of a mountain range further to the east that – in Tatishchev's words – was 'much more appropriate and true to the natural configuration'.¹ Not all were immediately persuaded, and there was

still less agreement about the boundary that was supposed to run from the southern extremity of the Urals to the Caspian and the Black Sea, a boundary that had been drawn in different places at different times by different authorities. In strictly geological terms, Europe and Asia were actually better understood as a single continent. 'Europe', in this sense, was more like a 'western peninsula of Asia', as the German traveller Alexander von Humboldt described it in the mid-19th century;² the Indian subcontinent, which rested on a different tectonic plate, had arguably a better claim to a wholly independent status.

The geographical boundaries, as they were generally understood in the early 21st century, raised further issues. For a start, there were countries that straddled the divide. Was Turkey, for instance, a 'European' country, or at least the part of it that lay on the 'European' side of the Straits? It had, after all, been a part of the Roman Empire, which lay at the foundations of Western civilisation, and Constantinople had been the capital of the Eastern Empire for a thousand years after the fall of Rome, A substantial part of southeastern Europe, including most of Hungary and the Balkans, had come under Ottoman rule by the 16th century, leaving an agreeable legacy of coffee houses and open-air bathing. Turkey, the successor state, had been a member of the Council of Europe from the year of its foundation and applied for associate membership of the European Economic Community (the later Union) in 1959, soon after it had been established. An association agreement was concluded in 1963 that was understood as the start of a process that would lead to full membership; a formal application was lodged in 1987, and negotiations began in 2005. There was clearly no question, as far as the EU itself was concerned, that Turkey was formally eligible.3 Yet only three per cent of its territory lay on the European side of the Eurasian boundary, which hardly made it a 'European country'.

Kazakhstan was another partly 'European' country, with at least two regions that spanned the same boundary. The Ural river, which meandered down from the southern end of the mountain range, had traditionally been regarded as the dividing line between the two continents. The capital of West Kazakhstan region, Ural'sk, stood on the western bank, technically in 'Europe', but with a statue of Genghis Khan in one of its public places that made clear it had enjoyed a more exotic history. The Lesser Horde, one of the administrative divisions of the Mongol empire, had been established here; yet the town had actually been founded by the Ural Cossacks, and not far from the statue of the Mongol warlord was the historic building in which two of Russia's greatest writers, Pushkin and Tolstoy, had taken residence when they were visiting the region. Crossing westwards over the river bridge, the sign said 'Europe'; going eastwards, it said 'Asia'. There was otherwise very little to suggest it was a boundary between two different civilisations.4 Kazakhstan itself was a member of the Organisation for Security and Cooperation in Europe (OSCE; indeed it chaired the entire

organisation in 2010), but it was not a member of the Council of Europe even though a larger proportion of its national territory lav inside the continental boundary than in the case of Turkey.

Matters were still more complicated further south, where the mountains of the Urals dwindled into the desert lands around the Caspian. Soviet geographers had originally regarded the Ural river as the Europe-Asia frontier; but at the end of the 1950s it was concluded that there was in fact no 'objectively existing physical-geographical boundary' between the two continents and that a better case could be made for the river Emba, some distance to the southeast, a boundary that had been proposed by von Strahlenberg in the 18th century. 5 The Emba, in fact, was hardly a more obvious dividing line in terms of its physical characteristics, and Russian geographers have argued more recently that the entire Caspian Lowland might be a better choice, given that its natural features have remained unchanged for millions of vears: the effect would be to extend 'Europe' further to the south, taking in more of Kazakhstan.6 Indeed the argument could be made that 'Europe' should have different boundaries for different purposes – for instance, political or administrative, as well as boundaries that were based on the enduring attributes of physical geography;7 and that in any case the outer limits of what were ultimately cultural and historical communities were better conceived as a transition zone than as a single line on a map.8

Matters were no clearer on the other side of the Caspian, where Azerbaijan and Georgia had traditionally been regarded as having part of their territory in 'Europe'. Armenia, by contrast, was held to belong in Asia, as it lay entirely to the south of the watershed of the Caucasus mountains. But there were Greater and Lesser Caucasus ranges, and a case could be made for a watershed that ran along either of them; apart from this, the mountain watersheds themselves migrated from time to time. A case could also be made for a border that ran along the Rioni and Kura rivers between the Greater and Lesser Caucasus, a border that had originally been defined by Herodotus.9 This provided a basis for the conventional boundary that placed most of Georgia and Azerbaijan in 'Europe' and the Georgian capital, Tbilisi, in both continents at the same time. Other definitions placed some northern parts of Armenia, and even parts of Iran, inside the continental boundary; and it had been a long-established Soviet practice to include the three Caucasian republics in their entirety, right up to the Turkish frontier. 10 All three were members of the Council of Europe as well as the OSCE, and the EU formally acknowledged their 'European aspirations', which appeared to suggest that they were regarded, at least in principle, as eligible for membership.¹¹

