

Exporting the Culture of Pluralism, Non-Discrimination and Tolerance: Long Way of the European Values to the External Borders of the Europe Union

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The European Union enlargement process is often acknowledged as the European Union's most influential democracy promotion mechanism. Indeed, transition processes in Croatia has had a significant dimension of external involvement that influenced its political and societal transformation, less during the warring years and more in the period following the Homeland War and particularly after 2000. This chapter explores the outcomes of the enlargement process conceptualized as a means of external political socialisation and assesses if the transfer of values promoted by the EU has resulted in their incorporation in the wider society. The chapter concludes that the values of equality and of respect for the rights of persons belonging to minorities, being those the EU has been founded on, have not been (and cannot be) effectively transposed in the short time-span of the Croatian accession process. This, however, implies that the efforts towards socio-cultural change and the enforcement of the politics of reconciliation need to be pursued beyond the enlargement.

Common Values: Building Blocs of European Integration

Over the last five decades, the EU has been steadily growing into a supranational polity that is nowadays keeping twenty eight countries together. An important precondition for political, economic, and social integration presupposes that a feeling of togetherness exists and develops and that a population shares a common set of values. A society cannot be maintained in the case where there are strong value conflicts present. The European integration is therefore "necessarily based on a minimum level of tolerance, acceptance and trust of the other Member States" (Besselink: 2010, 37). The integration is, *inter alia*, achieved by proclaiming and pursuing shared European values. Values can be defined as "enduring belief[s] that a specific mode of conduct or end-state of existence is personally and socially preferable to alternative modes of conduct or end-states of existence" (Rokeach: 1968) or as "core conceptions of the desirable within every individual and society" (Williams: 1979, 3). Our values are an important driver of behaviour since they, precisely, "are responsible for the selection and maintenance of the ends or goals toward which we strive and, at the same time, regulate the manner in which this striving takes place" (Gutman & Vinson: 1979, 335).

Apart from constituting a prerequisite for the success and maintenance of the EU political integration process, normatively acknowledged in the founding legal instruments of the Union, values such as "respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities" bound EU

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institutions and Member States. Being common to the Member States, these values form a society “in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men” are assured (TEU Article 2; Benoît-Rohmer: 2010). Shared European values are furthermore confirmed in the Charter of Fundamental Rights of the EU, the bill of rights that was elaborated in 2000 and became legally binding in 2009. The Charter proclaimed that “the peoples of Europe, determined in creating an ever closer union among them, are resolved to share a peaceful future based on common values” (Preamble of the Charter). Conscious of its spiritual and moral heritage, the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law. It places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice (*ibid.*). The Charter in addition guarantees everyone equality before the law and bans any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation (Article 20 of the Charter). Furthermore, it prohibits any discrimination on grounds of nationality (*ibid.*, Article 21). As a means of preserving a cultural, ethnic, religious and linguistic plethora of Europe, the Union guarantees respect of its cultural, religious and linguistic diversity (*ibid.*, Article 22).

Needless to say, the notion of European values has numerous critics. Critique of eurocentrism argues that the notion of the ‘European values’ implies a kind of moral superiority which Europeans have not always lived up to, either in their dealings with the rest of the world or among themselves. Therefore some authors argue the founding European values should be ascribed as ‘universal values’ (Kovler: 2011; Donnelly: 2007). The second critique raises the question if common legal values are sufficient to construct a common and legitimate European civic identity? For Fritz Scharpf it is the common interests, instead of the common values that contribute to the European identification: in his words, “no more than the perception of a range of common interests that is sufficiently broad and stable to justify institutional arrangements for collective action” (Scharpf: 1999, 12; Thomassen & Schmitt: 2004). Such critics might be right, since legitimization of European integration project through common values is seriously jeopardized by centripetal tendencies coming from the Member States such as sub-state nationalism, racism, xenophobia, social exclusion and inequality of certain societal groups (McGuinness: 1996; Risse: 2001; Fuchs & Guinaudeau & Schubert: 2009). Finally, the third aspect concerns the hypocrisy of the external value promotion. Dimitry Kochenov for example sarcastically argued that “the European integration project is largely built around a set of values quite different from the local prejudices found in Member States and candidate countries” (Kochenov: 2008, 2).

Exporting the Values: the European Union Enlargement Process as a Means of External Socialisation

Since Europeanization has an impact beyond the Member States (Schimmelfennig: 2007; 2010), common European values guide Union’s actions not only on the internal but also on the international scene. That is because institutions and organizations can also influence societal values: those e.g. might be international organizations, but also different groups such as media, businesses, or political and social movements (Hofstede: 2001). The EU upholds and promotes

peace, its values and the well-being of its peoples (TEU Article 3 par. 1) in its relations with the wider world, contributing in this way to the protection of its citizens. To meet this end, relations with the third countries (including candidate countries) “contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law, including respect for the principles of the United Nations Charter” (TEU Article 3 par. 5).

