

## The case of Kaliningrad in relation to the fifth enlargement of the EU

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**Last updated:** 07/07/2016

## The case of Kaliningrad in relation to the fifth enlargement of the EU

The case of Kaliningrad epitomises the contradictions of the European Integration process and its self-assumed cohesive extension of a European political and socioeconomic model based on fundamental rights and democracy through enlargement policy, namely “the only successful external policy of the European Union”. It also forces, if not resolution, at least dialogue with one of the most deeply rooted “others” in the history of European integration, that is, Russia. Indeed, if identity constitutes an active process whose benchmarks are to be earned by conscious initiatives at multiple policy levels, any “enlargement” of rights and opportunities should be applied beyond tangential points of conflicting narratives, for they are supposed to benefit, in a sustainable way, individuals and societies without stopping at the gates of differentiated political entities. However, the case of Kaliningrad shows the old weight of sovereignty disputes as well as a subtle and staggered notion of belonging to a community of values. In this sense, the Kaliningrad Oblast, currently administered by the Russian Federation, constitutes a paradigmatic case that sharpens the edges of the EU’s self-definition and practices.

The Russian region of Kaliningrad, formerly known as Königsberg, belonged to Prussia during seven centuries, being known as East Prussia, and constituted a remarkable commercial and cultural centre before becoming part of the territory of the Soviet Union after WWII. During the Cold war, Kaliningrad also became a highly strategic and militarised enclave which was split from the Russian Federation in 1991, as the Baltic states declared their independence and their accession was set in the European Union agenda in 1994.

In 1994, a turning point in EU enlargement history due to the impact of the Stability Pact, the idea of integrating Russia, or part of it, in the EU was particularly hard to accept. Nonetheless, it was precisely Russia which triggered the entrance of other relevant players into action: the Baltic States. The conflictive context of the Russian troop withdrawal, the question of Kaliningrad and the fight over the rights of the Russian minorities in the Baltic States made the EU discourse on enlargement travel back to its initial security priorities. In this context, the Commission elaborated some relevant reports which placed Russia and EU-Russia relations at the centre of the political concerns of the period. In a first moment, the European Commission just seemed to focus on the particular case of Latvia:

“An agreement on the withdrawal of former Soviet troops stationed in Latvia (12,000 men) was finally signed in Moscow on 30 April 1994, along with three other related agreements. The Latvian Parliament has not yet ratified the agreements. This could lead to growing impatience on the Russian side, with possible consequences for Latvia’s trade with Russia (30% of the total exports). Russia is about to increase its import tariffs and has reportedly announced that it reserves the right to cancel Latvia’s recently acquired MNF status at any time. The uncertain status of ‘Russian-speaking minorities’ in Latvia is another source of tensions in Latvia-Russia relations. Russia has indicated that it does not like the law in its present form and that its adoption could complicate the relations between the two states, thought it should not affect the treaties on troop withdrawal”.

The political stability and the security factor appear repeatedly in the preparation documents of the Commission in view of the Corfu European Council in 1994, which reflects a tension that was always dread. In any case, the Commission discourse focuses in stopping any kind of escalation and does not talk as much about the eventual Baltic States’ accession as about the need to take that opportunity to finally stabilise the relations with Russia and mark the frontiers of the “Return to Europe” of the Central and Eastern European countries (CEECs):

“The EU considers future stable relations between the Baltic States and Russia as essential pre-requisite for Stability in Europe. On Russian troops withdrawals, the EU insists on unconditional withdrawal in line with the 15 Helsinki CSCE Summit Declaration 1992. The EU recognises unique historical

circumstances the re-establishment of a national identity in the Baltic States. The EU however, urges them to adopt and implement policies respecting the rights and reasonable expectations of all individuals resident in their territories and conducive to internal stability and a harmonious relationship with the neighbours. The Trade and co-operation Agreements of 1993 are now being upgraded into Free Trade Agreements, currently being negotiated and scheduled to enter into force on 1.1.95, in parallel with the “Northern” enlargement of the EU. Following the decision of the 7th February 1994 GAC, the EU is ready to negotiate and conclude Europe Agreements with the Baltics “as soon as possible”, bargaining with them the perspective of membership as the ultimate objective. The Three Baltic States signed the NATO – Partnership for Peace – Initiative; they were also granted Associate status in WEU (9 May). The Baltics are together with the 6 CEECs the 9 countries primarily concerned with the EU’s Stability Pact. Latvia and Estonia are preoccupied by issues related to large Russian-speaking populations. They are prepared to discuss this with Russians bilaterally. They seek EU assistance in integrating Russian speakers. Latvia seeks financial support for voluntary repatriation of retired Russian military officers, but the EU has rejected this. Lithuania wishes the economic development of Kaliningrad to be covered by a regional table; proposes a sub-group on implementation of the Lithuanian – Polish Treaty after the ratification is completed as well as seeking assistance cross-border co-operation”.