Perhaps, then, 'Europe' was less a set of boundaries, and rather more a sphere of values? 'Not so much a place as an idea', in one formulation; 12 'not a continent [but a] concept', in another?¹³ But if so, which concept, and which ideas? Was it, for instance, essentially 'Christendom', the term that had been preferred throughout the Middle Ages? Arguably, it was the virtual identification of Europe with an earlier Christendom that had been the 'most influential single factor' in its emergence as an expanse of territory with which its various peoples could share a common sense of belonging. ¹⁴ But 'Christendom' extended more broadly, at various times including the domains of the Coptic Church in North Africa, the Byzantine Christians in Anatolia, and the Crusader State in the Middle East. And with the failure of the attempts to unite the Eastern and Western churches in the 15th century, the association became even more problematic; still more so when Western Christians began to divide among themselves in the Thirty Years' War, and the Treaty of Westphalia of 1648 established the principle that states should be able to resolve these matters individually. ¹⁵ Apart from this, there were many elements of 'European' culture that could scarcely be seen as Christian at all: 'the Roman, the Hellenic, arguably the Persian, and (in modern centuries) the Jewish'; perhaps there was 'also a Muslim strand'. ¹⁶

The same was true of languages. 'Europeans', for the most part, spoke an Indo-European language; normally, however, it was a different one. At least 104 languages from six different families were spoken by its 87 'peoples', 17 and the European Union alone had 23 official languages in three different alphabets, which even so excluded the official languages of some of its member states. 18 The Indo-European languages themselves extended much more broadly than the boundaries of a conventional 'Europe', to the Indian subcontinent as well as the countries overseas that had been settled by European colonisers. Indeed in some cases there were many more who spoke a European language who lived entirely outside the continental boundaries than who lived within them. There were more French speakers in France than in other countries and more Dutch speakers in the Netherlands than anywhere else. But fewer than five per cent of Portuguese speakers lived in Portugal (there were much larger numbers in Brazil and parts of Africa); no more than 10 per cent of Spanish speakers lived in Spain or another European country (there were far more in Latin America); and only 16 per cent of English speakers lived in 'Europe', with much larger numbers in other countries (particularly in North America). 19

Language was pre-eminently a means of communication, and it was through the communication it facilitated that identities themselves were established and extended. In this sense, 'Europe' could be understood as a 'web of communication and interaction'²⁰ or as a 'narrative network', ²¹ with no *a priori* commitment to a particular set of territorial boundaries. 'Europe', in these terms, could be seen as a shared meaning, or what Benedict Anderson had defined as an 'imagined community', ²² it was simply a space that those who lived within it had agreed to designate accordingly. There was a foundation for a negotiated 'European' identity of this kind in contiguity, in the way in which families and friendships were distributed across a common territory, and in the way in which 'European' activities brought together a particular group of states while simultaneously excluding others. 'Europe'

was certainly a matter of territory and boundaries. But it was also a function of the interaction of its various peoples as they took part in a variety of 'European' activities: for instance, in competitions such as Eurovision (Russia began to take part in 1994 after it had joined the European Broadcasting Union and won for the first time in 2008) or the contests among the leading European football clubs that began to take place in the mid-1950s (see Table 1.1).23

But there were countries well beyond the continental territory that also 'felt European', as Commission President Romano Prodi had remarked, such as New Zealand; 'that is the problem.'24 Nor did the countries that were geographically 'European' associate exclusively, or even primarily, with each other. There were Dutch, French, Portuguese and Spanish settlements abroad that were regarded as an integral part of the national territory, even though they were located as far away as the Caribbean or the Indian Ocean. Conversely, there were other possessions and dependencies that were not a part of their state of origin even though they were clearly within the boundaries of a geographical 'Europe', such as the Channel Islands (which were formally outside the European Union as well as the direct jurisdiction of the United Kingdom). There were further associations of a looser kind, often based on the ties that had developed over many years of colonial rule.

Table 1.1 Patterns of membership among the post-Soviet republics, 2014

Country	UN	OSCE	Council of Europe	EU	CIS	Eurovision	UEFA
Armenia	1	1	✓	×	V	✓	1
Azerbaijan	1	1	✓	×	V	✓	1
Belarus	✓	✓	ж	×	✓	√	V
Estonia	1	✓	✓	1	×	✓	1
Georgia	1	1	✓	×	ж	✓	1
Kazakhstan	/	✓	×	×	✓	×	1
Kyrgyz Republic	V	1	×	×	✓	*	×
Latvia	1	1	✓	1	×	✓	✓
Lithuania	1	✓	✓	1	×	✓	✓
Moldova	1	✓	✓	×	✓	✓	1
Russia	1	✓	✓	ж	✓	✓	✓
Tajikistan	1	✓	×	ж	✓	×	×
Turkmenistan	✓	✓	×	×	✓	×	×
Ukraine	✓	✓	✓	×	✓	✓	V
Uzbekistan	✓	✓	×	×	✓	×	×

Sources: Derived from United Nations (http://www.un.org/en/members/index.shtml), OSCE (http://www.osce.org/who/83), Council of Europe (http://www.coe.int/aboutcoe/index. asp?page=47pays1europe&l=en), EU (http://europa.eu/about-eu/countries/index_en.htm), CIS (http://www.cis.minsk.by/index.php?id=81), Eurovision (http://www.eurovision.tv/page/ history/country) and UEFA (http://uk.uefa.com/memberassociations/index.html).