Common European values are the most evidently being fostered and exported through the EU enlargement policy. Namely, any European state which respects and remains committed to the promotion of the values of human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities, may apply to become a Member State of the Union (TEU Article 49). In this way, the European enlargement process serves as a promoter of common European values, and meeting the pre-accession political criteria should have profound societal implications for the countries aspiring to the EU membership. The former European Commissioner for Enlargement Olli Rehn confirmed that the enlargement shall be perceived as an issue of value transfer. He argued that “the map of Europe is defined in the minds of Europeans. Geography sets the frame, but fundamentally it is values that make the borders of Europe. Enlargement is a matter of extending the zone of European values, the most fundamental of which are liberty and solidarity, tolerance and human rights, democracy and the rule of law” (Rehn: 2005).

Though there are authors who argue that democratic or civic values should not be considered to be indispensable prerequisite of democracy (Schmitter & Karl: 1991; Muller & Seligson: 1994; Seligson: 2002), numerous theoretical approaches and empirical studies confirmed the importance of values (of the ordinary people) for democratic consolidation (Gerlich & Plasser & Ulram: 1992; Linz: 1996; Diamond: 1999; Merkel & Puhle: 1999; Welzel & Inglehart: 2008). Dieter Fuchs for example suggested that support for democracy happens at three hierarchical levels: (i) of basic values, (ii) structure and (iii) political culture (Fuchs: 1997, 83). According to his theory, “support for basic democratic values constitutes the topmost level, political culture. Citizens must perceive democracy as the best option among different political systems and reject autocratic systems. The second level, citizens’ attitudes towards the political structure of democracy, refers to the selective implementation of the democratic culture and delineates the democratic institutional system set forth in national constitutions. Citizens rejecting a particular democratic institutional system may still hold democratic values. [...] Attitudes towards the political process form the third and lowest level of Fuch’s model. This refers to concrete actions taken by actors within an institutional system in order to achieve their goals. Once again, a critical position does not necessarily contradict democratic values” (Gerhards: 2007, 110). Philippe Schmitter correspondingly underlined importance of dominant social values in the process of democratic consolidation. He argued that a democracy is consolidated when “social relations become social values i.e. patterns of interaction can become so regular in their occurrence, so endowed with meaning, so capable of motivating behaviour that they become autonomous in their internal function and resistant to externally induced change” (Schmitter: 1992). In Larry Diamond’s words, democracy requires a public that is socialized to democratic norms and values, at the same time being organized for democracy, and not committed “just to its myriad narrow interests but to larger, common, 'civic', ends” (Diamond: 1997).

For the external socialization to be successful, the informal rules, procedures, shared beliefs and norms preferred by socializing agents need to be embraced by a wider population. Dominant cultural values are a significant variable of the process of political transformation. They are, in principle, durable and resistant to change “even across generations and oceans” (Rice & Feldman: 1997, 1144). They remain relatively persistent, even when they are exposed to the same (changing) conditions (Inglehart & Welzel: 2004, 19-20). Namely, although societies do change and even in similar directions, the differences between societies largely remain the same (*ibid.*). However, although deeply rooted, values under the external political socialization are not resistant to change. Under the pressure of the EU accession, numerous studies established a significant decline in authoritarian political values in newly established Central and East European (CEE) democracies (Schimmelfennig & Engert & Knobel: 2006; Kelley: 2004). In the transitional period following the fall of communism the change was influenced by socioeconomic modernization, raising level of education, combined with rapidly shifting political structures and political discourse that promoted universalism and tolerance what consequently resulted in shifts in dominant socio-cultural values (Wade & Liu & Vacek: 2011; compare Inglehart & Welzel: 2004).

Has Croatian Society transformed in the way that Discrimination and Intolerance are Unacceptable?

Croatia has been exposed to the EU pre-accession conditionality in the field of democracy since the Zagreb and Thessaloniki summits (where the unequivocal support to the European perspective for all of the Western Balkan countries was articulated). Back in 2003, it was affirmed that the values of democracy, the rule of law, respect for human and minority rights, and solidarity need to be embraced by all the countries of the region that are aspiring to the EU membership (Thessaloniki Declaration, 2003). Pre-accession conditionality thus can be understood as an external democracy promotion mechanism and as a process of political socialization and collective learning. It was expected that such “a processes of socialization and learning” shall result “in the internalization of new norms and the development of new identities” (Börzel & Risse: 2003, 60). Such ‘sociological logic of domestic change’ puts emphasis on “arguing, learning, and socialization as the mechanisms by which new norms and identities emanating from Europeanization processes are internalized by domestic actors and lead to new definitions of interests and of collective identities” (*ibid.*). However, the EU accession process that formally initiated with the opening of the negotiations in 2005 has profoundly changed the country but mostly at the level of legislative reforms and institution setting.

