

MARCH 2020

CURRENT HISTORY

A Journal of Contemporary World Affairs



EUROPE

Eastern Questions

The Tragedy of Central European University

Ferenc Laczó

The Albanian Tinderbox

Isa Blumi

Ambiguous Balkan Justice

Marko Attila Hoare

Policy and Populism

Brexit's Environmental Impact

Charlotte Burns

The EU Gets Political

Vivien A. Schmidt

Plus:

The New Preservationism

Holly Case

Britain's Hostility to Immigrants

Bridget Anderson



CURRENT HISTORY

March 2020

Vol. 119, No. 815

CONTENTS

- 83 The Tragedy of Central European University.....***Ferenc Laczó*
The West had no effective answer to the illiberal Hungarian regime's campaign to crush an institution that had inspired young scholars from the region with its lofty ambitions.
- 89 The Ambiguous Legacy of the Balkan War Crimes Tribunal.....***Marko Attila Hoare*
The court managed to imprison the two leading perpetrators of genocide but fell short in its bid to mete out broader justice, exposing the limitations of the process.
- 95 The Albanian Question Looms Over the Balkans Again.....***Isa Blumi*
Unresolved conflicts, secret deals, and elites subservient to outside powers are fueling instability among Albanian populations that have steadily lost hope.
- 101 Will Brexit Degrade UK Environmental Policy?.....***Charlotte Burns*
Membership in the European Union transformed Britain's environmental policies for the better. Will that change now that Brexit is under way?
- 107 Politics Shakes Up EU Governance.....***Vivien A. Schmidt*
The politicization of a system known for its technocratic ways may hinder policymakers, but could make the European Union's institutions more democratic. *Sixth in a series on ways of governing.*
- PERSPECTIVE**
- 114 Saving What We Love.....***Holly Case*
Protest movements undertaken on behalf of beleaguered liberal values these days are trading revolutionary aspirations for preservationist agendas.
- BOOKS**
- 117 Migration and Race in Britain.....***Bridget Anderson*
A new book examines how a history of colonialism, racism, and class divisions spawned the hostility toward immigration that has recently dominated British politics.
- THE MONTH IN REVIEW**
- 120 January 2020**
An international chronology of events in January, country by country, day by day.

CURRENT HISTORY

March 2020

“The splendid new campus in downtown Budapest will in all likelihood feel eerily quiet in the coming years—a forcibly abandoned cathedral that was devoted to our precarious belief in an open and argumentative future.”

The Tragedy of Central European University

FERENC LACZÓ

For nearly three decades, Central European University (CEU) in Budapest was a place of great intellectual ambition. This US-accredited graduate school of modest size promised to return intellectual pursuits of the highest caliber to one of the epicenters of Europe’s recent cataclysms. But that plan had to be aborted in 2019, when the university was forced to relocate its core activities to Vienna after being hounded relentlessly by Hungarian authorities. The story of CEU, with all of its ambiguities and contradictions, should be viewed as a symbol of Central and Eastern Europe’s now faltering attempt to become part of, and contribute to, the liberal West.

The deliberate destruction of public argument and the institutional foundations of independent and evidence-based intellectual exchange in Hungary since 2010 has taken recent graduates of CEU—who had considered themselves relatively fortunate children of uninteresting times—by surprise. More broadly, the unprecedented expulsion of an American university (most courses at CEU consisted of study programs accredited in New York State) from a European Union member state illustrates several highly consequential trends. Among them are the sudden withdrawal of the United States from its role as guarantor of liberal norms and values; the costly reluctance of the EU to offer effective responses to the open and ever-bolder antiliberal challenge within its borders; and the inability of Central and Eastern European countries to develop and appreciate academic institutions of international standing after the Cold War.

HIGH AMBITION

A key ambition behind CEU’s founding in the early 1990s was for the comparative and transnational study of Central and Eastern Europe to be conducted by academics not only cognizant of current Western scholarship but also intimately familiar with the people and places they study. (The school was originally conceived as a regional university with branches in Prague and Warsaw, but opened only in Budapest.) The idea was that this small but highly complex part of the world, whose tragic experiences typically had been studied from a safe distance, would finally come to possess its own international hub of academic excellence in a Western-dominated and increasingly liberal world. After the sudden implosion of communist regimes, the great expectation was that the yawning gap which had opened in the region’s scholarship in the twentieth century—between experience and reflection, or perhaps rather between intellects and institutions—could finally be closed.

CEU’s main campus in the heart of Budapest offered thousands of talented young Central and Eastern Europeans, and many others from around the globe, the chance to think and act as members of a vibrant community of scholars. It provided me personally, a native of the city born shortly before 1989, with a unique opportunity to experience the excitement of international academia in my hometown. Since I was not a graduate of a Hungarian institution of higher education when I first entered the famed door within a door on the corner of Nádor Street (having pursued my first degree in the Netherlands), CEU was my only viable option for returning to study in Budapest, whose culture and trajectory felt so existentially important to me.

FERENC LACZÓ is an assistant professor of history at Maastricht University.

This new university provided the chance to see my own country—its special virtues and proud awkwardness—through the eyes of others.

I entered CEU in 2003, when Hungary was about to join the EU and the prospects of the region known until recently as the “kidnapped West” (in the much-cited if rather boastful formulation of Milan Kundera, who believed in the centrality of Central Europe to Western culture) were for once decidedly hopeful. After a decades-long slump that defined so much of the grumbling environment of our youth, the Hungarian economy finally appeared to be growing substantially, alongside its neighbors. Budapest, called the “pearl of the Danube” in days long faded from living memory, was becoming increasingly conscious of its beauty again. For a brief moment between mandatory regimentation and cheap commercialization, the city managed to combine growing sophistication with exciting intellectual and artistic scenes.

By 2003, the habits and styles of the Western and increasingly global bourgeoisie had started to exert a strong influence on us. But the ironic and subversive—though only occasionally politically radical—post-dissident subcultures still defined much of the cultural tenor of the only Hungarian metropolis. One could find smooth cappuccino in alternative bars, with some whipped cream on top, accompanied by loud indie rock.

In the early postcommunist years, when the life opportunities of several generations were largely decided (the lucky ones were aware of this at the time), there was an indiscriminating passion for Western thought and culture. As Polish journalist Jarosław Kuisz rightly notes of Central and Eastern Europe, lowbrow pop culture had merged with heavyweight philosophical ideas about the nature of democracy, yielding outcomes that could baffle Western visitors. Yet this passion, expressed in a post-dissident register, reflected something essential about the so-called developed capitalist societies (which had by then entered a profound crisis of their own, unbeknownst to us): the compensatory function of cultural and intellectual life within a socioeconomic system simultaneously based on the accumulation of wealth and sharp lines of exclusion.

Shortly after 1989, the wide-reaching Americanization of academia and the ambition to recreate

the cultural spaces of Central Europe could still be viewed as complementary. It took us years to appreciate how limiting the study of Central and Eastern European subjects could be with a practically exclusive focus on the most recent trends in English-language scholarship. We failed to take seriously at the time critical comments by French historian Jacques Revel, who acted as an academic adviser to our department, on the weak presence of relevant French and German academic literature in our curriculum. Such a critique seemed to us to reflect little more than the parochial self-defense of a declining force within globalizing culture. In my case, it took a postdoctoral move to Germany to become appreciative of the fact that there is a parallel and at least equally substantial body of scholarship on the recent history of Central and Eastern Europe in the German language, and that this alternative canon might in fact be more closely attuned to wider public discussions about the recent past and future of Europe.

UNINTERESTING TIMES?

As graduate students in the early years of the twenty-first century, enjoying indie rock with whipped cream, we had the luxury of believing that high politics did not need to be among our daily

concerns. Common sense at the time dictated that the decisions in favor of Western liberal democracy in our smallish corner of the world had already—if somewhat inconspicuously—been made. We were convinced that even if the violent conflicts and dictatorial oppression of the recent past had not yet been properly discussed and emotionally overcome, their chief sources (modernization pressures, nationalism combined with authoritarian predispositions) could no longer mobilize the same levels of passion and political irrationality.

A sober form of liberal progressivism—sensitive to academic fashions, moderately critical, well disciplined, and a little careerist—predominated on CEU's campus. In the breaks between classes, we kept insisting that it was foolish to be ardently opposed to anything, and that instead we should be making valuable if minor contributions to the highly specific causes we believed in. In our eyes, the radicalizing anticommunism of those years was the anachronistic ideological battle cry of those who lacked proper perspective and nuance.

The frontal attack on the university was part of a state-orchestrated campaign.

The largest scholarly issue on our horizon around the turn of the millennium was the revision and enlargement of the European canon. How to “deprovincialize” our region and ensure that the all-too-evident Western biases of knowledge production on the continent would not be reproduced? More generally, what could we do to help find a place for the recent historical experiences of what used to be called the Second World in global discussions defined by fraught exchanges between the West and the rest?

These priorities were combined with the feeling that local historiography needed to become more theoretically refined and methodologically sophisticated to compete in an international academic world increasingly defined by abstract theorizing and social scientific rigor. Much of our CEU education indeed focused on theoretical and methodological questions to complement the narrowly empiricist and unashamedly nationalistic approaches to which students of history had supposedly been exposed at their previous universities across Central and Eastern Europe. Moving from facts to interpretation, from knowledge to reflection, was to be the main axis of intellectual change.

Too young to have truly experienced the polarizing drama of the early years of transition, we knew that we were highly unlikely to enjoy the same opportunities that fell to some of our only slightly older colleagues (especially those born in the 1960s and early 1970s). But since Hungary and much of its neighborhood were just entering the European Union, we thought we could reasonably expect to live much more predictable and comfortable lives than members of previous generations.

In retrospect, however, this was right before the emergence and consolidation of the antiliberal regime of Viktor Orbán. Hungary soon went from being a pioneer of Europeanization in the post-communist world, a country lauded in the West, to one whose political trajectory has been defined for nearly a decade now by the ever-more glaring concentration of political and economic power, state-supported nationalistic mobilization, and a ruling spirit of spitefulness.

The right-wing radical explosion of the years from 2006 to 2009, defined by the meteoric rise of the far-right Jobbik party with its paramilitary style and openly racist rhetoric, should have provided us with a clear warning of the extreme rightward shift ahead. Even so, nothing could have quite prepared us for the purposeful destruction of spaces for public debate and the institutional foundations

of independent scholarship since then. This deliberate destruction has not only turned Hungary into the first propaganda state within the EU, but also recently widened into a comprehensive attack on academic freedom.

We reacted with incomprehension to the first signs of violent polarization—the street riots and ensuing police crackdowns of 2006—but then casually overdramatized these events, since the threats did not quite feel immediate or existential yet. It was the drastic impact of the global economic crisis on Hungary that rudely changed all that. The grave consequences of the crisis of 2008–9, and of the specific manner in which it was managed, have rendered the hegemony of the Hungarian radical right practically irreversible for several electoral cycles—perhaps for the lifetime of an entire generation. All the disheartening changes of recent years make our time at CEU appear all the more precious: our horizons were greatly widened and intellectual maturity beckoned, just as the space for such qualities in our homeland was about to shrink massively.

IDENTITY CRISIS

It was evident to us already during the early years of this century that an identity crisis had begun to afflict our institution, once many of its original goals had been seemingly accomplished. Since the teleological narrative of the transition was rightly considered both overly simplistic and passé, and the postcommunist region that the university was meant to explore supposedly had few distinguishing characteristics left, CEU soon decided to pursue a (somewhat erratic) thematic and global opening. This opening may have made the Nádor Street campus a much more diverse and creative place, but it also turned the university into a less coherent and distinctive academic entity.

It is nonetheless evident that many decisions made at that time must have been both strategic and fortunate, since the prestige of the university subsequently grew spectacularly (and was probably only boosted further by the institution’s recent misfortunes). It was in those early years of the century, when Hungary’s EU accession was finally accomplished, that CEU consolidated its reputation as the right number to call for anyone wanting to talk to Eastern European academia.

Yet some notable ambiguities and contradictions lurked beneath my alma mater’s agenda. Despite repeated assertions by its antiliberal foes that it follows an ideological agenda, CEU was a

politically diverse place that happily accommodated conservatives, leftists, and anyone in between. (Zoltán Kovács, Hungary's current secretary of state for public diplomacy, who has been responsible for some of the most vehement verbal attacks on the institution in recent years, is a graduate.) Whoever implies otherwise has never experienced economists and social anthropologists trying to pursue that much-vaunted but elusive goal, interdisciplinary dialogue. True, CEU's broadly liberal and progressive orientation might have appeared somewhat unusual within the self-consciously apolitical academic context of a culturally inward-looking postcommunist state, but this also made it indistinguishable from other leading academic institutions in the Western world.

The key ambiguity of this remarkably successful initiative had to do with the aim of playing a part in democratization and being an inclusive place, thanks to a generous system of stipends established by the billionaire investor and philanthropist George Soros—but doing so as a small-scale elite university. Plans to open a liberal arts college next to the main Budapest campus were recurrently floated, but the early choice in favor of being no more than a graduate school of modest size, intent on training and internationalizing mostly local students, was not reconsidered until quite recently. CEU's Westernizing project ended up creating an island of modernity in a regional sea of grossly underfunded and—some laudable exceptions notwithstanding—internationally uncompetitive academia.

This inevitably widened the gap between the working conditions and opportunities of the newly Westernized CEU faculty and students and those employed within the publicly funded local academic systems. The appointment of the founding generation of faculty at CEU could not yet be based strictly on merit—there were simply no international standards in place by which the performance of local academics could have been measured in a relevant way. And, for obvious reasons, many of the most brilliant minds among the former dissidents lacked formal academic qualifications.

Later on, as the application of international standards skewed selection toward the graduates of institutions farther west, even otherwise widely acknowledged academics in Hungary tended to feel overlooked by CEU. They often developed a form of resentment toward this institution of modest scale and—despite CEU's generous endowment—circumscribed possibilities. They saw that

its fortunate academics enjoyed conditions superior to those of their peers at “regular” universities, with fewer teaching obligations, much better salaries, and greater international visibility.

But CEU's deepest contradiction had to do with building such a hub of scholarly excellence, where young scholars from “our part of the world” could finally feel at home in an enlarged liberal West, which nonetheless fostered the emigration of the most talented and ambitious among them. Remaining largely outside the local academic patronage networks, in the absence of comparably quality-driven and well-funded institutions across the Central and Eastern European region, all but guaranteed such an outcome, even though it clearly contradicted the original promise of CEU—returning intellectual endeavor of the highest distinction to one of the epicenters of Europe's twentieth-century cataclysms.

FRONTAL ATTACK

After Orbán and his right-wing Fidesz party returned to power in 2010, the attack they launched against CEU was meant to capitalize on the envy-based grievances of local scholars, but in fact it foregrounded precisely the opposite. The ensuing controversy revealed that many of those scholars recognized CEU's unique merits within Hungarian academia, and they felt solidarity with the cause of this transatlantic private university in a country moving ever further away from Western norms and values.

The frontal attack on the university was part of a broader state-orchestrated campaign of ethno-protectionism (which makes it the chief aim of the state to protect the titular majority from various threats, often exaggerated or entirely manufactured). Copying Western rightist obsessions, the Orbán government's propaganda refocused on the “migrant threat” in 2015—despite the fact that the country has experienced limited immigration and mass emigration in recent years. The state narrative connected this alleged threat to conspiracy theories about interactions between Soros and EU elites. According to this narrative, they were plotting to undermine the legitimate Hungarian government and endanger the survival of the “Christian and European” nation through their scheme of forcibly relocating refugees.

Back in the early 1990s, the personality and activities of Soros—a Budapest-born Holocaust survivor and a notoriously successful financial operator who was the chief private patron of cul-

tural and civil society initiatives in postcommunist Central and Eastern Europe—were already among the obsessions of Hungarian populist intellectuals battling what they perceived to be an ascendant liberal-leftist cultural hegemony. What is new since 2015 is that the Hungarian state has unleashed an extended anti-Soros propaganda campaign based on a textbook example of a radically anti-Semitic narrative. Each of the campaign's basic elements fits all too smoothly into this abhorrent and dangerous tradition: the alleged plot, the nefariousness of which is constantly emphasized by the government, revolves around a shady high financier with a secret plan of cosmopolitan transformation who directs his illegitimate and destructive power against core national values and interests.

Surprisingly and not a little disturbingly, Israel's right-wing government under Prime Minister Benjamin Netanyahu explicitly condoned this state-orchestrated campaign against a Holocaust survivor, overlooking and even denying the obvious anti-Semitic subtext. Viewed at this international level, the Hungarian demonization of Soros placed anti-Semitism in the service of xenophobic antiliberalism, rather than the other way around. The Hungarian government under Orbán did not invent the campaign to demonize Soros on its own—American political consultants George Birnbaum and Arthur Finkelstein appear to have been the first to suggest that such a campaign be launched in various countries—but only the Orbán government has employed this conspiracy theory for years as its master key to account for political developments.

