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von

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**Melos on my Mind: Europe After the End of
the Post 1991 Settlement**

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- es gilt das gesprochene Wort -

President of the Republic of Estonia Toomas Hendrik Ilves at the Humboldt – University in Berlin, 23.10.2008

Melos on my Mind: Europe After the End of the Post 1991 Settlement

Apparently only now, in the autumn of 2008, can we begin to fully appreciate the importance for Europe's security architecture that on both sides of the erstwhile Berlin Wall we all – old and new members of the EU, old and new allies in NATO – expended so much effort to enlarge and consolidate the extension of the zone of democracy and democratic market economies.

For my country, the goal of what I would call the restoration generation of politicians and civil servants was to re-establish an Estonia that is democratic and liberal, a member of the EU and NATO, a goal that, if we look at the post-cold war world, turned out hardly as self-evident as it might seem in retrospect. Alternative choices, as we have seen, abounded. That today we can at all appeal to common democratic values; that we instinctively feel and recognise the values of the enlightenment – freedom in speech, expression and association, the supremacy of law and justice, human rights – is rather an exception in the nations subjected to communism. It suffices to look around us to see the possibilities.

We could, of course, have chosen among a myriad of alternatives. We could have been a neutral “pragmatic“ small country, which some in the business community have always wished for, and which culminates, as it ineluctably must, in semi-independence, in *Finlandisierung*, if I may use that term, and in the worst case in a state philosophy that all is for sale. In other words, a country not created for the Lockean protection of its citizens and the rule of law but rather as a guarantor of rent-seeking behaviour for some.

Or we could have turned into a xenophobic, nationalistic and therefore isolated autarkic and semi-authoritarian state, where what matters is power, its possession and preservation by any means, along with all of the material benefits that accrue from it, as has transpired in much of the post-soviet world. Or we simply could have become a

corrupt post-soviet state where all that counts is who and what you pay, not justice or the law.

It is of course no surprise that we can sense in the deeper reaches of Estonia's wishes and realities all of these tendencies. In Estonia in its pre-war or 1.0 version we experienced these more than we would like to admit.

Rather it is a wonder, that beginning with the re-establishment of our country, that is to say from the beginning of the Republic of Estonia version 2.0 we have managed to tame, stifle, block or divert those same tendencies.

When we examine the fate of countries liberated from communism, we must admit that the number of liberal and open democracies, based on rule of law and respect for human and civil rights has not turned out to be overwhelming. Two decades ago when I read Francis Fukuyama's original essay "The End of History" and sent a copy to then Soviet Estonia believing it needed to be read and if possible published there, there reigned a general optimism in the inevitable hegelian victory of liberal democracy. Today, looking at the rise of authoritarian capitalism in petro-states and the mechanisms of preserving the power of corrupt elites as a completely viable alternative to democracy, my optimism seems rather naïve.

But the wide-spread success of these alternatives shows me at least that the choices made in my country were the right ones, at least from the point of the people. But it needs to be stressed that these choices were not self-evident.

II

A country's foreign policy always has difficulties escaping its past and its traditions. Thus for example the U.S. has considered the propagation and/or defence of free markets and liberal democracy a cornerstone of ifs democracy and indeed even wars for

some two hundred years. It has been used to justify the Iraq operation as well as participation in World Wars I & II as well as the enlargement of NATO, not to mention the invention of the notion of self-determination of nations by Woodrow Wilson ninety years ago

Russia today makes no attempts to hide its admiration for the Soviet Union yet at the same time considers the Tsarist State Chancellor Alexandr Gotshakov (1798-1883), born in Haapsalu Estonia incidentally, as the father of its foreign policy. Traditions are hard to shake. Russia's recent behaviour in international relations in fact can best be seen as a return to its 19th Century roots. President Yeltsin's attempts to shift Russian foreign policy toward a more contemporary Western mode are in the resentment-powered policy thinking in today's Moscow considered a humiliation, an exception forced upon it in a moment of weakness.

Edward Luttwak has said:

The huge change follows inevitably from Russia's regression to its own historic version of empire, which existed under the tsars and was revived by Stalin. It is based on a tacit bargain: the Russians accept authoritarian rule and the loss of personal freedom in exchange for an imperial role on the global scene, which starts with the "near abroad" – countries such as Georgia, which used to belong to the Soviet Union.

All of this does not mean, of course, that a nation's foreign policy traditions cannot change over time. Cataclysms and changes in the life of a country, first and foremost defeat in war or occupations left its mark not only on Estonia and the other Baltic



Microsoft Word.Ink countries.

