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PREFERENČNÉ OBCHODNÉ DOHODY A PRÁVA DUŠEVNÉHO VLASTNÍCTVA: NEPRESKÚMANÉ PROBLÉMY

PREFERENTIAL TRADE AGREEMENTS AND INTELLECTUAL PROPERTY RIGHTS: UNEXPLORED ISSUES

*Keith E. Maskus*¹

Jedna z menej známych, avšak dôležitých črt súčasných preferenčných obchodných dohôd je špecifikácia presných štandardov ochrany práv duševného vlastníctva. Predkladaný článok zhodnocuje rozsah týchto politík na príklade preferenčných obchodných dohôd vynegociovaných Spojenými štátmi americkými a Európskou úniou s rozvojovými štátmi. Ekonomovia a experti v oblasti medzinárodných vzťahov nevenovali dosiaľ dôvodom súčasných zmien prakticky žiadnu analytickú pozornosť, rovnako ako neštudovali ani ich socioekonomické dôsledky. Článok sa venuje niekoľkým oblastiam, v ktorých by detailnejšia analýza priniesla významné pokroky v našom chápaní súčasných trendov.

Kľúčové slová: preferenčné obchodné dohody, práva duševného vlastníctva, TRIPS, Transpacifické partnerstvo, zemepisné označenia, patent.

One of the lesser-known, but important, features of recent Preferential Trade Agreements (PTAs) is the specification of rigorous standards of protection for intellectual property rights (IPRs). This paper reviews the extent of these policies in PTAs negotiated by the United States and the European Union with developing countries. Economists and scholars of international relations have paid virtually no analytical attention to the reasons for these changes, nor have they studied their socioeconomic impacts. Several areas are

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discussed in which detailed analysis would do much to advance our understanding of this important trend.²

Key words: preferential trade agreements, intellectual property rights, TRIPS, Trans-Pacific Partnership, geographical indications, patent.

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1 INTRODUCTION

A major reformulation of required protection of intellectual property rights (IPR) was begun with the foundation in 1995 of the World Trade Organization (WTO), which featured, as one of its primary outcomes, the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The TRIPS Agreement sets out numerous areas in which WTO members must adopt minimum standards for protecting and enforcing patents, trademarks, copyrights, plant variety rights, and related IPR.³ It also brings IPR into the WTO's dispute settlement mechanism, marking the first time in history that government policies in this area are potentially subject to binding international enforcement. Along with fact that WTO membership is now nearly universal, these features have greatly expanded the global scope and coverage of IPR. Indeed, this policy multilateralization has proceeded far beyond that in any other significant element of "behind the border" business regulation, such as competition policy, labor rights, and fiduciary standards in banking and finance.

One might imagine that such changes would meet the needs of economic interests favoring strong global IPR standards, such as research-intensive biochemical and pharmaceutical firms, major digital content providers, software companies, and developers of new environmental technologies. However, perhaps because there has been little progress since 1995 in negotiating additional trade and IPR rules at the WTO, with its moribund Doha Development Round nearly abandoned, these interests have moved elsewhere to push further policy reforms. The two primary areas in which this has happened are bilateral investment treaties (BITs), which offer strong investor guarantees to IPR owners, and preferential trade agreements (PTAs), which increasingly feature "TRIPS-Plus" requirements for increasing the scope and enforcement of IPR (Roffe and Spennemann 2006, Maskus 2012a). Thus, for example, in several recent PTAs negotiated by the United States and the European Union, the intellectual-property chapters embody elevated protection against generic competition in medicines, stricter limits on the ability to download and experiment with digital goods, and stronger enforcement expectations. As noted below, this trend continues

² I am grateful to Martin Grancay for inviting me to the 2014 Conference on International Relations organized by the Faculty of International Relations at the University of Economics in Bratislava.

³ For extensive discussion see Maskus (2012a) and Deere (2009).

even more strongly in the Trans-Pacific Partnership (TPP) Agreement between the United States and several countries in Latin America and East Asia.

Table 1: Changes in the GP Patent-Rights Index

<i>Income level</i>	<i>1990</i>	<i>2000</i>	<i>2010</i>	<i>% rise</i>	<i>Sample</i>
LI	1.72	2.24	2.67	55	33
LMI & MI	1.54	2.91	3.30	115	44
UMI	2.01	3.36	3.84	91	13
HI	3.33	4.33	4.40	32	24
<i>Countries</i>	<i>1990</i>	<i>2000</i>	<i>2010</i>	<i>% rise</i>	
India	1.03	2.27	3.76	264	
China	1.33	3.09	4.21	216	
South Africa	3.03	3.75	3.88	28	
Brazil	1.28	3.43	3.43	169	
Mexico	1.02	3.22	3.75	266	
South Korea	3.69	4.13	4.33	17	
Taiwan	1.26	3.29	3.74	198	
Singapore	2.04	4.01	4.21	106	
Israel	2.78	3.96	3.96	43	
Hungary	2.12	3.88	4.33	105	
Portugal	1.67	3.96	4.33	474	
Jordan	0.58	2.70	3.30	160	
Japan	3.88	4.67	4.67	20	
USA	4.68	4.88	4.88	4	

Notes: LI (low income) covers countries with 2003 GNI per capita (PPP) less than \$2,500. LMI (lower middle income) and MI (middle income) covers the income range \$2,500 to \$11,000. UMI (upper middle income) covers the income range \$11,000 to \$20,000. HI (high income) covers countries with 2003 GNI per capita (PPP) greater than \$20,000.

Source: Computed by the author from Ginarte and Park (1997) and updated figures; World Bank (2005).

As noted in Table 1, which depicts changes since 1990 in a well-known index of the strength of national patent laws, the impact has been to sharply increase the protection of IPR across the world, especially in low-income and middle-income

developing economies.⁴ Thus, for example, the sample of lower-middle-income (LMI) and middle-income (MI) countries more than doubled the legal protection of patent rights over two decades. India, China, Taiwan, and Brazil all adopted major reforms in this period. Most illustrative of the impact of PTAs are the changes in Mexico, which had to adopt much stronger standards because of the North American Free Trade Agreement (NAFTA), Jordan, which entered into a free-trade agreement with the United States in 2001, and Portugal, which needed to harmonize its IPR regime after acceding to the EU.

Implementing these changes has been controversial, particularly in developing countries where the potential gains from stronger IPR, whether in growth in domestic innovation or inward technology transfer, could be accompanied by significant increases in costs of imitating technologies, gaining access to medicines and new agricultural varieties, and managing IP-related competition issues (Cimoli et al. 2014). Credible econometric studies to date find considerable evidence that technology flows have expanded to the middle-income economies, if not the small and poor economies.⁵ However, there is little indication of growing innovation beyond a few rapidly industrializing countries, nor is there much evidence of additional R&D in technologies of particular need in poor countries, such as essential medicines and specific environmental goods. Overall, the jury remains out on the likely economic effects.

A remarkable fact is that, despite their potentially great importance, economists have so far completely ignored the role of BITs and PTAs and their interactions with IPR, in both theoretical and empirical treatments. This lacuna seems to stem from the facts that the questions are difficult to analyze and data are scarce. However, the area is ripe for economic research, as I discuss in this overview paper. Thus, in the next section I review briefly the major IPR policies engineered in recent PTAs. In the third section I outline some institutional and policy issues that should be addressed analytically in order to work out basic tradeoffs that emerge in setting IPR standards within regional trading preferences. I also set out some empirical questions that could be usefully studied in this regard, suggesting that the joint impacts of PTAs and IPR reforms on trade could be substantial. I offer final remarks in the concluding section.

2 POLICY CHANGES AND ANALYTICAL QUESTIONS

It is of interest to describe the most important IPR requirements set out in recent trade agreements. An important point is that PTAs mandating TRIPS-Plus standards overwhelmingly involve a major developed economy, such as the United

⁴ These data refer to the Ginarte-Park (GP) index, which has been widely used to characterize patent reforms and assess their impacts. See Ginarte and Park (1997) for a full explanation.

⁵ A review of such studies is in Maskus (2012a).

States or the European Union, and one or more small developing economies, a situation we might call a North-South agreement. The former countries have a strong export orientation in IPR-intensive goods and are home to the headquarters of technologically sophisticated multinational firms, while the latter largely import such goods and are net recipients of FDI. Such developing countries would not ordinarily choose to strengthen their IPR regimes beyond TRIPS. The fact that they do so within the context of PTAs suggests they hope to gain market access and more inward FDI flows, even as they risk higher costs to acquire new goods. This is the fundamental international tradeoff linking IPR reforms to membership in PTAs.

United States

To illustrate, Table 2 sets out the primary TRIPS-Plus requirements established in seven recent PTAs involving the United States.⁶ The United States prefers that countries provide extensions to patent coverage and scope in several ways. One is to narrow the exclusions from patentability and, in particular, to extend eligibility to life forms, including genetic sequences and biotechnological research tools. In five of seven cases the agreement includes a commitment by the U.S. trading partner or partners to enact patent protection for higher-order life forms, going beyond the requirement in TRIPS Article 27.3(b). Plant varieties are another area in which patents could be provided, which happened in Chile, Morocco, and Peru, while members of the Central American Free Trade Agreement, which includes the Dominican Republic (CAFTA-DR) are committed to using best efforts to implement plant patents.⁷ However, in some PTAs the partner countries have been asked to join the International Union for the Protection of Plant Varieties, known by its French acronym, UPOV. The current version of this treaty is UPOV 1991, which permits limited exceptions to the breeder's exclusive rights.

⁶ This table is taken from Maskus (2012a), which offers additional discussion.

⁷ These practices were already in Australian law.

Table 2: A Comparison of TRIPS-Plus Elements in Selected U.S Free Trade Agreements

<i>Agreement</i>	<i>Date into force</i>	<i>Patents eligibility</i>	<i>Pharma term extension</i>	<i>Pharma 2nd use</i>	<i>Generic ban</i>	<i>Working</i>
Jordan	December 2001	Life	Yes	Yes	Notification	Imports
Chile	January 2004	Life	Yes	No	Yes	TRIPS
Singapore	January 2004	Life	Yes	No	Yes	TRIPS
Australia	January 2005	Life	Yes	Yes	Yes	Imports
CAFTA-DR	2005-2009 ^a	TRIPS	Yes	No	Yes	TRIPS
Morocco	January 2006	Life	Yes	Yes	Yes	TRIPS
Peru	Signed April 2006	TRIPS	Yes	No	Yes ^b	TRIPS
<i>Agreement</i>	<i>C License</i>	<i>Test Data</i>	<i>Plant Varieties</i>	<i>Parallel Trade</i>	<i>CR Term</i>	
Jordan	Restricted	Equal	UPOV 1991	No	TRIPS	
Chile	TRIPS	5 + 10	Patents	TRIPS	L+70, 70	
Singapore	Restricted	5 + 10	UPOV 1991	TRIPS	L+70, 70	
Australia	Restricted	5 + 10	Patents	No (Patents)	L+70, 70	
CAFTA-DR	TRIPS	5 + 10	UPOV 1991; commit to patents	TRIPS	L+70, 70	
Morocco	TRIPS	5 + 10	Patents	No (Patents)	L+70, 70	
Peru	TRIPS	5 + 10	Patents	TRIPS	L+70, 70	
<i>Agreement</i>	<i>Software</i>	<i>Digital CRs</i>	<i>Anti-circumvention</i>	<i>Exceptions</i>		
Jordan	TRIPS	WCT, WPPT	Yes	TRIPS		
Chile	TRIPS	WCT, WPPT	Yes	Limited ^c		
Singapore	TRIPS	WCT, WPPT	Yes	Limited		
Australia	TRIPS	WCT, WPPT	Yes	Limited		
CAFTA-DR	TRIPS	WCT, WPPT	Yes	Limited ^c		
Morocco	TRIPS	WCT, WPPT	Yes	Limited		
Peru	TRIPS	WCT, WPPT	Yes	TRIPS		

Notes: ^aCAFTA-DR was signed into law in the United States in 2005 and was implemented in other member countries at various times between 2006 and 2009.

^bPeru must prevent generic entry but offer entrants the chance to oppose validity of the patent in force. ^cChile and members of CAFTA-DR have greater flexibility than those in other “limited” FTAs to permit copyright exceptions in software de-compilation, research, education, and government use.

Source: Maskus (2012a).

A key US demand for partners is to provide patent-term extensions for drugs and agricultural chemicals in cases where health authorities issued marketing approvals with undue delays, a provision that exists in all seven PTAs. Another is for authorities to grant “second use patents”, or protection to existing drugs that are shown to be effective in treating indications beyond that in the initial claims. This provision exists in three of the seven PTAs. Yet another is to restrict experimental use of patented materials and ban their use by generic drug-makers.

A sharp TRIPS-Plus restriction requires health authorities to ban the registration of any generic drugs during the lifetime of a patent. Specifically, this linkage precludes approval of any generic entry until the drug regulatory authority could certify that no patent would be violated by it. Table 2 shows that for Jordan the requirement is only that the patent owner be notified of the identity of any firm asking for marketing approval of a generic during the patent term. This provision was upgraded to a ban on generic entry in the agreements with Chile, Morocco, Singapore, CAFTA-DR, and Peru.

An important issue is protection against unfair use of confidential test data submitted for marketing approval in chemicals and pharmaceuticals. The United States has exported its standard of five years for medicines and ten years for agricultural chemicals in all seven cases. Thus, during these periods exclusive marketing rights exist in such circumstances, even if a patent is not ultimately granted. This policy also effectively extends patent rights in cases where they are granted, if marketing approval comes late in the patent period.

There are also differences in the PTAs as regards the legality of parallel imports, or goods brought into a country without the approval of the patent or copyright owner. Jordan agreed to make such imports illegal in copyright-protected goods, while Australia and Morocco did so for patented products. Australia remains open to parallel imports in copyrighted goods. The remaining PTAs do not address the issue and therefore adopt national discretion as provided in TRIPS Article 6.

Turning to copyrights, the United States has consistently negotiated a term of protection of life plus 70 years for authors and composers and 70 years for works of corporate or institutional authorship. These terms exceed the TRIPS protection periods of life plus 50 years and 50 years, respectively. As for digital goods, the basic level of protection arises from a pair of treaties negotiated at the World Intellectual Property Organization (WIPO). These agreements are the WIPO Copyright Treaty (WCT) and the WIPO Performances and Phonogram Treaty (WPPT), known together as the “Internet Treaties”. Each PTA partner is required to ratify these accords, which require countries to enact laws against circumvention of technological controls and digital rights management. The treaties also call for copyright protection for performers, broadcasters and of cross-border rights in satellite transmissions. Regarding limitations

and exceptions to copyrights, such as fair use, the United States negotiated tighter disciplines than those in TRIPS in five of seven cases.

The European Union

The European Union also bases its current trade policy on bilateral trade agreements. It has reached Partnership Agreements, Association Agreements, and traditional PTAs with nearly 30 countries, including numerous developing nations in the Middle East, North Africa, Eastern Europe, East Asia, and Latin America.⁸ A major priority is to expand international protection of selected European geographical indications (GIs), which are exclusive rights to use a place name that ties a good to its origin in a particular location. These rights generally accrue to wines and spirits but increasingly are being used around the world to designate high-quality and distinctive food products, apparel, and other goods.

In the PTAs it negotiates, the EU asks for protection of selected GIs that is equivalent to its own high levels. In its early agreements with significant wine-making and spirits-producing nations, including Australia in 1994, Chile (2002), Mexico (1997) and South Africa (1999), the EU achieved effective equivalence. Each partner country must protect GIs at a level that follows the systems in the countries where the products originate. Thus, countries must overturn and deny the use of trademarks that replicate European GIs and must phase out the use of generic geographical terms, such as champagne or port. This approach continued in more recent agreements with Caribbean countries, Ecuador, and Peru and Colombia, among others. In contrast, TRIPS permits continued good-faith use of generic names and trademarks that are similar to GIs if they had already been on the market.

Partners in EU PTAs must provide this protection on a reciprocal basis, effectively requiring automatic registration of EU-certified GIs rather than a local examination process consistent with TRIPS. These nations also must reserve use of the listed names exclusively for the products originating in the partner countries where they were originally registered. Finally, countries must protect “traditional expressions” associated with the production of wines and spirits, such as Reservas, Tawny, Grand Cru, and Eiswein.

Except for GIs, earlier EU agreements said little about IPR, generally asking partners to offer non-discriminatory access to protection and adhere to a number of international conventions. More recently, EU negotiators have sought considerably greater protection in copyrights, pharmaceutical patents, confidential test data, and plant varieties. Thus, agreements with Jordan, Tunisia, Morocco, Mexico, Bangladesh, South Korea, Egypt, Algeria, Lebanon, and Syria require partners to join several

⁸ See http://ec.europa.eu/trade/policy/countries-and-regions/agreements/#_europe. Horn et al. (2010) and Drexler et al. (2014) offer detailed discussion.

specialized copyright and plant IPR conventions. The South African agreement requires patents in biotechnological inventions. Similar requirements were entered into draft agreements with certain ASEAN nations, along with patent-term extensions and data exclusivity. In early 2011 the EU Parliament approved an FTA with South Korea that calls for both patent extensions and ten-year data protection.

Notably, the EU has had little success in achieving TRIPS-Plus standards in its ongoing negotiations with India on a bilateral PTA. Because it sees them as means of protecting traditional agriculture, India has agreed to strong protection for GIs. However, it has not agreed to patent-term extensions, protection of test data, or rigorous protection of plant varieties. Neither has it accepted the EU's *sui generis* protection system for databases.

Trade preferences and BITs

The United States and the EU also tie their trade preferences and bilateral investment treaties to IPRs. Thus, effective intellectual property protection is expected of developing countries hoping to benefit from trade preferences in the US market. For example, Colombia and Peru are beneficiaries of the American generalized system of preferences and the Andean Trade Promotion and Drug Eradication Act. All of these laws impose high standards for IPRs. As for BITs, both the United States and the EU now generally include provisions treating IPRs as equivalent to other forms of property owned by investors in partner countries (Maskus 2012b). Thus, investors may deploy their IPR as they wish under all legal provisions, non-discrimination requirements, and investor arbitration procedures essential to BITs.

The Trans-Pacific Partnership (TPP)

The TPP, currently in its late stages of negotiation, is a potential trade and investment agreement among 12 countries: Australia, Brunei, Canada, Chile, Japan, Malaysia, Mexico, New Zealand, Peru, Singapore, the United States and Vietnam. It is often referred to as the first “mega-regional PTA” in that it involves trade preferences among many countries across three continents at considerably different levels of economic development. The draft agreement features, among other things, considerable tariff liberalization, potential cuts in agricultural support and service trade barriers, safeguards for environmental and labor standards, and investor guarantees similar to those in BITs.⁹

Most relevant here is that the TPP, if it accepts language favored primarily by the United States, would embody several TRIPS-Plus standards in intellectual property, including many that go beyond those appearing in prior PTAs. The most significant of

⁹ It is difficult to characterize the TPP precisely because it was negotiated in confidence and the text has not been formally released to the public.

these are as follows.¹⁰ First, the TPP would extend patent eligibility to areas not mandated by TRIPS or most PTAs, including surgical, therapeutic, and diagnostic methods and plants and animals. It also would require patents for new uses of existing products or methods, even if the new use does not enhance the efficiency of the product. These requirements would significantly expand the scope of patents in the region, since relatively few TPP participants have such laws. Second, the TPP language on digital copyrights would require strong protection against unauthorized downloading, even in the form of temporary copies, to an extent that exceeds even American law. It would state that anti-circumvention measures to defeat digital rights protection, even if done without knowledge, are illegal. TPP also sets the minimum term of copyright to life plus 70 years.

Third, TPP would affirm that GIs may be protected as basic trademarks, which is the US standard, rather than be subject to the specific rules of TRIPS and the EU PTAs. Fourth, new obligations would exist for countries with respect to civil and criminal enforcement of intellectual property. Criminal sanctions must be available against willful copyright and trademark infringement on a commercial scale, even if it was done for reasons other than financial gain. Finally, the judicial systems of member countries must provide for preliminary injunctions against suspected infringers within specific time limits, such as ten days. Both the existence of such injunctions, and the associated time limits, will be new in the legal systems of some developing countries in the TPP. Even the United States has no such time limits in its rules regarding injunctions.

In short, the TPP would go well beyond TRIPS and even the TRIPS-Plus approach in recent PTAs. One evident US strategy is to set a high baseline for IPR protection in the Asia-Pacific region, with the ultimate intention of holding China to those same standards.

3 ANALYTICAL QUESTIONS

This overview suggests a number of tentative lessons to be drawn about trade agreements and IPR. First, the major industrialized economies, typified by the United States and the EU, now focus their efforts on negotiating additional PTAs rather than pursuing the multilateral route in the WTO. One obvious reason is that it is easier to achieve more regulatory harmonization when negotiations take place between a limited number of countries and there is an asymmetric size relationship. Second, despite a generally similar menu of IPR policy options, there remains significant variation across PTAs in available standards. Third, the number of PTAs with elevated IPR standards continues to rise and, increasingly, is focused on “mega-regionals” such as the TPP.

¹⁰ These comments are summarized from a 2013 WikiLeaks publication of the confidential IPR chapter. Since there has been no subsequent release this description may be outdated.

All of these facts are interesting and raise analytical questions that economists and international relations scholars could fruitfully address. I highlight some of those questions in the following paragraphs.

Political economy

The inability to date of the EU to conclude a PTA with India points up an interesting fact. When it comes to intellectual property, major countries in the North have had considerably greater success negotiating stronger rights in PTAs with small nations in the South than with large countries. A similar example is that the United States has not been able to entice Brazil into a PTA, in part because Brazil, like India, strongly prefers to set its own IPR standards and limitations.

This observation suggests that it would be interesting to study the conditions under which developing countries agree to enter into PTAs with IPR chapters that establish much higher standards than they would likely select on their own. The answer could be as simple as a willingness to swallow these requirements in the context of a larger agreement offering more market access in major trading partners. Trade authorities may also see within-PTA IPR reforms as a means of signaling to multinational firms that their technologies and know-how would be safe from imitation and expropriation, perhaps distinguishing their economies from other developing nations. These arguments seem too simple, however, for at least two reasons. First, PTAs rarely offer significant additional market access in the North, where trade barriers are already low. Second, developing countries could choose on their own to offer stronger IPR standards, and achieve the associated signaling gains, but few do so in the absence of a North-South PTA.

At the other end, we could ask how the Northern country seeking stronger IPR standards selects potential negotiating partners in the South. Presumably, there are broader economic and strategic factors in these decisions than the desire to reform intellectual property rights, including geographical proximity, factor endowments, and foreign relations. Still, one might wonder why the United States would pursue a PTA with Jordan and not with Lebanon, or why the European Union would select Peru and Colombia but not Bolivia. In many cases, but by no means all, the partner countries are more likely to have domestic imitative capacities that make their companies stronger competitive threats under weaker IPR regimes. If so, PTA selection is a form of strategic trade policy. Part of the answer might be an attempt to install stronger regulatory systems, including in IPR, in countries that act as local policy leaders, with the potential for these higher standards to spill over into reforms in third countries as a competitive matter. Whether these spillovers exist has not been studied and doing so could yield important insights. Overall, then, a close study of the endogenous

formation of North-South PTAs with strong IPR chapters would shed light on these basic questions.

Effective discrimination

The fact that standards for protecting IPR differ among trade agreements raises a number of interesting economic and legal questions that have been little addressed in the literature. One might be concerned that variable IPRs across PTAs raises the potential for economic discrimination, in which firms from partner countries receive improved regulatory treatment in IPR than do firms from non-member nations. At a legal level, this is unlikely because PTAs are obliged to set IPR standards that do not discriminate among all WTO members. Thus, the PTAs pursued by both the United States and the EU adopt clauses ensuring both national treatment and the most-favored-nation (MFN) principle, with both applying to all WTO countries. Indeed, the TRIPS Agreement contains no GATT Article 24-like exception to non-discrimination in IPR and so formal differences in treatment would be subject to challenge. It is worth noting that this requirement implies that each PTA with a substantive IPR chapter has the effect of ratcheting up effective global protection standards.

Nonetheless, it is worth thinking about effective economic discrimination. The problem relates to the second-best nature of both IPR and regional trade and investment preferences. The essence of PTAs is to discriminate in commercial policies, which can generate both economic efficiency and waste. In this context, the economic discrimination within PTAs could generate sub-optimal decisions about where firms might deploy their intellectual property assets. It is possible to theorize about the possibility of *intellectual property creation* (IPC) versus *intellectual property diversion* (IPD) (Maskus 1997). The former takes place when more intellectual property is created and marketed within a TPA, strictly due to the expansion of markets and the replacement of inefficient technology developers (e.g., those local to developing-country partners) with efficient ones (e.g., those from the EU). More integrated markets could also help rationalize technology, R&D, and product-development decisions across PTA members, though with the asymmetries inherent in North-South agreements the potential for diffusing such processes to poorer partners seems limited.

