

EUROPE: CONCEPTS, STRATEGIES, LAW

Andrzej Madeja, The Concept of Community Integration by Paul-Henri Spaak

Paul Henri Spaak is rightly counted among the European Founding Fathers. After a debacle of the European Defense Community project (30 August 1954) it was Spaak who became a fruitful source of new and efficient initiatives. He closely collaborated with J. Monnet and J.W. Beyen but formulation of a new model of community structure was his own achievement. Thereby Spaak fully deserves the name of the father of the Treaties of Rome, especially of the European Economic Community. Spaak was deeply convinced about the validity of international cooperation. Its efficiency required limitation of sovereignty. Yet Spaak represented a different understanding of the term “supranational” than Monnet. His view was closer to R. Schuman’s and K. Adenauer’s. He did not abandon the idea of a supranational organ but the community model did not have to comprise a powerful and dominating supranational institution. For him “supranationality” meant a majority mode of decisions-making. Due to such an assumption an organ comprising representatives of national governments could be recognized as supranational. Another modification referred to the scope of community remit. Spaak, just like K. Adenauer, eventually “converted” to a horizontal, i.e. comprehensive model. As to the final goal, he wished to create a federation. It should be broadly empowered in matters of foreign relations, military security and economic policies. Yet states would not disappear. The EEC and various forms of intergovernmental cooperation in the political sphere were measures serving the attainment of the goal.

Szymon Maciejewski, Theoretical and Methodological Foundations of the Munich School

The article introduces the reader to the most significant methodological and theoretical foundations of the Munich School (Münchner Schule), which is commonly perceived as the German version of neorealism. Since the late 1970s when Professor Gottfried-Karl Kindermann, an Austrian scholar from the University of Munich, proclaimed his theory, it has become one of the most relevant studies of international politics in West Germany. It should be noted that his chief work “Grundelemente der Weltpolitik” had been published (1977) before Kenneth Waltz’s “The Structure of International Politics” (1979) came out. Kindermann’s theory was created as a consequence of a polemical dialog with classical and structural realism. The contribution of the Munich School, which is based on the so-called constellation analysis (Konstellationsanalyse), is relatively little known in the Polish scientific literature. Therefore, it could be a brilliant source of inspiration for both scholars and policymakers, primarily due to its comprehensive methodological approach to examination and explanation of international politics.

Anna Moraczewska, Eastern Dimension of the European Neighbourhood Policy as a Strategy of Risk Management

The article analyzes the European Neighbourhood Policy of the European Union and its Eastern Dimension using the method associated with risk analysis. The European Union is recognized primarily as an actor of international economic relations oriented towards maximizing profits and minimizing losses on the international market. It is assumed that creation of the multilateral regional cooperation for the area of Eastern Europe, where Russia remains an important and risky player, was based on the mechanisms of risk management. It is not treated as a single act but a process that requires continuous verification or confirmation of the adopted methods, based on the results of this management and new challenges posed by the international environment. In addition, armed conflict between Ukraine (included in the European Neighbourhood Policy) and Russia in 2014 confirmed the presence of a high level of risk in the area, highly influenced the European Union's decisions on economic relations with Russia, and has brought significant losses for the European market, in response to which further strategies of risk management must be created.

Larysa Leszczenko, Role of the European Court of Human Rights in Protecting the Rights of Victims of Armed Conflicts in the Post-Soviet Space

The paper attempts to draw attention to the problem related to ensuring protection of the rights and freedoms of victims of armed conflicts in the post-Soviet space. To date this research problem is rather modestly represented in the Polish political science publications. Membership in the Council of Europe of six post-Soviet states (Armenia, Azerbaijan, Georgia, Moldova, Russia, Ukraine) at the turn of the 20th and 21st centuries provided an opportunity for the citizens as well as temporary residents of these countries, to fully exercise their right to legal personality. Due to lack of effective national legal instruments which make it possible to seek compensation from the state for violating personal rights and freedoms, victims of armed conflicts in the post-Soviet space widely use the possibility of individual claims against the state in the European Court of Human Rights. Despite the fact that the ECHR is not considered competent in the issues of war crimes and crimes against humanity, it acts based on its competence related to the protection of fundamental rights and freedoms. The lack of interest of post-Soviet states in cooperation with the International Criminal Court is one of the reasons why in the coming years the European Court of Human Rights will remain the only international judicial institution with a potential of improving the condition of victims of armed conflicts in the region.