Also completely different experiences can lead to the same foreign policy results. Take for example Sweden's and Finland's neutrality and opposition to NATO membership.

In Sweden's case, it is a 200 year old policy, dating back to an anti-Napoleonic alliance with Russia, through which it obtained Norway from Denmark and ceded Finland to Russia. This established a policy of never participating in armed conflicts except as in a peace-keeping role.

Whence Swedish neutrality and its opposition to NATO membership. For it is extremely difficult to change a foreign policy principle of two hundred years. This same tradition has also allowed Sweden to maintain a high moral profile in foreign affairs, expressed in its opposition to the War in Vietnam, its role as a sanctuary for refugees from Latin American authoritarian regimes, but also in Carl Bildt's principled role in the withdrawal of Russian troops from the Baltic States in the early nineties, not to mention Sweden's position on the Georgia-Russia war. In a word, Swedish neutrality stands on strong historical and moral foundation.

Finnish opposition to NATO membership on the other hand comes from a much more recent foreign policy tradition, born in the Winter and Continuation Wars and more importantly subsequent events: loss of territory, reparations to the aggressor, conviction in court of their democratically elected President and government ministers and the overall sense that Finland had been abandoned.

Thus Finland became a "pragmatic" non-aligned country, a tradition followed to this day, and finds a moral or values-based foreign policy difficult to follow.

What are the sources of Estonian foreign policy? Indeed the sources of foreign policy for some other so-called "new European" countries as well? In general, Estonians talk of the trauma of quiet submission to Soviet occupation in 1940 and they talk of legal continuity of the state. Personally I do not think these are sources of foreign policy thinking, although legal continuity of the state is undoubtedly a foundation of the restored state.

Far more important to my mind is the understanding, held to this day, that the paucity (or should I say, in more contemporary parlance “semi-managedness”) of democracy in Estonia in the years 1934-40 led to a dangerous isolation. There was far more sympathy for Finland under Soviet aggression than for the three Baltic states since Finland was considered fully democratic, while the democracy in Estonia, Latvia and Lithuania was viewed as less than complete.

This is hardly unimportant, even today. In 2008 Georgia receives part of its support from the West because Russia’s demand for regime change flies in the face of the legitimacy of the Georgian government and the Georgian people’s democratic choice. Especially considering that those demanding regime change cannot come close to Georgia in democratic legitimacy. Our own experience with the primacy of democracy and the consequences of insufficient democracy meant that support for democracy and democracies became a cornerstone of our foreign policy.

In other words, Estonian foreign policy since its beginnings already before the re-establishment of independence has been value-based, something for which, both domestically and abroad, supporters of a „pragmatic“ foreign policy have criticised Estonia for almost two decades. Yet from our point of view, and based on our history, Estonian value-based foreign policy – support for democracy, market economies, rule of law, etc – is as much a pragmatic and ineluctable approach as some other country’s studied silence in its relations with a stronger neighbour.

Estonia’s experience, its isolation as a result of imperfect democracy in the 1930s and its abandonment more generally makes it extremely difficult, even impossible to abandon solidarity with those countries where those same values and the underpinnings of our existence as a state, have come under threat. This is fundamental and that’s why it is odd to read journalists and diplomats talk about the Baltic state’s knee-jerk anti-Russianness. Those people just don’t get it.

Our experiences with joining the EU and NATO only strengthened this tendency. The EU demanded fulfilling the Copenhagen criteria, which required that countries that join be rule of law-based democracies. NATO too, although it had in 1950 taken Salazar's Portugal and tolerated military coups in Turkey, became at the end of the Cold War far more demanding and value-based than it had been earlier.

In other words, pragmatism for Estonia is not the antithesis of a value-based foreign policy. Pragmatism and a value-based foreign policy go hand in hand. In today's foreign and security policy environment on our continent, the antithesis of a value-based foreign policy is realism, *Realpolitik*, that defines the limits to which we can appeal to values, international law and justice. The differing paths and responses that follow from *Realpolitik* vs. values create the tensions that exist in the national foreign policy of a country like Estonia, as well as in the European Union. When do we stand up for values, for principles such as territorial integrity and the impermissibility of use of force to change borders, and when do we understand that nothing more can be done or that doing something begins to harm our own interests?

This is precisely the tension between remaining true to one's ideals and true to the fundamental task of the Republic of Estonia – defending the Estonian nation – that defines the framework in which foreign policy-makers must work day to day from event to event. For like it or not, we still live in a world where not all share the fundamental values of Europe.