Intellectual property diversion occurs to the extent that fewer inventions, creations, and new products owned by firms in non-member nations are marketed within a given PTA. This could take the form of reduced demand for those firms' products, reduced incentives for non-members to innovate products of regional interest, reductions in FDI coming from outside the PTA, and market-based exclusions of such firms from local technology partnerships and joint ventures. All of this could occur, even if the legal standards are non-discriminatory. No economists have begun to study this important question of the balance between IPC and IPD.

Policy inconsistency

A remarkable feature of many PTAs mentioned in this article is that individual countries have signed multiple agreements that have mutually inconsistent IPR standards. That is, the expectation of how a particular piece of intellectual property would be registered and protected may vary across agreements. For example, the US agreements with Peru and Colombia mandate that geographical indications may be protected as trademarks and collective marks, which as noted above is a less rigorous approach. The corresponding EU agreement with the same nations requires that GIs be protected along the lines of the much stronger standards in Europe. In most circumstances this difference may not be important for firms can choose the mode of protection. Inevitably, however, circumstances will arise in which a product that could infringe a protected GI is registered as a trademark, with considerable legal uncertainty attached to its status. Moreover, a product could be protected under one system in one PTA member and under another in a second member, presumably with no limitation on trade between them. Would infringement occur under these circumstances and how would it be defined?

Similar inconsistencies may arise with respect to patenting standards for genetic resources and the scope of allowable exceptions and limitations to copyrights, since both issues are treated differently in various PTAs to which a country may be party. At present there is no evident way to reconcile these differences, though legal scholars argue that the stronger protection standard would prevail. The difficulty here is that there is no objective means of determining which standard is stronger: trademarks and GIs are different mechanisms but one is not necessarily more protective than the other. This issue will need to be sorted out in the courts of each country but solid legal analysis could contribute to its resolution.

Interrelationships between trade policy and IPR

An essential question, to which no analytical or empirical efforts have been applied to date, relates to whether trade policies and IPR reforms complement or offset each other, and whether these interrelationships are mutually efficient or generate enhanced distortions. One example was discussed above, the possibility that non-discriminatory IPR standards could still generate effective discrimination in the presence of PTAs. Trade economists have focused their attention on the trade and investment effects of PTAs, measuring the impacts of tariff cuts on cross-border economic activity and welfare. This analysis has proceeded with little reference to accompanying changes in regulatory policy, such as technical product standards and IPR. On the other side, empirical studies to date focusing on intellectual property reforms and trade have proceeded virtually without reference to PTAs, despite the fact that those rules are often the result of participation in trade agreements.

This segmentation is surprising, given the clear possibility that trade policy and IPR reforms may have complementary or substitutable impacts going beyond their separate contributions. To date there is very little analytical work linking trade liberalization to optimal patent policy, though they interact in both a strategic sense and in terms of economic efficiency. Nor are there studies of how tariff cuts or investment liberalization interact with IPR. This is a considerable shortcoming in the trade literature and numerous opportunities exist to push this knowledge frontier forward. Following are three illustrative areas of research.

First, measures of intellectual property protection could be incorporated into both econometric studies linking trade liberalization to trade and FDI flows. The simplest approach would be to interact variables capturing IPR with membership in PTAs or BITs to see if there are joint effects and whether these differ by type of agreement and industry. A more comprehensive study would link IPR to the costs of engaging in bilateral trade in a structural gravity equation, with the primary idea being to ask whether patent reforms affect fixed or variable costs of trade and the extent to which impacts interact with tariff cuts and PTA membership.

Second, it is important to move beyond estimating the effects of PTAs on trade and investment to understanding impacts on innovation and technology transfer, as measured by detailed intellectual property statistics. There could be significant joint effects of trade preferences, investment policies and IPR reforms that would alter both trade and patenting decisions. While it has not yet been done, studying the joint impact of PTAs on trade in goods and patent applications and citations would spark considerable interest.

Third, it would be interesting to investigate whether trade policy and IPR interact as strategic complements or substitutes, and whether this relationship is different within PTAs. These relationships likely vary across industries and working to understand them would open new questions about the potential effects of PTAs on trade and investment creation and diversion. It would also be useful to study whether the fact that some countries are members of multiple PTAs, with potentially inconsistent IPR rules, may limit their efficiency gains from trade and also affect innovation prospects.

4 CONCLUDING REMARKS

As documented here, the last twenty years have witnessed a major change in the scope of global IPR policies. These changes are primarily the result of various trade agreements, starting with TRIPS but including many preferential trade arrangements and bilateral investment treaties, which continue to proliferate. The latter process, of mandating IPR reforms in North-South PTAs, has advanced very far and yet essentially has escaped the attention of international relations scholars and analytical

economists. This is a remarkable oversight given the potential importance of the underlying policy changes for economic development, public health policy, and trade.

What few studies we have to date have barely scratched the surface of the structural questions about which we would like to have solid evidence. Why are particular trading partners selected to negotiate PTAs and are the adopted IPR standards appropriate for their needs? Are the inconsistencies in legal standards, even within a country that signs multiple PTAs, likely to be a source of uncertainty that could limit investment and efficiency? What are the interrelationships between PTAs, BITs, and IPR reforms? What are the business channels that matter in establishing these relationships? These, and many others like them, are critical questions that need to be investigated and I hope that scholars in both political science and economics will accept that challenge. Our degree of ignorance is currently too great to offer meaningful advice on the wisdom of this increasing tendency to link trade preferences with intellectual property rights and related regulatory issues.

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KULTÚRNA DIPLOMACIA A JEJ ORGANIZAČNO- INŠTITUCIONÁLNE MODELY V PRAXI VYBRANÝCH ŠTÁTOV

CULTURAL DIPLOMACY AND ITS ORGANIZATIONAL AND INSTITUTIONAL MODELS IN SELECTED STATES

*Erik Pajtinka*¹

Kultúrna diplomacia je v praxi jednotlivých štátov realizovaná prostredníctvom rôznych typov aktérov, z ktorých za najvýznamnejšie možno vo všeobecnosti považovať diplomatické misie, ale aj kultúrne inštitúty, ktoré môžu byť diplomatickej, ale rovnako aj nediplomatickej povahy. Na základe typov aktérov, ktoré sa podstatným spôsobom podieľajú na výkone kultúrnej diplomacie daného štátu, ako aj ich početnosti a charakteru vzájomných vzťahov medzi nimi, možno rozlišovať rôzne organizačno-inštitucionálne modely kultúrnej diplomacie. Konkrétne napríklad pre organizačno-inštitucionálny model kultúrnej diplomacie Francúzskej republiky a Slovenskej republiky je charakteristické okrem iného to, že väčšina kultúrno-diplomatických aktivít je zabezpečovaná diplomatickými orgánmi, zatiaľ čo napríklad pre model v Spolkovej republike Nemecko je charakteristická vyššia miera participácie subjektov nediplomatickej povahy.

Kľúčové slová: kultúrna diplomacia, kultúrny pridelenec, kultúrny inštitút.

In practice, cultural diplomacy is implemented through different types of actors. Diplomatic missions can be considered the most important ones of

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them, but also cultural institutes play a vital role. They may have diplomatic or non-diplomatic status. Based on the types of actors that are substantially involved in the exercise of cultural diplomacy as well as on their number and the nature of interactions between them, various organizational models of the cultural diplomacy can be distinguished in different states. For example, a typical feature of the organizational model of the cultural diplomacy in the French Republic and the Slovak Republic is the fact that most of the cultural-diplomatic activities are conducted by diplomatic organs. By contrast, greater involvement of non-diplomatic entities is an inherent part of the model of cultural diplomacy in the Federal Republic of Germany.

Key words: cultural diplomacy, cultural attaché, cultural institute.

JEL: H11

1 INTRODUCTION

Cultural diplomacy as a “specific part of diplomacy, which focuses on the implementation of foreign-policy interests of a state primarily in the field of cultural policy” (Pajtinka 2013, p. 92) is nowadays an important part of the foreign-policy activities of a majority of states. The actual performance of the activities in the field of cultural diplomacy can be undertaken in the practice by various actors in cultural diplomacy whose legal status, number and the extent of delegated cultural diplomacy tasks depends on each individual state and its organizational and institutional model of cultural diplomacy.

The aim of this study is to describe, compare and analyse various types of organizational and institutional models of cultural diplomacy, as well as their application in the current diplomatic practice using the examples of selected states.

In the first part of this paper emphasis will be laid on the characteristics of the individual basic types of actors in cultural diplomacy, specifically diplomatic missions and cultural institutes. The second part will in turn briefly describe specific organizational and institutional models of cultural diplomacy in the selected four states, with a special focus on the characteristics of the most important cultural diplomatic actors in terms of their formal legal status, but also the mutual relations between them. The selected states whose models of cultural diplomacy will be the subject of analysis, include two states with a superpower status – Republic of France and the Federal Republic of Germany – and two small states (Republic of Austria and the Slovak Republic), so that a comparison of various categories of states can be made.

We should not omit the fact that this study will analyse the actors and organization and institutional models of cultural diplomacy exclusively in the context of bilateral relations and bilateral diplomacy, i.e. it will not study cultural diplomacy institutions active as a part of multilateral cultural diplomacy (at international organizations). At the same time the scope of study will include only permanent diplomatic missions, which perform cultural diplomacy activities on a principally

permanent basis, and not merely temporary diplomatic bodies, which exercise cultural-diplomatic tasks only occasionally and/or for a limited time.²

The sources used in preparation of this paper include particularly the official websites of numerous cultural-diplomatic institutions, but also relevant documents, scientific and specialized studies and various other specialized publications dedicated to the topic of cultural diplomacy.

2 BASIC ACTORS OF CULTURAL DIPLOMACY

2.1 Diplomatic missions

Within bilateral diplomacy diplomatic missions are considered the primary actors in cultural diplomacy, i.e. entities participating in the implementation of tasks of cultural diplomacy. In the structures of these diplomatic bodies of the state active abroad on a permanent basis, the fulfilment of tasks in the field of cultural diplomacy is often assigned to a specialized diplomat usually called the “cultural attaché“. In some cases a number of cultural attachés can work at a diplomatic mission, in which case each of them fulfils tasks in a specific area of cultural diplomacy and is responsible for a certain area of cultural relations with the relevant foreign state. Vice versa, in some cases a separate position of a cultural attaché is not set up at all, whereby the exercise of tasks in the field of cultural diplomacy is allocated to one of the diplomats with “universal“ agenda who – besides carrying out cultural diplomacy activities – also fulfils other diplomatic tasks in other spheres of diplomacy.³

Cultural attaché or cultural attachés in some cases work as a part of a separate specialized organizational unit of the diplomatic mission, which concentrates on the performance of the cultural-diplomatic agenda and which is usually called the “cultural department“ or “cultural section“⁴ (of a diplomatic mission).⁵ In practice, however,

² In practice the role of a temporary body of cultural diplomacy can be fulfilled for example by a Minister of Culture who negotiates with his foreign partners international treaties regulating issues of cultural cooperation between the states.

³ In practice the number of cultural attachés in a diplomatic mission of a certain (sending) state in a specific (host) state is usually determined by a number of factors, particularly by the extent and intensity of foreign cultural policy between the sending and the host state, ambitions of the sending state in the field of foreign cultural policy (in general, as well as in relation to the specific host state), but also by the available (personnel and material) capacities of the foreign service of the sending state.

⁴ The official name of organizational units of diplomatic missions specialising in the field of cultural diplomacy may differ in the diplomatic practice of individual states. For example, in the case of diplomatic missions of the Federal Republic of Germany the organizational unit specialising in cultural diplomacy is entitled as the “culture department“ (in German: *Das Kulturreferat* – see for example *Deutsche Botschaft Pressburg – Kulturreferat*), in the case of diplomatic missions of France the title “department for cooperation and cultural activity“ is

such separate organization unit might not necessarily be a part of each diplomatic mission – not even in the case where there is a position of a cultural attaché established at that diplomatic mission.

2.2 Cultural institutes

Apart from diplomatic missions and their cultural departments and cultural attachés, nowadays the performance of tasks of cultural diplomacy in the foreign-policy practice of a number of states also includes another type of entities that are usually collectively known as cultural institutes. There are considerable differences among the cultural institutes of the respective states, not only in the official name of these entities, but also in their formal legal status and in the extent and focus of the cultural-diplomatic tasks performed by them.

One of the most important attributes distinguishing the respective cultural institutes is their formal legal status. On that basis one can distinguish two basic categories of cultural institutes:

- a) cultural institutes with a diplomatic status; and
- b) cultural institutes without a diplomatic status.

The characteristic feature of cultural institutes with a diplomatic status is that from an organizational point of view they are usually attached to the diplomatic missions of their “parent” states⁶, and therefore the international law provisions of the Vienna Convention on Diplomatic Relations apply to them as appropriate, given that they are considered organizational units of diplomatic missions. In contrast, cultural institutes without a diplomatic status are characterized by not being an organizational part of diplomatic missions of the “parent” states; instead they operate “in parallel” to them as independent entities. Given that cultural institutes of this type are not part of diplomatic missions, as a standard the provisions of the Vienna Convention on Diplomatic Relations do not apply to them.⁷ In practice the first category includes French Institutes (*Institut Français*),⁸ Russian Centres of Science and Culture

used (in French: *Service de Coopération et d’Action Culturelle* – see for example *Service de Coopération et d’Action Culturelle – La France en Slovaquie*).

⁵ A cultural institute may in some cases fulfil the role of the cultural department of a diplomatic mission (see the next part of the chapter for details).

⁶ In this respect please note that in the diplomatic practice of some states cultural institutes directly substitute cultural departments or cultural sections of diplomatic missions.

⁷ There are certain exceptions to this rule – for example, some states recognize the diplomatic status of British Councils even though they are not parts of diplomatic missions. Such status is recognized on the basis of a specific treaty between Great Britain and the relevant host state.

⁸ The names of cultural institutes in the language of their “parent” state (in brackets) are stated always in the singular.

(*Российский центр науки и культуры – Rossijskij centr nauki i kultury*), Austrian Cultural Forums (*Österreichisches Kulturforum*), Polish Institutes (*Instytut Polski*), as well as the Slovak Institutes (*Slovenský inštitút*). The second category in turn includes British Councils, German Goethe's Institutes (*Goethe-Institut*) or Spanish Cervantes' Institutes (*Instituto Cervantes*).

Table 1: Official names and numbers of branch offices of cultural institutes of selected states

<i>State</i>	<i>Cultural institute (official name)</i>	<i>Number of offices abroad</i>	<i>Number of states with presence</i>
Republic of France	French Institute	200	88
Federal Republic of Germany	Goethe's Institute	145	93
Russian Federation	Russian Centre of Science and Culture	88	77
Kingdom of Spain	Cervantes' Institute	77	46
United Kingdom	British Council	189	109
Czech Republic	Czech Centre	22	20
Republic of Hungary	Hungarian Institute	22	20
Republic of Poland	Polish Institute	22	19
Republic of Austria	Austrian Cultural Forum	29	27
Slovak Republic	Slovak Institute	8	8

Notes: All data from official websites updated in 2014. Data for the United Kingdom updated in 2013. While some states have branch offices also at home, the column "Number of states with presence" does not include the home state. The number of cultural institutes of the Republic of France includes only the French Institutes and does not include Cultural Centres (currently 6 centres in 6 states) and French Houses (currently 2 houses in 2 states).

Source: Data compiled by the author from a combination of sources: Republic of France (Institut Francais 2014), Federal Republic of Germany (Goethe-Institut 2014), Russian Federation (Rossotrudničestvo 2014), Kingdom of Spain (Instituto Cervantes 2014), United Kingdom (British Council 2013), Czech Republic (Česká centra 2014), Republic of Hungary (Balassi Institute 2014), Republic of Poland (Instytut Polski 2014), Republic of Austria (BMEIA 2014b) and Slovak Republic (MZVaEZ 2014).

Besides differences in the formal legal status, official name and other attributes the individual cultural institutes also show significant differences in the size of the network and their branch offices and the number of foreign states, in which such

branch offices are present. In this respect there are considerable differences especially between states with superpower status (superpowers), where there is usually a wide-ranging network of cultural institutes, and small states that usually have at their disposal a relatively more limited network of such entities. These differences in size of networks of cultural institutes of superpowers and small states can be generally attributed to widely differing ambitions of the respective types of states in foreign policy, which usually affects the amount of resources that the states are “willing“ to earmark for their cultural diplomacy and its institutional background (which encompasses cultural institutes).

Differences in the size of networks of cultural institutes of superpowers and small states can be illustrated in specific numbers of branch offices of cultural institutes of selected states that are outlined in Table 1.

As is evident from data in Table 1, in some cases there are relatively significant differences in the sizes of networks of cultural institutes also among the individual superpowers and small states, respectively. In this respect, for instance, the Republic of Austria, which ranks among small states, has much more offices of its cultural institutes abroad than for example Slovak Republic, Czech Republic, Republic of Poland or Republic of Hungary, which are equally considered small states (whereby in comparison with the Slovak Republic, for example, the size of the network of cultural institutes of the Republic of Austria is more than threefold). These differences in the size of networks of cultural institutes can be attributed to a certain extent to the significantly different economic potential of the Republic of Austria and the V-4 states – it can be assumed that the Republic of Austria as a relatively “richer” state is realistically able to afford to allocate more resources in its budget for cultural diplomacy and the operation of cultural institutes than the other cited states, which are relatively “poorer” states.⁹ The differences in sizes of networks of cultural institutes among the individual small states or superpowers, respectively, however, do not have to be caused exclusively by their varied economic potential. Even small states with approximately identical economic level in some cases display relatively important differences in the size of networks of their cultural institutes. This can be showcased on the comparison of size of network of cultural institutes of the Slovak Republic on the one hand and the Czech Republic or the Republic of Hungary on the other hand, where Czech Republic and Republic of Hungary both have an almost threefold number of cultural institute offices abroad in comparison with the Slovak Republic (see Table 1). The causes of such differences can be attributed to other factors that can affect the size of networks of cultural institutes and which include the significance of cultural

⁹ The importance of economic potential and national income of the state as one of the factors affecting the size of its network of cultural institutes has been indirectly pointed out also by Mattoš (2013, p. 379), according to whom the support of entities in cultural diplomacy by the state is carried out in the extent reflecting the available financial resources of that state.

institutes in the concept of cultural diplomacy of the state in question, but also the relative importance of cultural diplomacy (and cultural institutes) in the overall concept of implementation of foreign policy of the state in question.

3 ORGANIZATIONAL AND INSTITUTIONAL MODELS OF CULTURAL DIPLOMACY OF SELECTED STATES

3.1 Organizational and institutional model of cultural diplomacy of the Republic of France

Within the foreign-policy structure of the Republic of France numerous institutions of both diplomatic and non-diplomatic nature are charged with the fulfilment of tasks in the field of cultural diplomacy.

From the range of diplomatic institutions of the Republic of France the exercise of tasks in the field of cultural diplomacy is primarily undertaken by diplomatic missions, within which the steering of the cultural diplomacy agenda is entrusted to specialised diplomats, officially called cultural advisors or advisors for cooperation and cultural activity (*conseillers de coopération et d'action culturelle*). At some diplomatic missions (usually the larger ones) the cultural advisor is assisted in the performance of cultural diplomacy activities by other cultural attachés (subordinate to him) who bear the official title of attaché and who in their agenda specialise in various fields of cultural diplomacy activities.¹⁰ The cultural advisor himself is directly subordinated to the head of the relevant diplomatic missions of the Republic of France.

By virtue of his office the cultural advisor is at the same time the director of the local cultural institute – the French Institute – which forms a part of the organizational structure of the relevant diplomatic mission of the Republic of France. If the host state in question is home to other French Institutes in other cities (besides the French Institute in the place of seat of the diplomatic mission), their directors are also subordinated to the cultural advisor from an organizational point of view (he is the director of the “main” French Institute in the place of seat of the diplomatic mission). The directors of such “regional” French Institutes, in contrast to the director of the “main” French Institute in the place of seat of the diplomatic mission, do not hold the position of a cultural advisor and usually they do not have the status of a diplomat.

Besides managing the French Institutes and other cultural attachés at a diplomatic mission, the cultural advisor is also charged with the coordination of activities of other cultural diplomacy institutions of the Republic of France in the relevant host state (specifically the French Alliances, for instance).

¹⁰ Given that the dissemination of the French language constitutes a significant part of the cultural diplomacy agenda of the Republic of France, at many diplomatic missions of the Republic of France the position of a cultural attaché for language cooperation has been established.

The above-mentioned French Alliances rank among the most important institutes of non-diplomatic nature participating in the performance of cultural diplomacy in the Republic of France, whereby currently there is a total 850 of them in 136 states (Alliance française 2014). French Alliances, in contrast to French Institutes, from a formal legal point of view do not constitute parts of structures of diplomatic missions, but rather co-exist in parallel to them as independent entities, whereby their activities are subject to the national law of the relevant host state.¹¹ Even though each French Alliance is formally an independent entity, in practice its activities are coordinated by the geographically competent diplomatic mission of the Republic of France (specifically by its cultural advisor). Besides, at the central level the activities of the entire network of French Alliances are coordinated by the Foundation of French Alliance (*Fondation Alliance Française*) in Paris (Alliance française 2014).

3.2 Organizational and institutional model of cultural diplomacy of the Federal Republic of Germany

A number of both diplomatic and non-diplomatic institutions are involved in the exercise of cultural diplomacy of the Federal Republic of Germany, similarly to the Republic of France.

From among the permanent diplomatic institutions it is the diplomatic missions that participate in the implementation of cultural diplomacy of the Federal Republic of Germany, whereby the exercise of cultural diplomacy agenda is usually delegated to a special department – the cultural department (*Kulturreferat*). The cultural department may consist of one or more diplomats – cultural attachés (*Kulturattaché*), who are regular members of the diplomatic corps of that diplomatic mission and – just like the other members – are subordinated to the head of the mission.

With regards to the non-diplomatic institutions that actively participate in the implementation of the cultural diplomacy of the Federal Republic of Germany, the most significant role is played by Goethe's Institutes, the network of which currently comprises 145 offices in 93 states outside of the Federal Republic of Germany (Goethe-Institut 2014)¹² actively, and some smaller so-called Goethe's Centres in other cities. Goethe's Institutes are – analogously to the French Alliances – non-governmental (non-diplomatic) entities that exist separately from the diplomatic missions of their parent state, whereby their functioning is governed by the national law of the relevant host state. Similarly to the French Alliances, Goethe's Institutes, despite their non-diplomatic status and formal (and often publicly declared) independence from diplomatic structures, in practice have to cooperate with the

¹¹ The provisions of the international public law and diplomatic law contained in the Vienna Convention on Diplomatic Relations therefore do not apply to French Alliances.

¹² Goethe's Institutes are active not only abroad, but also in the territory of the Federal Republic of Germany.

diplomatic mission of their parent state in the host state. Besides, each director of the Goethe's Institute is obliged to inform the Ministry of Foreign Affairs of the Federal Republic of Germany of the conducted activities, whereby the ministry is authorized directly to prohibit certain activities of the institute, if it believes that they contradict the foreign-policy objectives of the state (Tomalová 2008) or, vice versa, request the Goethe's Institute to organize a certain event (Kurucz 2007) whose organization is in the interest of Federal Republic of Germany. At the central level the activity of all Goethe's Institutes is steered by a directorate with its seat in Munich, although the individual branch offices have a relatively wide organizational autonomy.

3.3 Organizational and institutional model of cultural diplomacy of the Republic of Austria

In the Republic of Austria it is primarily the diplomatic missions (a total of 82) and general consulates (a total of 11) that are charged with the practical exercise of the majority of tasks in the field of cultural diplomacy. Within the structures of some diplomatic missions and general consulates of the Republic of Austria the implementation of cultural diplomacy activities is delegated to specialized organizational units – the cultural institutes that are officially called Austrian Cultural Forums.

From a formal legal point of view the Austrian Cultural Forums are a part of structures of diplomatic missions of the Republic of Austria or of the general consulates of the Republic of Austria. Each Austrian Cultural Forum is headed by a director who – in the case of Austrian Cultural Forums present by the diplomatic missions of the Republic of Austria – is a member of the diplomatic corps of the relevant diplomatic mission, or – in the case of Austrian Cultural Forums present at the general consulates of the Republic of Austria – a member of the consular corps (having the status of a consular officer) of the relevant general consulate.

Currently the Republic of Austria has globally more than 29 Austrian Cultural Forums, out of which 26 are established by diplomatic missions and 3 by general consulates (BMEIA 2014a).

3.4 Organizational and institutional model of cultural diplomacy of the Slovak Republic

In the case of the Slovak Republic, the performance of the cultural diplomacy is assigned primarily to diplomatic missions (64 in total), general consulates (8), as well as permanent representations of the Slovak Republic abroad (for example the branch office of diplomatic mission in Pristina and Slovak Economic and Cultural Office in Taipei).¹³ Within the structure of the said bodies the exercise of the cultural

¹³ Status as of 1 December 2013 (MZVaEZ 2013).

diplomacy tasks is usually delegated to individual staff members – diplomats or consular officers, respectively – who besides cultural diplomacy activities often also take care of other diplomatic or consular functions. In the case of some diplomatic missions of the Slovak Republic separate specialized organizational units – cultural institutes – are charged with the implementation of cultural diplomacy activities. They are officially called the Slovak Institutes.