This, however, does not imply the EU has not attempted the rectification of the post-conflict social environment in the region. Namely, apart from requesting respect for human and minority rights, that were part of the political criterion aiming at integration of national minorities developed for the CEE countries, the countries of the region were required to get involved into regional cooperation and to engage in post-conflict societal reconciliation with neighbouring nations, to support the return of refugees and displaced persons and to commit themselves to transitional justice, either through cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) or through investigation and prosecution of war crimes at the national level. Meeting these pre-accession political criteria was expected to have profound societal

implications. This conditionality goes far beyond the formal criteria established by the *acquis* since the already normatively overstretched minority rights conditionality (Sasse: 2004) has been extended to several other policy fields, e.g. refugee return, prosecution of war crimes, and reconciliation. In none of those novel criteria the EU has any direct competence, and the legitimacy of conditionality relies merely on a common set of values the EU has been founded on and various political statements. This argument can be assured by words of the President of the European Parliament Martin Schulz who, on the occasion when the EU was awarded the 2012 Nobel Peace Prize, pronounced that “the EU’s principles and values of reconciliation can serve as an inspiration to other regions in the world. From the Balkans to the Caucasus, the EU serves as a beacon for democracy and reconciliation” (European Parliament: 2012).

Constitutional provisions on equality, those that acknowledge historical dimension of country’s ethnic diversity, along with the anti-discrimination and minority protection legislation, have provided opportunity to promote intrinsic values of tolerance within a democratic society. At this level the approximation of Croatia to the EU founding values was the easiest to achieve, because liberal democratic values have been proclaimed as the highest values of the constitutional order and fundamental rights have been set in the text of the Constitution in 1990, and abundant legislation that prescribes accommodation of minority rights either through political participation or through numerous measures guaranteeing cultural autonomy. The European Commission has indeed stated that Croatia has put in place a generally satisfactory institutional and legal framework for protection of fundamental rights, and for combating discrimination and hate speech prosecution. However, discrepancy between formal provisions and their application has been consistently underlined in the EU accession process. Indeed, over time, the Commission held that “prevailing negative stereotyping of minorities in the press over time started to decline in Croatia” (European Commission: 2007, 14; 2009, 16). However, Croatia was yet again warned that it “needs to encourage a spirit of tolerance towards the Serb minority and take appropriate measures to protect those who may still be subject to threats or acts of discrimination, hostility or violence” (*ibid.*). The Croatian authorities were encouraged to undertake “[i]nitiatives promoting greater integration, reconciliation and tolerance as well as joint activities” that would assure re-rapprochement between different ethnic communities (European Commission: 2006, 12) and “to encourage a spirit of tolerance towards the Serb and Roma minorities in particular and take appropriate measures to protect persons belonging to these minorities who may be subject to threats or acts of discrimination, hostility or violence” (European Commission: 2007, 15). Even after the Accession Treaty was signed, the monitoring reports on Croatia’s accession preparations underlined the need “to continue to foster a spirit of tolerance towards minorities, in particular Croatian Serbs, and to take appropriate measures to protect those who may still be subjected to threats or acts of discrimination, hostility or violence” (European Commission: 2012a, 6; 2012b, 4). The last Monitoring Report on Croatia’s preparations for joining the EU, issued in late March 2013, appraised Croatia for fulfilling all commitments in good time before accession, but stated that the government needs “to continue to strengthen the protection of minorities” and “to take measures to protect those who may still be subjected to threats or acts of discrimination, hostility or violence” (European Commission: 2013, 9).

Apart from insisting on effective realisation of human rights in the accession process, the EU also stretched the conditionality to the politics of reconciliation, conceptualizing it as the universal human rights safeguard. It pursued a ‘human rights approach of reconciliation’, in which “reconciliation should be understood as a juridical and legal approach that is primarily