Another striking element of the unfolding persecution was the Fidesz leadership's utter lack of concern for the almost uniformly negative reactions to its plan to foreclose CEU's future in Budapest. It drew strongly worded protests from Western political and academic elites, extensive and highly critical international media coverage, and repeated mass protests on the streets of Hungarian cities. According to opinion polls, even many of the party's own supporters expressed reservations regarding this particular instance of Fidesz's "rule by law." But once the government decided to suffocate the country's leading graduate school in the humanities and social sciences, none of this opposition mattered.

The liberal West failed to find an adequate response to the Hungarian government's provocative assault on academic freedom.

It did not matter that CEU proved eager and able to comply with the new, costly, and pointless requirement of opening a campus in the United States. Even though the relevant authorities in New York confirmed that CEU, in cooperation with Bard College, had complied with this requirement, Hungarian officials refused to ratify a new agreement with CEU. They preferred to falsely accuse the university of failing to fulfill the legal requirements, and to blame CEU's leadership for "politicizing" the issue. Actually, all the university did under the leadership of its rector and president, Michael Ignatieff, was mount a vocal but ineffective campaign of self-defense amid the anti-Soros campaign and related crackdowns. It merely sought the right to continue operating, after decades of doing so, as an American university in a country that had become a member of both the EU and NATO.

Here were powerful and consequential stories that international media outlets knew how to tell: a story in which all the sanctimonious references by Hungarian power-holders to the rule of law could barely mask the arbitrary, if purposeful, character of their decisions; a story of an increasingly bold antiliberal challenge from the periphery of the liberal West, just when the center had started to shake as well; a story of a small center of intellectual excellence fighting for academic freedom. The unusual narrative power of the CEU saga became all the more conspicuous when the Hungarian Academy of Sciences—an institution that is mandated to focus much more extensively on Hungarian matters than CEU—came under a comparable and potentially even more damaging attack in 2018. The Academy was subjected to a major reorganization, was deprived of its autonomous status, and had several major research centers removed from its purview. Dependent on state funding and lacking the option of exiting the country, the Academy was in a position much less conducive to defending its autonomy and finding a morally acceptable (even if materially costly) solution.

Recognizing CEU's relative advantages in coping with the situation it faced also helps us see more clearly how the international political institutions of the liberal West failed to find an adequate response to the Hungarian government's provocative assault on academic freedom. The attempt to

finally resolve the ever-more embarrassing scandal culminated in March 2019, during the campaign for the European Parliament elections, in a slightly absurd proposal by Manfred Weber, who was then the candidate of the conservative European People's Party for the presidency of the European Commission. Rushing to Budapest, Weber suggested that German institutions could help the university remain in Hungary as a kind of protected European body (as if it did not face relentless harassment by an EU member state whose governing party also belonged to the EPP), and that German firms could be persuaded to contribute funding to the university's future operations. Given such feeble, even pointless proposals to assure the future of CEU in Hungary, it was fortunate that the gates of Vienna were wide open to receive the prestigious academic expellees.

A SYMBOLIC DEFEAT

Despite all the vicissitudes of its short history, the essential promise of Central European University has changed little since the early 1990s: thanks to this institution, original and in-depth academic explorations of the recent and current experiences of Central and Eastern Europe finally would be pursued *from within*, involving scholars from every corner of this multifaceted area and beyond. This is why the university's expulsion from Hungary through the tested and tried methods of rule by law and arbitrary noncooperation is such an immense defeat. The splendid new campus in downtown Budapest will in all likelihood feel eerily quiet in the coming years—a forcibly abandoned cathedral that was devoted to our precarious belief in an open and argumentative future. Fortunately, educational activities at the Vienna campus resemble Alfred Dreyfus's imprisonment

on Devil's Island as little as the EU resembles a colonial master ruling over Hungary.

Ultimately, the grave but far from singular attack on academic freedom in Hungary that resulted in the forced exit of CEU from the country has to be seen as a symbol of larger and even more consequential trends: the withdrawal of the United States from its role as guarantor of liberal norms and values within the West, the costly reluctance of the European Union to respond to openly antiliberal challengers within its borders, and the inability of Central and Eastern European countries to properly appreciate and develop academic institutions of the highest quality. It was the explosive combination of these three larger developments that created CEU's tragedy. In the near future, this tragedy might symbolize the beginning of a renewed peripheralization of Central and Eastern Europe, as well as an intensifying contest within it between liberal and antiliberal values, or—geopolitically speaking—between those who favor remaining embedded in Western structures and others who call for an Eastern reorientation.

The unprecedented expulsion of a university from an EU member state underlines Central and Eastern Europe's faltering attempts to become a contributing part of the liberal West. More generally, it points to the retreat, forced as well as willed, from evidence-based exchanges on both sides of the Atlantic. Only the meticulous pursuit of such exchanges can make societies more democratic while also enabling multilateral international cooperation.

Our youthful beliefs in a more predictable and comfortable future turned out to be complacent. It is not enough to make minor contributions to highly specific causes. Once again, there are reasons to be in ardent opposition. ■

“[T]he historical record remains bitterly contested in the former Yugoslav lands, and none of the tribunal’s findings has promoted reconciliation.”

The Ambiguous Legacy of the Balkans War Crimes Tribunal

MARKO ATTILA HOARE

The July 1995 massacre at Srebrenica of some 8,000 Muslim civilians, mostly men and boys, is Europe’s only instance of genocide since World War II to have received conclusive judicial recognition. A quarter-century later, its two leading perpetrators, Radovan Karadžić and Ratko Mladić, respectively the top Bosnian Serb rebel political leader and military chief during the 1990s war in Bosnia-Herzegovina in the former Yugoslavia, are serving life sentences for genocide in a United Nations prison in The Hague. These are probably the most impressive achievements of the International Criminal Tribunal for the former Yugoslavia (ICTY), which was in operation from 1993 until the end of 2017. Yet they were reached via a slow and twisting path, and the ICTY’s legacy remains ambiguous and divisive. The tribunal has drawn enormous political and scholarly interest and inspired the establishment of several copycat international and mixed international-national tribunals devoted to past conflicts in other parts of the world. But it is a problematic model.

The ICTY was the first international or multinational war crimes tribunal since the International Military Tribunals at Nuremberg and Tokyo following World War II, and it may represent at one level a revival of their legacy. But the comparison is very much to the detriment of the ICTY. The Nuremberg and Tokyo tribunals were instances of victors’ justice, the culmination of a victorious war waged by the Allied states against the Axis powers. Imposed by the Allies on militarily crushed and occupied adversaries, the tribunals were fired by the legitimate desire for righteous vengeance on the part of Allied leaders and populations alike, with

no pretence of evenhandedness regarding the two sides of the war. (Nobody was going to try British, American, or Soviet leaders for war crimes.) Allied security forces could go wherever they wished to arrest suspects or seize documents. The tribunals targeted the very top officials of the Nazi and imperial Japanese hierarchies (with the exception of the emperor himself), such as Hermann Göring and Hideki Tojo. Retribution was meted out: of 24 indictees before the Nuremberg tribunal, 21 were convicted and sentenced to death or to long prison terms.

The ICTY was different in each of these respects. The post-World War II tribunals were multinational, created by a coalition of states as extensions of their own national sovereignties and judiciaries. The ICTY was, by contrast, international: it was a body of the UN. The initiative for this came in 1992 from the outgoing US administration of George H.W. Bush, which was concerned about its legacy, given its unwillingness to intervene to halt the bloodshed in the former Yugoslavia. The tribunal was also a sop to the vocal minority in the US that had called unsuccessfully for action. It consequently suffered from the start from tepid international support, a problem that would continue throughout its existence. Prime Minister John Major’s British Conservative government, which had led the world’s appeasement of and collusion with Slobodan Milošević’s Serbia (and remained in office until 1997), avoided contributing to the ICTY’s budget or providing it with intelligence and evidence.

As an ad hoc tribunal, the ICTY had to be established from scratch, with the structural incompetence that entailed; its temporary character and uncertain international support resulted in a constant coming and going of staff on short-term contracts, which inevitably proved detrimental to

MARKO ATTILA HOARE is an associate professor of political science and international relations at the Sarajevo School of Science and Technology.

efficiency. And the ICTY was tasked with punishing the perpetrators who acted on behalf of states and entities that, unlike Germany and Japan, had not been militarily crushed in the war: above all Serbia, the Republika Srpska (RS, the Bosnian Serb entity), and Croatia. They would have to be forced, kicking and screaming, to hand over their war crimes suspects. But without troops of its own, the ICTY was reliant on international diplomacy and pressure to obtain cooperation, which was not always forthcoming.

ICTY prosecutors were consequently forced into humiliating negotiations and compromises with Serbia, Croatia, and the RS that politicized the pursuit of justice. The most notorious instance was the tribunal's failure to force Belgrade to make available the unedited minutes of its Supreme Defense Council from the time of the Bosnian war. That prevented Bosnia from using the minutes as evidence in its own genocide case against Serbia before the International Court of Justice (ICJ).

LITTLE FISH, BIG FISH

With its initial shoestring budget and ad hoc staff, the ICTY, in contrast with the Nuremberg and Tokyo tribunals, started not with the top leaders, but with the little fish it could catch. These were men like Duško Tadić, a minor local official of the Serb Democratic Party in Bosnia who was involved in abusing and killing civilians and prisoners in concentration camps; he was arrested in Germany in 1994. Another was Đorđe Đukić, who had served as an assistant commander for logistics in the Army of Republika Srpska. The ICTY's case against him was weak, but he was likewise fortuitously arrested in 1996 when he strayed into a part of Bosnia under Muslim control.

Karadžić and Mladić were indicted in July 1995, but Bill Clinton had promised Karadžić immunity from arrest in exchange for his withdrawal from politics, while Mladić was carefully protected by Serbia's military. The United States brokered the Dayton Peace Accords in late 1995 with the collaboration of both Serbia and the RS, and the Western powers did not wish to rock the boat by vigorously pursuing war crimes suspects, so international peacekeepers in Bosnia initially avoided trying to apprehend them. A turning point came in July 1997, when British peacekeepers shot and killed former Bosnian Serb police chief Simo Drljača while attempting to arrest him. But it would be many years before the international will could be summoned and sufficient pressure applied to force

Serbia to hand over Karadžić and Mladić, which finally happened in 2008 and 2011, respectively.

NATO's 1999 war against Serbia over Kosovo nevertheless put wind in the ICTY's sails, since it turned the Milošević regime from the West's collaborator into its outright enemy. The assurance of greater Western sympathy may have contributed to the tribunal's decision to issue its most ambitious indictment to date in May 1999, accusing five leading Serbian officials of war crimes in Kosovo: Milošević himself, president of the Federal Republic of Yugoslavia (one of the five successor states of the original Yugoslavia); Milan Milutinović, president of Serbia; Dragoljub Ojdanić, the Yugoslav army's chief of general staff; Vljeko Stojiljković, Serbian interior minister; and Nikola Šainović, deputy prime minister of the Federal Republic. But Milošević—the leading architect of the wars in Croatia and Bosnia—was not indicted for his crimes in these countries until 2001, by which time his Croatian counterpart and collaborator in the destruction of Bosnia, Franjo Tuđman, was already dead and beyond the reach of justice.

Furthermore, the ICTY, again in contrast with the post-World War II tribunals, was supposed to be evenhanded and ready to prosecute all sides in the conflict. It was subject to continuous, ferocious attacks, not only from Serb and Croat nationalists but also from an assortment of opponents in the West, ranging from outright apologists for the war criminals to right-wing and left-wing activists who objected to the tribunal's infringement of national sovereignty and/or its "imperialist" character. This pressure led the ICTY to bend over backward in its efforts to appear fair.

The upshot of these limitations was an indictment policy that both wasted time and resources pursuing minor suspects and disproportionately targeted non-Serbs. Serb perpetrators were guilty of over 80 percent of all killing of civilians in the wars as a whole, and of over 86 percent of the killing in Bosnia. Yet in 2001, four out of eleven, or over a third, of the ICTY's investigative teams were devoted to non-Serb perpetrators, who would comprise nearly a third of the ICTY's 161 indictees in total.

In Kosovo, Serb forces were responsible for over 80 percent of the killing. But Serb officials made up only just over half of all those indicted over Kosovo: nine out of sixteen indictees. Albanians, responsible for less than 20 percent of the killing, comprised seven out of the sixteen indictees. The tribunal found time to prosecute Albanian camp

guards, and even two Macedonians, in connection with Macedonia's brief conflict with ethnic Albanian guerrillas in 2001—which claimed fewer than 250 lives, mostly military personnel.

Yet many of the leading Serbian, Montenegrin, and Yugoslav war criminals who had planned the wars in Croatia and Bosnia were never indicted. Among them were Veljko Kadijević, the Yugoslav defense secretary and top military official during the war in Croatia; Blagoje Adžić, Yugoslav army chief of staff during the war in Croatia and the outbreak of the war in Bosnia; Borisav Jović, Serbia's representative on the Yugoslav federal presidency, who had helpfully published his extensive diary detailing his central role in planning the war in Croatia and Bosnia; and Momir Bulatović, the wartime president of Montenegro.

The ICTY was more forthright in indicting the two top military commanders of Bosnia—the country that was the principal victim of the war and whose Muslim population sustained by far the largest number of civilian casualties. The case against the two was weak: the first, Sefer Halilović (indicted in September 2001), was wholly acquitted, while the second, Rasim Delić (indicted in March 2005), was convicted only on the relatively minor count of failing to prevent and punish crimes committed by his subordinates in one particular location in the country, for which he received a sentence of three years. (Delić had stood a good chance of being acquitted on appeal, but died before his case could be heard.) The September 2002 indictment of the ailing 83-year-old Janko Bobetko, the Croatian army's popular chief of general staff in 1992–95 and a Partisan veteran of World War II, was an unfortunate choice on a number of grounds, not least because he avoided the possibility of extradition when he died several months later.

FAULTY PERCEPTION

To some extent, the failures and successes of the tribunal were due to the personal choices of its prosecutors and internal politics among its staff. The most important individual was probably Carla del Ponte, a former Swiss attorney general who served as chief prosecutor from 1999 until 2003, when the ICTY was at the height of its activity and prestige. She and her colleagues did not begin their work with a clear perception or historical

understanding of how the wars of the 1990s were organized and waged—unlike the prosecutors at Nuremberg, who, on the basis of their perception of centrally planned Nazi aggression and criminality, had selected for indictment the top German officials from all relevant branches of the Third Reich's establishment.

The ICTY prosecutors, by contrast, began with the crime bases—the outcomes of the war in each region of the former Yugoslavia—and worked their way upward. This resulted in individual investigative teams being dedicated to Serb crimes in Croatia, Serb crimes in Bosnia, Serb crimes in Kosovo, Croat crimes in Croatia, Croat crimes in Bosnia, and so forth. The ensuing pattern of indictments reinforced a faulty perception of the war as a series of interlinked local conflicts in the different parts of the former Yugoslavia, obscuring understanding of the war as a seamless whole.

The indictments of Serb perpetrators for crimes in Croatia and Bosnia disproportionately targeted locals—Croatian Serbs and Bosnian Serbs—rather

than the top perpetrators who had actually organized the violence. Only six perpetrators from Serbia or the federal Yugoslav regime in Belgrade were ever indicted for war crimes in Bosnia: Milošević, Jovica Stanišić, Franko Simatović,

Momčilo Perišić, Željko Raznatović Arkan, and Vojislav Šešelj.

Arkan was assassinated before he could be extradited. Milošević died of natural causes during his trial. Perišić was acquitted on appeal. Stanišić and Simatović were acquitted, had their acquittals quashed, and are currently being retried before the International Residual Mechanism for Criminal Tribunals, whose function is to complete the remaining tasks of the ICTY and the International Criminal Tribunal for Rwanda following the cessation of their activities. Only Šešelj, a figure of tertiary importance, has been successfully prosecuted to date. After his obstructive behavior strung his trial out for years, he was acquitted and released. Then a retrial was ordered. He was convicted on the second attempt, but sentenced only to time already served. Such are the paltry results of the ICTY's efforts to prosecute perpetrators from Serbia for war crimes in Bosnia.

Lacking a proper historical analysis of the war, del Ponte and her colleagues pursued an indictment strategy that focused on the most notorious

The current Serbian president and prime minister explicitly and openly deny the genocide.

individuals (Milošević, Arkan, Šešelj) and crimes (the Srebrenica massacre, the siege of Sarajevo). As a result, the chief perpetrators of the Srebrenica and Sarajevo crimes have been relatively well punished, but this is not true of the initial Bosnia-wide program of massacres in the spring and summer of 1992, which killed a substantially larger number of civilians than were killed at either Srebrenica or Sarajevo.