From a formal legal point of view the Slovak Institutes are a part of the structures of diplomatic missions of the Slovak Republic in their host state. Each Slovak Institute is headed by a director who by virtue of his office also holds the post of cultural attaché in the diplomatic mission of the Slovak Republic in that host state, whereby he is a regular member of the diplomatic corps. As a member of staff of a diplomatic mission each director of a Slovak Institute is directly subordinated to the head of the relevant diplomatic mission of the Slovak Republic.

Currently the Slovak Republic has a total of 8 Slovak Institutes globally, which are active by diplomatic missions of the Slovak Republic, specifically: by the Embassy of the Slovak Republic in the Czech Republic in Prague, by the Embassy of the Slovak Republic in the Republic of France in Paris, by the Embassy of the Slovak Republic in the Republic of Hungary in Budapest, by the Embassy of the Slovak Republic in the Federal Republic of Germany in Berlin, by the Embassy of the Slovak Republic in the Republic of Poland in Warsaw, by the Embassy of the Slovak Republic in the Republic of Austria in Vienna, by the Embassy of the Slovak Republic in the Russian Federation in Moscow, by the Embassy of the Slovak Republic in the Republic of Italy in Rome (MZVaEZ 2013).

4 CONCLUSION

To conclude, in individual states one may encounter different forms of organization and institutional structure of cultural diplomacy, which differ in terms of their formal legal nature, but also in terms of the quantity of decisive (cultural diplomacy) actors. In some states, for example in the Republic of France and in the Slovak Republic, the exercise of a majority of functions of cultural diplomacy is assigned to diplomatic bodies, specifically diplomatic missions and cultural institutes that have a diplomatic status. In other states, e.g. Federal Republic of Germany, the implementation of a substantive part of tasks in the field of cultural diplomacy is assigned to entities of non-diplomatic nature. However, even in such states – as is evident from the cited example of the Federal Republic of Germany – the diplomatic bodies have a certain indirect and/or informal influence on non-diplomatic entities performing cultural diplomacy, thus even if they do not carry out the majority of cultural diplomacy activities themselves, they can effectively control and coordinate it.

There are considerable differences among the individual states not only with respect to the organizational and institutional model of cultural diplomacy, but also the

extent of its institutional basis, which can be illustrated for example on the varied size of networks of cultural diplomacy institutions. In this respect greatest differences exist between states with a superpower status that usually have at their disposal sizeable networks of cultural diplomacy institutions abroad and small states, which normally use only a relatively limited number of such entities. Such differences are understandable particularly with regards to the different foreign-policy ambitions of superpower states and small states, which are reflected in the resources that such states are willing and able to allocate for cultural diplomacy (and which then affect the extent of necessary and affordable cultural diplomacy infrastructure). In some cases relatively significant divergence is however visible also in the extent of institutional basis of cultural diplomacy of individual smaller states, which cannot always be attributed solely to their diverse economic strength of financial possibilities – it also reflects the relative importance that individual states ascribe to cultural diplomacy within their foreign policy implementation.

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MŮŽE BÝT V RUSKU DEMOKRACIE? IS DEMOCRACY IN RUSSIA POSSIBLE?

*Soňa Gullová*¹

Hlavním cílem tohoto příspěvku je zhodnotit vliv ruských kulturních hodnot a ruského kulturního prostředí na přijímání a prosazování liberální demokracie v Rusku, poukázat na nejdůležitější faktory tvarování ruské identity a ruské kultury a prokázání jejich vlivu na přijetí konceptu demokracie. Toto téma je velmi široké, proto se autor zaměřuje pouze na vybrané základní problémy. První problém souvisí s ruským kulturním paradigma, které vytváří překážky pro rozvoj euro-atlantického typu liberální demokracie v Rusku a druhá otázka je spojena především s dopadem výkladu dějin na demokracii v zemi.

Klíčové slová: Rusko, demokracie, kultura, identita.

The main objective of this paper is to evaluate the role of cultural characteristics of Russian society in adopting and enforcing concepts of liberal democracy in Russia; to point out the most important concepts shaping Russian identity and Russian culture and their influence on the adoption of the concept of democracy. This topic is very broad, therefore the author focuses only on selected basic issues. The first issue is related to the Russian cultural paradigm which creates obstacles to the development of the Euro-Atlantic type liberal democracy in Russia, and the other issue is associated mainly with the impact of the interpretation of the history on democracy in the country.²

Key words: Russia, democracy, culture, identity.

JEL: F50, Y80

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1 INTRODUCTION

Russia certainly is, and at least in the near future will continue to be, one of the most important countries of the world. After the collapse of the Soviet Union, Russia managed to overcome the crises and turmoil of the 1990s. At present, it is facing many problems which remain to be solved, such as poverty, alcoholism, corruption or scientific and technological backwardness. However, the most essential problem that challenges Russian leadership these days is the decision which way to direct its further development. Many experts say that this decision was actually made long time ago and that Russia is striding in the footsteps of Western European countries and the USA on the path towards democracy. Other experts maintain the exact contrary.

Russia has undergone a unique historical development, because of its geographical position between the East and the West, and also due to its specific geographic and climatic conditions. Both the European and the Eastern culture have influenced Russian territory. A common mistake made by Western scholars and journalists who criticize Russian democracy and political proclamations (including the ones released by international relations representatives) is that they consider Russian society to be identical with the European one and completely misunderstand the world famous assertion by Nikolai Berdyaev and Fjodor Tjutchev saying that “Russia cannot be understood through reason, only believed in”.³

Frequent criticism of Russia’s political scene for violating the principles of democratic government and insufficient extent of democratic reforms suggests that Russia has still not adopted democracy as its preferred form of government. Criticism of Russian democracy is frequently expressed in publications and appearances produced by Western journalists, publicists, sociologists or political analysts who often depict ordinary Russians and Russia as a country calling for democracy and the Russian government as a tyrant, who refuses to listen to these pleading voices. But has the entire Russian society really craved for democracy from time immemorial? So far it seems that poll surveys conducted among residents of Russia as well as scientific conferences give two completely different, even opposite answers to the simple question “Is democracy really implementable in Russia?”

The main objective of this paper is therefore to cast light on the relationship of Russian cultural values and to show whether the Russian cultural and historical context complicates the development of democracy in terms of the Euro-Atlantic pact. The main objective will be achieved by verifying to what extent, if at all, it is true that:

³ Nikolai Alexandrovich Berdyaev (1874-1948) was an Ukrainian Christian philosopher and writer, Nobel Prize winner for literature. His best known works include: *Origins and meaning of Russian communism*, *Freedom of the Spirit*, *New Middle Ages: Reflections on the Fate of Russia and Europe*, etc.

- Russian cultural paradigm creates obstacles to the development of liberal democracy of the Euro-Atlantic type in Russia.
- The short and tragic historical experience Russia has had with democracy leads to a rather negative attitude towards this form of government.

Due to the objective and hypotheses formulated above, the following partial objectives must also be achieved:

- Elaborate upon the most important concepts in shaping the Russian identity and Russian culture, which have a significant impact on the acceptance and implementation of democratic principles in the Russian administration.
- Elaborate upon Russia's historical experience with democracy, notably from 1905 to 1917, and in the 90s of the 20th century.

2 THE MOST IMPORTANT CONCEPTS FORMING RUSSIAN IDENTITY AND CULTURE AND THEIR IMPACT ON ACCEPTANCE OF DEMOCRATIC PRINCIPLES

2.1 A permanent feeling of danger and permanent expansion

The Russian state began to develop on a land that was, in geopolitical terms, rather unfavourable. Broad plains without natural boundaries such as mountains, sea or rivers were open to enemies. Fear of external attack can be traced throughout the country's history (Fleková 2000). We can mention the Huns, the Avars, the Khazars (1st century), the Teutonic Knights and the Mongols (13th century), the Lithuanians (14th century), the Chinese (18th century), the Poles, the Swedes and the French led by Napoleon (19th century), then the Germans (led by the emperor and then by Hitler in the 20th century) just to give a few examples of the largest armies that have ever invaded Russia.

The feeling of permanent threat has had a significant influence on the development of Russian national culture. Its population has lived in permanent fear of external attack, and therefore sought security⁴, certainty and stability. Such safety was achievable only by forming a centralized state, using its organized collective force. The population has therefore willingly forfeited a large part of their freedoms in favour of safety.

⁴ It is also an interesting linguistic fact that unlike most world nations, the Russian word for "security" has a much greater importance than "danger". While European nations attach to the word "security" a positive meaning and the word "danger" is its negation, the Russians perceive it the other way around. For them, the word "danger" has a positive meaning – "opasnost", and its negation creates the word "security" – bezopasnost (Macek 2002).

“Only such state that was stronger and more powerful than the surrounding enemies could survive and continue to maintain its statehood. Military power and size have become a significant source of legitimacy, justification and an objective of the actual existence of the state and its elites” (Macek 2002). Fear of external threat also brought a characteristic conservatism into politics and into the Russian way of thinking in general. Hence in Russian thinking style, any change means some degree of instability and chaos. Any instability equals a weakness and an enlarged vulnerability against an external attack.⁵

This conservatism led not only to the establishment of a centralized management (which transferred power to lower levels) but also to the creation of bodies pursuing execution of orders and regulations issued by the top power. Already tsar Ivan III. (1440-1505) appointed special authorities of political police (the so-called “*oprichniki*”). Their role was gradually taken over by one department of the tsar’s office, later by NKVD (People’s Commissariat of Interior) and finally by the KGB (Committee for State Security). This system lasted for several centuries and has resulted not only in a deep rooted feeling of obedience, bordering on fear of the ruling power, but also in the feeling of danger when “stepping out of the line” (Fleková 2000).

“Tsarism” undoubtedly belongs among the most important social and historical features of Russia (in Russia at certain times in history, the “ruler” was more important than the “state”). According to many historians, the roots of “tsarism” stem from Byzantine and Mongolian influences. The word “tsar” is a Russian derivation from the word Caesar (or rather from the Byzantine emperor, who through the personality of Emperor Constantine embodied a continuity of the Roman Empire).

Additionally, the influence of the Tatar-Mongol civilization is no less important, as the Mongols brought the principle of primogeniture and completely changed the Russian perception of their ruler. “Since the late 15th century, the ruler was understood as the real guarantor of the state. His personality replaced the church and its representatives “ (Macek 2002). The Mongols forced the population to live in absolute obedience and humility, which actually bordered on absolute resignation and fatalism. Besides, the original nobility had to change its behaviour in order to serve the Tatar rulers, because the Tatars needed Russian noblemen to assist in building a local apparatus that would maintain order in occupied territories, ensure the collection of fees, taxes, food supplies, manpower etc. The Tatars charged Russian princes with the execution of these tasks and in turn they required absolute loyalty and obedience.

⁵ In this sense, we can observe a more short-term orientation of the Russian way of thinking, because a change can also result in a long-term strengthening, but in a short term, it always brings a disruption of balance and therefore weakening.

Therefore, these princes gradually became cruel autocratic rulers, whose subjects were obliged to be absolutely obedient (Fleková 2000).

Jan Slavík, a Czech historian, holds a slightly different opinion on the origin of tsarism. According to him, the Tatar and Byzantine influences are a phenomenon that played a role especially in the Middle Ages, while tsarism occurred as a result of the dismal domestic situation in the early modern times (Dvořák 2006). He thus sees tsarism as a natural consequence of historical necessity and the Tatar and Byzantine influences as mere elements, which gave form to this phenomenon, but did not create its contents.

2.2 Isolation

Another important determinant of Russia's development was the country's remoteness. Russia had been relatively isolated from major trade routes for centuries. Commerce brought not only wealth to towns and villages lying on such corridors, but also new cultural impulses and contact with other civilizations. The unfortunate Russian isolation was compounded by the absence of access to a non-freezing sea which made the Russian involvement in international trade even more difficult and also kept this vast state largely beyond main European and world developments. Russia has also never been part of any significant developmental waves that shaped modern European culture. In the period of European Renaissance, which began to shape individualism, so typical for Western culture, Russia had only just broken free from the Mongol domination and begun to build its path to European education and culture. While a strong middle class (with its members as reform bearers) began to develop in Europe in those days, Russia remained a large, backward, mainly agrarian empire dominated by autocratic dynasties with the sacred task of protecting the true faith against barbarians from the East and heretics from the West (Goehner and Richmond 2001).

Russia's isolation is also reflected in the contrast between towns and villages. At the time when most Western European countries focused on the process of internal consolidation, Russia was still ensuring its external borders. Due to its geographical position, Russia was predestined to become an expanding state. This expansion lasted for four centuries, and every single year Russia grew by the size of the entire Bohemia (Dvořák 2006).⁶

Consolidation (associated with bureaucratization) requires sufficient population density within a given territory, but the desirable number of inhabitants was impossible to reach due to constant expansion. The scarcity of towns and their significantly limited interconnectedness became a particularly painful issue (there was no network of mutually interconnected cities in Russia, as it was common in other

⁶ Bohemia is the western part of the Czech Republic with an area of 52,065 km².

parts of Europe at that time). Towns and cities play a role in the development of national culture, since they are a platform for interaction among large groups of people and it can be assumed that the denser and more interconnected the network of municipalities in a given state, the more unified the national culture is. Absence of urban areas as cultural, civilizational and administrative centres can probably shed light on an interesting phenomenon, which is unprecedented elsewhere in Europe: the ecclesial tradition dominated over the national one, or in other words, for the majority of Russians the church was a source of identification and sense of belonging to the Russian State. The Orthodox Church and the tsar mattered much more than nationality itself. In addition, the lack of urban density made it impossible for towns to have a civilizational, cultural or administrative effect on their rural surroundings. Thus, Russian countryside was basically developing more or less independently, which led to considerable backwardness. The backwardness of Russian rural countryside, also partly caused by harsh climatic conditions, was so exceptional that we can talk about stagnancy.

2.3 Russian idea and Russian messianism

The Russian idea is a term denoting a specific historical-religious concept that characterizes and explains the peculiarities of Russian culture and Russian history (Fleková 2000). The idea that the Russian nation has a unique mission towards all humanity followed from the Russian idea (in hardly any culture has it played such an important cultural and historical role as in Russia).

This idea of a special historical destiny of Russia - Russian messianism, began to form in late 15th century, when Filofei, a monk of a Psovk monastery, wrote three letters: A Letter against Astrologers (addressed to Mikhail Grigorievich Munechin, a representative of Pskov principality administration), A Letter of Cruising" (to Vasily Ivanovic, Moscow Grand Duke) and finally A Letter about Injustice against the Russian Church (addressed to tsar Ivan Vasilyevich).⁷ In these three letters he formulated the idea of the so called Third Rome. According to Filofei, there used to be two bastions of Christianity: Western Rome (Rome) and Eastern Rome (Constantinople). Filofei claimed that Rome had turned away from the true faith when they began to use unleavened bread (i.e. accepted the teachings of Apollinarius of Laodikeia). In addition, emperor Charlemagne (742-814) and pope Formosa (891- 896) directed the West to the path towards Catholicism (Přihoda 2009). The second Rome was vanquished by the Turks, who conquered Constantinople in 1453. According to Filofei, Russia and especially Moscow must launch a divine mission to become guardians of the true faith: "Two Romes have fallen and emerged, Western and

⁷ Filofei is widely accepted as the author of all three letters, but it is likely that he authored only the first one – A Letter against Astrologers (Přihoda 2009).

Eastern, but Moscow carries a designated fate that it will become the third Rome and there shall never be a fourth” (Masaryk 1995).

Slavophiles saw Russia’s role in the history of mankind likewise. Their principal works date from the 1840s to 1860s, i.e. from the time when Europe was convulsed by instability and revolutions and when the decadent stream appeared in European culture (represented by writings of Charles Baudelaire, Paul Verlaine, J. A. Rimbaud etc.). Slavophiles regarded European culture as rotting, under the influence of demons and overall doomed to extinction. On the contrary, in the Russia of the time, strict discipline was still a dominating force (maintained by state absolutism), hand in hand with strict morality (promoted by the Orthodox Church).

The Russian “muzhik” embodied the religious ideal of a human being for slavophiles. They believed that Russia was a country divinely ordained to redeem declining Europe through its humility and piety. Maintaining true morality, faith and culture was in slavophiles’ eyes seen as the true Russian task and these elements would be gradually passed on to miserable Europe, later on to the entire humanity, and finally the whole world would return to “the right path”. Vladimir F. Odoevsky (1997 [1844]) was one of the first to formulate the theory of the “Russian idea” in his work called *Russian Nights*, claiming that “The West is dying ... We, Russians, must save not only the body but also the soul of Europe...“.

Even Vladimir I. Lenin parted from the assumption of Russia’s exceptional role in the history of mankind in his writings about the proletarian revolution. He knew that Russia was an agrarian, backward country. Therefore, in accordance with the teachings of Marx, he believed that in Russia socialism could not win immediately (Bouček 2000). Conversely, Western Europe, in his opinion, had already reached the stage of advanced capitalism, in which the revolution must inevitably occur and workers would take power in their hands. But such revolution outbreak required some sort of a trigger, which, according to V. I. Lenin, was the historic task of Russia. The First World War brought an opportunity for starting the revolution, but contrary to Lenin’s expectations, Europe did not follow the Russian example, even though he had sent his agitators to Western Europe. However, Lenin kept arguing that the worldwide revolution was approaching, albeit slower than he had originally expected, and Russia’s historical mission is to become a bastion of communism and preserve it until the time of seeing the light comes for the rest of the world.

After the collapse of the USSR, an identity crisis and ideological vacuum occurred in Russia. Ever since the 15th century, the Russians had been aware of their historical role. But nowadays, they are still searching for the new one. This topic is very broad and also includes the issue of the Russian messianism. Former Russian president Boris N. Yeltsin expressed the problem of Russian national idea and national identity as follows: “The monarchy, communism, perestroika. Each stage of Russian history had its ideology. Only we have none.” He actually appointed a committee to

find “the best idea for Russia” in 1996. However, this committee did not have any sensible outputs (Duncan 2005).

President Vladimir Putin has chosen a different approach to the issue of identity crisis. He returned to national traditions, which he merged with some traditions of the Soviet system. Putin draws attention to great successes and victories of the Russian people (e.g. war victories). He points out that Russia beat opponents and enemies, whom other countries (even the most developed, richest, most successful and most civilized European ones) could not defeat.

According to some other authors (e.g. the Czech historian Jan Slavík), Russian messianism is merely an excuse for persistent poverty and backwardness. From the perspective of cultural values it does not matter whether Russian messianism is a fiction, to which ordinary people can look forward with hope, or not. The bottom-line of the “Russian idea” is that the Russians have always believed and still firmly believe that Russia plays a great, irreplaceable role in history. This role is currently not precisely defined. Yet, it is widely assumed that the prospective new definition will again be based on its historical formulations that require the preservation of stability and power in Russia, because only strong Russia can ensure both preservation and expansion of the “right” ideas.

2.4 Orthodoxy

Orthodoxy (one of the most important cultural factors) influenced Russian culture especially during the era of the so called Holy Russia, when it became the main source of both moral values and national self-consciousness. Most Russian “muzhiks” were primarily orthodox believers and only the relation to common religion made them feel Russian. Religious traditions actually surpassed the national ones. A new cultural value paradigm, later called “sobornost”, came into existence at that time. “Sobornost” can be understood as a spiritual closeness of masses (seeking collectively the common path to salvation) and boundless faith in their ruler’s flawless actions (Vlček 2002).

A close link between the state and the church was typical for Russian society from the outset of Orthodoxy. In the Orthodox concept, the tsar is more than a secular ruler; he is Christ’s representative on Earth, and thus head of the church. Konstantin N. Leontiev (1969) wrote in his work: “The Tsar is the highest and the greatest authority, whatever he does is good and lawful, his actions must not be judged by their consequences – a person, who cannot understand it, may yet be a good person, but not a Christian, not a true Russian.”

The revolution in 1917 brought abrupt change – a transition from a society based on the Orthodox religion to a social order built on mass atheism. According to an opinion poll conducted by The Institute of Sociology of the Russian Academy of Sciences and published by Rossiyskaya Gazeta, Orthodox believers account for 80 % of the Russian population. Atheists make up 7 % of the Russian population (in 2009 it

was 12 %). However, there are very few practitioners. Only 11 % of all Orthodox Russians attend church ceremonies and only 20 % of them pray regularly. People with really firm faith, who truly celebrate orthodox holidays and go to church regularly, make up only 4 % of the total number of Orthodox believers.⁸ It is obvious that Orthodox religion is more a source of national identity than a mere religion. Such a large increase in people who claim allegiance to Orthodoxy after seventy years of atheism suggests that Orthodox religion is still very close to ordinary Russians.

The influence of Orthodox religion on the development of democracy in Russia is also reflected in the innate respect towards authorities (especially to the tsar), in deference to the traditions and in the belief that only compliance with those traditions can help us achieve the “right” goals. On the contrary, any change in traditions could debauch them. Another important factor is the Russian mysticism – Russians rely more on their emotions, feelings, etc. than nations of Western Europe, who rely more on rationality and logic.

2.5 Europeanisation

Russia (particularly its European part) has always been influenced by European affairs and culture. European influence was largely manifested during the reign of Peter I. and Catherine II., who sought to modernize Russia according to European models.

Peter I. tried to resolve the dismal developments in Russia and to raise Russia’s potential to become a superpower by copying European models, while also aiming at consolidating his own power. With this objective in mind, he focused on the implementation of economic, political, religious and social reforms, which were not entirely successful. He implemented these reforms unsystematically and violently, which led to a split in society. One part agreed and supported Peter in installing modern Western concepts, whereas the other part of Russian society stood firmly against reforms – they wanted to conserve Russian traditions and Russian distinctiveness. Europeanization noticeably affected only large towns and cities, while rural countryside remained virtually untouched, since his reforms proceeded very slowly outside large urban areas. Part of the old Russian aristocracy also rejected Peter’s reforms, therefore Peter created a new, fully loyal aristocracy, which adopted the European way of thinking and broke away from Russian traditions and roots. Western culture, customs, education and languages were spreading by hiring German and French teachers and governesses, who came to Russia. Due to the Europeanisation implemented by tsar Peter I., the Russian nation split into two parts: the traditional one, which represented the majority of the Russian population, and the pro-European one.

⁸ See www.rg.ru.

Although this group represented only a fraction of the population, it held all power in its hands.

Europeanisation during the reign of Catherine II. had mainly a spiritual impact. Catherine was German, never happy with the Russian mentality, therefore she was promulgating a Western way of thinking in Russia. She tried to persuade the Russian elite to begin to study European science, philosophy, culture and accept it as their own. Catherine deepened the split in Russian society as its masses remained stuck in “sobornost” and in an infinite belief in Old Russia (Vlček 2002).

2.6 Slavophile movement

The most important representatives of slavophilism include Ivan. V. Kireyevsky (1806-1856) and Alexander S. Chomyakov (1804-1860). They refused Europeanisation and argued that it was an insensitive interference in the natural development of the Russian culture, resulting merely in unhealthy bipolarism of the Russian society – they claimed that Russian intelligentsia began to imitate European models, and it was only a Russian “muzhik” who retained the “right purity”.

Slavophiles based their stance on an assumption that ordinary Russians have no political ambitions, do not try to gain power and voluntarily entrust themselves to the hands of invited leaders.⁹ According to slavophiles, the Russians are a non-state nation; they perceive political power as a sin and a burden, not as a privilege. Their ruler is a Saviour, who bears the sin of governing, rescues the souls of ordinary people and condemns himself to damnation. Slavophiles promoted theocracy, generally despised state as a system and did not respect it. They also refused individualism.

Besides, slavophiles inclined to mysticism. They believed in the power of faith and in the spirit of Russian traditions. Internal morality clearly dominated over addressing social, economic and political problems. On top of that, they refused to codify the Constitution, as in their opinion, no document can replace such sort of civil freedom, which is built on ethical principles.

In essence, the slavophiles rejected democracy, since not only was it a Western form of government, but especially because this form did not match the “Russian nature”. Democracy would have forced the Russian “muzhik” to participate in the government, which he naturally did not want. Thus democracy would have brought new problems to face for an ordinary Russian “muzhik” and these new issues would have turned him away from his goals, from his “true” life.

⁹ Slavophiles argued with an unsubstantiated legend by a chronicler Nestor (11th and 12th century), who claimed that the original inhabitants were not able to rule on such a vast territory, so they invited Prince Oleg.