The Commission tried to tie the CEECs to the Baltic States and envisaged a parallel enlargement of which have them become, the limits of the new European self, based on the trip back to “the roots of what the Cold War distorted”, following the lines of the discourses also promoted from the CEECs regarding the “Return to Europe” slogan. The relationship between both groups of countries will establish the basis for the internal organisation of the initial Task Force on Enlargement in the Commission and will be a key element of the negotiations:

“With regard to the Visegrad States, the March 26 statement of the Baltic Presidents expressed readiness to intensify the dialogue in all fields and on all levels with a view to facilitating the integration of the Visegrad and Baltic States into European political, economic and security structures. An important step in this direction could be the negotiation of a free trade area between the Baltic and Visegrad countries. In this context, all three regard the signing of the Lithuanian-Polish Treaty on 26 April 1994, as a significant achievement toward establishing confidence and promoting integration along the North-South European axis. The Baltic States are members of the UN, IMF/World Bank; they are participating in the NATO – Partnership for Peace – Initiative and were granted associate status in WEU on 9 May 1994. They are currently seeking GATT- membership” .This context was marked by the rise of one of the most difficult questions regarding the border distortion that the EU’s Eastward enlargement implied, namely, the Kaliningrad question, in which the potential conflict with Russian interests was a constant threat:

“Concerning Kaliningrad, a proper legal framework for military transit has yet to be agreed upon by both parties. Lithuania is resisting demands for free transit of Russian troops on their way to Kaliningrad. At the moment, Russian military transit is done under a temporary agreement, under which separate permission must be obtained for each individual convoy. Russian car passengers going from Russian to Kaliningrad need transit visas; train passengers do not, but their carriages are sealed. Russians living in in Kaliningrad do not need visas; neither do Lithuanians travelling to Kaliningrad. Lithuania advocates the demilitarisation of Kaliningrad and the creation of a free-trade zone. Russia is unclear about its own intentions regarding the future of the enclave”<sup>[1]</sup>.

The security concern extended itself to the interactions between candidate countries, as illustrated by the case of Lithuanian-Polish relations. In this case, the reference to “amending the past” continued to show Eastward enlargement as the second chance of European history, generating new “making

History claims” on behalf of the Commission:

“On 26 April, 1994, Lithuania and Poland signed a Treaty on Friendship and Cooperation. There are not territorial disputes with Poland, but the agreement took some time to be initialled because the Lithuanians wanted the Polish to recognise historical responsibility for the annexation of Vilnius in 1920. No such admission was forthcoming the main concern being that an official condemnation of Poland’s occupation of Vilnius would jeopardise Polish residents’ claims to the restitutions of land previously collectivised under Soviet rule, and eventually Lithuania dropped this condition. The agreement was welcomed by the EU as a substantial contribution towards enhanced stability in the entire region, in line with the European Union’s endeavours to establish a Stability Pact in Europe”<sup>[2]</sup>.

The Baltic States as individual actors also gained credibility and started to be well-established candidate countries in 1994, fact triggered for their key role in offering an opportunity to clarify EU-Russia relations and to favour the supporters of enlargement as the security and stability priority of the EU:

“Determination to consolidate their independence lies behind the desire of the three Baltic States to be integrated into the EU and other Western European and trans-Atlantic institutions. The EU has a strategic interest in supporting the Baltic States, given their particular security concerns. Relations between the Baltic States and Russia are still overshadowed by the uncompleted (unconditional, 15 Helsinki) troop withdrawal, presence of military bases and important Russian-speaking population groups (in Latvia: 48%, Estonia 33%, Lithuania 9%). The EU took an active interest in the negotiations on former Soviet troop withdrawal (demarches/statements). Russian troops have been completely withdrawn from Lithuania since end of April 1993 – although they continue to transit the country to reach Kaliningrad. An agreement providing for complete troop withdrawal (12,000 men) by 31 August 1994 has been signed on 30 April 1994 between Latvia and Russia, as well as agreements on social guarantees for retired military personnel and a compromise over the closure of the Russian early-warning station at Skrunda. The agreements and the citizenship law (adapted to recommendations of the CSCE and the Council of Europe) face difficulties in its passage through the Latvian Parliament. Recent irritations caused by a Russian Presidential decree on Russian military bases in CIS and Latvia now qualified as “administrative error”, prevented Latvia from signing the already in March initialled agreements on 20.4. Between Estonia and Russia no agreement has yet been reached over the unconditional troop withdrawal (2,500 men). A recent EU demarche to the Russian authorities underlines the importance it attaches to complete withdrawal by 31 August 1994. The latest round of negotiations, held on 5-6 May in Estonia, ended in deadlock, and no date has been fixed for the next round, which is to be held in Moscow. The problem of issuing residence permits for non-citizens and the dispute over Estonia’s eastern border (Narva/Petseri) is marking the negotiations with Russians, although troops withdrawal has to be unconditional”<sup>[3]</sup>.

But 1994 is also the year in which the first attempts of a Polish “diplomatic stardom” as the “guiding light” in the CEECs’ march towards enlargement are fully documented:

“The Ambassador of Poland, M. Kulakowski, has paid a visit to transmit the instructions of his government. The requests of the Polish government concerning the conclusions of Corfu can be summarised in the following points:

-Confirmation of the Union’s will to give continuation to Poland’s accession process;

- Renewed decision of a coming together between Poland and the European Union;
- Enlargement of the institutional dialogue, especially at the ministerial level and at new sectors like the environment;
- Improvement of the access conditions to the Union's market;
- Reinforcement of the investments' aid.

In response to one of my remarks, the Polish Ambassador has recognised that these points, particularly the second one, seems to be rather vague and would be susceptible of covering the third, fourth and fifth point. I have assured to the Ambassador Kulakowski that I would transmit these remarks and have confirmed that the European Council in Corfu would surely envisage the conclusions relative to the future relations between the Union and the CEECs"<sup>[4]</sup>.

However, once again, the need of stabilising the Baltics enters successively into scene and becomes the core of a crisis situation regarding the Russian troop withdrawal from the Baltic States, which is risking to threaten the apparent balanced situation of the Baltics and the CEECs compared with that of the ex-Yugoslavia:

“-The EU rightly considers stable relations between the Baltic States and Russia as essential prerequisite for Stability in Europe.

-On Russian troop withdrawal, we should continue to insist on unconditional withdrawal from all the Baltic States in line with 15 of Helsinki CSCE summit Declaration 1992.

-The Commission attaches great importance to the timely and unconditional completion of Russian troop withdrawal by end of August 1994 from Latvia, in accordance with the recently signed bilateral agreement with Russia, and from Estonia, where agreement has still to be reached.

-Whilst recognising their special historical circumstances and the need to re-establish national identity, the Union should continue however to urge the Baltic States to adopt and implement policies respecting the rights and reasonable expectations of all individuals resident in their territories. Of particular relevance here are the Estonian law on aliens and the Latvian citizenship law"<sup>[5]</sup>.

The feeling of being bordering an imminent crisis and the fear of stabilisation convince some reluctant EU actors to vouch for Eastward enlargement, favouring thus the commitment with the project:

“-Given this background, the recently agreed demarche by the EU Troika in Riga was necessary and timely.

-Relations between EU and the Baltic States are in the process of being strengthened: the Free Trade Agreement EU-Latvia was initialled a few days ago (20 June); initialling of the FTA with Lithuania is envisaged for 27 June, and with Estonia shortly afterwards.

-The Commission is thus preparing proposals for the Council on a comprehensive policy approach addressing the whole Baltic Sea Region"<sup>[6]</sup>.