III *The strong do what they can, the weak do what they must*

Ten years ago I was asked to give a public lecture on how it was that Estonia had been invited to begin negotiations to join the European Union when our southern neighbours had not.

I said then that in foreign policy we have a choice: to derive satisfaction from stating some important historical truth only we ourselves fathom, showing some country what's

what... or instead, suppressing this impulse, to achieve what we need to accomplish. I said that this was (and for a number of countries remains) a challenge faced by the East European countries released from communist bondage. With some exceptions that have more to do with size, those countries that in the name of national interest have chosen goal-oriented behaviour and strategies have been the winners in foreign policy. Those who have instead insisted on proving themselves right have discovered the sad truth that at the level of nation-states, such notions as “justice” have little purchase. You can see justice and right in a well-functioning domestic legal system but in interstate relations, rarely.

More often, alas, Might makes Right. Which is why at the threshold of the third decade of foreign policy in Estonia version 2.0, we need to think about the role of justice and right, just as we need to do so in the European Union.

The intellectual foundation of the EU, leaving aside of course the internal market, although even that is part of the same foundation, is Immanuel Kant’s essay, “Perpetual Peace” (1795).

A century and a half earlier the Westphalian Peace Treaty of 1648 with its principle of *cuius regio eius religio* had largely eliminated religion as a *casus belli* and established the principle of sovereignty and non-interference in internal affairs, but it didn’t prevent future wars.

Kant believed already then in our contemporary foreign policy mantra: democratic states do not wage war on each other. Kant believed that only representative democracies based on rule of law, brought together in a federation of free states, can live in peace. Pressing the historical fast-forward button 150 years ahead, we reach Monet’s and Schuman’s vision of the European Union.

This is where Estonian foreign policy and the broader European idea intersect – at least in theory. The EU is built up on common values, the understanding that all “practical” or “pragmatic” issues can and must be resolved through negotiation, concentrating on

the “process”. And when that fails, we at minimum will have the least common denominator reached by consensus or qualified majority.

The primary goal of Estonian version 2.0 foreign policy, joining the European Union, has given one possible solution to the dilemma of all small states: how to survive among the strong. The aim of Estonian as well as the EU foreign policy is to achieve a Kantian perpetual peace between representative democracies tied together by mutual treaties and the rule of law. This is what we actually mean when we use the – alas over-used – expression that the EU is ultimately a programme for peace.

The problem in all this is that if you are not tied to this system, if you are not bound by rule of law and so forth, then the Kantian solution simply does not work. When we deal with countries that recognise neither the rules nor the norms of international behaviour, then if they are tied to a system, say the OSCE or the UN or a PCA, then the framework simply no longer operates. Then all that counts is force, might makes right. Instead of Kant we have Hobbes.

There is nothing new in this dilemma. To the contrary, throughout history and long before it, this has been the norm. The second history known to our culture, Thucydides *Peloponnesian Wars* (431 B.C.) in the chapter familiar to us as the Melian Dialogues describes what happens to the weak and small when the rules don't apply.

Melos, a small island that had declared its neutrality in the Peloponnesian War was approached by the Athenians, who wanted the Melians to submit to them. The Melians asked for negotiations to maintain their neutrality. The Athenians answered they had a right to rule simply due to their superior force.

Two thousand years later we would begin to call this Machiavellian after Niccolò Machiavelli, for whom the fundamental question of politics was the effective use of force in order to increase one's power. Here there is no place for morality or justice.

But to return to the Melian dialogue. The Athenians inform the Melians that the question of right applies only when both sides have equal power to enforce it, that “the strong do what they can and the weak do what they must”.

In other words, in the absence of an agreed-upon system of rules, when there is an imbalance of force, all that counts is might. We see the same today in Darfur and Georgia.

The Melians appeal that the supremacy of might could someday come to haunt the Athenians when faced with an even greater power, but the Athenians answer that not to use force would expose their weakness and thus decrease the Athenians’ own security.

In the end the Athenians offer the Melians a choice faced by too many small nations of Europe: submitting you will avoid the worst and remain alive. The Melians decide not to give in to pressure, the Athenians kill all the Melian men and enslave all the Melian women and children.

Seventy years ago in September, if you weren’t a foreign policy official you probably didn’t pay much attention to developments in Munich, where Adolf Hitler and Neville Chamberlain were carving up Czechoslovakia, where, according to Hitler, the Czechs were violating the rights of the German population. Returning to London, Chamberlain declared he had achieved “Peace in our Time”. The dismemberment of Czechoslovakia he justified stating that it is but a small faraway place about which we know nothing.