2.7 Pan-Slavism

Pan-Slavism, similarly to slavophilism, emphasizes the specificity of Russian culture, highlights the advantages of Russian traditions and opposes the uncritical acceptance of European culture. However, pan-Slavism comes with new features such as nationalism, confrontational character and superiority of the Russian nation. This political programme intensively promotes the idea of the messianic role of Russia in the history of mankind and the obligation of the Russian nation to spread Russian Orthodoxy (as the only “right” religion). The best known ideologues of pan-Slavism are undoubtedly Nicholas J. Danilevsky (1822-1885) and Mikhail N. Pogodin (1800-1875).

Pan-Slavists regarded the other Slavic nations as allies and relied on their close cooperation. They built their vision on cultural, linguistic, moral and customary proximity and on relative geographical adjacency. They joined the fight against Europeanisation with enforcing the “true” faith and with the idea of united Slavs. According to pan-Slavists, Russia was supposed to guarantee freedom for all Slavic nations and unite them in a single cultural entity, which would be led by the Russian tsar, and the only possible culture would be Russian Orthodoxy.

Obviously, pan-Slavism completely rejects the concept of democracy, perceives it as a form of government utterly inappropriate, even malignant for Russia. Due to these ideas, this political stream is more often called “pan-Russism”.

2.8 Pro-Western political movement

The most important representatives of this trend are V.G. Byelinsky (1811-1848), A. I. Herzen (1812-1870) and B. N. Cicerin (1828-1904). They all promoted the opinion that Russia should continue with the reforms of Peter I. and Europeanise itself. They parted from the assumption that Russia anyway did not have any ideas of its own, and any cultural elements worth promoting and spreading around the world. They also criticized the Tatar domination, which caused Russia’s considerable backwardness.

Westerners also advocated an immediate commencement of liberalization and democratization of Russian social and political life. Their theory held that free individuals would contribute to the economy and prosperity (Vlček 2002). Liberalization and democratization were understood as organized processes which should be governed by the highest Russian institutions: the tsar, the Senate and the Orthodox Church, but in a peaceful, smooth way i.e., these changes would not have triggered any impulses to some kind of a revolution.

2.9 Eurasianism

The October Revolution of 1917 prompted a massive emigration of Russian intelligentsia representatives. Although their most frequent destination was France, the second most favoured place where to settle down was Prague. And it was in Prague

where, probably in the early 1920s, a new historical and political system called “Eurasianism” began to form (Voráček 2004). Its supporters emphasize the Asian influence on the evolution of Russian culture and consider it to be significantly undervalued. According to them, the slavophiles did not pay proper attention to influences from the East and greatly overestimated the Western European ones (Voráček 2004).

The proponents of Eurasianism claimed that Russian culture could not be included in any cultural group or cultural zone; therefore they often spoke about a “specific Russian way of development”.

The supporters of Eurasianism also rejected Western culture and critically commented on Western European democracy and parliamentarianism. They insisted on that these features were incompatible with the Russian cultural environment. They asserted that states and nations were not ruled by special human beings or institutions, but by uniting in ideas. Even Bolshevism was judged by them as a phenomenon that stemmed in Europe and was only imported to Russia as the next step of Europeanisation. Additionally, they argued that the “true” Russian culture was incompatible with egoism or individualism, conflicts or vulturisms and that Russian society was peaceful, solidary and homogenous. For these reasons, the supporters of Eurasianism rejected pluralism of political parties.

They assumed the adoption of the principle of indirect (representative) democracy, in which elected representatives would pass laws along with other measures and also elect the head of state. These elected representatives would come from various social backgrounds, ethnic groups and territories, but all of them would defend the interests of the entire society. In exceptional cases, the proponents of this system would agree with a plebiscite. A proposed head of state – “the elder” – should be equipped with broad powers and his election period would last for three years with the possibility of re-election. In Eurasianists’ eyes, he was not supposed to be a leader with dictatorial powers. They basically desired to introduce some form of a strong presidential system in Russia (Voráček 2004).

Even though Eurasianists rejected Western-style liberal democracy, they did not refuse democratic system of government. Democratic principles were accepted and understood as means of expression of the will of Russian people i.e. the Russian idea. Nevertheless, they were firm in their criticism of Western democracy, especially for its mechanical nature, rationality, neglect of spiritual values etc. Eurasianists argued that society should not be built on all sorts of speculations, but on stable spiritual foundations.

The Eurasian movement fell apart in the 1930s, but its principal ideas were restored after the collapse of the USSR. A new stream, called “*novo-Eurasianism*” and shaped by the works of L. Gumilov and A. Dugin, characterizes the current political and ideological thinking of Russian elites. Even the current president, Vladimir Putin

perceives Russia as a separate, distinct culture and stresses that Russia must be strong and needs to develop without experiments based on affairs with liberalism (Hospodářské noviny 2011).

An ongoing clash between Russia and Europe has been around in post-Soviet Russia. Eurasianists are in dispute with Atlantists over the future heading of Russia. This phenomenon represents a strong parallel with the row between slavophiles and Westerners in the 1800s. The Atlantists believe that Russia belongs to the Western civilization and that it was abruptly cut off by the Bolshevik Revolution in 1917. The Atlantists promote Russian integration into European structures, into the institutions of the European Union and into the North Atlantic Alliance. However, their impact has been significantly declining since early 1990s and currently the Atlantists' voice is almost unnoticeable.

2.10 Socialist period

Socialist Russia emphasized the size and power of the state. Russia was supposed to be prepared to face any external enemies. As already mentioned, the theory of Russian messianism was also alive, although it now took a different form. Moreover, the relationship to authorities also remained essentially unchanged. Tsar's position was consequently replaced by Lenin and later by Stalin. Their exposure in mausoleums (Stalin's body only between 1953-1961) also testifies their adoration. Besides, the attitude of ordinary citizens of the state did not change much either – the vast majority of Russian citizens remained passive in relation to the political system and dissociated themselves from specific mechanisms of power or from any efforts to participate actively on civic life etc.

The biggest change was the move away from religiosity and mysticism towards atheism and materialism / technicality. Most of the 79,000 churches existing in 1912 were closed and only 11,000 were left in 1990. The decline in religiosity outside big urban areas was less dramatic as religion remained rather strong in the country and especially in the peripheral parts of Russia. Overall, the decrease in religiosity seems smaller than we might expect after 70 years of official atheism (Švankmajer 2004). The total number of believers rose sharply in all parts of Russia after the collapse of the USSR. We can, therefore, assume that ordinary Russians retained their religiosity during the communist era, even though they did not present it outwardly.

Hence we conclude that the socialist era Russia in fact did not bring any significant change in terms of concepts underpinning Russian culture.

This chapter described the most important concepts and theories having shaped Russian society and having an influence on the adoption of the concept of a democratic form of government. These concepts include in particular the belief that Russia must be strong and great and this for two reasons. First, because a weak Russia would not stand

up in foreign competition and would disappear; and second, to be able to fulfil their missionary role in the history of mankind. The Russian society will therefore be willing to develop a democratic form of government only if the stability and strength of the Russian state is ensured (maintained).

The chapter also highlighted the disunity of Russian society in terms of rural and urban areas and especially in terms of intelligence versus the broad masses. While the broad masses still tend to live in accordance with traditions, in humble and uncritical reverence of the ruling class and in the spirit of Orthodox traditions distrust changing traditional forms of government; intelligence embarks on a debate about the appropriateness or inappropriateness of adopting Western models, and with them the principles of representative democracy. Although the dispute Russia-Europe has been ongoing since the 19th century, the Russian intelligentsia has still not arrived at a consistent view of the relationship with Europe. However, in the last decade, it seems that the predominant view is that of Russia as a unique culture, fundamentally different from that of Western Europe. It follows that most of the intelligentsia and most importantly most of the government officials believe that it would be a mistake for Russia to blindly and uncritically accept European models instead of developing its specific form of government.

3 THE MAIN OBSTACLES TO THE DEVELOPMENT OF DEMOCRACY IN RUSSIA

When examining this question, we must understand that the Russian society is still hugely inconsistent. It is principally divided into two categories: a group of elites and masses of millions of Russians, who stick to the traditions of the Orthodox mysticism and conservatism. Compared to broad masses, the Russian elite is rather open to new, modern ideas and to scientific knowledge and bears the most important reforms in the country. This is in line with the fact that Russian society has almost always been reformed “from top to down”.

Nowadays, the main initiator of the gradual process of liberalization and democratization is the state, as there has been a persisting absence of individual activities and willingness to participate (Holzer 2003).

Russian society has been evolving in an atmosphere of permanent fear of an outside threat, which has resulted in a general belief that Russia, in order to survive, must be strong, large and stable. This idea dominated in Old Russia, as well as in the Tsarist and Soviet Russia and continues to these days. This theory is supported both by the parliamentary elections outcomes in 1993 and 1995 and by popularity and rhetoric of Vladimir Putin. Thus it is obvious that any democratic principles may be accepted in Russia only under the condition that they ensure stability and power for Russia. Historically, this assertion is evidenced by the fact that democratic reforms never occurred until Russia’s international position had been weakened by some political and/or military defeat; for example the abolition of serfdom followed losing the

Crimean War, the October Manifesto was adopted after the defeat in the Russo-Japanese War, and democratization occurred after the collapse of the Eastern bloc.¹⁰ The ability to succeed against foreign enemies and to ensure both the stability and the strength of the country (regardless of the means) became basic elements legitimizing power in Russia. For example, one reason why the Bolshevik Revolution succeeded in 1917 was its leaders' capability to set up an effective organization of the country.

Currently, there is a dominating concern, almost tangible throughout the whole Russian society that the introduction of "too loose liberal democracy" will only lead to chaos, anarchy and ultimately to the disintegration of multi-ethnic Russia. There are many more or less autonomous republics that remain in the federation only due to generous subsidies to their local governments and due to the fear of military intervention if they attempted to gain independence (Trenin 2009). Besides several outlying areas such as Chechnya, Dagestan or South Ossetia, which all have shown their interest to become independent, also the inland Tatarstan has given hints about its possible secession from the Russian Federation (Vojtech 2011). In case of a full adoption of democracy in today's Russia, it is quite likely that all these republics would really separate. In this regard, Vadim Kirpichev (2009) has written about democracy in Russia: "The Russians do acknowledge democracy many positive qualities. Democracy is a tool in the fight for human rights; it allows authoritarian power and gives it a human face, the absence of democratic mechanisms makes peaceful changing of government elites impossible... Democracy is also an instrument of instability and the first step towards the disintegration of multi-ethnic Russia." History itself confirms that all major attempts intending to spread democracy have weakened and reduced Russia (think of e.g. territorial losses after the Brest-Litovsk peace or after the collapse of the USSR).

On the other hand, it is its economic power, not its size that makes any given state strong and powerful in today's globalizing world. Liberal democracy has demonstrated in all parts of the world that it effectively supports economic development and growth (Duedney and Ikenberry 2009). Anyway, an assessment of the impact of democracy on Russian economic stability goes beyond the topic of this study.

Two other important characteristics of Russian culture go hand in hand with a desire for stability and strength. Firstly it is the mistrust and unwillingness to change – an aversion to uncertainty, and secondly, it is the respect for authority, because only a strong centralized state with a strong leader could ensure stability in the multinational Russia. This assertion is deeply supported by the fact that the masses have always sought some democratic reforms only when the economic and political situation

¹⁰ It is not a military defeat, but there has been a speculation about the impact of the Soviet failure in the Afghan War (1979-1989) on the breakup of the Soviet Union, etc.

became extremely difficult, almost unbearable (economic crisis together with war failures in 1917, another economic crisis and finally the collapse of the Eastern bloc in 1989).

Conservativeness, shown by ordinary Russians, is in our opinion firmly linked with religion i.e. with the Orthodox doctrine, which says that any change is potentially dangerous and claims that if we accepted some sort of change, we would betray traditions and leave the “right way” paved by our tradition. The other factor is fear of chaos and instability (or rather of weakness that is a necessary side effect of changes), which is to a certain extent associated with any sort of transition. As a result, basically any change in established traditions is received with distrust and apprehension. However, such fear of change does not constitute a major obstacle for democratic (or other) reforms. As mentioned above, ordinary Russians trust their leaders and their deeds and at the same time fear their anger if they (individually or in larger numbers) should stand up against proposed reforms.

Respect for authority, bordering on total obedience towards the ruling power has been deeply rooted in Russians since the Tatar-Mongol domination. This deference to authority was imposed on ordinary Russians throughout their history up to 1989 (with the exception of a brief period of democracy in 1917). The highest authority in Russia was traditionally the tsar. His cult was later transferred to the communist leaders and then to the current president.

“The main interest has always focused on the leader, not on the party: Lenin, Brezhnev, Gorbachev, even Yeltsin created their own cults” (Murray 1996). The Orthodox church perceived the tsar as a divine, infallible and benevolent ruler. Everything he did was for the sake of his people, even in cases where his actions seemed rather harmful to his own folk.

The current president of Russia does not function only as a head of state, but he is also a symbol of the state and its future (Holzer 2003). This perception makes it impossible to define the contemporary Russian politics as activist and participatory. The executors of political mechanisms are not oriented towards autonomous and creative processes, but rather follow orders from “the top”. Public criticism towards the government and presidential decisions almost does not exist (or is truly rare). As confirmed by practice, the time before and during elections is almost the only time when any sort of activation of Russian political life can be witnessed. A major role is played by the already mentioned deference to authorities, together with a big fear of retaliation – including physical liquidation.

Another reason why the Russians express only limited dissatisfaction even when they strongly disagree with the actions of the ruling elite is a greater tolerance of inequality in the Russian society in general, including power distribution. Their fatalism, associated with a conviction that an ordinary citizen cannot change anything is another factor, and such passive approach apparently enables toleration of higher

levels of corruption and paternalism. Taking all these characteristics into account, it is basically confirmed that slavophiles were correct in asserting that the Russian society is a non-state one, has no political ambitions and renders power to elites.

Russian collectivism, along with the fear of “stepping out of the line”, remain live factors in Russia’s political life. Overall Russian thinking continues to be very collective and the Russians are still trying to maintain some sort of harmony in the society. Together with the previously mentioned predominance of mysticism over rationality in Russian thinking, the opinion of voters towards political parties is based rather on a very subjective and emotional perception than on parties’ programmes and ideology. This explains why Russian political parties mainly focus on creating their own image and manipulating the public instead of their actual political activities.

Ronald Inglehart, an American political scientist and sociologist, has published his research outcomes, which show that Russian society has recently been gaining a bit more individualistic characteristics (Inglehart and Welzer 2010). Such increase in individuality not only brings greater emphasis on rationality in voters’ decision process, but also makes them less prone to manipulation. On the other hand, the research also shows that this individualism is not followed by an increase in the willingness to actively participate in government.

When judging Russian willingness to accept the Western European model of liberal democracy, we must take into account that since about the 1850s, the identity of the Russian nation has been formed on the basis of comparison (or rather confrontation) with the West.

Despite the belief of some sociologists, political scientists and philosophers that Russia is actually only a mirror image of European culture (“Russia is what Europe already was”), most current scientists share the opinion that Russia is a very specific culture – a blend between the East and the West – differing fundamentally from both of them.

Additionally, the concept of an exceptional Russian role in the human history is still alive. The Russians see themselves as a truly sovereign nation that, unlike the West, preserves its purity and high morality. It stands to reason that a society, which perceives itself as fundamentally different from the Western European culture, may agree with adopting the Western models (including democracy), but only upon their critical assessment and adjustment to the specifics of the Russian environment. This argument could be used as an excuse for almost any imperfection of Russian democracy, and as a reason for ignoring any criticism coming from the Western.

Overall, from the cultural point of view, Russian society remains a society with an authoritarian form of government. During its brief historical experience with democracy (or better said quasi-democracy), this society did not learn how to use the opportunities and the rights democracy offers (e.g. the possibility of exchanging elites,

etc.). The same can be said about general participation in government, as it also remains marginal to these days.

However, some signs of increase in individualism and inclination towards rationalism may be noticed lately, suggesting that Russian society has embarked on a journey towards liberal democracy. It seems, though, that the journey ahead of them is still very long.

We believe that if free liberal democracy were to be implemented in Russia today, given today's circumstances and today's society, the very same people would likely be elected to rule the country. The reasons for this are: insufficient activation and participation of ordinary Russians in public affairs, their tendency to judge a given political party emotionally rather than rationally, and last but not least, their innate admiration for power. We believe that the new government would, in particular due to their close connections with the president and his cabinet, again adopt the current form of quasi-democracy, without being challenged and without any loud protests (except for a small group of intelligentsia).

Theoretically, there is, of course, also a second (so-called "crisis") scenario. Sadly, this version does not seem completely out of question. The indicated scenario assumes that extremist parties would gain power through widespread corruption and connections with the Russian mafia. Their potential victory would probably mean a complete end of democracy and a return into the state of lack of freedom.

In conclusion of this chapter, in relation to the established hypothesis, we can summarize that we have pointed out that the Russian cultural environment compounds many obstacles to the evolution of democracy in the country. Nevertheless, none of these obstacles (hardly any criticism towards authorities, requirements on stability and strength of Russia, low rate of participation in public affairs etc.) form an insurmountable obstacle to the development of democracy in Russia. As mentioned above, recent studies by Professor Roland Inglehart include concrete indications that Russian society has already embarked on the path to "true, real" democracy.

4 INTERPRETATION OF HISTORY AS A FACTOR INFLUENCING THE DEVELOPMENT OF DEMOCRACY IN THE COUNTRY

Looking back at Russian history, there is no doubt that Russian experience with democracy is extremely short. Unfortunately, any attempt to implement this principle has resulted in quite significant, even tragic loss for the Russian society. However, the issue of examining Russian history and its influence on the evolution of democracy in the country goes beyond that. This part of the paper will try to confirm or refute the second of the established hypotheses.

As already mentioned, the experience of the Russian society with having a democratic form of government is very limited – eight months in 1917 and then from

1989 to the present. In none of the two periods has liberal democracy fully developed, though. Practically, Russian society has never experienced true democracy.

In Russia, first attempts at some sort of democratic reforms occurred in early 19th century. These reform efforts were mostly associated with weakening of the tsar's position, mainly due to defeat at wars. The economic crisis and failures in the World War I both led to the activation of ordinary Russians and resulted in the overthrow of tsarism and significantly contributed to the first steps towards democracy. However, before democracy could really develop, power was taken over by the Bolsheviks. The main reasons which are considered to have led to the failure of the Provisional government in October 1917 include continuing participation in the World War I, failure to execute land reform and (from the perspective of this paper the most important cause) the fact that vast layers of population were not ready to embrace the idea of a democratic form of government. Instead of articulating their interests, the ordinary Russians succumbed to the Bolshevik agitation and did not protest against the coup. Tragically, this "democratic intermezzo" in Russia launched a civil war, which claimed about 9 million victims.

A second chance for Russian democracy came in 1985. Mikhail Gorbachev believed that the socialist system in Russia (or rather in the Soviet Union) can be reformed and democratized. He was wrong. The regime eventually collapsed, and the totalitarian socialist system, the Soviet Union and the entire Eastern bloc had the same fate. Thus, in the early 1990s, Russia entered into a democratic reform process, but it had to pay a very high price in the form of huge territorial losses. Additionally, Gorbachev's and Yeltsin's reforms brought about a number of side-effects such as significant decline in living standards, increase in overall crime and corruption, decrease in industrial production, budget deficits, enormous increase in foreign debt, deepening chasm between the rich and the poor etc... Strong depression among the population resulted in increased mortality and a growing suicide rate. On the other hand, supply of goods in cities improved considerably – almost everything was available (including luxurious Western brands, albeit for exorbitant prices). A new social class of profiteers (or "nouveau riche") emerged in the 1990s. Its members were often closely linked with the mafia. Murders of journalists, politicians, bankers and businessmen became commonplace (Švankmajer 2004).

Vladimir Putin managed to stabilize this dismal situation after the year 2000, but at the cost of a significant limitation of democracy in Russia. In 2000, Putin took over the legacy that was more like a white elephant. The threat of disintegration of the Russian Federation was very acute, accompanied by proliferated terrorist attacks. Local governors were out of hand and tax collection problems were mounting (Đuriš 2009). Putin's major objective was to restore federal and state power. Meanwhile he declared war on the so called "oligarchs". His struggle to consolidate state power, curb the overall chaos and stabilize the economy, however, also resulted in a limitation of

democracy. For example, the number of state posts (especially at the level of governorates) filled by popular vote (elections) was trimmed and some important independent media were totally destroyed. According to American non-governmental organisation Freedom House, since 1999 the level of democracy in Russia has been steadily declining.¹¹ Nowadays, many Western and Russian analysts often use the term “managed democracy in Russia” or “Putinism” to characterize the ideology practiced by Vladimir Putin. One of the factors by which the success of “Putinism” is going to be measured, will be Putin’s success in Ukraine (Zakaria 2014).

On one side, we can probably claim that history is one of several factors that shape any given society’s culture. Seen from the other side, history forms a sort of base, which we use to interpret our presence and decide on our future. History, as a factor that models our culture, is more or less independent of interpretation. But if we use history as a means of assessing the present and our decisions on future developments, we usually refer to the most recent events, i.e. to such events that are still alive in our memories and in narration of those around us. In this case, however, the interpretation of historical events does matter, because when it comes to historical moments “every cloud has a silver lining” and thus almost any event can be interpreted from different points of view, i.e. as a loss or as a victory. The willingness of a nation to adopt or foster democratic reforms is not based only on actual historical events, but also on the selection of events (which are used as a reference sample) and on the interpretation of such selected events.

In today’s Russia, we still encounter the problem of political censorship concerning the interpretation of history. Former President Dmitry Medvedev established a commission in May 2009, whose task was to combat all possible attempts at falsifying Russian past leading to harming Russian interests abroad or to reducing its international prestige. Given that this committee reports directly to the presidential office and its activity is personally supervised by the Minister of Culture, it is quite obvious that its tasks are of a political rather than a professional or scientific nature.

An innovative idea how to support patriotism and pride in Russian history (especially among the young generation) is being promoted by the Russian government – it is to be done by distributing video games. According to reliable estimates by Russian experts, around 40 million Russian children and teenagers play video games. As reported by the newspaper *Izvestia* on October 5th 2013, the Russian Ministry of Culture announced a public tender for the creation of new Russian video games that would further promote the glory of Russian weapons and spread the Russian concept of the “historical truth”. Simultaneously, this office’s ambition is to censor foreign production, which is available on the Russian market. The very first video game ordered focuses on the birth of the Russian air force during the World War I. This

¹¹ See www.freedomhouse.org.

game is intended to compete with Western products, which, according to the Russian Ministry of Culture often distort history and discredit the Russian armed forces. Izvestia also reported that the Russian government disapproves of the fact that in many Western video games, the Red Army soldiers are portrayed as bloodthirsty beasts, who slay peaceful civilians with flamethrowers. Russian programmers are supposed to create new videogames, which would teach Russian children to perceive history in the spirit of patriotism and Russian national values.

In May 2014, the Russian President Vladimir Putin signed a new act, which aims at punishing anyone, who should question the merits of the Soviet Union in the defeat of the German Wehrmacht. This act raises concern among Russian liberal circles concerning potential strengthening of censorship, restrictions of freedom of speech, and possible criminalization of Russian historical science and unofficial views on war events. Refusing facts proven by the Nuremberg Tribunal and dissemination of deliberately false information about Soviet wartime history can be punished by up to five years in prison and by a fine of up to half a million rubles. The law punishes disrespecting the state-approved version of the course and the results of the war, as well as spreading of “disrespectful” information regarding war anniversaries and accompanying events. According to renowned lawyers and critics, this act will make it possible to prosecute anyone, who e.g. shows disapproval of the organization of the May military parade commemorating the anniversary of the war on the Red Square in Moscow, etc. Expert community (composed of historians and sociologists) fears that actually any alternative view on modern history may be criminalized, along with prospective publications dealing with newly discovered evidence. According to the opposition and to renowned scientific circles, this law has merely one goal: “to shut up journalists, and also historians and writers” and thus make any criticism (e.g. towards dictator Joseph Stalin, who ruled the Soviet Union during the war) virtually impossible.

Another way how the Russian government controls the interpretation of history is limiting access to the archives. For instance former KGB archives are still under the control of the Russian intelligence services (direct successors of the KGB).

The Russian government has also other means of influencing the interpretation of history (and not only the Russian one). Teaching history in schools of all levels is considered to represent one of the most important and effective ways. The textbooks used are all edited by a political centre (Miller 2010).

Vadim Kirpichev (2009) concludes in his book that in Russia democracy in the true sense of the word is impossible, because it would almost certainly lead to an inadvertent collapse of the Russian Empire. Kirpichev sees Russian historical development cycle “empire – Old Russia – democracy” as a life-cycle, i.e. “youth – old age – death”. He sees the period of “the empire” as the time of modernization, reforms, economic growth, ethnic balance and peace, authoritarianism and dynamics of

development. The “Old Russia” era on the other hand, is associated with protectionism, conservatism, patriotism and Russian nationalism. In turn, the advent of democracy means disintegration, chaos, and the beginning of a new cycle.