The crisis in EU-Russia relations strikes again later in mid-1994 and occupies the political agenda of this period. Furthermore, it is interesting to note that, in this period, the Commission fully exercises its functions as a political decision-making actor. This is a role which will become progressively blurred in communication documents when the Commission becomes more and more occupied with the media diffusion of supposed achievements that “have forever changed European History” as a means to consolidate a political legitimacy. Nonetheless, in these moments, the Commission still makes the

difference in issues like the peaceful divorce between Russia and the Baltic States, not exempt of crisis and disputes. And, funnily enough those moments of actorness are only publicised within the EU institutions. Nowadays, however, communication, without the base of such a degree of geopolitical actorness, is more focused on the diffusing facts to the public, which could be seen as a huge strategic mistake. It seems that when the Commission was in the situation of operating key political decisions the focus was on the internal institutional communication and when it does not enjoy the same role, the focus lies on communicating with the European citizenship. Nevertheless, it would have been wiser to start with a wider communication scope since the early nineties, when the used perceptions of time were in line with contextual worries and challenges, rather than starting communicating Eastward enlargement to the public since 2002 were the world was once again too much different to the immediate post-Cold war realities.

In any case, coming back to the analysis of the temporal dimensions of the political decisions of this period, we can say the dreaded crisis with Russia meant a come back to the urgency in the present context and overshadowing the urgency of making a dreamt future come true:

“Russian-Estonian negotiations for withdrawal of the remaining 2,400 troops have ground to a halt. The general agreement on troop withdrawals has been ready for initialling since the beginning of March, but the Russian Federation has so far refused to sign off the agreement. In violation of obligations it has incurred in various international fora, Russia instead, continues to link troop withdrawal to other issues, including agreements on retired and reserve military officers. Furthermore, Russia has stated that it does not intend to conclude an agreement on troop withdrawal unless an agreement extending the Russian military presence at the Paldiski nuclear base by several years is also signed simultaneously. In essence, these additional conditions amount to demands on Estonia to alter its internal legislation, a Russian stance that reflects an unacceptable interpretation of sovereignty. Another unsettled issue in Estonian-Russian relations is the dispute over the location of Estonia’s eastern and sea borders. On the other hand, the implementation of Estonia’s legislation on the status of non-citizens (Aliens Law) is another important issue given the large proportion of Russians speakers among the population (approx. 35%). Russia’s unconstructive behaviour at the NATO-NACC ministerial meeting in Istanbul characterises the difficulties Estonia had to face for over two years in two-party talks with Russia. In this background, we appeal to the European Union and its member states to use their influence so that the troops’ withdrawal issue is not used to harass the Government of Estonia on other issues. We also ask the EU and the member states to reiterate their positions clearly and at the highest level so that the troops must be withdrawn, unconditionally, from Estonia by 31 August 1994”<sup>[7]</sup>.

At the same time, the Corfu European Council of 1994 had advanced the following measures:

“The European Council in June 1993 in Copenhagen adopted the objective of membership of the 6 associated CEECs, as soon as they are able to assume the obligations of membership by satisfying the economic and political conditions required. Since two of the associated CEECs, Hungary and Poland, have already submitted membership applications in April 1994 and a new enlargement discussion is premature before the IGC of 1996, the time is ripe to work out a pre-accession EU-strategy with the countries concerned. In order to achieve this goal, progress should be made in the field of economic co-operation and assistance, in concertation of matters of common interest (incl. energy, environment, transport, science/technology, CFSP and Justice + Home Affairs), in the implementation of the reinforced political dialogue and in the Stability Pact initiative; other areas for increased co-operation between all partners concerned. The German-French paper of 30/31 May 1994 which outlines priorities

for the strategy of gradual integration of the CEECs is being examined. The Commission is requested to present a comprehensive policy paper in view of the European Council in Essen (December); a first draft is to be prepared after the Corfu Council by 15 July (DG I/DG IA)”<sup>[8]</sup>.

The same document also offers us a privileged behind the scenes view of the initial functioning of the process, the distribution of tasks in the initial implementation plans of Eastward enlargement and the relationships between the different actors:

“The Copenhagen European Council in June 1993 explicitly recognised for the first time the objective of membership for the CEECs. The European Council today agreed that the associated countries in Central and Eastern Europe that so desire shall become members of the European Union. Accession will take place as soon as than associated country is able to assume the obligations of membership by satisfying the economic and political conditions required. At Copenhagen it was concluded that future cooperation would be geared to the objective of membership. The CEECs were invited, alongside the bilateral structure of the European Agreements, to enter into a structured relationship with the institutions of the Union within the framework of a reinforced and extended multilateral dialogue and concertation on matters of common interest. This dialogue would involve:

–Regular meetings between the President of the European Council and the President of the Commission with their counterparts from the associated CEEC;

–where appropriate, joint meetings of all the Heads of State and Government to discuss specific pre-determined issues;

–consultative meetings between the Council and all associated CEECs on issues of common interest determined beforehand in the different areas of competence of the Union: Community matters, in particular of trans-European dimension, CFSP, Justice and Home Affairs with the 6 CEECs homologues;

–reinforced political dialogue on foreign and security policy matters consisting of: -semestral meetings of the Troika with the associated CEECs at the level of FM, Political Directors and relevant working groups;

–regular Troika consultations in advance of important meetings in the UN General Assembly and the CSCE;

To date, implementation of the Copenhagen decisions to develop a structured relationship between the CEEC and the institutions of the Union within the framework of a reinforced and extended multilateral dialogue and concertation on matters of common interest has concentrated on the CFSP. The Union should aim to develop close cooperation with the associated CEECs in all three pillars. The field of cultural cooperation, included in the Europe Agreements, should not be overlooked. This is vital to promote the development of favourable public opinion towards European integration”<sup>[9]</sup>.

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[1] *Ibid.*

[2] COMMISSION EUROPEENNE, RELATIONS POLITIQUES EXTERIEURES, Unite B1, Brussels, 20 June 1994, IR/CS/js/0511282, *BACKGROUND NOTE : BALTIC STATES, The Security Issue*, p.4. Background Note elaborated by I. Rudolphi, from

the DG1A-B1.

[3] COMMISSION EUROPEENNE, RELATIONS POLITIQUES EXTERIEURES, Unite B1, Brussels, 20 June 1994, IR/CS/js/0511282, *BACKGROUND NOTE : BALTIC STATES, The Security Issue*, p.1. Background Note elaborated by I. Rudolphi, from the DG1A-B1.

[4] COMMISSION EUROPEENNE, Direction General des Relations Politiques Exterieures, DG I.A.B-Le Directeur, Bruxelles. le 21 juin 1994, *Note a l'attention de Monsieur G. Burghardt, Object : Conseil Europeenne de Corfou : demande polonaise*, p.1. Dcoument elaborated by Pablo Benavides.

[5] COMMISSION EUROPEENNE, DIRECTION GENERALE IA, RELATIONS POLITIQUES EXTERIEURES, Unite B1, Brussels , 21 June 1994, IR/js/0621298, Corfu European Council, 24-25 June 1994, *SPEAKING NOTE, Subject: Baltic States (Estonia, Latvia)*, p. 1. Speaking note elaborated by I. Rudolphi, from the DG1A-B1.

[6] COMMISSION EUROPEENNE, DIRECTION GENERALE IA, RELATIONS POLITIQUES EXTERIEURES, Unite B1, Brussels , 21 June 1994, IR/js/0621298, Corfu European Council, 24-25 June 1994, *SPEAKING NOTE, Subject: Baltic States (Estonia, Latvia)*, p. 2. Speaking note elaborated by I. Rudolphi, from the DG1A-B1.

[7] COMMISSION EUROPEENNE, DIRECTION GENERALE IA, RELATIONS POLITIQUES EXTERIEURES, Unite B1, Brussels , 21 June 1994, IR/CS/js/0620293, *Aide Memoire to the European Union member states and the European Commission regarding the upcoming EU summit in Corfu, 24-25 June 1994 Briefing Note, Subject: Estonia-Troop withdrawal and related issues*, p.1. Briefing Note elaborated by I. Rudolphi.

[8] COMMISSION EUROPEENNE, DIRECTION GENERALE IA, RELATIONS POLITIQUES EXTERIEURES, Unite B1, Brussels, 21 June 1994, IR/js/0620292, *Conseil Europeenne Corfou*

*24-25 June 1994, Subject: Central and Eastern Europe (up-date)*, p1.

[9] COMMISSION EUROPEENNE, DIRECTION GENERALE IA, RELATIONS POLITIQUES EXTERIEURES, Unite B1, Brussels, 21 June 1994, *Conseil Europeenne Corfou, 24-25 June 1994*,

*Subject: Central and Eastern Europe*, pp. 1-4. Document elaborated by Simon Banks.