Dariusz Wybranowski, Genesis and Conditions of the Process of Transforming the Community of Muslims in Bosnia into a "Constitutive Nation" of Yugoslavia at the Turn of the 1960s/1970s

The focus of the article is to describe the processes and causes that led to the emergence among the Muslims in Bosnia and Herzegovina of an awareness of their distinction from Serbs and Croats, and of the reasons for the creation in mid-20th century a separate "constitutive nation" out of them in Tito's Yugoslavia, officially called Muslims (Muslimani). At the beginning of the 19th century, during Turkish domination and later after Bosnia and Herzegovina passed under Austro-Hungarian occupation, a part of the native adherents of Islam cherished a sense of cultural and

religious individuality. At the turn of the 19th and 20th centuries certain Croat and Serbian national activists treated Muslim Bosniaks as “Croats” or “Serbs” who only differed in terms of religious faith, and so tried to win them for their national-political projects, whereas the previously “Turkish” and then “Austrian” area of Bosnia was to be politically and administratively divided. In the interwar period and the time of the Kingdom of Serbs, Croats and Slovenes (the SHS Kingdom), later Yugoslavia, the Bosnian adherents of Islam (especially those of the upper classes) saw themselves either as “Islamized Croats” or “Islamized Serbs”, or “Serbs and Croats of Muslim religion”. During the Second World War a substantial part of Bosniaks and their elites for various reasons declared to be “Muslim Croats” and supported political collaboration with the Ustaše regime and the totalitarian government of Ante Pavelić in the Independent State of Croatia. After 1945 when the communists and Josip Broz Tito seized power, the area of Bosnia and Herzegovina was recreated in the borders of 1878 as part of the Socialist Federal Republic of Yugoslavia. Official recognition of a new “constitutive nation” of Muslims took place in the years 1968- 1974.

Jadwiga Kiwerska, The UE as a Player on the International Arena from the American Perspective

The European Union with its obvious trump cards should be an active and efficient player on the international arena. Such are the expectations of the United States formulated especially by the administration of Barack Obama. However, from the American perspective, the EU did not prove successful as an important international actor, engaged in resolving global problems and prepared to assume greater responsibility for the course of events in the world. This inertia of the EU resulted in a marginalization of Europe in American politics, as manifested by the latter’s pivot to the Pacific Rim. Only developments in the Ukraine which are an effect of imperial tendencies in Russia’s activity triggered greater activity and coherence in American and European politics. But today it is still difficult to foresee whether the EU will want to live up to the role of an efficient player on the international arena in accord with American expectations.

Paulina Matera, The Concepts of Renewing US Leadership on the International Stage in the 21st Century

The article concerns the position of the United States on the international stage in the 21st century. The major areas of domination and loss of the advantage in the new international order are presented in terms of the thesis of the end of American hegemony. The issues undertaken in this situation by the policy-makers are analyzed: defining the major threats and challenges for the United States; the methods of cooperation with the traditional allies and with the new powers; the reforms of the domestic structures of power and the improvement of the state of economy in order to gain a stronger position in international relations; the necessity of the existence of a leader/hegemonist in the contemporary international system which has many centers of influence. The major part of the article presents the conceptions and activity of the administrations of George W. Bush and Barack Obama: the strategy of transformational diplomacy and the concept of smart power.

Marta Götz, Polish-American Foreign Direct Investments

This paper deals with the topic of international competitiveness focusing on mutual investment attractiveness of Poland and the United States. Based on available information on the activities of Polish and American firms preliminary conclusions can be formulated as to the factors determining companies' competitiveness and location's attractiveness. Scale of activity and experience including financial resources are decisive for American firms' ability to invest on Polish market whose attractiveness rests on various factors depending on the investment wave, i.e. stage of development. Flexibility and novelty of supplied products and services enable young Polish firms to venture on the mature and highly competitive US market which offers specific local advantages such as access to advanced demand, networks or clusters.

Andrzej Gadkowski, Institutional Cooperation between the European Union and the United Nations System

In its external action, the European Union (EU) maintains relations with third states and other international organizations. This cooperation has led to more significant and wider opportunities after the entry into force of the Treaty of Lisbon, which has strengthened the role of the EU in the international arena. The author analyzes the cooperation between the EU and the United Nations system, the most pertinent example of which is cooperation between the EU and the General Assembly. On the basis of resolution 65/276 adopted by the General Assembly in 2011, the EU obtained a particular, enhanced observer status. Thus, the role of the EU at the United Nations has increased. The enhanced observer status was also attributed to the EU in its relations with some UN specialized agencies such as the ILO, ICAO, WHO or UNESCO. Cooperation with other specialized agencies is based on the observer status. The most interesting aspect in this context is the membership of the EU in the WTO and FAO. The author presents the legal basis for the cooperation between the EU and the UN system and analyzes the existing practice.