According to Kirpichev, the very first historical cycle began with Ivan the Terrible (1530-1584) consolidating the power of the Moscow principality and beginning the so-called “collecting of the Russian lands”. The golden age of the first “empire” came during the era of Peter I. (1672-1725) while the golden age of the second historical cycle, after the Civil War 1917-1920, is attributed to the period of Vladimir Lenin. It should, however, be stated that modernization, associated with the golden age of the “empire,” was usually performed by non-Russian methods (mainly by applying Western European mechanisms) i.e. methods clashing with traditional Russian values. This applies to both cycles (Kirpichev 2009).

The period of the “Old Russia” is associated with Alexander III. (1845-1894) and in the second cycle with L. Brezhnev. This period is characteristic by the renewal of “Russification” of the empire, i. e. the renewal of Russian traditions. However, it brought along a slowdown in growth and an increasing obsolescence of the country. Finally came the era of Nicholas II (with M. S. Gorbachev in the second cycle) and two main “gravediggers” of the Russian state have come on the scene: democracy and nationalism. Kirpichev accepts democracy as a well-functioning instrument for European countries. However, in a multinational Russia, democracy only leads to chaos and decay, because it releases the hands of nationalism and separatism. Hence democracy is perceived as a painful means that enables both destroying obsolete Russia and beginning a new, non-Russian, modernization. Overall, Vadim Kirpichev (2009) comes to the conclusion that given its current ideologies and philosophies Russia can only exist as a quasi-democratic state. Only if the government manages to maintain a balance between democracy and nationalism will Russia be safe and able to thrive.

Kirpichev further points out that after each cycle, Russia was “reborn” within much shorter borders. At the end of the first cycle, the empire lost Poland and Finland, at the end of the second cycle, Russia (the Soviet Union) lost all Soviet republics and its actual area decreased by almost 30 % in the early 1990s. What losses lie ahead for Russia at the end of the third cycle remains to be seen.

Despite being very simplistic, this theory reflects the opinion of a considerable part of the Russian population – i.e. democracy should be handled carefully and shouldn't be “overdone”. Nevertheless, it would be wrong to say that their historical experience has led to a denigration of the concept of “democracy” itself in the eyes of Russians. They do perceive the advantages of a democratic form of government, but agree with the official doctrine, i.e. democratic reforms should be introduced slowly and gradually. Besides, it is necessary to “adapt” democracy to the specific Russian environment to avoid significant social upheaval resulting in chaos and instability.

A survey conducted in 2009 by Levada, a respected Russian agency, showed that only 57 % of Russians considered democracy to be a suitable form of government, beneficial to the country in general. Conversely, a full 26 % of those polled think that democracy simply does not fit Russia at all. A full 95 % of respondents said they have negligible or literally no influence on what is happening in the country. The poll agency Levada interviewed 1,600 adults from different parts of Russia, of a different age structure, with different education, women and men, etc. Although most of these respondents do believe in democracy, they think that there is essentially no chance for democracy to succeed in Russian conditions. 60 % of the respondents said that it would be better for the country if the president also controlled the Parliament and the juridical system as well. 43 % of Russians frankly admitted that countries such as Russia need a strong leader armed with “an iron fist”. Moreover, looking back at the Soviet past also brings an interesting finding – more than a quarter of all respondents said that they had been far better-off during the era of the Soviet Union.¹²

5 CONCLUSION

This paper has confirmed that the Russian cultural paradigm introduces many obstacles to the development of democracy in Russia. Conservatism, respect and obedience to government elites still dominate in the Russian society. All these factors have resulted in a low level of mobilization and public participation in the political scene. Thus, if the government opted for democracy, apparently no one would oppose such an idea, but the problem would be to maintain it. Russians are used to being assigned tasks and to fulfilling them; they generally prefer to leave making decisions to their superiors. Therefore, the installation of a democratic form of government would most likely lead back to authoritarianism.

Another characteristic feature of the Russian society is its continuing emphasis on maintaining the power, unity and stability of Russia, which automatically favours authoritarian forms of government (especially in multi-ethnic conditions, typical for Russia). Moreover, the Russian idea of its exceptional mission and overall specificity of its culture in the world still plays an important role. The Russians, confined to the idea of their own uniqueness, feel that the Western model of liberal democracy cannot be automatically implemented in the Russian environment, and that such potential implementation would require quite extensive adaptation to the specificities of Russian culture.

Historical experience confirms ordinary Russians in their conviction that democracy should be approached cautiously and should be installed rather slowly and gradually to avoid painful societal turmoil. Nevertheless, analyses and surveys do not confirm an overall negative opinion on democracy and do not suggest that the entire

¹² See www.levada.ru.

Russian society would be in a resolute opposition to a democratic form of government. Quite on the contrary, the Russians (especially the younger generation and intelligentsia) perceive advantages of democratic forms of government, and they tend to believe that democracy in Russia should be further developed.

The author is convinced that none of the obstacles identified above constitutes an insurmountable obstacle to building democracy in the country. In today's Russia, there are indications that the growth of individualism and rationalism in Russian society is progressively, albeit slowly, building a civil society as one of the basic prerequisites for the development of democracy. The author hopes to spark an expert discussion on this topic.

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IMIGRANTI A FRANCÚZSKA SPOLOČNOSŤ: PRÍPAD ALŽÍRČANOV A MAROČANOV

IMMIGRANTS AND THE FRENCH SOCIETY: THE CASE OF ALGERIANS AND MOROCCANS

*Ivana Vyslúžilová*¹

V súčasnom období iba niekoľko tém podnietilo takú odozvu vo verejnej diskusii a oficiálnych činoch ako medzinárodná migrácia. Intenzívny výskum sa vykonáva najmä v oblasti sociálnych, ekonomických a politických vplyvov imigrácie do hostiteľských krajín. Cieľom tohto článku je prispieť k smerovaniu tohto výskumu a analyzovať percepciu migračných tendencií vo francúzskej spoločnosti. Obsah štúdie zahŕňa analýzu imigrantov z afrického priestoru, najmä Alžírsk a Maroka, ktorí majú najväčšie zastúpenie medzi imigrantmi vo Francúzsku.

Kľúčové slová: imigrácia, Alžírčania, Maročania, francúzska spoločnosť, Francúzsko.

Few subjects in recent decades have aroused more public debate and official action than international migration. Particularly intensive research has been carried out in the fields of social, economic, and political impacts of immigration on host countries. The aim of this paper is to contribute to this stream of research and analyze the perception of migration tendencies in the French society. The scope of the present study includes the analysis of immigrants from Africa, especially from Algeria and Morocco which constitute the largest share of immigrants in France.

Key words: immigration, Algerians, Moroccans, French society, France.

JEL: J11, J15

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Autorka je internou doktorandkou na Prírodovedeckej fakulte Univerzity Komenského v Bratislave. Vo svojej dizertačnej práci sa venuje mestským aglomeráciám a mestským regiónom v európskom kontexte s osobitným zameraním na Francúzsko. Autorka sa dlhodobo venuje problematike kultúry a cestovného ruchu vo Francúzsku. V roku 2013 absolvovala stáž na Université de Paris – Sorbonne.

1 Úvod

Migrácia obyvateľstva predstavuje dlhodobý proces s rozlične sa meniacimi migračnými tokmi v priestore. Tento proces čoraz väčší ovplyvňujú globálne tendencie pri smerovaní súčasného sveta, kde sa obyvateľstvo stáva čoraz urbanizovanejším. Klesá podiel vidieckeho obyvateľstva, ktoré si hľadá možnosti ako sa presunúť do viac urbanizovaných oblastí. Podľa Manninga (2013) sa za posledných päťdesiat rokov podiel mestského obyvateľstva celosvetovo zvýšil z jednej pätiny na viac ako polovicu.

Medzinárodná migrácia predstavuje druh priestorovej mobility obyvateľstva. Medzinárodná organizácia pre migráciu (IOM) ju definuje ako „*pohyb osôb, ktoré opúšťajú krajinu pôvodu s cieľom usadiť sa definitívne alebo prechodne na inom mieste*“ (IOM 2004, s. 33). Dochádza tak k prekračovaniu medzinárodnej hranice. Velasco-Graciet a Bouquet (2006, s. 9) pri zovšeobecňovaní v oblasti humánných a sociálnych vied definujú *národnú hranicu* ako „sociálne determinovaný priestor, územné vyjadrenie suverenity, moci, občianstva, zložený z dokonale integrovaných účastníkov vzhľadom na normy národnej ideológie označujúcej túto oblasť ako územné obsiahnutie národnej identity“.

Vo Francúzsku je detailne vypracovaná terminológia, ktorá sa používa v oblasti migrácie. Národný úrad pre štatistiku a ekonomické vedy (INSEE) preberá definíciu podľa Vysokej rady pre integráciu (HCI), kde *imigrant* je osoba narodená cudzincom v zahraničí a žijúca vo Francúzsku. Osoby narodené francúzskym občanom v zahraničí sa teda medzi imigrantov nezahŕňajú. Naopak, určití imigranti sa môžu stať francúzskymi občanmi, ostatní zostávajú cudzincami. Cudzinci a imigranti sa nedajú úplne stotožniť. Cudzinci, ktorí žijú vo Francúzsku a nemajú francúzsku štátnu príslušnosť, sú držiteľmi inej štátnej príslušnosti. Do tejto skupiny patria aj osoby bez štátnej príslušnosti. Osoby s dvojakým občianstvom sa vo Francúzsku považujú za Francúzov (INSEE 2014b). Cudzinec nemusí byť všeobecne identifikovaný ako imigrant.

Dôvody imigrantov na opustenie domácej krajiny sa môžu líšiť: napr. ozbrojený konflikt, politické, environmentálne, ekonomické a iné dôvody. Spoločným znakom imigrantov je snaha o zvýšenie svojej životnej úrovne. Imigrant prekračujúci medzinárodné hranice sa prisťahuje do určitej územnej jednotky s viacerými očakávaniami. Francúzsko sa snaží znížiť predsudky spoločnosti k imigrantom a zvýšiť ich životnú úroveň.

Cieľom článku je poukázať na aktuálnosť témy medzinárodnej migrácie a jej účinkov na imigrantov v cieľovej krajine. Významný je tiež pohľad francúzskej spoločnosti na migračné tendencie v krajine. Vytvorenie tolerantného priestoru z oboch strán môže prispieť k lepšej spolupráci a uplatneniu ľudských práv pre cudzincov na novom území.

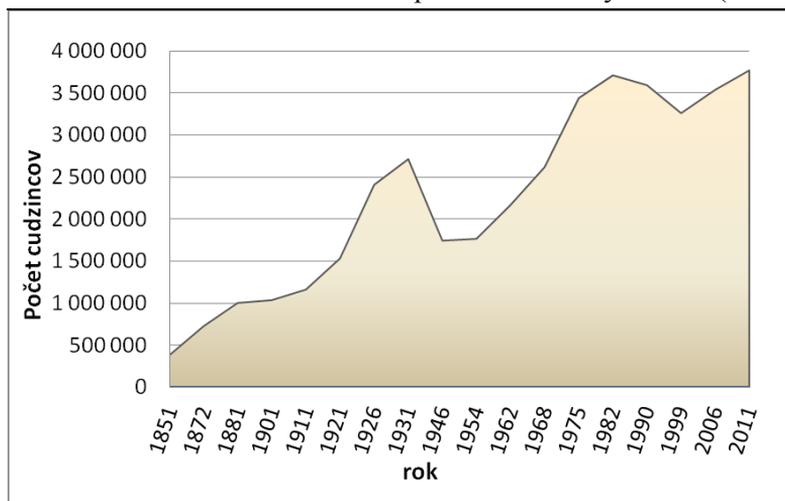
2 FRANCÚZSKO AKO CIEĽ IMIGRANTOV

Imigrácia vo Francúzsku nie je novodobý fenomén. Aby sme lepšie pochopili dôsledky imigrácie, treba skúmať jej počiatky a následne jej priebeh v rámci histórie.

Dá sa povedať, že Francúzsko sa stalo imigračnou krajinou v 19. storočí. Počet ciest, ktoré viedli do Francúzska, sa znásobil a evolúcia postupovala nárazovo. Už v koloniálnom období boli zaznamenané odchody Severoafričanov do Francúzska. Počas druhej francúzskej koloniálnej ríše došlo v roku 1830 k invázii do Alžírska. Touto vojenskou udalosťou sa rozšírilo francúzske impérium. S príchodom prvých európskych politických vyhnancov do Francúzska (Poliaci, Taliani, Španieli a Nemci) je spätý aj rok 1830. Ďalšia fáza súvisela s ekonomickými dôvodmi. Imigranti prichádzali do Francúzska najmä kvôli lepšiemu zárobku.

V roku 1851 bol počas sčítania obyvateľstva prvýkrát zaznamenaný vysoký počet cudzincov. Prvú, väčšiu skupinu s celkovým počtom pol milióna osôb, v roku 1880 tvorili Belgičania. Hranica milióna osôb v počte cudzincov bola dosiahnutá v roku 1881 (graf 1). Imigranti prichádzali najmä zo susedných krajín (Belgicka, Anglicka, Nemecka, Švajčiarska, Talianska a Španielska). Okrem nich sa do Francúzska presúvali aj imigranti z Ruska (vrátane jeho poľskej časti), perzekvovaní Židia, politickí odporcovia, vedci a umelci.

Graf 1: Počet cudzincov vo Francúzsku počas sčítaní obyvateľov (1851-2011)



Prameň: Musée de l'histoire de l'immigration (2014), INSEE (2014a).

Priemyselná revolúcia po Anglicku ovplyvnila aj hospodárstvo vo Francúzsku. Industrializácia priniesla nové výrobné postupy a moderné stroje. Významnou rodinou pochádzajúcou z Veľkej Británie, ktorá imigrovala do Francúzska, boli Waddingtonovci. William Henry Waddington sa významne angažoval v politickom dianí a dosiahol tiež post ministerského predsedu Francúzskej republiky. Početnú

skupinu cudzincov vo Francúzsku tvorili Židia. Tí sa presúvali z Ruska nielen do Ameriky, ale aj do Francúzska. Prechádzali cez celú Európu bez pasu, ako všetci imigranti pred rokom 1914. V predvečer prvej svetovej vojny ich bolo v Paríži viac ako 20 000.

Do Francúzska smerovala tiež veľká vlna poľských imigrantov. Známymi imigrantmi poľského pôvodu boli napríklad básnik Adam Mickiewicz a hudobný skladateľ Fryderyk Chopin. Ďalšiu skupinu cudzincov vo Francúzsku tvorili Taliani. Tí sa dlhodobo udržiavali v rebríčku imigrantov na prvom mieste. Talianska populácia sa sústreďovala najmä v stredomorských regiónoch, čiastočne aj v regióne Lorraine.

Nasledujúce obdobie charakterizuje nábor zahraničnej pracovnej sily do súkromných spoločností, na vlastníctve ktorých sa podieľal štát. Boli podpísané zmluvy s vládami krajín, ako napríklad Poľsko, Taliansko a Československo. Francúzsko sa stalo hlavnou cieľovou krajinou pre politických exulantov (Arméni, ktorí unikli tureckej genocíde, talianski antifašisti, Rusi prenasledovaní boľševickým zriadením alebo nemeckí antinacisti). Mnohí z nich našli útočisko práve vo Francúzsku. Pred prvou svetovou vojnou bola vo Francúzsku zaznamenaná nová vlna talianskych imigrantov. V roku 1914 bolo vo Francúzsku 420 000 Talianov a ich počet sa zvyšoval vďaka imigračnej dohode podpísanej s Rímom. Imigranti vo Francúzsku ľahšie získavali prácu a potrebné dokumenty.

Počas prvej svetovej vojny bolo umožnené získať zamestnanie vo Francúzsku aj pre geograficky vzdialených Číňanov. Do Francúzska sa dostalo 140 000 Číňanov, z toho 100 000 do armády a 40 000 do francúzskych tovární. Prvá svetová vojna spustila aj nábor nových pracovníkov a vojakov zo severnej Afriky. V dvadsiatych rokoch sa rozšírila imigrácia Alžírčanov (najmä Kabýľčanov).

V roku 1931 cudzinci v počte takmer 3 milióny osôb (podľa sčítania) predstavovali 7 % z celkovej populácie Francúzska, čo je rozmer, ktorý nebol dovtedy prekročený. Národnostná skladba cudzincov bola rôznorodá (viac ako 800 000 Talianov, 36 000 Arménov a 500 000 Poliakov, ktorí boli rozmiestnení v 86 francúzskych departmentoch, spomedzi nich približne 50 000 Židov). Cudzinci sa do Francúzska dostávali rôznymi spôsobmi často bez pracovnej zmluvy, predovšetkým cez Štrasburg, Metz, Nancy a Paríž. Vznik viacerých utečeneckých vln do Francúzska vyprovokovala španielska vojna (prvá v roku 1937 a posledná v roku 1939). V období 1940-1944 došlo vzhľadom na okupáciu k útlmu prisťahovalectva.

Po vojne, v roku 1946, bol v sčítaní obyvateľov zaznamenaný výrazný pokles podielu cudzincov. Dôvodom bol návrat do krajín pôvodu a naturalizácia. Začal sa nový cyklus imigračných vln stimulovaný potrebou zlepšiť francúzsku ekonomiku. V kontexte studenej vojny nachádzali azyl vo Francúzsku aj utečenci prichádzajúci buď z komunistických krajín, alebo zo štátov s vojenskou diktatúrou. Títo noví imigranti vstupovali do Francúzska za rôznych podmienok: niektorí boli v krajine

prijatí legálne, naopak pobyt iných bol nezákonný (Musée de l'histoire de l'immigration 2014).

V roku 1946 žilo vo Francúzsku 38,3 milióna Francúzov (Le Bras 1991), počet cudzincov vtedy dosahoval 1,7 milióna. Počas nasledujúcich takmer tridsiatich rokov sa zdvojnásobil na 3,4 milióna osôb. V roku 1946 Francúzsko podpísalo novú zmluvu s Rímom. Vojnou zničené krajiny sa začali obnovovať a vo Francúzsku boli obnovené väzby s Poliakmi a Španielmi. Napriek naturalizáciám sa počet Talianov stále zvyšoval. Znovuotvorenie hraníc v Pyrenejách na začiatku päťdesiatych rokov dovolilo Španielom prichádzať do Francúzska. Alžírčania už dlhšie ťažili z voľného pohybu osôb cez hranice. Podľa sčítania v roku 1954 bolo vo Francúzsku 211 000 moslimov z Alžírsku.

V roku 1956 ovplyvnili strednú Európu dve udalosti: maďarská a poľská októbrová revolúcia. Štvrtého novembra 1956 vstúpili do Budapešti sovietske vojská. Do exilu odišlo celkovo 200 000 maďarských odporcov, z toho 10 000 prišlo do Francúzska so statusom utečenca vydaným francúzskym Úradom na ochranu utečencov a osôb bez štátnej príslušnosti (OFPRA). Koncom päťdesiatych rokov sa stalo Francúzsko privilegovanou destináciou pre Portugalcov. Počas rokov 1960-1970 sa udiali vojenské prevraty vo viacerých štátoch Južnej Ameriky. Odporcovia vojenských režimov z Brazílie, Argentíny, Uruguaja a najmä z Čile prichádzali do Francúzska, kde získali štatút politického utečenca a pomoc z humanitárnych organizácií. V roku 1961 bolo vďaka zmluve medzi francúzskou a španielskou vládou umožnené Španielom vstúpiť do krajiny už pri získaní pracovnej zmluvy. Ostatní prišli ako turisti, ktorí legalizovali svoj pobyt ihneď po nájdení zamestnania.

Imigranti zo subsaharskej Afriky zo šesťdesiatych rokoch nemajú žiadnu priamu súvislosť s kedysi najatými vojakmi do koloniálnych vojsk. V roku 1962 v čase dosiahnutia nezávislosti bolo vo Francúzsku 350 000 Alžírčanov. Migračný prúd Severoafričanov od polovice šesťdesiatych rokov silnel aj vďaka nárastu imigrácie z Maroka a Tuniska. V roku 1975 bolo vo Francúzsku 710 000 alžírskych imigrantov, ktorí tak vytvorili druhú najpočetnejšiu skupinu cudzincov po Portugalcoch, ktorých počet vtedy dosahoval až 750 000 osôb.

Od polovice sedemdesiatych rokov sa migračné toky smerujúce do Francúzska znížili. Vo Francúzsku sa mohli usadiť iba cudzinci z dôvodu zlúčenia rodiny a žiadatelia o azyl s udeleným štatútom utečenca. Ekonomické a politické problémy subsaharskej Afriky v rokoch 1980-1990 vyprodukovali množstvo žiadateľov o politický azyl. Pôvodná oblasť zdrojov týchto tokov sa rozširuje aj na krajiny, ktoré nemajú koloniálne väzby s Francúzskom ako napríklad Zair, Ghana, Kapverdy, ale ktoré zažili dezintegráciu miestnej moci alebo násilie občianskych vojen.

Vzhľadom na transformáciu trhu práce a dlhodobu prítomnú štrukturálnu nezamestnanosť je nový masový prílev imigrantov málo pravdepodobný, ale starnutie populácie a potreba pracovných síl v určitých odvetviach, ako napríklad v stavebníctve

alebo hotelierstve, vytvárajú tlak na verejnú moc prijímať pracovníkov aj zo zahraničia. V roku 2001 Európa prijala 1,2 milióna imigrantov, čo predstavuje spolu viac imigrantov ako v Spojených štátoch amerických a Kanade (Musée de l'histoire de l'immigration 2014). Súčasnú Francúzsko vytvára priestor na možné riešenie migračnej politiky vďaka viacerým opatreniam. Na reguláciu migrácie využíva nielen rôzne politické opatrenia, ale tiež právne nástroje. Dynamika potrieb riešenia problémov pomocou regulačných nástrojov sa odlišuje aj v rámci priestoru, kde je viac zaťažovaný mestský priestor.

3 PREFEROVANIE MESTSKÉHO PRIESTORU U IMIGRANTOV

Francúzsko patrí medzi európske krajiny nielen s najlepšou demografickou situáciou, ale aj so silnými regionálnymi rozdielmi. Hlavným prejavom demografických disparít je vnútorná migrácia, ktorá spôsobuje regionálne rozdiely najmä v rámci vidieckeho priestoru, zatiaľ čo z medzinárodnej migrácie ťažia metropoly. Podotýkame, že podľa Bretagnolleovej a kol. (2011) pojem *metropola* ešte nie je celkom jasne definovaný.

Ekonomika afrických krajín sa postupne rozvíja, ale nedosahuje také výsledky, aby mohli konkurovať vyspelejším štátom vo svete. Rozvoj ekonomiky brzdia viaceré neutíchajúce konflikty, ako aj nízka úroveň niektorých odvetví, akými sú napríklad zdravotníctvo a školstvo. Napriek tomu sa však dajú nájsť aj krajiny, v ktorých ekonomický rozvoj napreduje a oživenie geopolitiky nabera na význame. Rozdiely medzi krajinami afrického kontinentu sú badateľné nielen v oblasti ekonomického rozvoja, ale aj v oblasti demografie. Z hľadiska hustoty zaľudnenia obyvateľstva sa štáty Afriky zdajú riedko osídlené. Ale treba vziať do úvahy ekonomickú zaostalosť a chudobu Afričanov. Mestský priestor ponúka oveľa väčšie možnosti prežitia pre ľudí, ktorí trpia chudobou a ktorí sú nútení opustiť svoje domovy. Mestský priestor je pre imigrantov atraktívnejší ako vidiecky. Napriek tomu mnohé mestá nemajú postačujúcu infraštruktúru a nemôžu pokryť základné potreby ani len domáceho obyvateľstva. Migrujúce osoby s vidinou lepšieho života sú ochotné vystaviť sa životnému riziku a natrvalo odísť zo svojich domovov, využívajúc aj nelegálny spôsob migrácie. Ich najľahšie dosiahnuteľným cieľom býva, aj napriek mnohým nebezpečenstvám, práve Európa.

Sťahovanie obyvateľstva z vidieka do miest spolu so sociálnymi dôsledkami nie je len súčasným javom. Tento trend sa prejavil najmä od roku 1950. Manning (2013, s. 84) „vidí prepojenie miest s viacerými typmi migrácie od migrácie z vidieckych do mestských oblastí, presunu elít a umelcov v rámci miest, vplyvu produkcie z vidieka na mestské územia až po zmeny vo vidieckych územiach vzhľadom na rozvoj v mestských centrách“. Výskum migrácie môže priniesť nielen pozitívny pohľad na získavanie výhod z migrácie do rozvinutejších krajín, ale aj negatívny pohľad na možné riziká spojené s migráciou. Kostlán (2014) vyvracia

neprimerané vnímanie migrácie ako hrozby bezpečnosti národného štátu. Problémy spojené s migráciou je potrebné riešiť na všetkých úrovniach, pretože sa prehlbujú sociálne a ekonomické rozdiely medzi mestským a vidieckym priestorom. Pomoc pre osoby v núdzi sa snaží riešiť viacero organizácií. Významnou humanitárnou organizáciou, ktorá vznikla po druhej svetovej vojne, je napríklad Úrad Vysokého komisára OSN pre utečencov (UNHCR). V súčasnosti má agentúra zastúpenie vo viac ako 120 krajinách sveta. UNHCR bola dvakrát ocenená Nobelovou cenou za mier. Podľa UNHCR (2014) žije v súčasnosti viac ako polovica utečencov v mestských oblastiach a zvyšok v stanových táboroch vo vidieckych oblastiach. Predpokladáme, že v budúcnosti sa bude snažiť čoraz viac osôb žiť v mestách. Migrujúce osoby opúšťajúce svoju krajinu, či už v mestách alebo na vidieku, majú rovnaké ľudské práva a hostujúca krajina má povinnosť ich chrániť a rešpektovať.