concerned with the prosecution of the perpetrators of crimes, restitution (where possible) to the victims of these crimes, and the establishment of the rule of law” (Kymlicka & Bashir: 2009, 16). Exactly to meet this end, the prosecution of war crimes was made part of the conditionality with an aim to achieve transitional justice and reconciliation in the region (Fischer & Petrović-Ziemer: 2013). Croatian authorities have been continuously encouraged to strengthen efforts to ensure that all war crimes trials conducted at the national level are carried out fairly and in a non-discriminatory manner and that all cases of war crimes are effectively investigated and prosecuted, irrespective of the ethnicity of the victims and the perpetrators involved. In addition, regional cooperation and good neighbourly relations are also treated as factors that “contribute to prosperity, stability, reconciliation and a climate conducive to addressing open bilateral issues and the legacy of the past” (European Council: 2001; 2). Public apologies, by now pronounced by a majority of state officials in the region, offer a symbolic recognition of past atrocities and might lead “to changes in people’s attitudes” since “among the wider population, such recognition is perceived as a request for forgiveness, which changes the perception of the other ethnic groups” (Council of Europe Commissioner for Human Rights: 2012, 28). However, although the EU serves as a model for reconciliation, it does not exert a clear conditionality standard with regard to it. A comparative analysis of the Progress Reports reveals that the issue of reconciliation rises in the pre-accession agenda the more advanced the candidate country has gone in the course of the EU accession. Lacking the normative ground of this conditionality segment, the EU exerted marginal pressure on Croatia with respect of the reconciliation. Only in 2008, the Commission noted that “[i]nitiatives promoting greater integration, reconciliation and tolerance as well as joint activities within the current system should be further encouraged” in Croatia (European Commission: 2008, 14). Therefore, the Croatian EU accession has so far served as the most evident pre-accession conditionality with respect to post-conflict reconciliation.

If the reconciliation is understood as a minimal “condition under which citizens can trust one another as citizens again (or anew)” implying “that they are sufficiently committed to the norms and values that motivate their ruling institutions, sufficiently confident that those who operate those institutions do so also on the basis of those norms and values, and sufficiently secure about their fellow citizens’ commitment to abide by these basic norms and values” (de Greiff: 2008, 126; compare also Staub: 2000, 376), then one can surely argue that the reconciliation has not yet taken place in Croatia. Official support of the President and the Government to the Regional Commission for Truth and Reconciliation (RECOM) has not been mirrored in the general public acknowledgement of suffering and respect for the right to truth and justice for all victims of war crimes, particularly those committed by the Croatian citizens. Despite the reconciliatory political rhetoric, tributes to war victims through commemorations and memorialisation practices at large pay tribute to victims of the majority (Council of Europe Commissioner for Human Rights: 2012, 29). Besides, the social memory of the recent past has been challenged by suppressed and conflicting collective memories on the World War Two and the post-war communist repression (Pavlaković: 2009).

The accession process has not helped to close the transitional justice chapter. Though there are no trials before the ICTY with suspects from Croatia any longer, domestic efforts to investigate and prosecute war crimes need to carry on and all those responsible for crimes committed should be brought to justice. However, this requirement is not backed by the population, since 52% of Croats hold that Croats were the only victims in the Homeland War whereas 31% of

those interviewed consider that Croatian war victims are significantly outnumbering Serb war victims (Documenta: 2006, 8; Banjeglav: 2013; European Commission: 2011, 7).

Social distance towards (some) national minorities remains high (Malenica, 2007), and the EU accession process has not resulted in greater tolerance towards realisation of minority rights. This was recently demonstrated at a protest against introduction of the Cyrillic script in Vukovar when approximately 20,000 citizens rallied in April 2013 in Zagreb's central square. The protest was triggered by the fact that local Serbs, accounting for just over one third of the population, are entitled to exercise the right to use their alphabet in Vukovar. The protesters were defending the dignity of the Homeland War, claiming the realisation of minority rights should be suspended in the city that was severely destroyed during a three-month siege by Yugoslav and Serb forces in 1991.

Therefore, in order to pursue societal transformation towards more tolerant society that acknowledges the fact of ethnic pluralism, the Croatian authorities should, on the one hand, keep on ensuring that fundamental rights of all citizens are fully respected and combat all forms of discrimination and acts of intolerance against minority groups and vulnerable and excluded social groups. On the other hand, the authorities need to (finally) acknowledge that a wider societal transformation towards liberal democratic values need to be sustained by simultaneous pursuit of inclusive minority, educational, cultural, media, and regional development policies. One, for sure, needs to bear in mind that people are more likely to hold tolerant values once they are economically well off, employed and secured. Therefore, in the time of the on-going economic crisis, the economic policy plays a seminal role in assuring coexistence and successful integration of minorities.

Conclusion

Comprehensive legal harmonization and numerous institutional reforms were undertaken in order to make Croatia part of the European Union. It is evident the EU accession process has not yet resulted in an effective integration and inclusion of all social groups and that discrimination of certain ethnic or social groups remain widespread whereas intercultural understanding and reconciliation have not been achieved. Moreover, the accession process has affected value systems of the Croatian citizens only marginally. This implies reconciliation, integration and anti-discrimination are yet to be articulated through novel legislation, strategies and policies. The incompleteness of political transformation does not need to be perceived in a fatalistic way. Namely, the EU accession should not be construed as an end of a democratic transition process, but rather as a step on the pathway towards profound societal transformation resulting in a genuinely inclusive democratic society. However, in the globalised world and constantly changing societies, with the opening of borders and certain increase in the immigration, additional efforts on the policy level should be made if Croatia does not want to be taken aback by the prospective profound societal changes the EU membership will bring, sooner or later.

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