Tadeusz Gadkowski, Institutional Changes in the European Union. The Jurisdiction of the Court of Justice of the European Union in the Area of Freedom, Security and Justice

The Treaty of Lisbon has introduced some major structural changes within the European Union, one of which was the abolition of its traditional legal architecture: the three-pillar structure. In the first part of the article, the author presents the issue of the Court of Justice's jurisdiction in the former third pillar and highlights its significant limitations. In this context, the provisions of the Treaty of Amsterdam on the Area of Freedom, Security and Justice (AFSJ) are analyzed. Secondly, the author emphasizes that, in the light of the Treaty of Lisbon, the AFSJ is realized through a variety of European Union instruments. As the jurisdiction of the Court of Justice covers all EU law, cooperation within the AFSJ falls under its competence. Finally, the author underlines some exceptions to this rule.

Natalia Buchowska, The European Union's Accession to the Convention for the Protection of Human Rights and Fundamental Freedoms

Abstract: European Union's accession to the Convention for the Protection of Human Rights and Fundamental Freedoms is a significant legal, political and organizational challenge. Its specific character is primarily due to the fact that the Union is a non-state entity. The aforementioned accession raises a number of questions, to which the answers have been sought not only by the negotiators of both organizations, but also by researchers and other experts. The purpose of this article is to analyze some of the institutional problems, seen primarily from the perspective of public international law. Firstly, the object of the article is to analyze the problem of choosing an appropriate legal form and scope of the accession. Subsequently, some of the most important institutional aspects of the EU's participation in the system of the Convention are considered, namely the issue of the representation of the Union in the Parliamentary Assembly of the Council of Europe and the Committee of Ministers of the Council of Europe, as well as the potential choice of a judge of the Union in the European Court of Human Rights.

Tadeusz Janicki, Government of the FRG on the Idea of Integration of Western European Agriculture and Construction of Common Agricultural Policy in the Years 1949 – 1969

One of the most complex processes in the history of the EEC was to create an institutional and financial basis for Common Agricultural Policy. Advocated by France, the integration of European agriculture on the one hand was perceived in the FRG as a threat to the existence of hundreds of thousands of German farms, and on the other hand as a valuable bargaining chip for achieving fundamental objectives of its foreign policy in the 1950s and 60s, that is, to overcome international isolation and integrate politically and economically with the West. The article presents motives and decisions made by the FRG authorities with regard to the ideas of Western European integration of agriculture and the subsequent stages of the construction of the CAP in the years 1949-1969. Politicians of the CDU and the CSU responsible for managing agricultural affairs were slowing down the integration process of the agricultural market of the EEC acting under the pressure of a protectionist approach of the German Farmers' Association. Eventually however they were forced to agree to the creation of the CAP and its costly organizational and financing processes. West German agricultural policy was an integral part of general foreign policy and the consent to the creation of the CAP was the price that the FRG agreed to pay in exchange for the opportunity to implement their fundamental political and economic objectives, even though it limited possibilities of internal agricultural policy, was expensive for the budget and weakened the political influence of the CDU / CSU in the rural environment.

Marek Mikołajczyk, The French Battle for Implementing the Common Agricultural Policy during de Gaulle's Rule in the Years 1958-1969

The object of the article is to show the role of France under de Gaulle's rule in the preparation of the Common Agricultural Policy in the years 1958-1969 as well as to answer the question whether the CAP met the hopes that de Gaulle and the French farmers placed in it. Three issues are discussed: France's activity for the creation of the CAP in the years 1958-1962, controversies over establishing common prices for agricultural goods and efforts to develop a system of financing the CAP. The article argues that under de Gaulle's rule France played a decisive role in the creation of the CAP as the French leader wanted to turn it into an instrument which was to help modernize and restructure French agriculture thus contributing to the improvement of the living conditions of French farmers. In the case of France the balance of the CAP in the period of de Gaulle's rule was rather positive although not all of the initially assumed goals were achieved.

Radoslav Štefančík, Schwache Institutionalisierung des slowakischen Parteiensystems

The treatise outlines the current Slovak party system from the perspective of its institutionalization. The text is based on the assumption that weak institutionalization was an ongoing attribute of the Slovak party system after the general elections in 2010, which eventually led to the overthrow of the Radičová government. The text presents the theory of the institutionalization of political parties and development of the Slovak party system and thus analyzes features of the weakly established party system. A weak anchoring of parties in the party landscape and high volatility are presented as the most striking features of the Slovak party system.