4 SOCIÁLNY PRIESTOR Z POHEADU FRANCÚZSKEJ SPOLOČNOSTI

Francúzsko po Veľkej Británii patrí medzi európske krajiny s najvyšším počtom udelených občianstiev. V priebehu histórie udeľovanie občianstva vo Francúzsku prechádzalo viacerými zmenami. Zásadným krokom v histórii imigračnej kontroly vo Francúzsku bolo zavedenie preukazu totožnosti pre cudzinca (vyhláška z apríla 1917). Zároveň to bol v Európe prvý pokus o identifikáciu všetkých zahraničných rezidentov na národnej úrovni. Preukaz totožnosti je špecifickým identifikačným dokumentom, ktorý mal slúžiť od konca prvej svetovej vojny pre potreby identifikácie cudzincov. Vytvorenie tohto preukazu je zlomom v dejinách právneho a administratívneho režimu tretej francúzskej republiky. V regulácii národného i medzinárodného trhu práce predstavuje novú etapu v spôsoboch identifikácie a registrácie cudzincov.

Po francúzskej revolúcii sa zaviedol systém departmentov a rozšírila sa moc prefektov, ktorí zhromažďovali informácie o cudzincoch. S príchodom republikánskeho režimu na konci 19. storočia boli rozšírené právomoci polície, a to opätovne v záujme identifikácie osôb. Toto obdobie charakterizuje významný nárast počtu cudzincov na národnej úrovni. V prvých rokoch tretej francúzskej republiky, keď bola otázka imigrácie predmetom verejných diskusií a politických prejavov, diskusia sa zameriavala na problematiku integrácie cudzincov a ich detí do francúzskej spoločnosti a na podmienky ich vstupu a pobytu. Kontrola hraníc zostala vtedy neistá a riešenie problematiky pobytu sa zameralo na jeho registráciu.

Podľa vyhlášky z 2. októbra 1888 boli cudzinci žijúci vo Francúzsku nútení deklarovat' svoju prítomnosť na miestnych a obecných úradoch. Táto vyhláška sa týkala iba mužov, a to za predpokladu, že každý cudzinec musel vyplniť formulár, v ktorom uviedol informácie o rodinnom stave a štátnej príslušnosti, a poskytol dokumentáciu potrebnú na overenie svojich vyhlásení do dvoch týždňov od svojho príchodu. Akákoľvek zmena adresy vyžadovala opakovanie tejto procedúry. Rozdiely

medzi cudzincami s trvalým a dočasným pobytom tiež predstavovali veľké problémy, ktoré natrvalo zostali prvkom zahraničnej politiky: Ako odlišiť bežného návštevníka alebo obchodníka prichádzajúceho za biznisom od cudzinca s predpokladom jeho trvalého pobytu? Ako zabezpečiť, aby cudzinec nezneužíval svoj status a neprofitoval zo vstupu do krajiny? Tieto otázky pretrvávajú až do súčasnosti.

Dlhodobu sa rieši otázka otvorenia trhu práce pre cudzincov. Už zákon z 8. augusta 1893 stanovuje rozdiely a sankcie týkajúce sa nelegálnych cudzincov oproti cudzincom zdržiavajúcim sa legálne vo Francúzskej republike. Žiadatelia po schválení svojej zahraničnej cesty na pracovné účely mohli dostať osvedčenie o registrácii, ktoré bolo povinné na vykonávanie povolenia. Priama identifikácia a nátlak na ľudí tak dostal nové dimenzie. Pred rokom 1914 sa však s dokladmi veľmi ľahko manipulovalo, čo si vyžadovalo väčšiu snahu od autorít na overenie pravosti. Zmena nastala v roku 1915, keď bolo nevyhnutné mať v dokladoch fotografiu z dôvodu lepšieho zabezpečenia kontroly osôb. V roku 1917 malo preukaz totožnosti viac ako 1,5 milióna cudzincov. V roku 1924 vznikla významná spoločnosť pre imigrantov Société Générale d'Immigration (SGI). Od tohto roku sa určité procedúry pri posudzovaní žiadostí o povolenie na pobyt cudzinca zjednodušili.

Koncom dvadsiaty rokov sa v niektorých oficiálnych textoch a vystúpeniach toho obdobia bežne používalo označenie „nežiaduci“. Miera policajnej kontroly sa zvýšila pri niektorých kategóriách cudzincov a ministerstvo vnútra odporučilo prefekturálnym autoritám používať špeciálne kontrolné opatrenia. V rokoch 1930-1936 bolo takmer 0,5 milióna osôb vyst'ahovaných v dôsledku systému kontroly preukazov totožnosti. V Paríži kontrolu cudzincov riadi policajná prefektúra. Špecializované skupiny agentov vykonávajú dohľad nad zahraničnými radikálmi prítomnými v hlavnom meste. Problém bezpečnosti hlavného mesta je dôležitý a treba tiež zvýšiť jeho ochranu pred možnými útokmi, ktoré hrozia v súčasnosti (About 2013). Kostlán (2014, s. 398) pri štúdiu politického diskurzu migrácie zdôrazňuje ako hlavné kritérium v rámci tvorby typológie odlišnosti práve *otázku bezpečnosti*, ktorá „úzko súvisí s otázkou kultúrnej a ekonomickej blízkosti“. Pohľad verejnosti na imigráciu sa časom pretransformoval. Z dlhodobého čerpania nových pracovných síl pre rozvoj ekonomickej oblasti sa do popredia dostalo regulovanie migrácie spojenej s udrzaním bezpečnosti v krajine pred možnými hrozbami. Kaya (2013, s. 65) tvrdí, že „sekuritizácia etnických a kultúrnych vzťahov narušuje demokratický priestor obhajujúci nároky menšín a pravdepodobnosť, že budú tieto požiadavky splnené“. Pri riešení migračnej politiky zohráva dôležitú úlohu štát.

Na to, aby niekomu uznali štatút utečenca a osoby bez vlasti, zaviedli sa nespočetné procedúry, rozdelené medzi žiadosť o azyl, získanie pasu a legalizáciu pobytu. V medzinárodnom rámci stanovenom OSN bola zaznamenaná postupná stabilizácia pasového systému po konferenciách v Paríži (1920) a Ženeve (1926), keď museli cudzinci žijúci vo Francúzsku, ktorí si želali vycestovať za hranice štátu, získať

cestovný pas od svojho veľvyslanectva. Toto spôsobilo, že nastali početné a zdĺhavé kontroly totožnosti. Po celej krajine majú inštitúcie správy žiadostí odlišné podmienky na vykonávanie činnosti. Niektoré sú menej vyťažené, zatiaľ čo iné, najmä vo veľkých mestách, sú žiadosťami úplne zahltené (About 2013).

Veľké mestá zaznamenávajú viaceré problémy s cudzincami. Problémy súvisia s asimiláciou cudzincov v novom prostredí a prebráním aspoň základov francúzskej kultúry. Francúzsko je veľmi tolerantnou krajinou s bohatou históriou a hľadá čo najlepšie možnosti pomoci pri asimilácii cudzincov. Toleranciu vidí Kaya (2013, s. 72) ako „inú formu vládnutia, ktorá je spojená s ideológiou multikulturalizmu“. Francúzsko sa drží svojich tradícií a hodnôt. Ako revolučný národ obhajujúci dodržiavanie ľudských práv sa mnohí Francúzi zúčastňujú na manifestáciách zameraných na podporu ochrany cudzincov. Takýmto príkladom je verejný protest v Orléans, ktorý sa konal 4. apríla 2010. Protestujúci prezentovali svoje názory prostredníctvom transparentov s nápismi „treba prinavrátiť zmysel slovu prijatie“ alebo „odmietame násilie páchané na cudzincoch“. V krajine sa však vyskytujú aj opačné názory, pretože sa kumulujú problémy súvisiace s cudzincami a ich rodinnými príslušníkmi. Generácie cudzincov sa odlišujú schopnosťou asimilácie, jazykovou znalosťou a kultúrnou previazanosťou.

5 DEMOGRAFICKÉ ASPEKTY IMIGRÁCIE

Na základe historických väzieb vznikli viaceré významné migračné koridory medzi krajinami, ako Alžírsko – Francúzsko, Maroko – Francúzsko, Maroko – Španielsko, Maroko – Taliansko. V minulosti boli merania migračných vzťahov málo známe. Tugault (1971) vytvoril novú metódu merania imigrácie vo Francúzku. Skúmal aj alžírsku a marockú migráciu. Podľa najnovších údajov z roku 2011 najviac imigrantov vo Francúzsku pochádza z Afriky, a to konkrétne z Alžírsku a Maroka (tab. 1).

Le Bras (1991) pre OECD na základe využitia konvenčnej komponentnej metódy, kde je možné prognózovať úmrtnosť a plodnosť z východiskovej demografickej štruktúry, premietol počet Francúzov z roku 1946 (38,3 milióna) do roku 1983 s počtom až 48 miliónov za predpokladu nulovej migrácie. Použitím tejto metódy bola vyčíslená čistá migrácia na úrovni 5,1 milióna osôb. Celkovo hodnoty za cudzincov majú vyšší demografický potenciál ako autochtónna populácia, čo nás vedie k záveru, že doterajšia migrácia bude aj naďalej prispievať k vyššiemu populačnému rastu.

Tabuľka 1: Rozloženie imigrantov vo Francúzsku podľa krajiny pôvodu v roku 2011

	2011	
	<i>v %</i>	<i>Počet</i>
Afrika	43,0	2 410 478
Alžírsko	13,1	737 077
Maroko	12,1	679 983
Tunisko	4,4	246 274
Ďalšie africké štáty	13,3	747 145
Európa	37,1	2 078 469
EÚ-27*	32,6	1 826 766
Španielsko	4,4	245 013
Taliansko	5,3	297 740
Portugalsko	10,6	592 281
Veľká Británia	2,7	153 955
Ďalšie štáty EÚ 27	9,6	537 777
Ďalšie európske štáty	4,5	251 703
Ázia	14,4	805 475
Turecko	4,4	246 881
Kambodža, Laos, Vietnam	2,9	161 730
Ďalšie ázijské štáty	7,1	396 864
Amerika a Oceánia	5,5	310 745

Pozn.: * nie sú zahrnuté dáta za Chorvátsko, ktoré sa pripojilo k Európskej únii 1. júla 2013. V súčasnosti žije vo Francúzsku približne 40 000 Chorvátov.

Prameň: INSEE (2012).

Podľa údajov INSEE z 1. januára 2006 počet cudzincov presiahol 3,5 milióna a podľa údajov z 1. januára 2011 presiahol 3,7 milióna osôb. 1. januára 2013 bolo vo Francúzskej republike 63,7 milióna obyvateľov. Podľa súčasných odhadov sa predpokladá, že v roku 2050 bude vo Francúzskej republike žiť 75,6 milióna obyvateľov (Mamolo a kol. 2014). Eurostat skúma efekty pri projekcii úrovne medzinárodnej migrácie cez populačné zmeny vybraných krajín Európy. Francúzsko a niektoré severské štáty oproti viacerým štátom západnej a južnej Európy počas sledovaného obdobia 2008-2055 vykazujú výrazný rozdiel podielu úrovne medzinárodnej migrácie na percentuálnej zmene populácie. Táto zmena je ovplyvnená najmä imigráciou z krajín mimo Európy (Coleman 2009). S príchodom afrických imigrantov do Francúzska dochádza k zmene štruktúry a rozmiestnenia populácie.

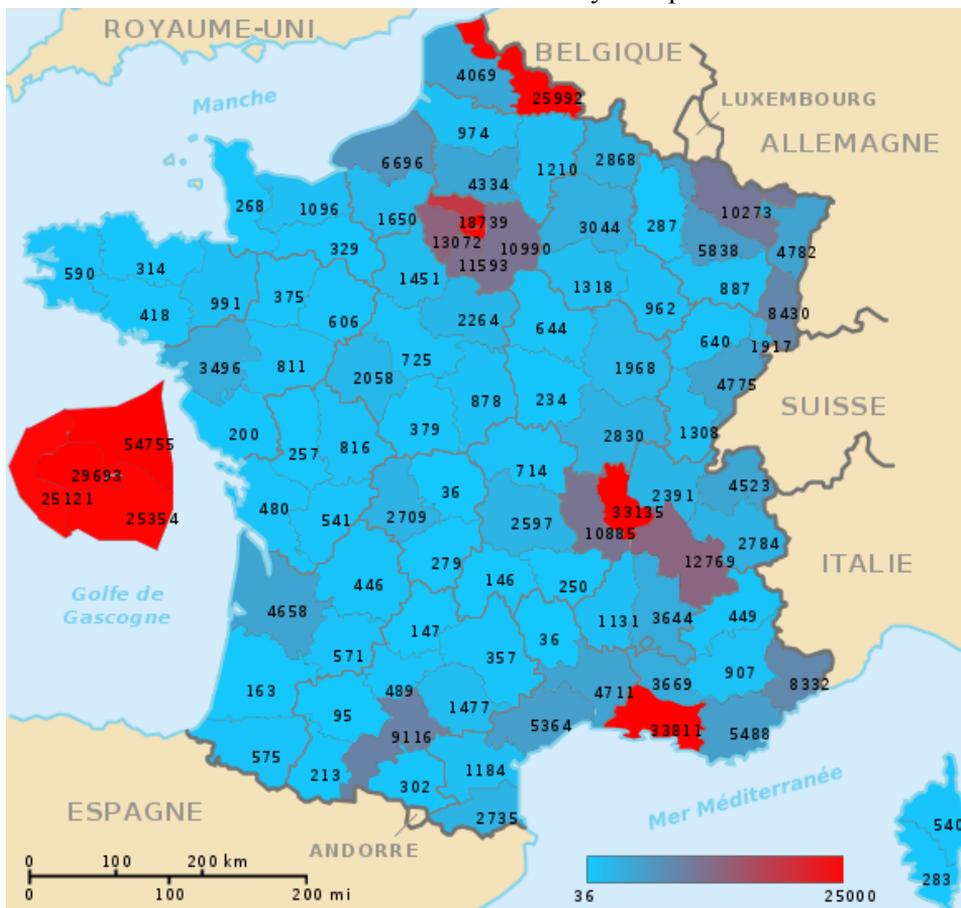
6 PRIESTOROVÉ ROZMIESTNENIE IMIGRANTOV Z ALŽÍRSKA A MAROKA

Skúmanie priestorového rozmiestnenia cudzincov v krajine je nesporne dôležitou úlohou v rámci demogeografických výskumov. Detailný výskum koncentrácie cudzincov v priestore je v súčasnosti na verejnosti málo známy.

Štatistické údaje, na základe ktorých je možné skúmať túto problematiku, sú dostupné. Leylekian (2012) predstavil presné počty imigrantov z Alžírsku (obr. 1) a Maroka (obr. 2) vo Francúzsku za každý department. Údaje, ktoré použil, pochádzajú z INSEE.

Cudzinci sa koncentrujú v najväčších aglomeráciách, najmä v parížskom regióne. V rámci parížskej metropoly je výrazným departmentom Seine-Saint-Denis s 21 % podielom cudzincov, čo však neznamená, že inde cudzinci nie sú. Objavujú sa aj tam, kde sa to bezpodmienečne nemusí očakávať. Department Ain (pri pohraničí so Švajčiarskom) má takmer 50 000 cudzincov, ako aj Gironde (pri Biskajskom zálive) vzdialený od stredozemnej oblasti s viac ako 50 000 cudzincami. V rámci koncentrácie cudzincov z Európskej únie je dominantným departmentom Gers s 82 % podielom cudzincov najmä z Pyrenejského polostrova. Úplne iná je situácia v departmente Doubs, kde až 77 % cudzincov pochádza zo štátov mimo Európskej únie. Sú to najmä Alžírčania, Maročania a Turci.

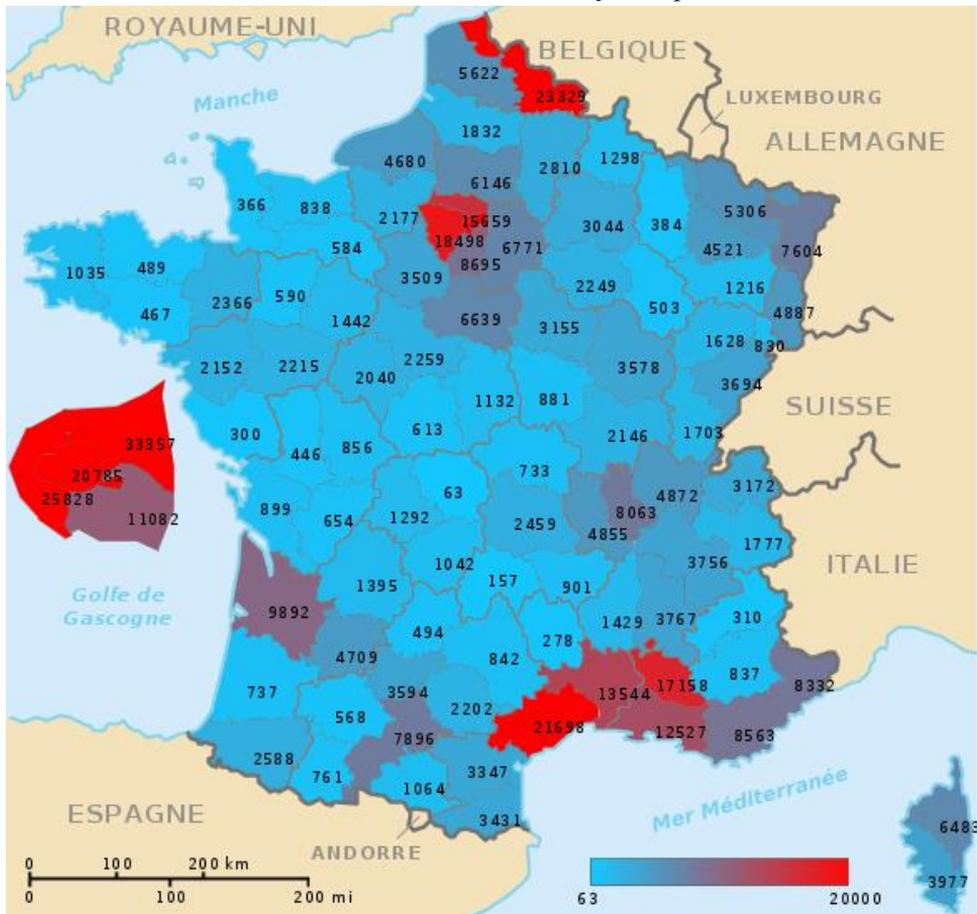
Obrázok 1: Počet Alžírčanov v rámci francúzskych departmentov v roku 2011



Prameň: Leylekian (2012).

Údaje z INSEE nám tiež umožňujú podrobnejšie sa pozrieť na tieto dôležité skupiny cudzincov. Vo Francúzsku viac ako 472 000 Alžírčanov je koncentrovaných v línii Paríž – Lyon – Marseille. Alžírčania majú vysoký podiel na severe Francúzska (Leylekian 2012). Výrazným prvkom na severe krajiny najmä pri pohraničí s Belgickom je department Nord v regióne Nord-Pas-de-Calais, ktorý zaznamenal rôzne migračné vlny cudzincov. Bližší pohľad na tento fenomén prinášajú Chaillot a Lavenseau (2011). Imigranti pochádzajúci z Alžírska prišli po roku 1945 v dvoch silných migračných vlnách. Prvá vlna korešponduje s vojnou v Alžírsku v polovici šesťdesiatych rokov. Druhá je súčasnejšia a datuje sa od roku 2000. Silné zastúpenie Alžírčanov je tiež v Isère, Loire, Mouselle, ale neočakávane aj v Alpes Maritimes a Haute-Garonne.

Obrázok 2: Počet Maročanov v rámci francúzskych departementov v roku 2011



Rozloženie Maročanov vo Francúzsku je podobné ako u Alžírčanov. Väčšie podiely sú badateľnejšie v stredozemnej oblasti, s počtom viac ako 443 000 Maročanov. Menej výrazné je ich zastúpenie v administratívnom regióne Rhône-Alpes. Výrazné zastúpenie Maročanov je na severe Korziky. Okrem toho v oblastiach, v ktorých dominujú Alžírčania, ako napríklad Moselle, sú vo Francúzsku aj departmenty, ako napríklad Bas-Rhin alebo Gironde, v ktorých Maročania výrazne prevyšujú počet Alžírčanov (Leylekian 2012). Do departmentu Nord v regióne Nord-Pas-de-Calais prišli imigranti z Maroka trochu neskôr ako Alžírčania. Viacerí prišli v druhej vlne od roku 2000 (Chaillot a Lavenseau 2011).

Problematiku imigrantov na tomto území sa snaží priblížiť Genty (1999). Reaguje aj na verejný názor vo Francúzsku a integráciu sektora imigračnej populácie. V súčasnosti sa výskum územnej dimenzie migrácie posúva do empirického výskumu detailného zisťovania príčin migrácie a vplyvu sociálnej dimenzie integrácie migrantov v novom území. Pri výskume migrantov zohráva významnú úlohu ekonomický a sociálny faktor. Priestor tu predstavuje nové možnosti aj limity. Rýchly rast počtu afrických imigrantov vo Francúzsku zvýšil záujem odbornej verejnosti o skúmanie ich demografického správania.

7 STÚPAJÚCI TREND ZASTÚPENIA ŽIEN PRI MIGRÁCII A SÚVISIACE PROBLÉMY

Vzťah medzi rodom a migráciou v Afrike rozoberá Tolulope Esther Kuti v encyklopédii *Global Human Migration* (2013). V rámci vnútornej migrácie afrického obyvateľstva nastala *feminizácia migrácie* v približne dvoch dekádach (od roku 1990 do roku 2012). „Začiatkom 21. storočia sú africké ženy viac ako predtým nútené do migrácie, aby si mohli plniť svoje vlastné sociálne alebo ekonomické záväzky“ (Kuti 2013, s. 435). Migrácia afrických žien sa o to viac znásobuje prekročením hraníc, kde je väčšinou hlavným cieľom tejto skupiny obyvateľstva podporiť rodinu jej zlúčením.

Cornuau a Dunezat (2008) vytvorili hypotézu o de-europeizácii imigrácie. Je pravda, že podiel imigrantov z Európy vo Francúzsku klesol. Prudko tiež klesol podiel európskeho prisťahovalectva v prospech imigrácie z iných kontinentov, a to najmä z Afriky. V rámci európskeho priestoru africké ženy migrujú najmä do západnej Európy. Týmto novým fenoménom v rámci francúzskeho priestoru sa zaoberal Alexandre Duchesne (2012), keď skúmal imigráciu z Alžíriska v 20. storočí. Feminizácia migrácie v tomto priestore sa však prejavila už o trochu skôr. V polovici sedemdesiatych rokov to bola migrácia z dôvodu zlúčenia rodiny, o ktorej sme písali vyššie.

Manning (2013) navrhuje skúmať rodinný život z pohľadu životnej *stratégie*. Opisuje rozhodnutia rodinných príslušníkov, či sa budú snažiť udržať všetkých vo svojej blízkosti alebo podporia niektorých pri presťahovaní za výraznej finančnej podpory, napríklad do vzdelania. Mnohí imigranti však môžu mať problém, ak ich

vzdelanie z domácej krajiny nedáva dostatočný základ pre uplatnenie sa na trhu práce, a to ich môže výrazne znevýhodniť na trhu práce v prijímajúcej krajine. Ohrozenou skupinou populácie sú hlavne ženy. Ako uvádza Noin (2005, s. 154) „populácia imigrantov je obzvlášť dotknutá chudobou pre nesúlad medzi ich kvalifikáciou a novými požiadavkami systému“.

Marocké ženy v Európe reprezentujú skupinu matiek, ktoré sa vyznačujú početnými pôrodmi, a prezentujú tak vysoko fertílly model typický pre severoafrické ženy (Mussino 2009). Z databázy Svetovej banky (2013) o migrácii Alžírčanov a Maročanov podľa pohlavia vo Francúzsku počas sledovaného obdobia 1960-2000 vyplýva, že k zvýšeniu počtu alžírskych žien vo Francúzsku dochádza v sedemdesiatych rokoch (tab. 2).