Most of Europe had no clue as to what was about to happen. But presently the paradigm changed, the act of carving up Czechoslovakia changed the rules of post-Versailles Europe. We don’t know if knowing the paradigm had changed would have helped then, but we must recognize that we too have just witnessed a cardinal paradigm shift in the foreign and security architecture of Europe. We had just gotten used to the idea that the post-cold-war world had become Kantian, where the only serious security threat are

Islamicist terrorists waging asymmetric war, who moreover lack the necessary tanks, bombs and other attributes of Westphalian statehood.

And suddenly we discover that the rules – no use of force to change borders, and our assumptions that the rules would now apply at least in a Europe where history had ended – do not apply. What has been called the post-1991 settlement collapses. What is this settlement? Fundamentally it was that the borders of 1991 will remain, and that any changes will be negotiated as stipulated in the Helsinki Final Act and that use of force in Europe is not acceptable. There was an implicit division of labour: Russia would have a free hand on its own territory, we would not really say anything about Chechnya but the rest would be taken care of by the West through its own institutions. It was believed that a post-ideological Russia would have nothing to do with authoritarianism, suppression of human rights, repression of dissidents, and especially not with the use of force beyond its borders. The assumption was that it was merely a matter of time before Russia became something like France or the U.K., just another liberal democratic, free-market European state, that neither attacks nor bullies its neighbours (something done only by bad communists, but not democrats) and who, thanks to its ever-deepening embeddedness with the system of rule-based organisations of the older democracies, would become another member of the Kantian world of perpetual peace.

This Fukuyaman understanding of the post-1991 settlement came to be the basis of NATO and its erstwhile 16 member states, and indeed led to considerable soul-searching about NATO's role.

The solution came from one-time cold-war hawk Richard Lugar in his *Foreign Affairs* article a decade ago, titled with the phrase originally coined by Secretary-General Manfred Wörner: Out of area or out of business. The argument being that with the disappearance of a threatening and dangerous Soviet Union and all that that entailed, defence of the Fulda and GIUK gaps, etc... the only way to keep the alliance intact was to deal with challenges outside the traditional space of NATO. Enlargement, were there to be one, would be simply to further bind new democracies, but there would be no

contingency planning, not building of defence infrastructure, etc... The Kantian hopes of the European Union were, of course even greater.

V- 1991-2008

From 1991 to 2008, there reigned a fundamental assumption in the European Union and NATO that post-cold-war Europe is forever free of the evils of its 19th and 20th century history, industrialised wars between industrialised states, with their millions of victims. States had matured, learned, use of force was at worst something tin-pot autocrats in the Balkans engaged in, but this did not threaten the general well-being of Europe.

True, here and there were steps back: perhaps elections in one or another state were not quite as democratic as we would have liked, or there were some questionable domestic practices, but the fundamentals of security architecture were in place. States had the right to decide for themselves where they wanted to belong, be it the EU, NATO, GUAM, the CIS. And if they met the entrance criteria, they could join. The idea of spheres of influence was mercifully dead and buried.

For Estonia and the rest of the new members of NATO and the European Union, this is fundamentally the only paradigm we know as participants, as subjects and not objects. There is no one alive in our part of Europe who knows what it was to decide about our fates pre-World War II. After a hiatus of half a century we began to participate in the CSCE, later OSCE, as entities with our own positions, negotiated our entries into NATO and the EU and then began to take part in the decision process. All this took place in the paradigm of the post-1991 settlement. We know no other.

On 8 August 2008, this paradigm collapsed. The post-1991 settlement collapsed.

Neither the European Union nor NATO, nor Estonia or the UK or Germany or France or the Czech Republic can possibly understand the nature of this change yet. Is it possible to continue with a values-based foreign policy in NATO and the EU? What does a

“pragmatic foreign policy” promoted by some member states mean for our future policies? If in the name of pragmatism we shut our eyes to the behaviour of one large neighbour, do they remain open for the rest of the world? Does a European Union that wants as quickly as possible, in the name of doing business, to get back to business as usual and ignores aggression, stand a chance of developing a Foreign and Security Policy that is not a joke? Can a common foreign and security policy that is nothing more than the least common denominator, where there is a possibility of doing a separate deal, stand a chance?

No one, however, wants to think that the Kantian paradigm of perpetual peace that we all talk about in Europe perhaps no longer works. We don't want to think of the Melian dialogues.

We are in a brave new world.