On the other hand, whereas Milošević had been indicted as part of a group of five for war crimes in Kosovo (subsequently expanded to include four others), he was indicted alone for crimes in Croatia and Bosnia. Cynics suggested that this reflected del Ponte's craving for a personal courtroom confrontation with the villainous mastermind. The unfortunate outcome was that when Milošević died in 2006, the trial ended. The Kosovo trial, by contrast, survived his death and ended with convictions.

Yet it was del Ponte's historic achievement to insist on prosecutions of Milošević and others for genocide. She did this in the face of resistance from colleagues, including Geoffrey Nice, the chief prosecutor in the Milošević trial, who felt that such cases were risky and it would be a safer strategy to prosecute for lesser crimes that were more easily proven. Del Ponte's riskier and more ambitious strategy was largely vindicated by a string of convictions for genocide-related offenses, beginning in August 2001 with that of Radislav Krstić, former deputy commander of the RS army's Drina Corps, and culminating in the genocide convictions of Karadžić and Mladić in 2016 and 2017, respectively. These cases judicially established that genocide had occurred at Srebrenica and that the top leaders of the RS were guilty of it. Karadžić's conviction was upheld on appeal in May 2019.

The precedent of the Srebrenica genocide finding was upheld by the ICJ in its 2007 ruling in *Bosnia and Herzegovina v. Serbia and Montenegro*, and enabled the ICJ to find Serbia guilty of failure to prevent and punish genocide. Still, all attempts by the ICTY to prosecute suspects, including Karadžić and Mladić, for genocide in Bosnia outside of Srebrenica were unsuccessful, and the ICJ likewise ruled that genocide had not occurred apart from Srebrenica. (This verdict is complicated by the fact that prosecutions of Bosnian Serb war crimes suspects in German courts resulted in the genocide conviction of Nikola Jorgić, a paramili-

tary leader, for his activities in the Doboj region in northern Bosnia in 1992, as well as rulings that genocide had occurred in both the Doboj and Foča regions in 1992. The European Court of Human Rights upheld the legitimacy of Jorgić's conviction for genocide in 2007.)

UNRECONCILED

Part of the problem for the ICTY and its legacy is that different supporters and observers wanted and expected different, often conflicting things from the tribunal: to establish the facts of the crimes; to punish (some of) the perpetrators; to promote regional reconciliation; and to establish a mutually accepted historical record of events. Consequently, evaluations of the ICTY's success or failure depend on which yardstick they are measured against.

The conclusion that genocide had occurred, at least at Srebrenica in July 1995, was a tremendous success for those who wanted the criminality of the Serb perpetrators to be recognized. The accumulation of huge quantities of documentary evidence and witness testimony, in a format readily accessible to researchers, is one of the great achievements of the ICTY, as it was of the post-World War II tribunals.

But insofar as it was hoped that the ICTY's proceedings would promote reconciliation—by revealing what had happened in the wars, apportioning guilt fairly, creating a sense that justice had been served, and in the process establishing historical truths that all could accept—this has not happened. Instead, the historical record remains bitterly contested in the former Yugoslav lands, and none of the tribunal's findings has promoted reconciliation. Indeed, the verdicts generally served to inflame opinions further.

There was a widespread belief among Serbs that their side had been unfairly singled out for punishment, and among Muslims that they had not received adequate justice. The acquittal on appeal in 2013 of former Yugoslav army chief of general staff Momčilo Perišić, accused in connection with Srebrenica and the siege of Sarajevo, provoked particular bitterness and widespread condemnation of the ICTY as a political court.

The pursuit of evenhandedness and symmetry of guilt among the parties resulted in some weak indictments of Croatian, Bosnian, and Kosovar perpetrators that ended in acquittals. Most notable

The pattern of indictments obscured an understanding of the war as a seamless whole.

were three Croatian officers indicted for their roles in Operation Storm in 1995, which crushed the Croatian Serb rebellion; Naser Orić, the Bosnian army's commander in Srebrenica; and Ramush Haradinaj, a Kosovo Liberation Army officer who later served as prime minister of Kosovo. Even many foreign experts on the conflict did not accept that these verdicts, particularly the acquittals of the Operation Storm officers, had established the innocence of the accused, but rather took them as evidence of political intrigues on the part of the ICTY judges.

In a "private" statement that was soon leaked to the public, Frederick Harhoff, a member of the panel of ICTY judges in the Šešelj case, attributed the acquittal on appeal of the Operation Storm officers and of Serbia's Perišić to string-pulling by outside powers. He suggested that the president of the appeals panel, Theodor Meron (a Jewish US citizen), had somehow been involved in Israeli machinations (of which Harhoff could provide no evidence). For their part, Serb nationalist critics have taken the Operation Storm, Orić, and Haradinaj acquittals as evidence of the ICTY's long-assumed "anti-Serb" bias and unwillingness to punish crimes committed against Serbs.

The ICTY may also be faulted for the comparatively mild sentences it handed down, most of which were not even served in full. The two most important Bosnian Serb convictions after Karadžić and Mladić were former RS vice president Biljana Plavšić and national assembly president Momčilo Krajišnik, who were released early after serving only 8 and 13 years, respectively. In Plavšić's case, this was despite the fact that in prison she retracted the admission of guilt and statement of remorse she had made as part of a plea bargain that withdrew two counts of genocide against her. Krajišnik, for his part, was found to have been the "number two" in terms of power and influence in the Republika Srpska, and convicted of persecution, deportation, and "the forcible displacement of several thousands of Muslim and Croat civilians, among them women, children, and elderly persons, throughout the period of April to December 1992."

Similarly, the notorious Bosnian Croat commander Ivica Rajić, convicted for his role in the October 1993 Stupni Do massacre of at least 37 people, pleaded guilty to charges including willful killing and inhuman treatment, involving the cutting of prisoners' throats and the murder and burning to death of elderly women and children.

He was sentenced to twelve years and released after eight. Such sentences might be compared with the prison term of 15 years handed down by a Bosnian court to 22-year-old Wahhabi Mevlid Jašarević for his 2011 lone-wolf attack on the US embassy in Sarajevo, in which he wounded two people and killed no one.

FADING CONTRITION

The ICTY has undoubtedly had some positive political effects. By presenting Serbia, Croatia, and the RS, in particular, with the choice of cooperation or international pressure and isolation, it has facilitated differentiation between moderates and hardliners that has generally worked to marginalize the latter and promote political liberalization. In Serbia, the former hardline nationalist Zoran Đinđić, as prime minister, switched to a policy of collaboration with the ICTY, deporting Milošević to The Hague in June 2001. This collaboration cost Đinđić his life when he was assassinated by former members of Milošević's special forces in March 2003, but the murder only created a public backlash against the war criminals. In June 2005, the Council of Ministers of the State Union of Serbia and Montenegro declared:

Those who committed the killings in Srebrenica, as well as those who ordered and organized that massacre, represented neither Serbia nor Montenegro, but an undemocratic regime of terror and death, against whom the majority of citizens of Serbia and Montenegro put up the strongest resistance. Our condemnation of crimes in Srebrenica does not end with the direct perpetrators. We demand the criminal responsibility of all who committed war crimes, organized them, or ordered them, and not only in Srebrenica. Criminals must not be heroes. Any protection of the war criminals, for whatever reason, is also a crime.

The national courts of Serbia, Croatia, and Bosnia-Herzegovina have all prosecuted war criminals, with general public acceptance, though they have tended to focus on low-ranking perpetrators. In Croatia, the end of the Tudman regime in 1999–2000 and opposition election victories led to a readiness to cooperate with the ICTY. Tudman's former party, the Croatian Democratic Union (HDZ), itself collaborated with the ICTY under Ivo Sanader, after he became prime minister in December 2003. Although Croatia's failure to hand over the war crimes suspect Ante Gotovina delayed its European Union accession, the Croatian authorities ultimately assisted in the process that

led to Gotovina's arrest in the Canary Islands in December 2005. A Croatian court in March 2003 convicted General Mirko Norac of crimes against Serb civilians in the September 1991 Gospić massacre, after his case had been transferred from the ICTY. This was a major step toward establishing the rule of law in Croatia.

In the RS, the government officially apologized for Srebrenica in November 2004, and the following summer its president, Dragan Čavić, attended the tenth-anniversary commemoration of the massacre, held at Potočari, in a private capacity, alongside the president of the State Union of Serbia and Montenegro. Later in 2005, Čavić demanded that the fugitives Karadžić and Mladić surrender to the ICTY. The RS extradited its first indictee to The Hague in 2006.

Čavić paid for these acts with his political career, and no subsequent RS president has attended any of the annual Srebrenica commemorations. In April 2010, Serbia's parliament narrowly voted to issue a rather mealy-mouthed condemnation of the massacre and an apology to relatives of the victims, in a manner that seemed to imply recognition of the genocide. This grudging gesture reflected the international circumstances of the time, when the United States and the EU were at their most committed to genocide prevention, Euro-Atlantic integration, and liberal reform in the Balkans.

Today, in the era of Donald Trump, Brexit, stalled EU enlargement, and an ever-more aggressive Russia under Vladimir Putin, contrition in Serbia has faded. The current Serbian president and prime minister, Aleksandar Vučić and Ana Brnabić, explicitly and openly deny the genocide. (Vučić was pelted with projectiles when he attempted to attend the 20th anniversary commemoration of Srebrenica in 2015.) Milorad Dodik, the dominant political figure in the RS, has built his regime on aggressive and explicit Srebrenica genocide denial. Likewise, the outgoing president of Croatia, Kolinđa Grabar-Kitarović of the HDZ, and the party's leader in Bosnia, Dragan Čović, have both publicly honored ICTY-convicted Croat war criminals.

BUSINESS AS USUAL

If the legacy of the ICTY has been ambiguous in the former Yugoslavia, so it has been internationally. The tribunal has inspired a succession of copycat courts—international and mixed—for a number of countries and regions that have experienced conflict. First was the International Criminal Tribunal for Rwanda in November 1994, fol-

lowed by tribunals for Cambodia, Indonesia, East Timor, Sierra Leone, and Lebanon. The process culminated in the establishment of the permanent International Criminal Court (ICC) in July 2002, and the adoption of the Responsibility to Protect (a doctrine justifying humanitarian intervention) at the World Summit of the United Nations in September 2005. These other tribunals have achieved varying but mostly modest degrees of success.

Meanwhile, the world has continued along the same bloody road as before. The genocide in Darfur was as much of an international cause célèbre in the 2000s as the genocide in Bosnia had been in the 1990s, and the ICC indicted Sudanese President Omar al-Bashir for genocide in July 2010. But Bashir remained unrepentant, no serious steps were taken to arrest him, and the indictment was condemned by the Arab League, the African Union, the Non-Aligned Movement, Russia, and China.

In 2011, Muammar el-Qaddafi of Libya and Bashar al-Assad of Syria, undeterred by any fear of prosecution before an international tribunal, attempted to drown the revolutions in their respective countries in blood—in Assad's case, apparently successfully. Nor have outside states such as Russia, Iran, Saudi Arabia, and Turkey been deterred from intervening brutally in the wars in Syria and Yemen. Myanmar and China have not been afraid to embark on genocidal policies against Muslim minorities—the Rohingya and the Uighurs, respectively.

The international reaction against the US-led invasion of Iraq in 2003, the chaos following NATO's military intervention in Libya in 2011, and a widespread backlash against liberal internationalism and universal values have combined to make both military and judicial action against perpetrators of genocide and crimes against humanity less popular, among both leaders and populations. In Africa, resentment at the ICC's almost exclusive focus on African perpetrators has prompted several countries to threaten to withdraw their recognition of the court. Israel has been unrestrained in waging war in Gaza, and it called for sanctions against the ICC when the chief prosecutor announced an investigation into alleged Israeli war crimes. The United States itself refuses to recognize the ICC, and the Trump administration has threatened to retaliate against the court if it attempts to investigate US citizens. For all their limitations, the ICTY's achievements may come to be seen as a high point in the history of international justice. ■

“Brussels and Washington had imposed a regime that subordinated the long-term goals of Albanians to the economic and political agendas of the Western powers.”

The Albanian Question Looms Over the Balkans Again

ISA BLUMI

Throughout 2019, hundreds of thousands of citizens of Albanian-inhabited countries—Kosovo, North Macedonia, Albania, and Montenegro—took part in regular demonstrations. Their protests expressed a deep frustration with a new era of painful economic austerity, a lack of progress toward joining the European Union, and an entrenched political oligarchy that continues to thwart attempts to curb its power. Elections in Albania and Kosovo, which had been expected to help bring change during the summer, yielded mixed results. In Albania, local elections were boycotted by the inept opposition, which allowed unpopular Prime Minister Edi Rama, in office since 2013 (and now holding the post of foreign minister as well), to strengthen his position.

In Kosovo, by contrast, the results of the snap October parliamentary elections accurately reflected the collective frustrations of voters. The foremost opposition party, *Lëvizja Vetëvendosja!* (VV, or Self-Determination), and its charismatic leader Albin Kurti seem to have won a mandate to directly challenge Kosovo’s EU/US masters. Yet their efforts to form a new government ran up against the stalling tactics of the second-largest opposition party, the Democratic League of Kosovo (LDK). By all accounts, the LDK, loyal to Washington since the 1990s, has embraced the US embassy’s hostility to the prospect of working with a government led by Kurti. A new coalition government was finally formed on February 5, allowing Kurti to take office as prime minister. But a difficult partnership is expected, with the LDK seeking to block VV from enacting its most radical corrective policies. This spells trouble for 2020.

What happens in Kosovo will go a long way toward determining the extent to which instability again spreads across the Balkans. Backed by rival sponsors in Brussels and Washington, the widely despised old elites in Kosovo and Albania face constituencies utterly alienated from them. Troublingly, this rage is also directed at the larger circle of external powers hoping to keep the Balkans stable. Relations with the EU have been rapidly deteriorating since its shocking reversal of earlier promises to admit new member states in the Western Balkans. An extraordinary rebuff in late October by French President Emmanuel Macron basically ended any further discussions, suggesting that the regional political order on which the United States and its NATO partners have long depended to protect their interests in the larger Mediterranean world is at best in transition.

The consequences will likely prove destabilizing, both locally and beyond. Opposition to an entrenched political elite may take a more violent turn if citizens realize that yet again, voting in elections will not result in real change. That would further expose the clear divergence of strategic interests that has arisen among NATO partners during the Trump era. Without the prospect of negotiations for EU membership, Brussels risks losing influence in Albania, Kosovo, and North Macedonia. That would give Turkey and Russia greater leverage, as outside powers once again jockey to shape the region’s politics.

TRUST DEFICIT

The rapidly deteriorating situation in the Western Balkans is a product of the violent disintegration of the Cold War order. The transformations of the 1990s put the region at the center of the North Atlantic strategic calculus, and by the early 2000s it seemed that Brussels and Washington had

ISA BLUMI is an associate professor of Turkish and Middle Eastern studies at Stockholm University.

imposed a regime that subordinated the long-term goals of Albanians to the economic and political agendas of the Western powers. Instead of a unified Albania, EU membership, and fair economic engagement with the larger world, Albanians have had to endure massive unemployment as their economies underwent neoliberal “adjustments,” xenophobic hostility from European media, and recurring scandals instigated by political leaders.

The source of their collective frustrations has been the former rebels or socialist/communist party leaders whom the North Atlantic alliance handpicked to help oversee the region’s transition. The working partnership Brussels and Washington sustained with these less-than-representative political elites successfully managed the region’s economic integration into the global economy. Since both Kosovo and Albania sit atop crucial reserves of valuable minerals and carbon deposits, granting foreign investors open access to these assets required the subordination of long-term Albanian economic interests. The territories Albanians inhabit also happen to straddle strategic transit points for future energy-distribution networks in Europe, whether from Russia or the Middle East, via Turkey and Cyprus. (Turkey has long been a main beneficiary of NATO’s hegemony in the Balkans.) Given this geostrategic dynamic, the United States and NATO needed the region’s governments to remain cooperative, if not outwardly subservient.

In return for such fealty, Brussels and Washington granted political immunity to local compradors willing and able to serve their strategic aims, even if it meant betraying long-term Albanian interests. In both Albania and Kosovo, the most egregious examples have been secret negotiations held to redraw the political futures of these countries. Yet in the absence of proper democratic oversight, the sanctioned abuse of power by political leaders, corruption, and insufferable economic conditions have cost the EU and the United States their ability to control events in the Balkans—because people there cannot trust their own governments.

In Albania, Rama, who was once celebrated by his Western patrons as a progressive reformer, has made destabilizing power grabs. In late 2019, he announced revisions to communications and information services laws in order to regulate the online media market. These measures have been condemned as an attempt to censor the free speech of political activists dependent on social media platforms. Rama likely has been pushing forward

these “reforms” (meekly criticized by outsiders) in response to controversies arising from a devastating earthquake that struck northern Albania in late November 2019.