Tabuľka 2: Migrácia Alžírčanov a Maročanov podľa pohlavia vo Francúzsku (1960-2000)

<i>Krajina</i>	<i>Pohlavie</i>	<i>1960</i>	<i>1970</i>	<i>1980</i>	<i>1990</i>	<i>2000</i>
Alžírsko	ženy	201 387	632 298	630 419	652 025	535 456
Alžírsko	muži	425 229	861 691	794 288	723 746	521 679
Alžírsko	spolu	626 615	1 493 990	1 424 707	1 375 771	1 057 135
Maroko	ženy	65 313	122 186	224 734	293 120	132 941
Maroko	muži	90 261	172 808	316 085	361 128	129 521
Maroko	spolu	155 574	294 994	540 819	654 248	262 462

Prameň: Svetová banka (2011).

Marockí imigranti, ktorí sa usadili najmä v krajinách ako Francúzsko, Taliansko, Belgicko a Holandsko preferujú manželstvo so ženami rovnakého etnického pôvodu. Tieto svadby sa pre nich stávajú príležitosťou na rodinné stretnutia a symbolom reintegrácie do ich domácich komunít. Výrazným prvkom týchto komunít je prejav kultúrnych tradícií. Pojem *nadnárodnej migračnej kultúry* podľa Rosenbluma a Tichenora (2012, s. 218) „nie je statický, z čoho vyplýva jednoduchá kontinuita kultúry alebo triedy medzi vysielajúcou a prijímajúcou krajinou“. Kolízia kultúr predstavuje výrazný fenomén, ktorý ovplyvňuje jednotlivé populácie a ich previazanosť v čase a priestore. Ako uvádza Claval (2012, s. 37) „kultúrna geografia analyzuje komunikačné mechanizmy zodpovedné za transmisiu kultúry. [...] Zdôrazňuje úlohu kultúry v osвете inštitucionalizovaného systému sociálnych vzťahov a v humanizácii priestoru“. Závisí len od nás ako bude cudzinec vedieť prijať iné kultúry a ich rodinné tradície.

8 ZÁVER A DISKUSIA

Cieľom tohto príspevku bolo predstaviť medzinárodnú migráciu a jej možné účinky na imigrantov zo severoafrických krajín, ktorí sa z viacerých príčin rozhodli usadiť vo Francúzsku. Jedným z významných dôvodov na opustenie domácej krajiny je ekonomický status migrantov, ktorí sa snažia vymaniť z miestnej koncentrácie chudoby, a zvýšiť si tak životnú úroveň.

Francúzsko je dlhodobo významnou cieľovou krajinou imigrantov v rámci Európy. Deklaruje to aj migračná história krajiny, ktorá zaznamenala viacero migračných vln. Boli spôsobené viacerými faktormi. Existuje silný predpoklad, že migrácia bude aj naďalej vplývať na populačný rast a na zmeny v rozmiestňovaní populácie v krajine. V tomto ekonomicky a kultúrne vyspelom štáte je najviac imigrantov z Afriky, konkrétne z Alžírsku a Maroka. Koncentrácia cudzincov smeruje najmä do najväčších francúzskych aglomerácií, kde hlavný cieľ migrantov predstavuje Paríž s jeho predmestiami. Významným priestorom je aj stredozemná oblasť s migračnou históriou. Vysokú koncentráciu alžírskoho a marockého obyvateľstva zaznamenáva tiež pohraničná oblasť s Belgickom.

Výrazným prvkom pri akceptácii imigrantov je integrácia. Schopnosť imigrantov integrovať sa do francúzskej spoločnosti je náročný proces, ktorý závisí najmä od celkovej schopnosti imigranta prijať novú kultúru a akceptovať jej základné hodnoty. Pri neprejení záujmu však môže dôjsť aj k negatívnemu javu, k dezintegrácii imigrantov. K pevnejším pilierom migračnej politiky môže prispieť aj rozšírenie legislatívneho rámca. Vytvorenie optimálnej migračnej politiky súvisí aj s verejnou diskusiou o imigrantoch a ich mieste vo francúzskej spoločnosti.

Imigračná politika sa často stáva terčom kritiky. Na hraniciach Európy dochádza k porušovaniu ľudských práv. V oblasti Stredozemného mora umierajú migranti, ktorých cieľom je Európa. Medzinárodná mimovládna organizácia Amnesty International (2014) zaznamenala v minulom roku násilné návraty migrantov a utečencov, ktorí plávali z Maroka popri pobreží smerom k Ceute. Niektorí z nich prišli o život. Preto, aby sa znížili možné následky nesprávnych krokov pri súčasnom riešení migračnej politiky s poučením z chýb z minulosti, treba skutočne zaručiť dodržiavanie práv utečencov a migrantov.

Markantné ekonomické rozdiely existujú medzi mestským a vidieckym priestorom. Sťahovanie obyvateľstva z vidieka do miest je celosvetovým javom. V menej rozvinutých krajinách je možné jasne deklarovať súvisiace sociálne dôsledky. Výrazná pracovná migrácia a migrácia skupiny utečencov môže prispieť k akcelerácii procesu urbanizácie. Na zmiernení vplyvov chudoby týkajúcich sa osôb v núdzi sa spolupodieľajú viaceré humanitárne organizácie. Osobitným trendom je snaha stále väčšieho počtu osôb prežiť v mestách, ktoré ponúkajú lepšie možnosti, no sú aj priestorom plným sociálnych rizík.

Veľké mestské aglomerácie zápasia s viacerými problémami, ktoré sa týkajú najmä asimilácie cudzincov v novom prostredí. Francúzska bohatá kultúra ponúka nové idey a výzvy na pochopenie jej základných princípov. Dodržiavanie ľudských práv tu vytvára priestor na absolútnu rovnosť medzi národmi, ktorá tvorí základný pilier štátu. Rôznorodosť v kultúre, náboženstve a tradíciách medzi spomínanými národmi tu bola prítomná vždy, no dlhodobá a účinná integrácia môže prispieť k čiastočnej difúzii spoločných hodnôt. Integrácia cudzincov do francúzskej spoločnosti nie je ľahká. Riešenie týchto otázok je veľmi náročné a vyžaduje si dlhodobé skúmanie. Ak chceme, aby sa posunulo riešenie problematiky medzinárodnej migrácie a jej vplyvov, treba upozorniť na závažnosť rizík spojených s migráciou osôb v núdzi.

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**VZŤAH INTERKULTÚRNEJ KOMPETENCIE
A INTERNACIONALIZÁCIE NA PRÍKLADE MALÝCH
A STREDNÝCH FIRIEM: EXPERTNÉ HODNOTENIE**

**INTERACTIONS OF INTERCULTURAL COMPETENCE AND
INTERNATIONALIZATION ON THE EXAMPLE OF SMALL AND
MEDIUM ENTERPRISES: AN EXPERT EVALUATION**

*Jolita Vveinhardt*¹
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Vzťahu medzi interkultúrnou kompetenciou a internacionalizáciou hospodárskych vzťahov sa v štátoch strednej a východnej Európy doposiaľ nevenovala dostatočná pozornosť. Predkladaný článok si kladie za cieľ vyplniť túto medzeru v literatúre a preskúmať uvedený vzťah na základe odpovedí expertov z litovských malých a stredných podnikov. Výsledky výskumu ukazujú, že v podnikoch vo všeobecnosti existuje nedostatok teoretických aj praktických tréningov interkultúrnych zručností. Interkultúrna kompetencia v ľudskej komunikácii pritom silno závisí od osobnosti jednotlivca. Jej rozvoj má potenciál zvýšiť úspech procesov internacionalizácie a ušetriť firmám tak čas ako aj finančné prostriedky.

Kľúčové slová: interkultúrna kompetencia, internacionalizácia, malé a stredné podniky, globalizácia, zahraničné trhy, medzinárodný rozvoj.

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Until now very little has been spoken in Central and Eastern European countries about the importance of intercultural competence in conjunction with the process of internationalization. The present article deals with the interaction of intercultural competence and internationalization on the grounds of the answers given by the experts from small and medium Lithuanian enterprises. As the research results show, there is a lack of theoretical as well as practical training in the level of intercultural communication for employees of various organizations. Human intercultural competence strongly depends on an individual who is perceived as personality. Developed intercultural competence would assist in successful processes of internationalization and save both time and finance.

Key words: intercultural competence, internationalization, small and medium enterprises, globalization, foreign markets, international development.

JEL: M12, M14, M16, M19

1 INTRODUCTION

Globalization as the most rapid phenomenon of recent decades has created unique conditions that are necessary for the growth and development of small countries such as Lithuania and many others in Central and Eastern Europe. Globalization has opened the door to international markets for businesses operating in the local market, it has shaped the conditions that are necessary in order to develop business overseas without significant additional resources. It should be noted that the same globalization has created a very strong competition, due to which enterprises are forced to consider all possible scenarios when they are making their decisions, as any thoughtless step can have unintended consequences. Thus, internationally operating enterprises have not only been able to manage their activities and normal business processes, but also maintain their competitiveness. This is determined not only by exclusivity of products or services of the company, but also by its competence and ability to respond quickly and timely to wishes of customers or partners and to address various challenges. For companies that operate only in the domestic market, this constitutes no significant problems, because they are normally able to observe and react to changes in the local market rapidly. Therefore such operating processes no longer pose any additional difficulties. However, inability to manage these issues can have particularly unpleasant consequences for the enterprises which operate internationally or intend to do so in the near future, especially when they occur due to cultural differences or ignorance of cultural norms. Some organizations that acknowledge local culture are able to develop their activity successfully in other countries, while other organizations have to stumble many times before finally discovering their own “recipe for success”. Understanding the business environment allows the companies to gain competitive advantage, whereas successful adaptation to changes is seen as essential condition to be ensured in order to survive in the global market. As a result, a crucial research question arises: *What are the interactions between intercultural competence and internationalization*

and how the experts of small and medium enterprises (SMEs) evaluate them? In the present paper we will focus specifically on Lithuanian SMEs.

Information about research on intercultural competence can be found in the scientific works by numerous researchers from various countries, such as Varner (2000), Huang, Rayner and Zhuang (2003), Kupka, Everett and Wildermuth (2007), Ang and Inkpen (2008), Krajewski (2011), Kupka (2011), Blasco, Feldt and Jakobsen (2012), or Charoensukmongkol (2014), to mention a few. The aspects of internationalization and globalization have been emphasized by McGraw (1999), McGraw and Harley (2003), Jarvis (2006), Vadlamannati (2015) and many others. However, research that deals with interaction of intercultural competence and internationalization is rather scarce – see for example Deardoff (2004, 2006) or Vveinhardt and Dabravalskytė (2014). The aim of the present paper is to fill in this gap in research, using expert-assisted evaluation.

Intercultural competence can be evaluated in three ways which are distinguished in academic literature, i.e. indirect, direct and mixed. The indirect way of evaluation is based on quantitative methodology and questionnaires. In most cases an individual has to self-evaluate his own abilities. The direct way of evaluation is based on qualitative method, i.e. interviews, observation of intercultural situation and role-play. According to Sinicrope, Norris and Watanabe (2007) the direct evaluation provides complete view of intercultural competence, as it provides more elaborated, more diverse and individualized assessment. When performing mixed evaluation of intercultural competence both aforesaid methods are combined. This undoubtedly guarantees the most extensive analysis of the situation considered, because the individual has an opportunity of self-evaluation and the researcher has a chance to check it.

The present research has been carried out through application of mixed evaluation, but the results of quantitative research have already been published elsewhere (Vveinhardt and Dabravalskytė 2015); therefore in this article exclusively the results of qualitative research are presented. Qualitative expert evaluation is intended for survey of purposefully selected group of people who are experts in the field analyzed. The objective is to look for external features, to measure and calculate them, to search for explanation, laws, rules, versatility and universality outlined by a quantitative viewpoint (Krathwohl 2004, Mackenzie and Knipe 2006, Creswell 2008, Castellan 2010, etc.).

The article is based on the analysis and synthesis of scientific literature. The method of semi-structured interview is used for the qualitative research. The data of expert interviews has been transcribed. The data processing has been carried out in accordance with the structure proposed by Miles Huberman and Saldana (2014). It consists of three key components: data reduction, data display, drawing and verifying

conclusions. (1) Data reduction, editing, segmentation and generalization of obtained responses were carried out in the first stage of data processing. The purpose of this stage was to reduce the data without losing any significant information. (2) Data display helps to systematize, abridge and gather information. Therefore, information obtained is presented in tables and in other structured forms. (3) Although drawing conclusions logically follows the data reduction and display, in practice it takes place almost at the same time (Merton and Kendall 1946, Thomas 2003, Kardelis 2007, Neuman 2009, Miles, Huberman and Saldana 2014, Mertens 2014, etc.). Thus, conclusions of the research first of all appear during the data analysis; however at that stage they are not yet sufficiently purified and accurate. The data must be interpreted and compared in order to highlight certain dimensions.

2 LITERATURE REVIEW

The rapid pace of globalization has changed and is still changing behavior of entrepreneurs. There is a need to conquer new markets in order to survive. Given the importance of global complexity and national culture in the internationalization of small firms, cultural competencies and the cognitive capabilities to deal with such complexity are vital (Bartlett and Ghoshal 1987, Khilji, Davis and Sceh 2010, Nielsen 2014). There are a lot of publications about intercultural competence and internationalization which are seen as separate issues. Since internationalization is always seen as an expansion to foreign countries, it is important to pay more attention to intercultural competence in the context of internationalization.

In general, enterprises operating in foreign countries tend to suffer from the liability of foreignness because of their incomplete knowledge about social environment (Schmidt and Sofka 2009, Zimmermann and Sofka 2013). Wiklund, Patzelt and Shepard (2009, p. 366) agree that environment strongly influences growth of small businesses. Therefore, the ability to gain superior knowledge about international markets allows enterprises to understand the nature of competition and institutional factors and subsequently helps them to respond properly to local competitors and other foreign environments (Elango 2009, 2013). Nevertheless, it is surprising that there is a limited amount of evidence regarding the contribution of intercultural competence to international firm-level performance. In particular, there is a need to integrate the concept of cultural competence at the individual level to organizational outcomes because this issue remains under-researched (Ang and Inkpen 2008, Yitmen 2013, etc.).

Despite their potential weaknesses, e.g. lack of market power, financial resources and human resources, small and medium-sized enterprises have in many economies been regarded as the key driver of international trade. SMEs possess competitive strengths such as flexibility, quick decision making, or the ability to

innovate, which allow them to compete effectively with larger and stronger enterprises globally (Qaqaya and Lipimile 2008, Charoensukmongkol 2014).

Business often takes place in contexts characterized by unequal power relations where each actor aims to prioritize his own agenda, optimize his outcome and minimize the effort and cost he has to incur in order to attain his aims. According to Blasco, Feldt and Jakobsen (2012, p. 235), achievement of empathy towards the other is not seen as the ultimate aim of business negotiations, rather, empathy may be seen as a tool to be used in order to gain strategic knowledge of the other or establish trust and thus maximize effectiveness. Empathy is an important part of intercultural competence, therefore the majority of scholars agree that intercultural business competence seems to be related to the quality of, in particular, long-term relationships (Huang, Rayner and Zhuang 2003, Hewapathirana 2009).

The majority of literature which deals with the issue of intercultural business communication takes scant account of the business context for communication (Varner 2000), often assuming that the goal of cultural learning is to reach an understanding of the other at the communicative level, i.e. his or her presumed cultural beliefs and attitudes. In business situations the motivation is often guided by instrumental motivation, i.e. what is the best way to manipulate the environment in order to attain one's goals (Blasco, Feldt and Jakobsen 2012). Given that most businesses are engaged in international dealings, achieving good business relationships within an international context has always been thought to have both academic significance and practical relevance. The fact that business relationships are developed through interpersonal interactions from which interpersonal relationships evolve plays an important role in the process of business relationship development (Huang, Rayner and Zhuang 2003, Hewapathirana 2009).

Enterprises embarking on new international business partnerships are best advised to appoint staff equipped with intercultural commercial skills or help them acquire the skills through training and development (Huang, Rayner and Zhuang 2003, Hewapathirana 2009). Therefore globalization demands certain people engaged in specific occupations, such as people-oriented occupations, and people who are engaged in crafts and trades to keep abreast of and even generate new occupational knowledge (Jarvis 2006, p. 205). Intercultural communication can be learned to a certain degree, but intercultural competence needs to be developed over time and can be best developed through real-life intercultural experiences (Krajewski 2011, p. 141).

It becomes obvious that it is very important to have qualified, interculturally competent employees. Therefore, in the last decade many scientists (such as Deardorff 2004 or 2006, Hofstede 2011, etc.) began to develop intensively various models intended for proper and effective improvement of intercultural competence of professionals. They also analyze the degree of importance of this phenomenon having

in mind business management in various sectors and areas. The authors of this article have analyzed many different models, and most of them encompass similar dimensions but vary in emphasis and depth of different components. All of them encompass awareness (of the self and of the other), an open-minded attitude, intercultural knowledge and skills that lead to effective communication and behavior as an outcome. While there cannot be a “one-size-fits-all” model (Krajewski 2011, p. 141), the most distinctive in its completeness and detail appears to be *the Rainbow model*.

The Rainbow model was invented in 2007 by Kupka, Everett and Wildermuth. Kupka (2011) argues that the Rainbow model is much more comprehensive when compared with other conventional models; it is not oriented towards one – mostly linguistic or cultural – side of intercultural competence. Rainbow model provides intercultural competence as a subjective, episodic, contextual process management based on (un)expected expectations (Kupka 2011, p. 220). This model has been selected because of its practical value that is important for organizations. It is possible to assess the employee’s intercultural competence in accordance with the elements of the Rainbow model, also to gather information about his or her strengths and weaknesses and to find out what features should be improved by particular specialist in order to develop his or her intercultural competence. During the model development it has been tested successfully during several studies with participation of university students, and all those studies have yielded positive results. It has been estimated during the studies that all the elements are strongly interrelated, because high reliability scores have been obtained during them. The Rainbow model has been selected as the most popular and most easily accessible method nowadays to be used in order to analyze the intercultural competence and to measure the possible impact of this element on international business development.

3 METHODOLOGY OF RESEARCH

Expert interview is a specific type of survey, when specially selected people who have most knowledge in a certain area, who are highly competent and have quite reliable and comprehensive information about the problem of the research, are interviewed. This method has been selected for a broader and deeper analysis of the problem. On the other hand, it should be noted that the information obtained in this way may be subjective and related to personal opinion and values (Potabenko 2002, Kardelis 2007, Harrell and Bradley 2009). In case of this research, we believe expert interview is the best way to reveal peculiarities and specificity of intercultural competence. This method of research allows us to reveal how much influence the intercultural competence has or may have on internationalization of enterprises, their correlation and opportunities to use the intercultural competence in international business development.

When planning the research, the individual approach was selected from among a wide range of methods of expert evaluation, as the aim was to get as broad and comprehensive information as possible. Scientists who have been researching intercultural competence in Lithuania, international business management professionals and representatives of organizations who are working with development of business internationalization have been interviewed during the research. All experts who participated in the research were selected taking into account their knowledge and experience in the areas of development of intercultural competence and/or international business development.

The categories to be used for preparation of the expert survey were formulated in accordance with the results from the quantitative survey previously carried out by the authors of this article (Vveinhardt and Dabravalskytė 2015). A semi-structured questionnaire that requires more competence in the key research topics – intercultural competence and internationalization – has been used during the expert survey. According to Marvasti (2004), Kardelis (2007), Hancock and Algozzine (2011) and Ranjit (2014), questions with freely formulated answers provide some freedom and flexibility during interviews and ensure variety and density of data obtained and freedom of interpretation. The categories of the questionnaire and its questions are elaborated in the Table 1; they present the researchers' objectives in the context of this study.

Case analysis – a systematic collection of comprehensive information about a particular social formation or phenomenon in order to understand how it works or functions (Kohlbacher 2006, Kardelis 2007, Huvila 2008, Walt et al. 2008) – has been selected as the research strategy. The primary motive of this selection is that intercultural competence is distinguished by the authors only as one of many possible factors that determine or significantly affect internationalization processes of specific companies.

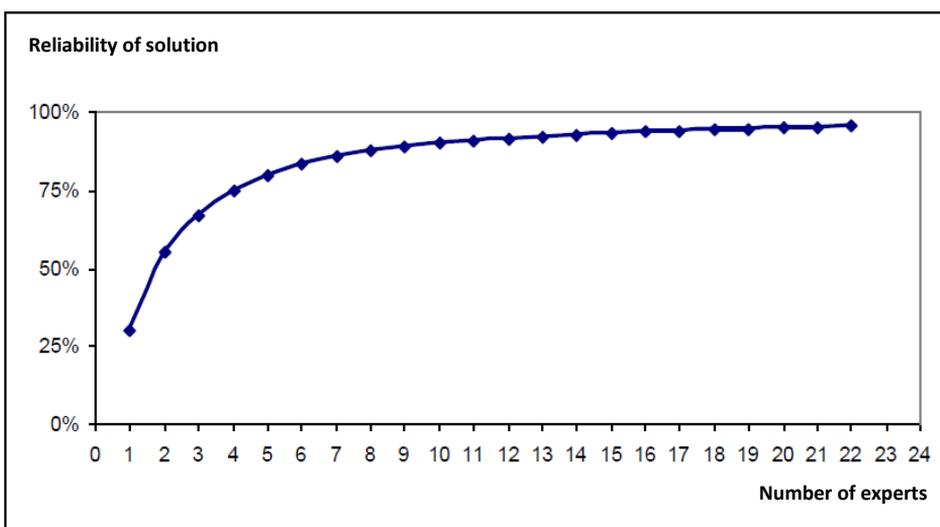
Table 1: Question categories of expert interview

<i>Categories</i>	<i>Questions</i>	<i>Researchers' aims</i>
Aspects of internationalization based on experts' opinion	<p>What do you think determines the success of enterprises in the development of their foreign activities?</p> <p>What could facilitate the process of internationalization for businesses? How?</p> <p>What would you recommend for beginners or for the entrepreneurs who wish to expand their activity abroad?</p>	<p>These questions aim to disclose the experts' opinion on the most important internationalization processes, determining the success, as well as to find out their theoretical and practical insights.</p>
Importance of intercultural competence	<p>How important is intercultural competence of executives/managers in the internationalization process? Why?</p> <p>What does successful intercultural communication in the companies' activities depend on? Why?</p> <p>In your opinion, what personal characteristics and abilities show that a particular person has intercultural competence?</p> <p>What do you think is more important to focus on when communicating with foreign business partners: cultural differences or similarities?</p> <p>What do you think is the most important element in the development of intercultural competence?</p> <p>Do you think that small and medium-sized enterprises have to develop the employees' intercultural competence? How should it be included in the company's activities?</p> <p>Do you agree with the proposition that intercultural competence of future employee plays one of the most important roles in the modern business world? Why?</p>	<p>This group of questions is intended to determine how experts define intercultural competence and what they suggest regarding its development and inclusion in the activities of a company. It also aims to find out whether intercultural competence seems to be an important criterion for successful activity of a company.</p>

Source: created by the authors.

The selection for the expert survey was carried out on the basis of qualitative criteria set out in advance, i.e., higher education, significant expertise and experience acquired in at least one of the major areas of the research (intercultural competence and/or business internationalization). The selected experts were divided into 2 groups: a) those who have gained extensive experience in the areas of intercultural communication and intercultural competence, and b) those whose professional experience is based on the internationalization of business processes both in theoretical and practical terms. Six experts (3 theorists and 3 practitioners) were interviewed. The interview with each one of them took approximately 45 minutes. As we can see from Figure 1, the selected number of experts ensures high reliability of the data obtained.

Figure 1: Reliability of expert evaluation



Source: Rudzkienė (2005).

In order to achieve a broader and deeper understanding of the interactions between intercultural competence and internationalization a survey of experts was carried out. This part of the research revealed different approaches, both to intercultural competence and to internationalization. In order to achieve a balance between theoretical and practical approaches, the same number of practitioners and theorists was interviewed. In order to keep personalities of the experts undisclosed, they are encoded as follows: E1, E2, E3, E4, E5 and E6. Expert coding information is presented in Table 2.

Table 2: Expert coding table

<i>Code</i>	<i>Position held by the expert, experience</i>
E1	Professor at the Vytautas Magnus University. Research areas: intercultural communication, competence, psychological aspects at work.
E2	Habilitated Doctor, Professor at the Vilnius Gediminas Technical University and the Lithuanian University of Educational Sciences. Research areas: intercultural communication, business ethics, sociology.
E3	Export Manager of the public institution “Enterprise Lithuania”. Experience: studied abroad, work experience related to development of corporate business both in Lithuania and abroad.
E4	Doctor of Social Sciences at the Kaunas University of Technology, Marketing Manager for the Baltic States in an international company. Research areas: enterprise internationalization, marketing. Experience: 8 years of work experience with partners from different countries.
E5	Doctor of Social Sciences, Associate Professor at the Vilnius University. Research areas: international human resource management, intercultural relations, management of multicultural teams.
E6	Former Managing Director of the public institution “Invest in Lithuania”, former adviser to the Minister of Economy of the Republic of Lithuania on issues related to investment attraction. Experience: studied abroad, Vice President of Goldman Sachs (the largest investment bank in the world), activity related to attracting foreign investors to Lithuania. Currently stakeholder of the Canada Investment Fund and Chairperson of the Board of Directors.