Britain was head of a Commonwealth of more than fifty independent nations, all of whose other members were located outside the European mainland (in sixteen of them the Queen was head of state); France had a Community that brought together its former colonies in Africa.

Given the variety of ways in which 'Europe' could be defined it was not surprising that it could also be used pre-emptively, staking claims or asserting identities where they had not necessarily established themselves independently. This was often the way in which 'Europe' was used in the official discourse of the European Union, 'Europe', it insisted, should 'speak with one voice' on the various issues its member states confronted;²⁵ the language of its public documents slipped repeatedly from 'EU' to 'Europe' and then back again, as if the two were interchangeable ('The EU countries cannot meet [their future challenges] alone', ran an official statement on the 2007 Lisbon Treaty, 'But acting as one, Europe can deliver results and respond to the concerns of the public. (26) A vigorous and well-funded effort was made at the same time to foster a 'European identity' that would bind its disparate peoples more closely together.²⁷ But even if these efforts were successful it was still the case that the EU member states, at the start of 2014, accounted for not much more than a third (38 per cent) of the entire continental territory. although they represented a much larger share of its total population; the former Soviet republics that lay outside the Union accounted for more than half of the same territorial 'Europe' (55 per cent), although they were a smaller proportion of the people who actually lived there.

Issues of this kind came into increasingly sharp focus as the European Union began to extend its membership. The 1957 Rome Treaty that established a European Economic Community referred in its preamble to the goal of establishing an 'ever closer union among the European peoples', but without defining them, and opened its membership to 'any European state', again without clarification.²⁸ The 1992 Maastricht Treaty that was held to mark a 'new stage in the process of creating an ever closer union among the peoples of Europe' repeated the provision that 'any European state' could apply for membership, 29 but again left it unclear which states were thought to satisfy such a requirement. This appeared to mean that, for instance, Morocco would not be considered for membership (its application had been rejected by the European Council in 1987 on the grounds that it was 'not a European state^{'30}); but Cyprus became a member in 2004 although it was conventionally located in Asia (and part of its territory was under Turkish jurisdiction), and Turkey itself had been regarded as eligible from the outset even though it lay almost entirely outside the European mainland. Membership, clearly, was a matter of values and practices, not simply of location. But which values and practices, and who should decide if they were being observed or not?

The Rome treaty had little to say about values, apart from the principles that had to be respected if a competitive market environment was to be sustained.³¹ The Maastricht Treaty moved some distance forward by observing that the member states of what was now a European Union based their systems of government on 'democracy', but without defining it further.³² The Amsterdam Treaty of 1997 expanded this to the 'principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law', but again without much guidance on the way they would be interpreted; these were simply principles that were 'common to the Member States'. 33 The treaty also made clear that action could be taken against a state that persistently violated these principles (but not as far as expulsion),³⁴ and that any state that applied for membership would be obliged to respect them.³⁵ A 'Charter of Fundamental Rights', adopted in 2000, made further reference to 'democracy and the rule of law' in its preamble and acquired legal status when the Lisbon Treaty came into effect in December 2009, although once again, it provided little guidance about the way in which those 'fundamental rights' - dignity, freedoms, equality, solidarity, citizens' rights and justice - would be defined and measured.³⁶

Maastricht, however, had also welcomed the 'historic importance of the ending of the division of the European continent' that had taken place with the collapse of communist rule at the end of the 1980s, and a set of 'Copenhagen criteria' was approved at the European Council in the Danish capital in 1993 that made the admission of any future members subject to a number of more formal requirements. As adopted, these were as follows:

Membership requires that the candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union.

Membership, in addition, presupposed the 'candidate's ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union'. 37 The European Council that met in Madrid in 1995 made clear that candidate countries would also be required to have created the conditions for their 'gradual, harmonious integration', particularly through the 'development of the market economy, the adjustment of their administrative structures and the creation of a stable economic and monetary environment'.38

There were, of course, all kinds of ways in which 'democracy, the rule of law [and] human rights' could be interpreted, and it was far from clear that the EU Commission or even a meeting of the representatives of member states was necessarily an appropriate means of determining what level of performance should be regarded as acceptable. Nor was it clear that the values and practices that were supposed to be a requirement of membership were consistently observed by the member states themselves, given the Union's own failure over many years to present accounts that its auditors