Although politics took a backseat during the short period of collective mourning after the earthquake, the deeper structural problems at the heart of Albania’s crisis soon resurfaced with a vengeance. The collapse of hundreds of buildings and the deaths of at least 52 people exposed the extent of government corruption during the past twenty years, a period in which neoliberal economic policies transformed cities like Tirana into magnets for speculative real estate investment. With each new revelation, the once exclusively student-led demonstrations that started in 2017 continue to evolve, echoing concurrent protest movements in France, Lebanon, and the larger Mediterranean world.

STRANGE BEDFELLOWS

Among the other so-called reforms Rama seeks to impose on Albanians at this moment of renewed tensions is a bombshell economic and political alliance with neighboring countries—Serbia, Montenegro, and North Macedonia. Their surprising agreement to create a visa-free trade zone in theory is designed to allow the six Western Balkan countries (dubbed the WB6) still excluded from the EU to form an economic bloc of their own, though Kosovo and Bosnia so far are not involved. Rama pushed this agenda, labeled the “mini-Schengen” (after the EU’s visa-free travel area), to deflect attention from his government’s failure to deliver EU membership, which was exposed when the EU formally blocked further negotiations in October. As the latest meetings on the new trade area took place in Tirana in late December 2019, photos of Rama shaking hands with Serbian Prime Minister Alexander Vučić, known as a toxic nationalist, signaled the beginning of a new dynamic in inter-Albanian politics.

Perhaps the most destabilizing element of the mini-Schengen agreement is that it appears to isolate Kosovo (and Bosnia). Despite concerns over Serbian nationalist agendas, Rama went ahead and signed the deal with Vučić, leaving Kosovo and its new government without a reliable ally. Home to the largest Albanian population in the Western Balkans, Kosovo has experienced a reversal of earlier successes that were once marketed to its young population as a reward for their political passivity. Instead of being welcomed as a free

and independent country by the EU, Albanians observe Vučić, with whom Rama has so eagerly forged a new alliance, engineering a series of diplomatic initiatives to further isolate Kosovo. With the Trump administration's silent approval and the EU looking the other way, Belgrade has convinced several countries to reverse their previous recognition of Kosovo's independence (which it declared in 2008), and blocked its entry into international organizations like Interpol.

Vučić, the former head of propaganda under Slobodan Milošević, has astutely leveraged Serbia's geostrategic position to further pressure Albanians in Kosovo. Now that the unpopular Rama is openly undermining Kosovar Albanian political and economic ambitions by striking agreements with Belgrade, a new era of hostility is already evident. Most troubling for those who voted for VV is the clear proof that Washington, in facilitating these secret meetings, has abandoned Kosovo in return for securing Belgrade's cooperation with larger regional objectives.

As in Albania, the growing frustration over pervasive destitution, flagrant disregard for constitutional checks on executive power, and perceptions of American betrayal have brought protests to Kosovo's cities. But unlike in Albania, which suffers from the lack of an identifiable opposition leader, the palpable resentment in Kosovo has been given emphatic articulation through the political skills of Albin Kurti and his party. Kurti's popularity is built on his leading role in protests against NATO's imposition of "order" in Kosovo back in the 2000s, which thwarted real progress toward independence. Kurti continues to enjoy support for his defiance of a political and economic order that benefits NATO's chosen rebels-turned-politicians.

The main target for collective scorn is outgoing President Hashim Thaçi, who heads the Democratic Party of Kosovo (PDK) and is a former political leader of the Kosovo Liberation Army, which fought against Serbian rule in the late 1990s. Initially, party leaders like Thaçi who had emerged out of the 1999 war with strong patronage from NATO could ignore Kurti, dismissing him as a loud attention-seeker with, at best, local support in the capital, Pristina. Warning bells should have rung when Kurti's party won the mayoralty in the 2013 municipal elections, yet most observers still

believed his opposition to US policies discredited him as a national leader. But conditions proved ripe for change over the past two years, and Kurti's persistent message started to resonate more broadly amid scandals over the lack of government accountability.

Secret deals in 2017 with Montenegro to redraw Kosovo's borders, with Washington's backing, provoked the most outrage. As citizens started to abandon "traditional" parties in response, Kurti, who had been a political prisoner in Serbia until his release in 2001, stood out as just the kind of independent and charismatic rebel Albanians sought. Most notoriously, he protested the transfer of Kosovar land to Montenegro by setting off tear gas canisters inside the parliament as it proceeded to rubber-stamp the land swap orchestrated by Washington.

Such spirited gestures of resistance got Kurti arrested, and one of his supporters was killed by police during subsequent street protests. This helped build Kurti's credibility for a bid for national (if not

intra-Albanian) leadership. By the October 2019 snap parliamentary elections, Kosovars had embraced his message of economic justice and unbridled nationalism (in defiance of US/EU attempts to suppress it), catapulting his party to the

top. It should be noted that his challenges to the culture of subordination to the US and NATO are a cry for independence that resounds not only in Kosovo but also in Albania, and potentially in the wider Balkans.

Kurti's polemical approach has finally drawn the popular support he needed to demand a significant role in shaping the future of the Western Balkans. He is considered a radical by the US/EU establishment, but the not-so-quiet attempts (especially by the US embassy) to undermine his party's bid to form a coalition government only contributed to building his base of support. Meanwhile, Thaçi's team, even after being formally voted out of power, continued to engage in secret negotiations, this time with the reviled Serbian government, under the direct sponsorship of the US State Department.

Whistleblowers recently exposed the fact that these talks to swap large parcels of land (and thus populations) in return for a final diplomatic agreement were underway even while Kurti struggled to form a coalition government. In response, Alba-

*Clashing strategic interests pit
Albanian political elites against
their European neighbors.*

nian media across the political spectrum insisted that no such repetition of the Montenegro land deal could be undertaken without consulting with a new government led by Kurti. But it seemed that the State Department had no intention of letting Kurti veto what has become a key Trump administration objective in the Balkans.

Given the unreliability of the LDK as a coalition partner and its possible willingness to topple the new government if Kurti does not succumb to US pressure on key issues, those who voted for change may resort to further direct action in the near future. Louder calls for attending to Albanian nationalist interests could be one of the consequences of US maneuvers to reward Belgrade for reconsidering its support for Russia's South Stream gas pipeline project.

Kurti has long claimed that being forced to grant concessions to Serbia without receiving its recognition of Kosovo's independence in return is one of the consequences of never challenging the West. His most loyal and activist supporters believe that those who robotically evoke the mantra of friendly relations without recognition cannot be trusted with Albanians' future. Now that he is prime minister, Kurti's ability to mobilize such discontent if Washington and Belgrade do not change their ways threatens to disrupt this status quo.

As Washington continued to push Thaçi to sign agreements most Kosovars condemn, every new concession the outgoing government granted Belgrade resulted in more Albanians abandoning the leaders chosen for them by NATO. It is already clear that the various travel agreements struck between Thaçi and Vučić in January 2020, and celebrated by the Americans, will be used by opponents like Kurti and his allies to mobilize new levels of resistance.

In Albania, meanwhile, Rama's response to growing opposition has been to impose new laws that threaten severe economic penalties for online media outlets accused of "damaging a person's reputation or infringing on their privacy." Using such laws to suppress opposition makes confrontation more likely at a time when Rama has lost most of his credibility with the public. As Thaçi continued to sign agreements even though he had been voted out of power, Rama solidified his role as a reliable ally by supporting Washington and Belgrade's initiatives for an economic union that both sidelines the EU and excludes Kosovo, threatening its long-term stability.

For his part, the outgoing prime minister of Kosovo, Ramush Haradinaj (who was a field com-

mander during the war in the 1990s), publicly accused both Thaçi and Rama of supporting a Serbian and US agenda of partitioning Kosovo. Haradinaj is as rebellious and nationalistic as Kurti in many respects, but his popularity as a war hero made him vulnerable. Long a thorn in the side of the EU and the United States, on several occasions he has had to surrender his position as prime minister to face new questions in The Hague about his actions during the war.

It was Haradinaj's protests against Washington's push for further concessions to Belgrade that led to the snap elections in October 2019 that brought the even more defiant Kurti to power. As he left office, Haradinaj highlighted the sins of those among his generation of leaders who have enjoyed Washington's protection.

COSTS OF SUBSERVIENCE

With Kosovo's security at stake, many like Kurti (but not his LDK coalition partners) are advocating radical steps. Albanians may be vulnerable in the coming months to nationalist incitement as they contemplate abandoning the mediating institutions and the political elite installed by the EU and the United States in the late 1990s. A new era of contention has been unleashed in the Albanian world as old reliable allies of the Western powers are replaced. It is not clear whether Washington and its North Atlantic partners are prepared for the consequences.

Perhaps the most dangerous development in the region is the growing perception that neither Brussels nor Washington cares for Albanian interests. Since the early 2000s, Kosovars have been expected to remain indifferent to their precarious international position, absorb waves of economic reorientation, and endure the pain of trying to satisfy at least 95 different criteria in return for visa-free access to Europe, which is now no longer on offer. These numerous indignities have destroyed hope. As Albanian (and Serbian) politicians stoke nationalist emotions to try to create new facts on the ground, once-pliable local assets like the old political elites may adopt similar strategies, abandoning their peacekeeping role in the region.

Both the EU declaration that all membership negotiations are off and the Trump administration's adoption of a policy framed in dangerous terms of ethnic identity have left Albanians with less room to maneuver. Public browbeating by Washington results in more opportunistic belligerency from the Serbian leadership. Although Thaçi and Rama

have been amenable to its unpopular agenda, now that it must deal with Kurti, Washington is likely to sacrifice its Albanian allies rather than abandon its long-term objective of keeping Russia out of European energy markets.

Foreshadowings of such clashes can be found in recent actions by the Trump administration, including its reversal of an established guarantee to refrain from redrawing the Balkans' borders. The new policy seems to promote the idea of ethnicity-based land swaps. Behind this change was John Bolton, the US national security adviser until mid-2019. Although his stint in this post was brief, Bolton's imprint on US foreign policy—most evident in an escalating confrontation with Iran—seems lasting, even in the Balkans. Despite protests from allies in Europe, Bolton revived a position he has advocated since the 2000s: that future negotiations should focus on redrawing the national borders of Bosnia, Serbia, and Kosovo along ethnic lines.

Many Albanians, as well as European powers, especially the Germans, fear that such “solutions” will only promote violence. As happened when they were cornered in the past, Albanians' survival tactics may ignite the Balkans once they realize that Washington does not have their long-term interests at heart and is willing to let Kosovo's long quest for unchallenged independence slip farther away with every secret agreement.

Kosovo already surrendered 2,800 square hectares of prime forestland to Montenegro in 2018, in a concession to US demands. Thaçi's willingness to stealthily pursue such negotiations permanently damaged his credibility. The subsequent outrage opened the door for a year of street protests in Kosovo, and then for Kurti's unexpected election victory. Predictably, such secrecy has also undermined Washington's leverage over local Albanian politics. No longer can it demand that Kosovar leaders continue to abide by the Clinton-era Agreement of Principles Governing the Normalization of Relations between Kosovo and Serbia, which Kurti has long condemned as hostile to Albanian rights, needs, and the future viability of an independent Kosovo.

The Trump administration's calls for land swaps as the only way to end tensions—which are often stoked by the likes of Vučić—proves that nothing has been learned from the 1990s. Diplomatically,

moving forward with such swaps means tearing apart fragile existing arrangements—including the Stabilization and Association Agreement with Brussels, which has been used for the past 15 years to justify the poor quality of life of Kosovo's more than 2 million inhabitants. Dutiful Kosovar Albanian politicians cut social programs and sold off public properties, factories, and natural resources to comply with demands for reform from Washington and Brussels. But EU and US demands for legal reforms that promoted invasive “free trade” mechanisms also gave Kurti a political platform to reverse such measures.

Another damning aspect of Albanian subservience to Western demands has been Rama's agreement to harbor the People's Mujahedin of Iran (MEK), once universally designated as a terrorist organization. Since 2013, it has been allowed to openly operate its training and propaganda units inside Albania. The presence of this violent cult, which seeks to overthrow the Islamic Republic of Iran, further implicates Albania in the larger US

confrontation with Iran, and may expose it to the consequences of what is likely to be an expanding war of attrition. Separately, hundreds of Albanian men joined various groups that received direct US support in an attempt to overthrow the

Syrian government.

Never consulted as a people, Albanians collectively have been expected to remain subservient to a US agenda. The spillover effect may or may not result in violence in Albania itself, but it will certainly put at risk Albanians' long heritage of amicable relations with the entire Mediterranean world and tear at their ecumenical fabric. (The leading religions among Albanians are Eastern Orthodox Christianity and Islam.) Now Albania has been condemned as “an evil little country” by the Iranian leadership. Even if Iran does not attempt to strike directly at MEK assets inside the country, Albanians are increasingly aware that they have been compelled to adopt US/EU positions regarding Iran, and now Russia and Turkey as well, that have long-term costs.

As Kurti and others have warned, Albanians' political ambitions are being undermined as the Trump administration pursues policies intended to stymie Europe's ability to secure long-term fuel supplies from Russia via a long-planned pipeline network that must pass through Bulgaria and Ser-

*Brussels and Washington
granted political immunity
to local compradors.*

bia. The clash of US strategic concerns with those of Germany and Eastern European countries is pitting Albanian political elites against neighboring states and their own constituencies. Consider the regional agreements being made in secret negotiations with Belgrade, such as opening up a rail link and a direct Belgrade-to-Pristina plane route.

These initiatives could cause irreparable damage to Albanian relations with the EU and reinforce the Balkans' dependency on Washington. While the Trump administration threatens Europe with tariffs if it does not subscribe to US policies in the larger Eurasian region, it is also setting the stage for a permanent breakdown of Albanian political hopes for integration into the EU and for unquestioned independence for Kosovo.

DANGEROUS LOGIC

When NATO intervened in the Balkans in the 1990s, skeptics (who were a minority at the time) argued that such actions revealed a disregard for democratic principles. After years of hollow assurances, those early expressions of mistrust are now finding broader collective traction. The unseemingly bullying of Albanian politicians who refuse to publicly subordinate their constituencies to the needs of Brussels and Washington has inflamed political discourse in Albanian societies. The rising anger among Albanians has pitted nationalists, reformers, and leaders like Kurti who are willing to defy the West against established politicians who can no longer claim a popular mandate. Attempts by the old elites to reverse this power shift may threaten regional stability.

Recent moves by Washington demonstrate that there is still a role to play for those unpopular (even unelected) politicians willing to serve foreign interests. But to the extent that they continue to defy the will of their people and disregard their interests, their efforts to undermine the likes of Kurti will only sharpen the tensions as a new generation

of political actors championing ethnonationalist agendas gains popularity throughout Eurasia.

What may expedite such confrontation is the evident economic collapse resulting from a system of enforced political marginality that barely sustains Albanian communities today. Many agree that the reanimation of Albanian politics as a unified front against rival nationalist parties in North Macedonia, Greece, and Serbia has been long overdue. Now that Rama is accused of betraying his fellow Albanians by signing agreements with Skopje and Belgrade, those seeking transnational leadership are embracing populist leaders like Kurti.

Much depends on the consequences, still unclear, of the secret agreements recently signed by unrepresentative politicians under the Trump administration's aegis. Will Kurti's government survive if he pushes to reverse some of these deals that Trump's special envoy to the Balkans, Richard Grenell (the US ambassador to Germany), compelled Thaçi and Vučić to sign? Any attempt to discipline Kurti for his defiance, as was often done to Haradinaj, may well supply a new logic for conflict in the Balkans, as growing rivalries inside and beyond the region unleash a scramble to manipulate proxy assets. Here the forgotten role of Turkey will likely prove critical.

The growing tensions within the NATO alliance may manifest themselves, as occurred in the 1990s in the Balkans, in divergent interests supporting opposing factions among Albanians and other populations. Greek hostility to Turkey's expansive ambitions in the Eastern Mediterranean, and the continued US opposition to Russian pipelines, will likely add to such tensions. As countries with distinctive strategic concerns, like Germany, pursue policies vis-à-vis Eastern Europe that serve their own interests rather than Washington's, the Balkans—and Albanians in particular—may once again become catalysts of instability and transformation in the region. ■

“Britain’s approach to environmental policy fundamentally changed because of its membership in the European Union.”

Will Brexit Degrade UK Environmental Policy?

CHARLOTTE BURNS

In a referendum on June 23, 2016, the British public voted by a narrow margin to exit the European Union, a phenomenon popularly dubbed “Brexit.” Following lengthy withdrawal negotiations, the resignations of two prime ministers, and two elections in the space of two and a half years, the United Kingdom officially left the EU on January 31, 2020, with a further transition period due to end on December 31, 2020. At the time of writing, there is still a good deal of uncertainty about what the future holds. Although an agreement has been reached on the divorce settlement, the rights of UK and EU citizens in their respective territories, and a means of keeping the Northern Irish border open, the nature of the future trading relationship between the EU and UK remains to be resolved.