Source: created by the authors.

4 RESULTS OF THE RESEARCH

All the experts who participated in the research agreed that little has been discussed in Lithuania and the Central and Eastern Europe about the importance of intercultural competence in the company’s activity. E2 argued that *“there are no enthusiasts who would come to enterprises and disseminate intercultural ideas. Entrepreneurs themselves lack awareness, understanding of importance of*

intercultural communication and competence. On the other hand there are only few persons in Lithuania who write on this topic". Other experts also agreed that enterprises rarely pose similar problems publicly. They are more likely to talk about financial difficulties, problems related to payments. E6 noted that, in general, *"There is a lack of systematized information in Lithuania both about foreign countries, their cultural specificities and about the opportunities for the development of internationalization; or it is not as easily accessible as it should be. Here really is the place to make an effort."* The experts lacked not only theoretical, but also practical knowledge of intercultural communication. As E5 notes, *"universities really have a growing number of intercultural disciplines, but I have never heard about intercultural training courses organized by Lithuanian companies."* Such opinion of the experts on enterprises posed the relevance of the problem in this research.

All experts agreed that intercultural competence of a particular person depends on his/her own characteristics. Communicability, in their opinion, is one of essential personality traits a particular person has to possess in order to be able to communicate with representatives of other cultures. E3 and E4 have identified other important characteristics as courage and flexibility. E3 maintains that *"the most important thing is to enjoy your job, not let fear take control of you, be able to adapt. Head of the enterprise should be a strong person, a leader, he/she has to pursue the company's goals and must be able to motivate his/her team"*. E4 observes the common trait of many people in Lithuania: *"We have multiple phobias and this strongly restricts us. Our climate is different, there are no black people in our country, but our attitude towards them is very negative. There must be tolerance to otherness"*. E2 argued that *"extroverts and friendly people can achieve success in intercultural communication much more easily; in general, the easier a person communicates with everyone, the more likely he/she will act in the same way with foreigners."* This expert's opinion was also supported by E1, claiming that *"a frank person accepts others and their culture more easily"*. E5 thinks a bit differently. In his opinion, a person first of all has to *"be able to listen, be attentive and patient"*.

Experts believe that development of cooperation with foreign partners depends only on the person himself/herself and his/her desires. Intercultural competence affects the success of processes of internationalization: many of them can be facilitated, because it will not be necessary to go the path of trials, thus saving the enterprise time and, of course, money. E2 argues that successful intercultural communication depends only on the enterprise itself and its executives, as *"in fact transnational corporations need to find a common denominator for everyone, however, there is no universal intercultural communication and competence. Every enterprise has to select what it needs; if it communicates with German and Japanese people in the same way, nobody knows what kind of intercultural communication will come out of that"*. In the

experience of E4, success of intercultural communication is highly dependent on the employee's personality traits: *"Tolerance. You just have to live with all of it. If you want to start intercultural activities you have to accept the fact that you can be misunderstood, and be ready to figure out everything to the end"*. E4 stresses out that a successful intercultural communication also depends on other aspects, such as *"the language barrier is huge, the cultural barrier is big and, in general, the perception is different. When we started to work with the Latvians we all were very surprised at how different are perceptions and buying habits of Latvian people, and that they need a completely different assortment. Yes, they eat bread, buy milk, alcohol, but they do it in a different way. In this case, the intercultural competence can speed up all processes in the enterprise and if it is possible to have a mixed team in the company, it is even better"*.

According to the experts, success of intercultural communication depends on a variety of reasons. Its success is determined both by the employee's personality (in case of SMEs such employee usually is the manager) and overcoming of various obstacles and barriers. According to E6, *"if the manager has some experience of working with new markets, he/she already knows what has to be found out, what barriers have to be overcome; even in Lithuania a good manager may play a major role in order to achieve business success"*. Intercultural cooperation will be more successful if the person in charge of the enterprise has intercultural competence. According to E4, the manager's competence *"is very important, nothing would be without it"* in the process of internationalization. E1 and E3 share the view that the manager is an essential axis in the enterprise and *"the manager's competence determines the performance results; well-being of each employee and the enterprise as well as the competitiveness of the enterprise in the international market also depend on the manager"* (E1). E3 supports this idea, arguing that *"the manager regulates all the company's philosophy. If the manager sees that it is important for the enterprise to know the cultural subtleties, the staff of the enterprise will be interested in them"*. E2 has the opposite approach towards the manager's role in the company. In his opinion *"very little is determined by the manager, because modern employees have very little motivation to work well, most of them simply do not have any interest in work"*. E2 expressed his position that more attention should be given to the company's employees, development of their motivation and internationality. However, he agreed with the opinion that the manager should be able to come up with such a motivational program that would really encourage employees to take interest in intercultural aspects and be competent.

According to all the experts, it is necessary to develop intercultural competence, provided that the enterprise is planning to work in the international market; the only exception was E6, according to whom experience is the most important, not intercultural knowledge. However, sufficient intercultural competence

usually goes hand in hand with experience. Nevertheless, even a little more interculturally competent employees will reach the desired results faster than trying various internationalization techniques. Though, it should be noted that each of the experts has a different approach towards the development of intercultural competence and its incorporation into the company's internationalization processes. E1 believes that there is no need to waste time, and if it is possible *"the employee should be sent to another country and given an opportunity to experience the cultural shock, because in such way the person will adapt more quickly to the new culture and learn about it"*. However, if there is a possibility, he offers another option: *"to prepare very good and interesting programs and apply to the European Union to receive funding, and [if successful] then provide training"*. According to the expert, there are dozens of different programs for businesses, especially small-scale businesses, so it requires only a motivation to take advantage of the opportunities.

E3 also claims that the organization he is working with is engaged in educational events: *"we have the export club, we organize free educational events, and everyone who wants to share experiences and to learn something from others is always welcome. It is necessary to share experience, because all word-of-mouth success stories help, teach, and sometimes inspire other businesses to engage in those activities"*. E5 agreed with the opinion that it is important to provide necessary training. The practice of international enterprises operating abroad shows that training is one of the best ways to prepare the employee for work under the conditions of intercultural communication.

E2 posed the following question: *"to educate or to be educated? I think self-education must be encouraged. If the manager is actually committed and wants to develop intercultural competence in the company, he/she has to establish a system for stimulation of intercultural competence, to identify what parts of intercultural competence are necessary in his/her company, he/she also has to indentify the manner of employee's education, i.e. self-organized training or the training organized by the company. For example, there is one enterprise that encourages non-smoking, and the motivation is very simple – if you don't smoke, you are paid a 5% higher salary. That is the motivation. Of course, money not always motivates people; therefore, the manager has to discover something that could motivate his/her employees"*.

E4 also supported the idea that intercultural competence is the subject of self-improvement, and that it can be acquired only through practice. The expert points out the following plan of action: *"start making contacts and learning through practice. Practice is the only way to learn. Practice is the best thing. First of all you must learn languages. Of course, you can analyze theoretical differences, but we have a bunch of myths about other nations. We were certain that we are the same as Latvians, our brothers, but it turns out that we are not... It is impossible to teach others how to do*

international business. It is also impossible to teach others how they should communicate with foreigners if they have never done this before. Every supplier or partner in the same foreign country may be different. Every Lithuanian is different". In general, we believe opinions of all the experts are correct: each company, each person must find the way that is the most convenient for them. Each company consists of individuals with different background and different understanding of things; there is no single way of teaching intercultural competence

Successful development of internationalization is another important aspect of this research, since intercultural competence is only one of many elements which facilitate and accelerate the processes of internationalization. Most experts (E1, E2, E3, E6) maintain that development of business plan/program is seen as the basis for development of internationalization. According to E3, *"it is very important to communicate and to know your customer, to know what you can offer him/her, etc. One of the most important things is to know the target of the enterprise and be in the right place at the right time."* According to E3, *"no one can make it easier, an essential thing is to work, work and work again. You need to do a lot of strategic work, only the enterprises that plan ahead will be able to gain the trust of the client"*. E6 also advises first of all to *"calculate costs, logistics costs, to have a very good knowledge of the product and to whom it may be necessary. A successful entrepreneur must understand the product."* Thus, according to the experts, the enterprise must have a well-prepared action plan and consider all the possibilities and challenges.

E3 and E4 note that there are enterprises which know even before their launch that they will mostly work in the international market. E4 provided an example of such activities: *"there are a lot of enterprises which were established solely for the purpose of further development. They do not even consider it a possibility to restrict themselves only to the Lithuanian market. For example, an elementary activity such as typesetting is international business: the Lithuanians type various texts in their country and the Americans publish books. The Lithuanians sell this service, because the costs are lower in Lithuania. The Americans in turn are looking for the employees who speak English well and write without mistakes. I think there are a lot of enterprises which plan in advance, that they will operate not only in the Lithuanian market, but also in foreign markets"*. The experts' opinion suggests that some enterprises are able to create their own international business plan even in the absence of local activity. Hence, it should be much easier for the enterprises that already have a certain local experience to self-evaluate their activities and other markets.

The experts also noted that courage of the enterprise in general and courageous behavior of its manager play the most important role in order to achieve successful internationalization. According to E4, *"first of all the business owner, founder or manager must be courageous, because at the beginning of their activity SMEs do not have significant financial opportunities, don't have employees and experience. In this*

case, most is determined only by the same internal desire to expand abroad". The experts also noted that internationalization is facilitated by foreign contacts, and the circumstances under which they were initiated are not very important. According to the experts, it is important to be able to take advantage of those contacts, because any initiative stems from the objective of mutual benefit. E4 named the key elements that can contribute to internationalization: *"English language, learning abroad and courage are the things that help everyone. If you can't speak a foreign language, you won't be able to do anything, and if you have never been abroad, usually you don't have so much courage to start a contact."* E6 suggests to hire a local resident of that particular country, because *"as much as I know, those enterprises that go to international markets and succeed usually hire local people there, those who live there, know cultural differences and the finer points of business. There are many different people. Some link theory with practice easily, others inevitably make mistakes."*

Both E3 and E4 acknowledged that in Lithuania there are currently very popular programs promoting entrepreneurship which fill the gaps in certain knowledge or skills. These programs often encourage enterprises to undertake activities that should not be limited solely to the national market. However, E4 stresses that a broad scope and ability to get in contact are much more important than theoretical knowledge. E4 argues that in many cases which he analyzes in his studies *"there are enterprises which started their overseas activity just because the manager had been studying in that particular country in the past. Or some employee has returned from that foreign country and takes the initiative to expand the business, because he/she has established relationship with the locals, knows the local culture, knows how to communicate, etc. However, the situation depends on whether the manager tends to expand operations abroad; further development will depend only on his decision"*. E6 agrees with the above mentioned opinions, noting that *"the Lithuanians start to expand their business in Latvia or Estonia, and later they choose other countries. I would say, it is because of the comfort, since they know the mentality, the market. And it will be much easier for them to develop business in these two countries, because it is likely they have more than one acquaintance, not necessarily an employee, who can help develop the business"*. It looks like the experts questioned for our study mainly knew those entrepreneurs who did not experience major difficulties at the beginning of their business.

As can be seen, the company's interculturalism and ability to use the opportunities offered by foreign expansion depend on the managers' capability, entrepreneurship and intercultural competence. In summary of the experts' opinions, it can be said that, as expressed by Mughan (2010), intercultural competence of the manager of a small enterprise can be equated to intercultural competence of all the organization, and this might be applied to Lithuanian enterprises too. Therefore, when

planning business activities abroad, it is necessary to pay attention to the manager's potential and of course to the skills of the organization's employees.

According to E6, intercultural competence is not necessarily associated with the manager. *"The most important thing is to follow the principle according to which you must behave respectfully to any person you meet for the first time, show attention to that person. It is not so important what hand you will shake or likewise, people usually do not care about such small things."* In his opinion, first and foremost the manager must be a businessman, he must be attentive not only to foreign partners, but in general to all possible partners, neither cultural differences nor similarities should be given prominence. However, in that regard, the experts' opinions (in terms of cultural differences and similarities) diverged. The experts E1, E2 and E3 argued that both, i.e. cultural differences and similarities are important, whereas E4, in contrast to E5, gave priority to similarities (*"it is easier to start business under the conditions of cultural similarities, whereas in order to retain the business it is also important to know differences"*). E3 summed up that *"Lithuania is a small country. We know in advance that we need to learn foreign languages, as no one will speak with us in Lithuanian. In addition, we behave as Europeans, although we know Russian mentality, and that is our advantage. You need to be able to find a competitive advantage and use it, but how? Every enterprise finds its best way"*.

The summary of the experts' opinions on interactions of intercultural competence and internationalization in SMEs is presented in Table 3. As can be seen, the experts' opinions on the development of intercultural competence differ. Some of them agree that self-education and training programs are the best way to develop intercultural competence, while others think that experience is the only factor that may lead to development of intercultural competence. Opinions on the manager's role are also varied. Manager should be the essential axis of the company; however he/she can't always influence the employees to do a better work. All the experts agreed that intercultural competence has connection with successful internationalization and that it can accelerate the processes of internationalization. However, every enterprise should decide how it wants to expand its business in the foreign country and find the best way to do this.

Table 3: General results of the research

<i>The core elements of development of internationalization and intercultural competence</i>	<i>Description</i>
Values of intercultural competence	Communicability, flexibility, courage, tolerance, patience, attention, friendliness, extroversion, frankness.
Development of intercultural competence	<ul style="list-style-type: none"> • Self-education and practice must be encouraged; interesting training programs, experience sharing; • Experience should be above any training.
Success factors of internationalization	Having a plan/program/basis; hiring a local resident; knowledge of language; personal links with foreigners.
Manager's role	<ul style="list-style-type: none"> • Manager is the essential axis, he/she has to be courageous; internationalization starts from the manager of the particular company; • Manager has little direct influence; employees should be motivated to perform better.
Interaction of intercultural competence and internationalization	Intercultural competence can speed up the processes of internationalization; interaction depends on the enterprise itself.

Source: created by the authors.

5 CONCLUSIONS

The analysis of the scientific literature on integration of intercultural competence and internationalization has revealed that a rapid increase of globalization has induced reconsideration of the standards of entrepreneur's behavior and continuous compliance with them. Internationalization can be seen as a rather complicated process of how small and medium-sized enterprises can stay competitive. It also plays an important role in terms of their further development. It is very important for organizations to recruit staff with high intercultural business competence. Researchers have designed various models the main purpose of which is to assist organizations in improvement of intercultural competence of their staff.

The results of our expert evaluation suggest that insufficient attention is paid to the process of internationalization, especially to the importance of intercultural competence in Lithuania. Lithuanian entrepreneurs have a certain advantage over entrepreneurs from other countries, as they understand both European and Slavic mentality. It is difficult to find a common denominator for all cultures, as we all are different. Therefore, every enterprise must decide on its own what way it will choose to start development of internationalization, and how much attention it will give to

intercultural competence. Although the experts' opinions on certain issues have diverged, they all agreed that intercultural competence in today's business world is a huge competitive advantage when implementing internationalization.

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**ROBERT ZBÍRAL:
PŘENOS PRÁVOMOCÍ ČLENSKÝCH STÁTŮ
NA EVROPSKOU UNII: CESTA BEZ ZPÁTEČNÍHO LÍSTKU?**

**ROBERT ZBIRAL:
THE TRANSFER OF MEMBER STATES' POWERS TO THE
EUROPEAN UNION: A JOURNEY WITHOUT RETURN TICKET?**

LEGES, PRAHA, 2013, 224 PP. ISBN 978-80-87576-72-4

*Milan Hodás*¹

Žijeme v období krízy, skepsy a straty dôvery. V médiách sa často skloňuje slovo „gexit“ (vystúpenie Grécka z eurozóny) a o dôveru elektorátu v členských štátoch „bojuje“ aj Európska únia a jej inštitúcie. EÚ musí čeliť otázke, či vykonáva svoje právomoci *lege artis* a nezneužíva svoju pozíciu, či nekoná *ultra vires*, teda nad rámec zverených právomocí. Politológ a právnik Robert Zbiral pôsobiaci na Právnickej fakulte Univerzity Palackého v Olomouci prichádza s knihou skúmajúcou odpovede na otázky, ktoré v súvislosti s Európskou úniou čoraz väčšími rezonujú a pútajú pozornosť širokej odbornej, laickej i „politckej“ verejnosti:

- Aký je charakter prenosu právomocí členských štátov na Európsku úniu?
- Je možné čiastočné odvolanie, *spätvzatie* právomocí Európskej únie?
- Je možné úplné spätvzatie právomocí Európskej únie?
- Aké sú procesné podmienky spätného prenosu právomocí v ústavnom práve členských štátov (s akcentom na Českú republiku)?
- Aká je hĺbka prenosu právomocí na Európsku úniu?

Úspešnosť projektu európskej integrácie je dokumentovateľná aj na skutočnosti, že si ako realistickú hrozbu nikto nevie predstaviť vojnu medzi členskými

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Autor pôsobí ako vedecký pracovník na Katedre ústavného práva Univerzity Komenského v Bratislave, kde sa venuje ústavným a legislatívnym aspektom európskeho práva, ako aj problematike ľudských práv.

štátmi, konštatuje autor hneď v úvode publikácie. Okrem nepopierateľných výhod integrácie, však účasť na nej prináša aj nesporné náklady.

Čo presne máme chápať pod pojmom *právomoc*? Možno pojmy kompetencia, právomoc a príslušnosť používať „*promiscue*“, teda ako významové ekvivalenty? Autor v knihe postupuje systematicky, a tak prvé strany knihy venuje skúmaniu obsahu príslušných pojmov v „*eurohantýrke*“, ale aj v národných ústavných úpravách. Nechýba teda lingvisticko-komparatívny prístup k používaniu pojmov *právomoc*, *kompetencia* v rôznych jazykoch a v rôznych právnych poriadkoch. Záverečné zovšeobecnenie tejto časti je venované pojmom anglickej jazykovej mutácie primárneho práva, teda pojmom *power* a *competence*. Autor zisťuje, že pojem *power* je vyhradený pre prostriedky, ktorými inštitúcie EÚ splňajú svoje *kompetencie*.

Je nesporné, že členstvo v Európskej únii významným spôsobom ovplyvňuje ústavné právo členského štátu. Autor v kontexte prenosu právomocí nevynecháva ani tento aspekt problematiky. Množstvo ústav členských štátov obsahuje podrobné ustanovenia vymedzujúce ich prístup k Európskej únii a ich počet sa stále rozširuje. Ústavy členských štátov väčšinou obhajujú teoretickú koncepciu, ktorá dovoľuje zájsť až k prenosu suverénnych práv, nesmie však byť dotknutá esencia, štátnosť, či nezávislosť štátu. Autor sa venuje únijnej genéze záruk ochrany národnej identity členského štátu. Tieto záruky v súčasnosti obsahuje článok 4 ods. 2 Zmluvy o Európskej únii, podľa ktorého únia rešpektuje rovnosť členských štátov pred zmluvami, ako aj ich národnú identitu, obsiahnutú v ich základných politických a ústavných systémoch vrátane regionálnych a miestnych samospráv. Rešpektuje ich základné štátne funkcie, najmä zabezpečovanie územnej celistvosti štátu, udržiavanie verejného poriadku a zabezpečovanie národnej bezpečnosti. Predovšetkým národná bezpečnosť ostáva vo výlučnej zodpovednosti každého členského štátu. Okrem iných ústavných súdov členských štátov Európskej únie sa tejto klauzuly chopil nemecký ústavný súd (*Bundesverfassungsgericht*), ktorý z nej vyvodzuje svoju úlohu spočívajúcu v zabezpečení ochrany nedotknuteľného jadra ústavnej identity Základného zákona. Sudcovia nemeckého ústavného súdu vyjadrujú Súdnemu dvoru Európskej únie rešpekt k jeho práci a toleranciu k jeho chybám. Podobne, preferujúc koncept spolupráce a vzájomného dialógu so Súdnym dvorom Európskej únie, k otázke ochrany ústavnej identity členského štátu sa vyslovujú aj iné ústavné súdy členských štátov Európskej únie (napr. ústavný súd Španielska, či Poľska). Autor spomína aj rozhodnutia Súdného dvora Európskej únie, ktorými z dôvodu ochrany národnej identity členského štátu, akceptoval derogáciu slobody voľného pohybu (rozsudok z 22. decembra 2010 vo veci *Illonka Sayn-Wittgenstein*, C-208/09 a rozsudok z 12. mája 2011 vo veci *Runevič-Vardyn*, C-391/09). Z autorovej analýzy vyplýva, že v mimoriadnych prípadoch si ústavné súdy členských štátov Európskej únie vyhradzujú možnosť jednostranného zásahu a späťvzatia prenesených právomocí. Zároveň je zrejmé, že splnenie podmienok na zásah tohto charakteru je extrémne

nepravdepodobné a sporná záležitosť by sa pravdepodobne riešila spoločným úsilím inštitúcií Európskej únie a členských štátov.

Pravdepodobne prvým súdom, ktorý sa výslovne vyjadril k limitom prenosu právomocí bol taliansky ústavný súd (*Corte costituzionale*). Vychádzal z tézy, že keď sú talianske orgány pri výkone svojich právomocí povinné rešpektovať základné hodnoty ústavného poriadku Talianska, tieto hodnoty nesmú porušovať ani orgány Európskej únie. Ide o prístup nazývaný aj „teória protilimitov“ (*controlimiti*). Taliansky ústavný súd sa tieto protilimity nikdy nepokúsil presne vymedziť, no patria sem napríklad ľudské práva. Zhodný prístup následne zvolil aj už spomenutý nemecký ústavný súd, podľa ktorého prenos práv nemôže vyústiť do opustenia identity nemeckého ústavného poriadku, porušenia jeho základných štruktúr, primárnej ochrany základných práv spolu s tvrdým jadrom ústavy chráneným článkom 79 ods. 3 Základného zákona.

Späťvzatie právomocí od Európskej únie je takmer výhradne doménou práva Európskej únie. Právo Európskej únie mlčí o čiastočnom jednostrannom späťvzati týchto právomocí. Podľa názoru Súdneho dvora Európskej únie v únijnom systéme členským štátom nie je dovolené, aby sa jednostranne vzdávali záväzkov, ku ktorým pristúpili. Zakladajúce zmluvy však na niekoľkých miestach dávajú členským štátom priestor na zohľadnenie zvláštnych situácií, tradične sem patria výhrady verejného poriadku, bezpečnosti, ochrany zdravia, ktoré dovoľujú obmedziť voľný pohyb osôb v zmysle článku 45 ods. 3 Zmluvy o fungovaní Európskej únie a slobode usadzovania v zmysle článku 52 Zmluvy o fungovaní Európskej únie. Tieto faktory však nemôžu odôvodňovať stálu derogáciu a navyše, treba ich vykladať reštriktívne. Autor dáva do pozornosti aj judikatúru riešiacu doktrínu, v zmysle ktorej je vylúčený zásah členského štátu aj v prípadoch, keď Európska únia nekoná a v danej oblasti nevyužíva zverenú výlučnú právomoc (rozsudok 804/79 *Commission v. United Kingdom*). Autor dochádza k záveru, že súčasné teoretické a empirické poznatky naznačujú, že jednostranné späťvzatie právomocí členským štátom Európskej únie nepredstavuje plauzibilne použiteľnú alternatívu a predstavuje porušenie medzinárodných záväzkov členského štátu.

Odlišnou je téza o súhlasnom späťvzati právomocí. To je možné zmenou primárneho práva Európskej únie alebo sekundárneho práva Európskej únie.

V poslednej časti knihy sa autor venuje otázke, do akej miery je späťvzatie právomocí realizovateľné bez katastrofických dopadov na ekonomickú, politickú, či sociálnu situáciu v danom štáte.

Autor bohato využíva svoje poznatky z politológie a ekonómie. Pre knihu je charakteristické bohaté spracovanie zdrojov, judikatúry Súdneho dvora Európskej únie, ústavných súdov členských štátov, ako aj širokého spektra domácej a zahraničnej literatúry a autorov interdisciplinárny nadhľad. Autor odvážne empiricky testuje platnosť rôznych klíšé, neuznáva tézu o automaticky škodlivom vplyve Európskej únie,

no ani tézu o nekonečnej dopredu smerujúcej integrácii. Nechýba ani veľmi pragmatický pohľad na otázku, akú „cenu“ by členský štát musel zaplatiť za vystúpenie z Európskej únie. V kombinácii s vynikajúcim metodologickým prístupom, dobre zvoleným štýlom jazyka písania, je to kniha, ktorú možno čitateľovi vrelo odporučiť.

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