The political declaration adopted alongside the withdrawal agreement sets some broad goals, including developing “an ambitious, broad, deep, and flexible partnership across trade and economic cooperation with a comprehensive and balanced Free Trade Agreement at its core.” But Prime Minister Boris Johnson’s Conservative government, newly elected with a large parliamentary majority, has indicated its clear desire to diverge from the EU and to develop separate standards. There has been much speculation about the likelihood of a trade deal with the United States and what that might mean for food and animal welfare standards, among other concerns.

Moreover, while the immediate threat of going over a “cliff edge” in a no-deal Brexit has been removed, it is still entirely possible that the UK will find itself at the end of the transition period in December 2020 without having secured a trade deal with the EU or any other significant trading

partners. Under this scenario, the UK will trade with other states under World Trade Organization terms. A host of studies have shown that this option would have mixed effects on the UK economy, benefiting some sectors but harming others, and there is an overall consensus that it would result in a shrinking economy in the medium term.

As the Brexit saga has unfolded, a bigger and potentially existential crisis—climate change—has gained increasing attention and become a key part of the debate about what Brexit means for the UK, specifically for its environmental ambition and much-vaunted climate leadership. Somewhat surprisingly, the environmental implications of Brexit were not extensively debated during the referendum campaign in 2016, but emerged as a key issue in the immediate aftermath of the vote. It became apparent that UK environmental policy has been profoundly Europeanized.

The rising political salience of the environment, and of climate change in particular, has helped focus further attention on this issue. The nature of the UK’s environmental governance architecture, especially the implementation and enforcement of policy, is now being debated. Key questions include whether the UK will diverge from EU environmental standards, and if so, to what extent; how it will coordinate environmental policy within its own borders as authority in this area is devolved so that it is shared between the UK government and the governments of Scotland, Wales, and Northern Ireland; and whether and how the UK will cooperate in international environmental regimes. The last question is pertinent in light of the fact that the UK will be hosting the annual meeting of the United Nations Framework Convention on Climate Change, the Conference of the Parties (COP 26), in Glasgow in November 2020.

Underpinning all of these debates are the big questions of whether the EU has positively shaped

CHARLOTTE BURNS is a professor of politics at the University of Sheffield and co-chair of the Brexit and Environment Network.

UK environmental policy, and what the implications of Brexit are for British ambitions to claim green leadership.

NO MORE 'DIRTY MAN'

In the early years of its EU membership in the 1970s and 1980s, the UK had the unenviable reputation of being the “Dirty Man of Europe.” The dominant British approach to environmental policy had been based on minimizing costs, so that pollution abatement was only pursued when and where it was considered economically and technically practicable to do so. This approach resulted in a government-sponsored pollution control strategy known as “dilute and disperse.” For example, to deal with emissions from power stations, tall smokestacks were built in order to avoid causing local air pollution—but the emissions were carried away on the prevailing winds and fell elsewhere in the form of acid rain. Similarly, for sewage disposal, waste products were watered down and effluent pumped out into the sea via long pipes, to be carried away by the currents.

One problem with this policy approach was that it exported British pollution to other countries. Environmental protection is a transboundary concern. Since pollution does not respect borders, there is a strong case for cooperation among states. But British environmental standards and goals were invariably contextual, based on determinations of environmental quality within particular areas at specific times. They were also often reactive, and based on voluntarism: that is, business operators negotiated with regulators over the best ways to address pollution, and cost was the primary consideration.

In stark contrast, the emerging EU policy approach had been influenced by the German model, which was more legalistic, based on tightly defined environmental rules and emission limits that regulated pollution at the source. It was consequently somewhat of a shock for officials at the UK Department of the Environment to find themselves under pressure to implement rules and standards that were completely at odds with the dominant British policy approach. They had failed to anticipate or appreciate the extent to which joining the EU would affect domestic policymaking.

In effect, the early days of the Europeanization of UK environmental policy put the British government in the unexpected position of being a policy

taker. EU policymaking is often characterized by regulatory competition in which member states compete to “upload” their policy models to the EU level in order to minimize the costs of implementing EU policy at a later date. Some member states emerge from this competition as policy shapers (those that have successfully uploaded policy) and others as policy takers. The so-called implementation deficit in EU environmental policy often occurs when member states lose this regulatory competition—or fail to engage in it—and then must implement a policy that does not fit well with domestic policy styles and infrastructure. Such policy misfits can impose high costs.

This was the position in which the UK found itself during the 1970s and 1980s as it struggled to come to grips with the requirements of the EU environmental *acquis communautaire* (a term that encompasses the EU’s body of laws, regulations, and policies). Moreover, a huge upswing in EU environmental regulation started in the mid-1980s as part of the drive to complete the European single

market by removing barriers to trade. Environmental policy was seen as a crucial market-correcting measure that could be developed to protect those member states with higher standards from being undercut by peers with lower standards.

The UK consequently faced a wide range of policies that it was obliged to implement.

The initial UK response to EU environmental policy requirements was obstructive. Ministers sought to block policies unless they were based on clear, unambiguous scientific evidence. But this position became increasingly untenable, and the British government’s approach shifted. Policymakers realized that the EU was increasingly involved in domestic environmental policy, and began to understand that Europeanization was a two-way process. If the UK wanted EU environmental policy to fit better with its preferred approach, more efforts were needed to upload British preferences to the EU level.

FROM TAKER TO SHAPER

In the 1990s, the British government started trying to shift the emphasis of EU environmental policy away from strict emissions limits, toward more contextual approaches to regulating pollution. Its proposals called for monitoring environmental quality over time, basing policy on tech-

*UK environmental policy
has been profoundly
Europeanized.*

nical and financial feasibility, embracing more market-based instruments (such as eco-auditing and emissions trading), and crucially, less regulation. As British proposals were accepted at the EU level, this enabled the UK to move from being an environmental policy taker to a policy shaper. One particularly notable success was uploading a key policy principle to shape the EU's 1996 directive on Integrated Pollution Prevention and Control.

Thus the UK evolved from its early days of being an environmental laggard to emerge as a more constructive presence at the EU level. At times, it even acted as an environmental policy entrepreneur. This role was exemplified by the UK's enactment of a domestic law, the Climate Change Act (CCA), in 2008. The CCA was the first law of its kind to be adopted by any country, establishing the UK as a global leader in ambitious domestic climate legislation. The CCA bound the British government to statutory targets for reducing greenhouse gas emissions, underpinned by five-year carbon budgets. It also established an independent Climate Change Committee to offer expert advice and report on the government's progress in reaching the targets.

At the EU level, the UK was an important counterbalance to the more climate-skeptic member states, and British diplomats were increasingly recognized for their expertise in international climate negotiations. But the UK's environmental leadership credentials should not be overstated. Although the UK learned to play the EU policy game well enough that it was not always a policy taker, it frequently sought to block or water down EU environmental proposals.

Moreover, since the adoption of the CCA, a number of the flanking policies designed to put the law's ambitions into effect have been diluted or removed. The CCC has warned of a policy gap: the policies required to meet long-term targets are not in place. In 2019, when the UK committed to achieving the goal of zero net carbon emissions by 2050, the CCC was quick to point out that new policies to drastically reduce emissions and offset any remaining emissions would be required to reach that target.

Nevertheless, it is clear that the Europeanization of British environmental policy has been a major transformation. Not only has the UK evolved from the role of policy taker to that of policy shaper, but the EU has also had a profound impact on the development of British environmental policy.

MIND THE GAP

Due to the deep intertwining of EU and UK environmental policy, the Department for the Environment, Food, and Rural Affairs (Defra) was one of the British government's busiest agencies in the runup to Brexit. In 2017, a National Audit Office report warned that Defra's workload would be significantly increased by Brexit, not least because 80 percent of its work was framed by EU legislation. Defra received a massive increase in staff numbers (after years of austerity-inspired cuts) to meet the tight schedules for getting its policy portfolios "Brexit-ready."

The fact that Defra is responsible for agriculture, fisheries, and environmental policy partly explains its huge Brexit workload. The EU's Common Agricultural and Fisheries policies (the CAP and the CFP, respectively) have substantially shaped the British government's approach to—and, crucially, its funding for—these sectors. Brexit has vast implications for their future governance and economic viability.

Both the CAP and the CFP have undergone reforms intended to reduce their adverse impacts on the environment. The funding system under the CAP has subsidized large agribusinesses and encouraged overproduction and intensification of farming, with negative consequences for wildlife. The CFP has encouraged overfishing and other wasteful practices, leading to rapid depletion of fish stocks. Reform of the British agriculture and fisheries sectors is therefore seen by the government and key stakeholders as a potential way to deliver a Brexit dividend.

The government has proposed a support system for farmers and land users based on the principle of public money for public goods, such as healthy soil, clean water, and reduced carbon emissions. But exactly what this will mean in practice remains to be decided. For fisheries, the key question is what kinds of quotas the UK can negotiate with its near neighbors. These include not only the EU, but also leading independent fishing nations such as Iceland and Norway.

For both sectors, a central issue will be what kinds of trade agreements the UK is able to negotiate and with whom. Farming groups have expressed concern that a trade deal with the United States would allow imports produced under lower standards to flood the British market and undercut domestic competitors, driving farmers out of business. The specter of chlorinated American chicken being sold in British supermarkets has become a

common Brexit-related theme in the UK media. But the government has consistently promised that Brexit will not lead to lower food or animal welfare standards. It has introduced legislation to lay the groundwork for post-Brexit agriculture and fisheries policies, but these bills have been criticized by nongovernmental organizations for being vague and neglecting to set concrete commitments on the question of standards.

Another key source of concern regarding the possible impacts of Brexit is the so-called environmental governance gap. Environmental campaigners and lawyers have highlighted the fact that the EU provides a range of monitoring and enforcement mechanisms that allow for independent oversight—and the ultimate threat of financial sanctions if a government fails to implement policies effectively. Member states are required to report their progress on meeting targets, and those data are often published online. When governments fail to meet targets, they can face prosecution and the prospect of being fined by the European Court of Justice (ECJ). For example, the British government was referred to the ECJ in 2014 for its failure to implement EU air quality rules. The ECJ ruled against the government and instructed it to propose plans to meet air quality targets.

An independent British think tank, the Institute for Government, found in 2017 that while the UK has generally been a good citizen in terms of implementing EU laws, when it does end up in court, it is most often in environmental cases. So it is understandable that some are concerned that once it is unconstrained by the legal backstop provided by the European Commission and the ECJ, the British government will be less likely to implement environmental legislation effectively.

Brussels has also provided a framework of principles that are formally articulated in the EU Treaties. They require, among other things, that member states pursue a high level of environmental protection, take precautionary action, and make sure that polluters pay. When it fully disengages from the EU at the end of the 2020 transition period, the UK will no longer be legally bound by these principles.

A campaign coordinated by Greener UK, a coalition of NGOs, has demanded a response to the environmental governance gap. The Johnson government has sought to address such questions with its draft Environment Bill, which was published on January 30, 2020. The principal innovation in the bill is a plan to create an Office for Environmental

Protection (OEP), which the government has suggested will scrutinize environmental policy and law, investigate complaints, and take enforcement actions to uphold standards.

However, the plans for the OEP have faced fairly robust criticism on the grounds that its members will be appointed by, and accountable to, the secretary of state for the environment, and will therefore have limited independence. The OEP would also enjoy far narrower authority than that afforded to the European Commission and the ECJ. For example, it will not have the power to levy fines against the government. The bill does make reference to environmental principles, but compared with EU law, the wording places a weaker legal requirement on the government in terms of how it must put those principles into effect.

LEVEL PLAYING FIELDS

Another key drawback of the draft bill is that it would have limited application across the UK, since the environment is a devolved policy sector. This means that the governments of Scotland, Wales, and Northern Ireland have a degree of autonomy in deciding policy within their own territories. Under the UK's devolution settlement, which took effect in 1999 and has evolved since then, the Environment Bill would apply in its entirety to England, but different parts of the legislation would apply in different ways across the other UK nations. Regarding the OEP, there is an ongoing debate about whether Scotland will have a similar body within its own territory.

While the UK was an EU member state, the fact that British environmental policy was subject to devolved government proved relatively unproblematic, since all parts of the UK were bound to follow EU rules and regulations as a minimum floor. Individual states could diverge from those standards only by setting higher ones. Thus, Wales has a well-developed suite of sustainability policies, and Scotland has generally adopted more ambitious climate targets than the rest of the UK. Northern Ireland, by contrast, has tended to be the environmental laggard within the UK, since it has struggled to implement legislation due to the low political salience of environmental issues in the territory and a lack of trained personnel and resources to develop and implement policy.

Now that policies will no longer be decided at the EU level, key questions include whether there will continue to be common UK standards, and if so, who will decide what those standards are, and

how much divergence will be allowed. Businesses have expressed concern about whether regulatory divergence among the different governments within the UK could make trade across the country more challenging. A closely related question is whether the UK can, or indeed wants to, diverge from EU standards—and if so, in which direction.

The Scottish government has indicated its desire to keep its standards aligned with the EU's, with the scope to adjust in line with EU policy developments—so-called dynamic alignment. However, this option has been emphatically ruled out by the Johnson government, which has said it intends to diverge from EU standards. But the European Commission has indicated that it sees continued UK alignment with those standards as a condition for a trade agreement. It is difficult to gauge the sincerity of these pronouncements, since both sides are positioning themselves for forthcoming trade negotiations.

Central to the differences between their positions is the notion of the level playing field—the idea that the UK should maintain standards similar to the EU's in order to facilitate free and fair competition. A key concern for the EU, and for many British activists, is that the UK will seek to weaken workers' rights and environmental standards to

The environmental implications of Brexit were not extensively debated.

make its own goods more competitive. There is great uncertainty concerning which areas of environmental policy will be linked to the level playing field. It seems likely that the British government will seek to limit consideration to product standards and tradeable products, such as waste. Yet there is a strong case, given the transboundary nature of pollution and migratory patterns of wildlife, to adopt a more environmentally inclusive definition of the level playing field—for example, to encompass nature protection or water quality.

Another important principle that is likely to be a focus of the negotiations is environmental non-regression, which requires states to refrain from weakening existing policies and standards—and has been included in recent EU trade agreements with Canada and Japan. There was a reference to non-regression in the UK's original draft withdrawal agreement, which was negotiated when Theresa May was prime minister, but it was deleted after Johnson replaced her. However, it seems likely that the EU will insist on a non-regression clause, particularly since the new European Commis-

sion president, Ursula von der Leyen, has made an ambitious package of environmental measures, dubbed the Green Deal for Europe, a key part of her agenda.

MORE THAN LIP SERVICE?

A further factor that may deter the UK government from weakening environmental policy is the increasing political salience of environmental issues, especially climate change. The combined impact of heatwaves, floods, and droughts across Europe, wildfires in Europe, the United States, and Australia, and record high global temperatures has kept climate change in the news.

Young people have walked out of their classrooms in climate strikes to take to the streets in protest of their elders' failure to take the emergency seriously. Their foremost spokesperson, Swedish teenager Greta Thunberg, has been increasingly prominent, meeting world leaders and politicians, addressing the UN and various parliaments, and drawing the ire of climate-skeptic

world leaders such as Brazilian President Jair Bolsonaro, Australian Prime Minister Scott Morrison, and US President Donald Trump. Meanwhile, a new protest movement, Extinction Rebellion, has embraced bolder, disruptive climate activ-

ism, bringing parts of London to a standstill in the autumn of 2019.

Climate change was a major issue in the December 2019 UK general election: 23 percent of British voters identified it as one of their top three concerns. With climate change and environmental policy rising on the political agenda, the government is under pressure to take them seriously—or at least give the impression of doing so.

So far, Johnson has paid some lip service to the environment. He pledged in his victory speech following the election that his government would “make this country the cleanest, greenest on earth, with the most far-reaching environmental program.” However, the government has already made some decisions that suggest a degree of policy incoherence. For example, it offered tax relief to a failing airline, Flybe, even though air transport is a major contributor to greenhouse gas emissions and Johnson had recently committed to meeting the goal of net zero emissions by 2050.

Moreover, although the UK is due to host the international climate meeting in Glasgow in Novem-

ber, it was revealed in February that little preparation has taken place. The official set to lead the British delegation and organize preparations for the meeting, former climate minister Claire Perry O'Neill, was unceremoniously fired, allegedly over performance issues. She has been replaced by former International Development Secretary Alok Sharma, who will have to move quickly to get the COP 26 preparations back on track.

BACKSLIDING FEARS

Britain's approach to environmental policy fundamentally changed because of its membership in the European Union. It is no longer the "Dirty Man of Europe" that was once known for exporting pollution to its near neighbors and would only tackle environmental problems if it was economically expedient to do so. At first, its EU experience was as a policy taker that found itself forced to implement policies poorly suited to its own regulatory tradition and style. By the 2000s, though, the UK had become a policy shaper that was able to engage more constructively with the EU, and even offer environmental leadership on occasion.

Yet now that the UK has left the EU, many campaigners and analysts are concerned that the government will be prepared to water down domestic environmental, food, and animal welfare standards to secure preferential terms of trade with other partners. Although some moves have been made

to address the environmental governance gap that Brexit has opened, the planned Office of Environmental Policy would not enjoy the independence or the power to hold the government to account that are vested in the European Commission and the European Court of Justice.

The British government's stated desire to diverge from EU standards has also heightened concerns among the environmental policy community that Boris Johnson's aspirations to green leadership are purely rhetorical. There is a widespread suspicion that Brexit will be bad for the British—and European—environment. Dispelling such doubts will require committing to the principle of environmental non-regression and implementing policies that deliver on key pledges, such as net zero carbon by 2050.

Despite Johnson's green rhetoric, the utopian ideal for many Brexit supporters is the "Singapore on Thames" model of a low-tax, deregulated economy. In these circles, a strong environmental policy is viewed as a barrier to economic growth and development. Only by putting in place concrete and meaningful policies to realize his stated vision of a clean, green Britain can the prime minister assure skeptics both in the country at large—including the devolved governments of Scotland, Wales, and Northern Ireland—and in the EU that his expressions of concern for the environment are more than greenwash. ■

“EU governance, which was long apolitical and technocratic, with disagreements handled in private and deals made behind closed doors, has become more politically charged.”

Politics Shakes Up EU Governance

VIVIEN A. SCHMIDT

For the past decade the European Union has been on a roller-coaster ride, careening from crisis to crisis with little pause for breath. The Eurozone sovereign debt crisis beginning in 2010 was quickly followed by the refugee crisis that peaked in 2015; then came Britain’s 2016 referendum vote to exit the EU, succeeded by growing concerns about an illiberal drift in Central and Eastern Europe, and by a push to enhance security and defense cooperation under US pressure. All this increased the need for EU governance capability at a time when the growing volatility of national politics was roiling the bloc’s decision-making.

Ways of Governing

Sixth in a series

As populist parties on the extremes of left and right have not only won elections but also increasingly held power at the national level, either alone or in coalitions, EU governance has become more difficult. Crises are harder to resolve because consensus is harder to obtain. Along with problems related to the EU’s governing ability have come doubts about its authority and democratic legitimacy. The question is whether politicization will have lasting negative effects, making the EU less governable and leaving its policy crises unresolved—or positive effects, enabling the bloc to fix its policies and calm the politics while enhancing democracy.

PRESSURES AND RESILIENCE

The governance of the EU has always been difficult to understand and complicated to manage, but EU actors—like the European Council, the European Commission, and the European Central Bank (ECB)—nonetheless have proved adept over the

years at deepening integration in ever-expanding policy domains, to the general satisfaction of European citizens. More recently, however, while the EU’s level of complexity has only increased, its ability to produce positive results has declined.

The EU’s governance capacity has been challenged by crises in key policy areas such as money (how to ensure stability and growth in the Eurozone), borders (what to do about refugees and migrants), the integrity of the union (how to manage Brexit), the rule of law (what to do about the democratic illiberalism of Hungary and Poland), and security (how to develop effective cooperation)—not to mention the complications of the transatlantic relationship (on trade as well as security). As if all this were not enough, these policy challenges have been accompanied by growing political challenges to the bloc’s governance at multiple levels.

Once largely apolitical and technocratic, EU governance has become increasingly politicized—at the bottom, in the polarization of national politics surrounding EU issues; from the bottom up, via political pressures on EU actors in contested areas; and at the top, in the more politically charged dynamics among EU actors. Such multi-level politicization has in turn affected perceptions of the EU’s legitimacy. Misgivings about its activities—the effectiveness of its policies, the responsiveness of its politics, and the quality of its processes—have undermined public trust in the EU’s governing authority.

Yet the EU has proved to be amazingly resilient. Despite dire warnings that the Eurozone would collapse, that the refugee and migrant crisis would explode, that Brexit would unravel the bloc, that security breaches and terrorist attacks would escalate, and that democratic illiberalism in Central and Eastern Europe would spread across the continent, the EU continues to plod along, having

VIVIEN A. SCHMIDT is a professor of international relations at Boston University.

avoided the worst in all areas, at least for the moment.

The EU finally turned the corner on the Eurozone crisis, though it took two years to stabilize the economic area and five to get it back on track. Some essential building blocks are still missing. In its initial response to the crisis in 2010, as market attacks on states with high deficits or debt threatened to push them into default, the EU declined to provide some form of debt forgiveness and mutualization (through jointly issued eurobonds) accompanied by greater fiscal or monetary stimulus. Instead, it decided to govern by rules and rule by numbers. This entailed reinforcing the rules of the Stability and Growth Pact by mandating austerity via low inflation, low deficits, and low debt—policed by European Commission oversight of member states' finances—while creating bailout funds with harsh conditions for loans, including rapid deficit reduction accompanied by “structural reforms” such as labor market deregulation and welfare state retrenchment.

Such rules-based governance dampened economic recovery while doing nothing to stop the bond market turmoil that pushed country after country into bailout programs—until ECB President Mario Draghi vowed in July 2012 that he was “ready to do whatever it takes to preserve the euro” as Spain and Italy, two countries “too big to bail,” found themselves in the markets' crosshairs. Around the same time, the Commission began incrementally reinterpreting the rules, easing their application in the interest of growth. The Eurozone economy remained in the doldrums nevertheless, with deflation threatening, until 2015, when the ECB began quantitative easing (buying member states' bonds) and a newly appointed Commission began to focus on investment.

But even today, the Eurozone remains vulnerable. The rules limiting deficits and debt still restrict spending that could stimulate growth. The institutions are incomplete: there is still no individual deposit insurance, nor an adequate backstop for bank failures, not to mention some form of mutual risk-sharing, like eurobonds. And economic growth continues to be subpar.

The politics of the Eurozone have deteriorated as a result of dissatisfaction with its economic performance and its governance processes. There is a lasting split between Northern European “credi-

tor” countries (where mainstream parties continue to resist anything suggestive of financial “transfers” to other member states, while populist parties call for a more restricted Eurozone), and Southern European “debtors” (where mainstream parties ask for more solidarity via debt forgiveness or greater mutual risk-sharing, while populist parties call for ending austerity or even the euro).

The EU also managed to end the worst of the migration crisis within a couple of years. It dramatically reduced the chaotic, massive flow of refugees and migrants in 2015 by making unsavory deals with neighboring states, notably Turkey. It also made progress on hardening external border controls. Yet it has failed to agree on a common refugee policy, or an equitable refugee distribution system. This dissension has provided grist for the mill of populist leaders on the extreme right who exploit the issue for electoral gain. Hungarian Prime Minister Viktor Orbán rallied support with images of barbed wire to keep out the “barbaric hordes” that he claimed

were threatening Hungarian purity and safety. (This also diverted attention from his government's increasingly antidemocratic measures.)

In Southern Europe, two of the countries hardest hit by the Eurozone crisis—Greece and

Italy—have borne the heaviest burden, as refugees in increasing numbers have landed on their shores. In Italy, the 2018 election of a populist coalition government was due in part to the EU's failure to find a common solution to the refugee crisis (as well as the Eurozone crisis). And it enabled Matteo Salvini, leader of the right-wing League, to use his position as interior minister to consolidate his political power.

As the Brexit saga dragged on, meanwhile, the EU remained united in response. Although British politics has been highly volatile throughout, the drama has encouraged parties on the populist extremes of left and right in other EU countries to become less radically Euroskeptic, renouncing earlier pledges to leave the EU or abandon the euro, including the extreme right Sweden Democrats and the National Front in France, among others. Still, the British exit poses a symbolic threat to the EU, challenging the very idea of European integration while raising the specter of disintegration. It also poses an economic threat, damaging the prospects of both Britain and the rest of the EU, espe-

Partisan politics has become part of the everyday routine in the European Parliament.

cially if Britain crashes out of the single market without a withdrawal agreement.

On the security front, the EU has been doing more to increase and institutionalize its governance efficiency and crisis response capacity. But this has not translated into consolidation of member states' military capacity as an integrated force or under a common security strategy.

Finally, the EU has begun to confront the problems of illiberalism via legislative and judicial avenues, such as starting disciplinary proceedings against Poland and Hungary. But the effectiveness of these efforts remains to be seen.

As the EU has muddled through its crises, for better or worse, its governance has changed notably. Most significant has been its increasing politicization in the midst of crisis management.

POLITICS AT THE BOTTOM

In the early years of the EU, because citizens perceived its policies to be working, or didn't pay much attention to them whether they worked or not, the bloc's governance benefited from what is known as the "permissive consensus," which allowed EU actors to deepen integration without much public scrutiny or concern. But over the past two decades, even before its multiple crises, the EU had been emerging as a more and more salient issue in member states' national politics.

The EU's governing activities, and sometimes even its authority, were increasingly contested. In elections, the traditional left/right divide was cross-cut by divisions between citizens with more open, cosmopolitan, and pro-EU views and those with more closed, nationalist, or even nativist attitudes. At the same time, polls and surveys such as Eurobarometer showed slowly eroding public trust in EU institutions (as well as national ones).

Once the crises hit in quick succession, electoral divisions accelerated exponentially, public trust in the EU declined dramatically along with its positive image, and the traditional political landscape was upended. EU member states experienced rapid turnover in their governments. To take just the example of France, center-right Nicolas Sarkozy was a one-term president; his left-of-center successor, François Hollande, also lasted just one term; and he was replaced by centrist Emmanuel Macron, who ran against both mainstream parties and won.

Some mainstream parties completely collapsed. On the social democratic left, Greece's PASOK has become a pale shadow of its former self, polling

at around 6 percent, as has France's Socialist Party. On the center right, Ireland's Fianna Fail, the dominant party for a century, has also been marginalized, while conservative parties in France, Italy, Spain, and Portugal are struggling. Only in Northern European countries like Germany and the Netherlands has there been relative continuity in government—though even German Chancellor Angela Merkel's conservative Christian Democratic Union has been weakened, while the Social Democrats have fallen to historic lows, taking just 16 percent of the vote in the May 2019 European Parliament elections.

On the heels of this mainstream collapse has come the rise of new (or reinvigorated) populist challenger parties. These parties have harnessed citizens' discontent by claiming to represent "the people" against self-serving elites, unaccountable experts, and unfair institutions, proposing radical agendas to disrupt the status quo. While the Euroskepticism of the radical left has been largely economically driven, founded on defense of the welfare state and opposition to ongoing market liberalization, that of the radical right has been more about defending national sovereignty, identity, and cultural homogeneity—though it is increasingly conjoined with welfare chauvinism (that is, preserving generous social benefits, but only for "us").

Since the EU's recent crises, such parties have rapidly gained support and increasingly found their way into government. Some have governed in coalition with mainstream parties—Portugal has had a successful alliance of center left and hard left since 2015, while Austria had a short-lived coalition government of conservatives and the hard right, which has been replaced by a conservative–Green coalition. There have been more unlikely left-right populist coalitions: Greece's Syriza with the nationalist extreme right, Italy's unclassifiable Five Star Movement with the extreme-right League. Other populist parties have governed on their own, notably Fidesz in Hungary and Law and Justice in Poland, which have both sought to institute "illiberal democracy" by undermining liberal democratic institutions such as judicial independence and freedom of the press.

Populist support has been fueled by socioeconomic concerns, focused on policies blamed for growing unemployment and poverty along with rising inequality, especially in the wake of the Eurozone crisis and in Southern Europe. These concerns have been intensified by fears about the loss

of social status, often mixed with worries about the changing faces of the nation, which were exacerbated by the refugee and migration crisis. But there have also been purely political sources of discontent, reflected in some people's sense of a loss of control as a result of deepening European integration.

In the Eurozone, governments at risk of breaching the rules (mainly in France and Southern Europe) found themselves torn between keeping their electoral promises to promote growth and protect the welfare state and honoring their supranational commitments to maintain austerity budgets, which required them to cut social benefits. In the Brexit referendum, the Leave campaign's rallying cry of "Take back control" was a clear expression of political dissatisfaction with the EU. It blamed the EU single market's freedom of movement for allowing Central and Eastern Europeans to flood Britain's low-skilled job market.

In my 2006 book, *Democracy in Europe*, I argued that as more and more decisions moved up to the EU level, the national level could be characterized as "politics without policy." Today, increasing politicization means that the national level is better described as politics against (EU) policy in the most contested areas—or even politics against polity in the most extreme cases, as citizens either support parties opposed to staying in the EU or vote directly for exiting the EU, as with Brexit. The EU level has also changed, moving from a technocratic decision-making process, which I characterized as policy without politics, to today's policy with politics.

FROM THE BOTTOM UP

As national politics has turned more volatile in recent years, it has increasingly constrained EU governance from the bottom up. Decision-making on European integration has become vulnerable to pressures resulting from national-level party competition, elections, and referendums. EU actors, cognizant of citizens' growing awareness of the EU and the political importance of public perceptions, have sought to communicate and legitimate their actions to the wider public on an ongoing basis.

In the European Council, where leaders of the member states meet to bargain, deliberate, and decide on the major issues confronting the EU, politicization can be seen in the growing influence of public opinion and electoral politics on leaders' positions. Relations among member states have

become more contentious and agreements harder to broker. Even if partisan politics per se remains largely absent from the relationships among member state leaders, the politics of national partisanship has infected Council decisions.

In place of traditional consensus-seeking compromise, leaders increasingly defend national "red lines," deferring to media pressure and what they perceive as citizens' preferences. This has translated into threatened (or actual) vetoes of EU measures, as in then-British Prime Minister David Cameron's threat to veto what became known as the Fiscal Compact, limiting debts and deficits, unless he got special treatment for the UK financial services industry; refusal to implement EU decisions, as when Central and Eastern European leaders rejected quotas for resettling refugees; and delayed decisions, as when Merkel dithered on agreeing to a bailout for Greece in late 2009 and early 2010.

In the European Parliament (EP), bottom-up politicization arrived in the form of the larger presence of populist representatives who won seats in the 2009 elections, joined by still more after the 2014 and 2019 elections. Even though they have had minimal impact on legislation so far, the EP has given populists an EU platform from which to speak to their national constituencies. The EP now has a thinning center, which is forced to form ever-larger grand coalitions and to forge ever-wider compromises.

This has directed increasing attention to the politics of the public interest, such as reducing cellphone roaming charges. But even in crisis areas, where the EP has had little authority, it has made more public pronouncements on the issues, held hearings, and commissioned reports. After letting itself be stampeded into reinforcing the Eurozone rules with legislative packages that instituted oversight procedures for all member states along with sanctions in cases of noncompliance, the EP subsequently issued scathing critiques of the Council, the ECB, and the Commission.

Partisan politics has become part of the everyday routine in the EP. This was most apparent when the center-right European People's Party (EPP), the largest group in the chamber, shielded one of its more extremist national member parties, Fidesz, from censure for undermining the rule of law in Hungary. Only just before the 2019 EP elections was the party suspended from the EPP.

Although supranational technical actors such as the Commission, the ECB, and other regulatory

agencies have not experienced the same degree of politicization as the EU's political actors, bottom-up politics nonetheless has exerted influence on them. They have sought to appear more responsive to the public on politically salient issues.

Politicization occurs not only at the bottom or from the bottom up, but also at the top. As integration has deepened, the relationships within and among major EU-level actors—Council, Commission, ECB, and EP—have become more political in every way. Long-standing cooperative relations are now riven by greater contestation in many domains.

This may be connected to national pressures, but it also concerns political struggles for power and influence among the various EU-level actors. Although such struggles are nothing new, they sharpened in the recent crises. Now hard bargaining is more pronounced, and productive consensus is more difficult to achieve. These struggles are not only about what to do, but also about who does it, and who imposes the costs of the decision on whom.

COUNCIL IN CHARGE?

In the Council, the leaders of the member states have become much more legislatively active than in the past. Since the Maastricht Treaty took effect in the early 1990s, not only have they decided more matters in the Council; they have also created new regulatory bodies and instruments outside the main EU institutions, instead of delegating more powers to the Commission. This has kept the Commission out of those bodies, but it has also put the member states in—for instance, by ensuring that nationally appointed representatives serve on their governing boards. Examples of such *de novo* bodies include the ECB, where the heads of national central banks constitute the governing board; financial entities such as the European Stability Mechanism (ESM), in which the Eurogroup of national finance ministers comprises the board; administrative bodies such as the European External Action Service, the EU's diplomatic corps; and a presidency for the European Council.

In response to the various crises, EU governance has increasingly favored processes of intergovernmental decision-making, in which the Council decides—to the detriment of co-decision, in which the Commission and EP play an equal role with the Council. In the Eurozone crisis, the Council took

charge; it was the only body that had the authority to decide what to do and the resources to commit to doing whatever was decided. Interest-based bargaining and consensus-seeking deliberation were both in evidence, as member states' preferences divided largely along North-South lines.

Interest-based negotiation was clearly at the forefront when Germany finally agreed to rescue packages for countries in trouble, but only in exchange for a reinforcement of the “stability” rules of the Stability and Growth Pact. The Germans demanded austerity and structural reforms from all member states, and harsh conditionality programs for the countries in trouble, initially without any debt relief. Hard bargaining was on open display in the third Greek bailout, in 2015, when a confrontation between Greek Finance Minister Yanis Varoufakis and his German counterpart Wolfgang Schäuble made headlines. Greece's left-wing populist Syriza government was forced to implement the harsh terms of the existing agreement without any renegotiation of the program or an end to austerity, breaking its promises to voters.

Yet consensus-seeking deliberation was also taking place, particularly once the crisis slowed in 2012. As successive Italian leaders, supported by the French, pushed first for

pro-growth policies and then for more flexibility in the application of the rules, Merkel acquiesced, initially agreeing to growth “with stability,” and then to flexibility “within the stability rules.”

In the refugee crisis, however, no such compromise was reached. Central and Eastern European countries refused to agree to any redistribution of refugees, putting up barbed-wire fences instead. In the rule of law crisis, the search for consensus in the Council led mainstream leaders to accommodate extreme-right populist governments, to the detriment of EU norms and values. Liberal democratic safeguards have been weakened, particularly in Hungary.

As for developing a common security and defense policy, there are existing ways for groups of countries to move forward on their own, and member states have agreed to a number of different initiatives. But the Council so far has done little to ensure progress, despite a discourse that has increasingly focused on building “security autonomy,” rendering the EU less dependent on the United States in military operations.

*Crises are harder to resolve
because consensus
is harder to obtain.*

COMMISSION AND CO.

While the Council may remain in charge of decision-making, particularly on the big issues and in crises, supranational EU actors have taken control of a number of domains. Bureaucratic entrepreneurialism and institutional creep are often cited to explain such technical actors' ever-increasing powers. The Council's growing activism has done little to stop this supranational empowerment. To the contrary, its deliberate moves to create new bodies in order to avoid increasing the Commission's powers enabled a wider range of EU supranational actors—the ECB, the ESM, and other *de novo* bodies—to gain even greater institutional powers of enforcement.

These self-same supranational actors developed and proposed to intergovernmental leaders the policy initiatives they themselves were then charged to enforce—such as the oversight mechanisms of the European Semester, a policy-coordinating framework pushed by the Commission. The new European agencies set up in response to the Eurozone and migration crises were established in areas where the Commission's own powers had been weak, and served its objectives while providing supranational institutions with additional means of rule-making, information-gathering, and enforcement.

The Commission has continued to increase and assert its power and influence in the EU's many crises. In the migration crisis, it was the body that came up with the quota system that caused such dissension among member states. In the Eurozone crisis, it wielded great discretionary authority through its enhanced oversight functions in the European Semester. At the onset of the crisis, it turned the screws on member states, including France, Italy, and Spain, with a rigid application of the rules that found them in violation of deficit and debt limits.

But as the crisis slowed between 2012 and 2015, the Commission began reinterpreting the rules by stealth, proclaiming a continued push for austerity and structural reform while giving repeated exemptions to France and Italy, and even recalculating the numbers for Spain so that it could avoid sanctions. Subsequently, with Jean-Claude Juncker as president, the new Commission continued to increase its room for maneuver, even creating rules to define the parameters of flexibility. Although Spain

and Portugal were ultimately sanctioned for excessive deficits, their fines were suspended.

Needless to say, while French and Southern European leaders vociferously protested the early rigidity, German and Northern European leaders complained loudly about the later flexibility. Schäuble was so outraged in 2014 that he, together with his Dutch and Finnish counterparts, called for the Commission to hand over its responsibilities for overseeing member states' finances to an independent agency.

The ECB also increased its power and influence during the Eurozone crisis in dramatic ways. In the early days of the crisis, it refused to take decisive action to stabilize the euro and end the crisis, citing the “no-bailout clause” in Article 125 of the EU Treaties and its own mandate, which forbade buying member states' debt. But it incrementally moved toward assuming the role of lender of last resort. First, Draghi promised to do “whatever it takes” to save the euro in July 2012, which immediately calmed the markets, and then began quantitative easing in 2015.

Unlike the Commission, which surreptitiously reinterpreted the rules, the ECB hid its reinterpretations in plain view—constantly claiming that all of its actions remained within its mandate, even as it went

from a very narrow reading of that mandate to a more and more expansive one. This, too, was challenged by the Northern Europeans in the Council, particularly the Germans. The head of the Bundesbank, Germany's central bank, testified in a German constitutional court case that the ECB lacked authority for its 2012 promise to buy Italian and Spanish debt if necessary (it turned out not to be), and initially opposed the start of quantitative easing in 2015.

The Troika, made up of the International Monetary Fund, the ECB, and the Commission (after 2013 they were called “the Institutions,” joined by the ESM) had arguably the most power and influence, and the least accountability, during the Eurozone crisis. It negotiated and administered the “conditionality programs” that subjected member states to harsh austerity and major structural reforms. Whereas the so-called normal countries benefited from an easing of the rules, the program countries—Greece, Ireland, Portugal, and Cyprus—were not so lucky. Greece, which went through three bailouts, is the worst-case example

*More volatile national
politics has constrained
EU governance.*

of what may happen when rules are reinforced rather than reinterpreted, unleashing catastrophic economic results and volatile politics.

AN ASSERTIVE PARLIAMENT

The European Parliament has also become an increasingly political actor in the inter-institutional dynamics at the top of the EU. Although the EP is neither in charge nor in control in any domain, it has nonetheless gained greater influence in EU decision-making. After having been set aside a decade ago as the Council sought to confront multiple crises on its own, the co-decision process has come back into vogue. The EP has reentered the discussion in policy areas from which it had been shut out, including Eurozone and migration policy.

In “trilogues” with the Council and the Commission, the EP has increasingly pushed its own political agendas. But even in areas where it has had little remit, it has successfully engaged in integration by stealth, extending its powers beyond the provisions of the 2009 Lisbon Treaty.

In 2014, the EP prevailed with its insistence that the leader of the majority party in the chamber be named president of the Commission, after each party nominated a candidate (known as the *Spitzenkandidat*) to lead it into the elections. That was a win for the EP over the Council, and it created a direct political link between the EP and the Commission. Although the *Spitzenkandidat* procedure was abrogated in the 2019 selection of the next Commission president, with a return to the traditional method of horse-trading in the Council, the political link between the two bodies was, if anything, reinforced by efforts to mollify the EP.

Finally, even when the EP is left out of the decision-making process, it can still play a role, whether as the EU actor to which the others go to demonstrate their accountability or through its increasingly vocal critiques of their actions. The ECB, for example, has used its mandated four yearly meetings to make the case for the legitimacy of its actions to the EP and thereby to the general public.

POLITICALLY CHARGED

The EU remains in a fragile state, with an uncertain future. The Eurozone still suffers from major

institutional weaknesses. The migration question is unresolved. Little has been done in the security realm. Although Britain’s exit from the EU is no longer in doubt, the possibility that it will crash out without a deal still threatens. Central and Eastern European countries’ drift toward democratic illiberalism has not yet been addressed effectively. And EU member states continue to be divided in their preferences, split between North and South on Eurozone governance, and between West and East (along with some of the South) on migration.

EU governance, which was long apolitical and technocratic, with disagreements handled in private and deals made behind closed doors, has become more politically charged. Differences are now debated in public, as EU actors seek to communicate more and legitimate their positions directly to citizens while signaling their preferences to one another. Greater public deliberation and debate at the EU level, however contentious, in and of itself could be seen as politically legitimizing, leading to greater mobilization of civil society and increasing media attention, which in turn may prompt better responsiveness on the part of the EU. To citizens, the back-and-forth of political contestation looks a lot more like what goes on in national democracies—especially when they feel their own views are represented, whatever the subsequent compromises.

All of this ensures that the politicization of the EU will not end any time soon. So our final question is whether politicization is a good thing or a bad thing. On the positive side, more public debate, deliberation, and contestation promise greater legitimacy for EU governance as whole, as part of the rough-and-tumble of democratic decision-making. On the negative side, increasing public contestation makes compromise and effective policymaking more difficult, and may seem to delegitimize the EU’s substantial achievements, given the sharp criticisms of its actions by one side or another in the debates. By now, however, after the Eurozone and refugee crises, and with Brexit underway, asking whether politicization is good or bad is almost beside the point. Like it or not, it is here to stay. ■

Saving What We Love

HOLLY CASE

In the 2017 film *Star Wars: The Last Jedi*, the character Finn plans to sacrifice himself for the rebel cause by flying into the glowing-hot core of a giant weapon trained on the rebel hideout. As his rickety vessel speeds toward the target, he is sideswiped off his path by another rebel, Rose. When Finn asks Rose why she prevented his self-sacrifice, she replies: “That’s not how we’re going to win. Not fighting what we hate, [but] saving what we love.” It is difficult to imagine such a scene appearing in earlier *Star Wars* episodes.

Something in the zeitgeist has shifted decidedly in the direction of saving. From *Saving Private Ryan* (1998) to *Children of Men* (2006), *Son of Saul* (2015), and *1917* (2019), in landscapes of devastation and collapse of the social order, the heroic gesture is now to save something or someone very particular from generalized destruction. The current preservationist impulse is characterized by the desire to keep history, nature, nations, cities, rights, memories, and relationships *in place*. But what are its origins, and where will it lead?

Preservationist thinking has deep roots and formidable adversaries. Friedrich Nietzsche lamented its pervasiveness in *Thus Spoke Zarathustra* (1883–85), commenting, “The most concerned ask today: ‘How is man to be preserved?’” This proclivity was all too “womanish,” in his view. “O nausea! Nausea! Nausea! *That* asks and asks and never grows weary: ‘How is man to be preserved best, longest, most agreeably?’ With that—they are the masters of today.”

But the preservationist drive also had its advocates. In 1917, US President Woodrow Wilson appealed to Congress for approval to enter the Great War, declaring, “The world must be made safe for democracy.” Confronted with unlimited German submarine attacks, which Wilson deemed “a warfare against mankind” and “a war against all nations,” the implication of his slogan was that democracy, like a rare species of flower, needed a special environment, a haven where it could not

come under assault—and that the world itself had to be that haven.

The first article of the German postwar constitution of 1949 sets the preservationist drive as the primary function of the state: “Human dignity shall be inviolable. To respect and protect it shall be the duty of all state authority.”

Notably, these historical examples display universal or universalizing aspirations, referring to “the world” and “the human person.” Yet if there is nothing especially new about the preservationist impulse, there is indeed something new about the way liberal and some strands of leftist progressive thought more recently have framed this impulse as much more localized and specific. Certainly, movements like Extinction Rebellion continue to espouse a universalist aim of salvaging the planet from environmental devastation and climate change. But if progressive politics can be said at present to possess an ideational—one might even say idealist—mission, it is, ironically, particularist and conservative. Not conservative in the political sense, but in the original sense, according to Webster’s: “to keep in a safe or sound state.”

The operative verb here is “to keep.” To keep safe is only meaningful if that safety, having once been achieved, is now presumed threatened. This is not the Wilsonian “make safe”—it is conservation or preservation. What was once a predominantly reformist drive in progressivism, one that looked forward to a better future, has become increasingly preservationist in character, attempting to halt or restrain a historical trajectory that seems to flail about destructively, like a “wild animal,” as Hegel put it.

PRESERVATIONIST ACTIONS

Recent protest movements in Europe have exemplified this trend, perhaps most prominently the series of demonstrations that began in and around Istanbul’s Gezi Park in 2013. The protesters represented a broad range of interests and political inclinations, from environmentalists and gay rights activists to secular nationalists, religious nationalists, and soccer hooligans. Their shared platform

HOLLY CASE is an associate professor of history at Brown University and a Current History contributing editor.

consisted of the preservation of the small park adjacent to central Taksim Square. Prime Minister Recep Tayyip Erdoğan's government planned to raze the park to construct a shopping mall in its place. "Gezi Park must stay as a park" was the primary demand of the Gezi Solidarity movement. All the other agreed-upon demands concerned the government's actions to prevent the demonstrations themselves (police brutality, tear gas, arrests, a ban on protests). In effect, there was a single shared preservationist goal.

Even before Gezi, similar efforts were underway elsewhere in Europe. In Croatia, the youth organization Pravo na grad (Right to the City) protested the construction of a shopping mall and garage on Cvjetni Trg, a historic square in Zagreb, from 2006 to 2011. The group now says it specializes in "activism against the devastation of public space." There is a similar group in Serbia called Ne da(vi)mo Beograd (We will not surrender Belgrade), whose name suggests the city is under siege. Especially telling are the parentheses, which encompass both the present and future tense, as in an ongoing, perpetual—or in the grammatical sense, imperfect—preservationist action.

One is tempted to see some resurrection of the notion of perpetual revolution in these movements, but rather than having an expansionist, universalizing, and transformative impulse, they display a halting, particular, preservative tendency. This is more akin to Edmund Burke's calls in *Reflections on the Revolution in France* (1790), a founding document of conservatism, for "a healthy halt to all precipitate decisions" to "prevent the sore evil of harsh, crude, unqualified reformations" by means of "a tedious, moderate, but practical resistance." The emphasis of Ne da(vi)mo Beograd is similarly on patience and careful planning "to secure long-term change of our society, rather than short-term benefit." One of the slogans printed on the T-shirts of Pravo na grad activists reads "strpljen / spašen" (patient / saved), a far cry from the emboldened progressivism of early-twentieth-century Serbian Social Democrats, who regularly declared themselves "opponents of the status quo."

The Bulgarian political scientist Ivan Krastev wrote after Gezi, "The protests have not marked the return of revolution . . . they actually serve to forestall revolution by keeping its promise of a radically different future at an unbridgeable distance." Yet to suggest these movements are categorically allergic to alternative futures would be

wide of the mark. Some of them have birthed political campaigns with broader reform programs, and most have long outlived their original *raison d'être*. Even a spoof party like Hungary's Two-Tailed Dog has moved beyond calls for free beer and more sunshine to spawn a registered political party that concerns itself as much with civic action as with satire.

What these movements have in common is attempting not so much to alter the shape of the present world as to predict or anticipate the shape of future political constellations. Their simple, particular, and preservationist agendas make it possible to attract a broad spectrum of otherwise incompatible interests. They show an awareness that the political spectrum as we once knew it, along with all the terms and symbols by which it could be plotted (human rights, memory politics, technocratic romanticism, fiscal conservatism, family values, identity politics), no longer exists, or exists only in a ghostly form. Something new is coming. Such efforts—like the forces of Orbánism, Putinism, and Trumpism that they oppose—can be viewed as attempts to give shape to a post-Cold War political future that is still very much in the making.

PROGRESSIVE CONSERVATISM

One of the more fascinating manifestations of the preservationist tendency can be found in a Spanish Netflix series, *El Ministerio del Tiempo* (The Ministry of Time), which debuted in 2015. History is especially fraught in Spain, given the resurgence of memory around the Spanish Civil War, most recently in October 2019, when the Socialist government ordered the exhumation of the late nationalist dictator Francisco Franco from a grave site designated for victims of the Civil War. The show imagines a government ministry that has found a way to travel through time. Yet the Ministry of Time uses the secret portal not to change the past but to make sure that particular events—even very difficult and painful ones—stay *happened*.

In this way, what might be called the new "progressive conservatism" reveals some proprietary sentiment of the sort otherwise typical of nationalists, a poignant particularism that is also a signal of despair and an attempt at consecration. As such, it recalls a passage from Walter Benjamin's essay "On the Concept of History," written during World War II: "The only historian capable of fanning the spark of hope in the past is the one who is

firmly convinced that *even the dead* will not be safe from the enemy if he is victorious.”

Part of this drive for preservation is in line with the general trend away from universalist thinking and toward hyper-subjectivity. Universalism has taken repeated and perhaps fatal blows, not least from left-of-center critics who might once have been its staunchest defenders. The crimes of colonialism, Stalinism, and a range of other horrific “-isms” have been traced back to Enlightenment universalism. There have also been increasingly fervent critiques of the notion of human rights as destructive of what it purports to protect.

Little wonder that the particularized subject yields a particularized object to be saved, and that the reasons are typically either personal or local: one saves not out of idealism or ideology or a sense of duty, but out of particularized love. The thing to be saved is simply: *My beloved. Our park. Our history. Our university.* The preservationist impulse thus has an immediate and visceral quality. Perhaps it is also deeply necessary, or at least unavoidable, as a counterbalance to the increasingly dominant alternative of unapologetic cruelty, cynicism, whataboutism, and Schadenfreude—a right-wing politics that emphasizes and delights in the demise of particular others and the destruction of the world as it is, heedless even of its own preservation.

But beyond the seeming impossibility of moving forward by keeping things as they are, the particularist preservationist impulse is steeped in other paradoxes, as well. One is the question of scale in political thought. What might we lose sight of when we limit the scope of our thinking to what is near and dear to us? When viewed from the level of the entire *Star Wars* saga, Rose’s rescue gesture in *The Last Jedi* appears in a different light, resembling the sort of Faustian, particularist sentiment that motivated the young Jedi knight Anakin to become the evil Darth Vader in a misguided attempt to save his pregnant wife. In a tragic irony, Anakin’s turn to the Dark Side precipitates rather than prevents her death. French philosopher and historian René Girard called this “the terrible paradox of human desires”: they “can never be reconciled in the preservation of their object but only through its destruction.”

A second paradox relates to walls and fences, which are half-implied in any particularist pres-

ervationist drive. According to an oft-quoted statistic, there were fifteen border walls in the world before 1989, and now there are over seventy. The new right erects fences and walls ostensibly to “protect” what is inside from whatever is on the outside. In Hungary, Prime Minister Viktor Orbán built a fence along the southern border to prevent Middle Eastern refugees and migrants from “contaminating” Hungarian society.

There is a liberal and leftist-progressive variant of this tendency, especially in thinking on ecology and climate change. The journalist Andrea Apleton has called it “curation conservation.” She writes, “Many of us desperately want to preserve the thing we call nature or wilderness,” and this entails erecting “predator-proof fences” to create “a demonstration plot of what once was.” But the plot is inadequate to the purpose. The endangered species symbolizes “the uncontained riot of the natural world.” What we actually wish to salvage is a cosmos rather than a particular creature, a symbolic *outside*.

There is something at once moving and grotesque about seeing singed koalas in the back of a car, or thirsty kangaroos drinking out of baby bottles in a bedroom. They are safe, but they are not free. That particular quality about them

that we sought to protect is one of the first casualties of their individual salvation. For this reason, the earliest religions sacralized a species or variety, rather than an individual: “It is not such and such kangaroo or crow but the kangaroo or the crow in general,” wrote the French sociologist Émile Durkheim in 1912. If we focus on the specific kangaroo, what are we to do when we fail to save it?

In his 1945 essay “The War Has Taken Place,” French philosopher Maurice Merleau-Ponty addressed the problem of how to think about particular human losses. “We claim that [history] must not be forgotten,” he wrote,

[Yet] there will come a moment when what we wish to preserve of the friends who were tortured and shot is not our last image of them . . . but a timeless memory in which the things they did mingle with what they might have done, given the direction of their lives. We have not of course gotten to this point, but . . . should we not go beyond our feelings to find what they may contain of durable truth? ■

*Preservationist agendas attract
a broad spectrum of otherwise
incompatible interests.*

Migration and Race in Britain

BRIDGET ANDERSON

In early 2018, the Windrush scandal hit the United Kingdom. Pressure from members of Parliament and Caribbean diplomats, together with a series of articles in the *Guardian* newspaper, revealed that black British citizens and permanent residents were being unlawfully evicted, denied medical treatment, refused entry to the UK, summarily fired, detained, and even deported because they were unable to demonstrate their citizenship status. These were members of the “Windrush Generation,” who had arrived from the Caribbean between 1948 and 1971 to rebuild Britain after the Second World War, taking up low-wage jobs mainly in the National Health Service and public transportation.

Centuries of colonialism have left the UK with a range of citizenship classifications, not all of which have permitted long-term residence, but there was no question that the members of this group were either British citizens or had the right to permanent residency. Nevertheless, they were caught in a series of measures designed to exclude undocumented migrants from the labor market, private rental accommodations, and health services. The policy was introduced in 2012 by then–Home Secretary Theresa May (who coined the term “hostile environment”); the intention was to deny people the basics for a tolerable life in order to pressure them to “self-deport.” It became evident that the hostile environment was not confined to the 50,000 or so members of the Windrush generation, but affected ethnic minorities more generally.

Maya Goodfellow’s passionate and compelling book, *Hostile Environment: How Immigrants Became Scapegoats*, examines the deep historical roots of this scandal. She illustrates the cruelty of immigration controls and enforcement, the slow torment of endless waiting for cases to be resolved or visas to be extended, the horrors of deportation and separation, the deaths at sea and in deten-

Hostile Environment: How Immigrants Became Scapegoats
Maya Goodfellow
Verso, 2019

tion centers, and the daily humiliation inflicted on noncitizens and minorities. As one official put it: “That’s my aim at the end of the day, to make it a challenging environment for you. It’s pissing you off. . . . There you go, I’ve done my job.”

Goodfellow concludes that the UK’s problem is not immigration—the problem is its anti-immigration policies, which are fundamentally about race. It is not simply the case that landlords, medical receptionists, teachers, and others implement neutral policies in a discriminatory manner because of their racist predilections. The system itself is structurally racist.

Hostile Environment was completed in 2019 at a time when, Goodfellow suggests, the opposition Labour Party under Jeremy Corbyn’s leadership offered a way forward for the anti-racist left. Corbyn has always been a strong supporter of migrants’ rights, voting against the hostile environment measures and supporting anti-deportation and anti-detention campaigns. On the eve of the December 12 UK general election, in an open letter addressed to black, Asian, ethnic minority, and migrant communities, activists and academics (several of whom are cited in this book) urged them to vote for Labour, saying, “Jeremy Corbyn will be the United Kingdom’s first anti-racist Prime Minister.”

As I review this book in the last days of 2019, that hope seems to lie in ruins. Corbyn has been branded as an anti-Semite, and the election was won by the Conservatives under the leadership of Boris Johnson, a man who has frequently disseminated racist tropes in his careers as a politician and a journalist. Yet surprisingly, the book does not feel dated but rather prescient, identifying the extent and the depth of the challenges that confront the left in a decaying imperial power.

CLASS TIES

Three themes recur at the intersection of race and immigration in Britain: class, empire, and na-

BRIDGET ANDERSON is the director of Migration Mobilities Bristol at the University of Bristol.

tion. It is to the credit of this book that it deals with all three in such a way that their relevance and interconnections emerge gradually rather than being imposed on the reader. Political and media commentators have done much to foment an alleged conflict between the working class—which, they claim, faces the consequences of increasing numbers of migrants—and the liberal/metropolitan elite, including politicians, intellectuals, and others who are only too pleased to have migrant workers make their lattes. However, “migrant” itself is a classed as well as racialized term—a US banker in London is an “expat,” whereas the woman who cleans his house is a “migrant.”

Goodfellow describes how migrants are caught in precarious and poorly paid work and often excluded from legal status, and explains how this is due in part to the cost of the process of applying for residency and citizenship. She demonstrates how deregulated labor markets, poor work, unaffordable housing, and austerity policies affect migrants and citizens alike, and how migrants have actively engaged with and indeed led struggles for workers’ rights. We learn about individual resilience and the solidarity-based campaigns they have generated—like Kingsway Against Removals and Deportation, a group based in a Glasgow council estate (public housing), which protected asylum seekers who were relocated there from forcible deportation.

Such stories challenge sloppy stereotypes about the racist tendencies of the “left behind” residents of postindustrial towns. Yet the media tends to discount migrants’ class position, or at best cast it in terms of the economic contribution they make. The singular identity “migrant” is typically represented as being in opposition to class, despite the evidence to the contrary.

The fact is that “anti-migrant views can’t always be passed off as a product of economic anxiety,” as Goodfellow writes. It is vital to address racism and racialized hierarchies, and the ways in which they have undermined a working class that has been multiethnic from its inception. Historians Peter Linebaugh and Marcus Rediker have explored the “motley crew” that fought the emergence of capitalism and the nation-state, and how racial hierarchies were invented and deployed to separate and divide the insurgent poor. In the UK, empire played a crucial role in this process, and elements of the urban poor were whitened to distinguish re-

spectable, hardworking Anglo-Saxons from Irish Catholic troublemakers, casting the former as deserving recipients of some of the redistributed profits of empire.

Another historian, David Andress, has diagnosed Britain as suffering acutely from “cultural dementia,” with a memory of the imperial past so partial that we cannot understand our present. But Goodfellow reports an episode that might be better labeled “cultural lobotomy”: Operation Legacy, which destroyed “embarrassing” colonial records in the 1950s and 1960s. She advocates proper teaching of history and empire in schools as the key to promoting better understanding of the reality that “we are here because you were there.”

Importantly, the book does not confine itself to colonial migrations, but also examines the movement of people from the European Union to the UK. Goodfellow describes how the British press stigmatized Roma people as “bogus asylum seekers,” and how this anti-Roma racism, drawing on a long and shameful history, was perpetuated by key New Labour politicians, using class-bound stereotypes. For example, in 1999, then–Home Secretary Jack Straw described “people who masquerade as travelers and Gypsies” as “burgling, thieving, breaking into vehicles, causing all kinds of trouble including defecating in the doorways of firms.”

Hostility to EU nationals has been used by the British right to argue that anxiety about immigration is, to quote one of Goodfellow’s chapter titles, a “legitimate concern” untarnished by racism. A typical claim is that antipathy to Eastern European migrants cannot be racist because they are white. But class can trouble whiteness—unlike the whiteness of the middle class, the whiteness of the working class and of Eastern Europeans does not pass unmarked. Opposition to EU migration was a key factor in the UK’s vote to leave the EU, and freedom of movement will cease at the end of 2020.

BAKED IN

The nation is what connects class, colonialism, and culture with ideas of race. When it moves from the border, migration transforms into race. The importance of the ambivalence of nationality in this respect has received little attention so far. Nationality can be read both as a legal status, consonant with citizenship, and as signifying be-

*Nationality is
sutured to race.*

longing to the nation. This membership, legal as well as social, may in both cases be traced through ancestry; in this way, nationality is sutured to race. As sociologist Radhika Mongia has argued, “A blurring of the vocabularies of nationality and race is a founding strategy of the modern nation-state that makes it impossible to inquire into the modern state without attending to its creation in a global context of colonialism and racism.”

The point is not simply that migration is wrongly imagined as disturbing a previous national homogeneity, but that migration precipitated the emergence of nationality as a territorial attachment. Thus, migration is not an external challenge to state development and rule, but is central to these processes; and racism is not an unfortunate characteristic of immigration enforcement, but is baked into such controls. This generates deep contradictions for liberal democratic states. In the UK, as Goodfellow notes, direct or indirect discrimination on the basis of nationality and ethnicity is permitted at borders, and discrimination on the grounds of nationality is legally exempted from the public sector’s equality duty (which requires govern-

ment agencies to have “due regard” for eliminating discrimination and promoting equality) on the grounds that “race” is not the same as “nationality.”

Hostile Environment examines the UK in all its historical and geopolitical specificities, but it also points to the injustices inherent in the nation-state form itself. Immigration controls discriminate both at and within state borders, yet are also necessary for governance. This makes immigration policy particularly difficult for political parties committed to justice and equality. The Labour Party was formed during the era of empire and has had a checkered history regarding colonialism, racism, and asylum from its foundation to the present day.

One of the great merits of this book is that Goodfellow discusses the world as it is, but is unafraid to imagine the world as she wants it to be. There simply are no just immigration controls, even though they are inevitable. As the Windrush cases warn us, a hostile environment for migrants quickly becomes a hostile environment for citizens, too. It is more important than ever that we seek out that common ground between migrants and citizens, and build on it. ■

January 2020

INTERNATIONAL

BREXIT

Jan. 31—Britain leaves the EU, bringing an end to 47 years of membership and years of political drama since British voters narrowly voted in a May 2016 referendum for what came to be known as Brexit. British and EU officials have a transition period lasting until the end of 2020 to negotiate new relations on issues including trade and freedom of movement.

CORONAVIRUS

Jan. 30—Less than 2 months after a novel coronavirus appeared in Wuhan, China, the World Health Organization declares a global health emergency. The death toll in China has reached 213. Nearly 9,800 cases have been reported, mostly in China, but cases have been confirmed around the world. After suppressing news about the virus in its early stages, Chinese officials restricted travel, particularly in Hubei province, the epicenter of the outbreak, and shut down workplaces and schools.

SAHEL

Jan. 13—At a meeting in the southern French town of Pau with the leaders of 5 nations of the Sahel region in West and central Africa, French President Emmanuel Macron pledges to add 220 French troops to the 4,500 already deployed against Islamist groups affiliated with al-Qaeda and the Islamic State, which have ramped up attacks over the past year. President Mahamadou Issoufou of Niger that day replaces the army chief, after recent raids by Islamist militants left at least 174 soldiers dead.

US-CHINA TRADE

Jan. 15—US President Donald Trump and Chinese Vice Premier Liu He meet at the White House to sign a “phase one” deal that will give some sectors in each country a modest reprieve from an ongoing trade war. The US will lift some tariffs on Chinese imports and China pledges to buy \$200 billion more in US products. But most tariffs remain in effect.

AUSTRIA

Jan. 7—Sebastian Kurz is reinstated as chancellor after his right-wing Austrian People’s Party forms a coalition government with the left-leaning Greens. Kurz’s previous coalition with the far-right Freedom Party collapsed in May 2019.

IRAN

Jan. 3—Missiles fired from a US drone at a vehicle leaving Baghdad airport kill Major General Qassem Soleimani, who headed the elite Quds Force of the Islamic Revolutionary Guards Corps and directed Iran’s proxy forces throughout the region. Two top officials of an Iran-backed militia in Iraq also die in the attack.

Jan. 8—Iran fires ballistic missiles at 2 military bases in Iraq housing US troops, causing injuries but no fatalities. Hours later, a Ukrainian civilian airplane is shot down after taking off from Tehran’s international airport, killing all 176 people on board.

Jan. 11—After 3 days of denials, the Iranian government admits that the plane was mistakenly shot down by an air-defense unit. The admission rekindles antigovernment protests.

KENYA

Jan. 6—Gunmen linked to the Somali-based terrorist group al-Shabaab attack a Kenyan military base, killing 3 Americans (1 soldier and 2 contractors) deployed to manage drone operations against the group. A week earlier, al-Shabaab took credit for a

Dec. 28 truck bombing at a checkpoint on the outskirts of Mogadishu, the Somali capital, that left at least 85 dead.

LIBYA

Jan. 5—Turkish troops begin deploying to Libya to bolster the UN-backed Government of National Accord, which has kept control of Tripoli despite a monthlong assault by the Libyan National Army, a militia led by Khalifa Haftar, a former army general supported by Russia and regional powers including Egypt.

Jan. 27—After international meetings Jan. 13 in Moscow and Jan. 19 in Berlin fail to persuade the 2 sides to sign a cease-fire, fighting resumes.

MEXICO

Jan. 23—Mexican authorities detain 800 migrants from Central America crossing the southern border with Guatemala on their way to the US. Police used tear gas to deter others in a group of some 4,000 from entering Mexico, and deported 100s of others who crossed the border. The crackdown follows threats by the Trump administration to retaliate against Mexico if it continues to allow migrants to pass through its territory on the way north.

PERU

Jan. 26—In congressional elections held after President Martín Vizcarra dissolved the legislature in September, 9 parties surpass the threshold of 5% of the vote needed to win seats, but none tops 10%. Popular Force, the former majority party led by Keiko Fujimori, finishes in 6th place with just 7% of the vote, ending up with 12 seats, down from 72 in the 130-seat legislature. Vizcarra had alleged that Popular Force used illegal tactics to block his anticorruption reforms.

RUSSIA

Jan. 15—President Vladimir Putin unveils proposed constitutional amendments that would limit the president to 2 terms and give the advisory State Council new powers over foreign and domestic policy. The move is seen as setting up a new power center that would give Putin an option for remaining the de facto paramount leader after his term ends in 2024. Putin names tax official Mikhail Mishustin prime minister, replacing Dmitry Medvedev.

SPAIN

Jan. 7—By a vote of 167-165, the parliament elects Pedro Sánchez as prime minister at the head of a coalition government, the 1st since the return of democracy in 1978, ending months of stalemate following 2 elections in 2019. Sanchez’s Socialist Party forms a coalition with the radical leftist Unidas Podemos, but lacks a parliamentary majority and depends on support from regional parties including Catalan separatists.

TAIWAN

Jan. 11—Tsai Ing-wen of the Democratic Progressive Party is reelected president with 57% of the vote, a result seen as a strong endorsement of her outspoken defense of Taiwan’s sovereignty against China’s demands for unification under its rule. The candidate of the rival Kuomintang party, Han Kuo-yu, an advocate of warmer ties with Beijing, takes just 39%.

VENEZUELA

Jan. 5—Loyalists of President Nicolás Maduro elect Luis Parra as president of the national assembly, ousting opposition leader Juan Guaidó from that post. Police bar opposition lawmakers from attending the session. ■

