

## **The Kaliningrad Question:**

### **Discourses of Insecurity in the Context of European Integration**

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#### **Paper**

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#### **Abstract**

The European Union (EU) and the Russian Federation (RF) have recently finished a regular round of negotiations aimed at soothing a tense row over Kaliningrad. The formation of this region as a Russian enclave within the EU borders will create cause for concern for both Europeans and Russians after accession of neighboring Lithuania and Poland to the EU. In particular, Moscow has expressed concerns that Kaliningrad residents could need visas to visit the rest of Russia, stressing that this issue has become a priority in its relations with the EU.

This paper analyses a set of discourses of insecurity around Kaliningrad and examines how they work. It outlines assumptions and claims, which underpin insecurity narratives in the region, specifying what are constructed as threats to different actors, and how the latter articulate insecurity. I argue that insecurities around Kaliningrad, implicated in the cultural production of the identities of actors, are mutually constructed and culturally reproduced, and this cultural discourse is used to legitimize the actors' actions in resolving the Kaliningrad question. I also focus on the negotiation behavior of the actors that demonstrates how selective political strategies in framing insecurity are used in the EU - Russia negotiations over Kaliningrad.

#### *Introduction*

For more than a decade, the European Union's relations with Russia have been a mixture of pragmatic attraction and intrinsic estrangement. But there have been big shifts on both sides. The European Union (EU) and the Russian Federation (RF) have recently intensified a political dialogue since the eastward expansion of the EU gives rise to a number of questions that for the moment have not been sufficiently addressed. By 2004 Russia's former satellites in the Baltic region – Estonia, Latvia and Lithuania - are now close to joining the EU. Another Russia's former ally – Poland – is in line to join the EU as well. These four have already become NATO - members in November 2002 that is an

object of concern for Russia as well. So, when the EU is enlarged, the Kaliningrad region of Russia will be physically cut off from the rest of the country's territory thus terminating a relatively stable geopolitical situation, which had prevailed for almost ten years in the Baltic region, making Kaliningrad a focal point in the EU-Russia relations.

The situation around Kaliningrad gives rise to 2 basic issues, both connected with the implications of EU enlargement for Russia: (1) the effect of Lithuanian and Polish membership in the EU upon Russia's rights of access to the Kaliningrad region; (2) the emergence of a seat of tension around Kaliningrad in the immediate proximity of the EU border as the resultant of this dramatic geopolitical change.

The formation of this region as a Russian enclave in the EU is the cause of anxiety for both Europeans and Russians. The heart of the problem is that EU membership would force Poland and Lithuania, that surround Kaliningrad, to tighten their border control with the region and require a visa system for Russian citizens according to the Schengen Agreement. Therefore, the suggestions of the EU officials thus raise a completely distinct set of legal problems: (1) Does Russia have a right to: (a) the unrestricted access of residents of the Kaliningrad region to the Russian mainland; (b) the unrestricted access of Russian citizens to the Kaliningrad region; (c) unrestricted Russian passenger and freight traffic between the region and the Russian mainland? (2) How would such rights be affected by the conclusion of an agreement between the EU and the accession countries? Russia accepts in principle the need to negotiate a special deal on this pressing practical issue in its relations with the EU, but it wants no exemptions from the border control regulations to be allowed that are not also offered to Russia itself.

The Russian suggestions primordially centered around the contents of its proposals to create a demilitarized zone on the territory of the Baltic States with the eventual conclusion of a special agreement on Kaliningrad with both the accession countries and Russia. It seemed clear that at least the conclusion of an agreement along those lines would have required the assent of all neighboring countries, having common borders with the EU. In a case like that the EU could have validly concluded such an agreement with the accession countries with the concurrence of Russia. But today, after the 2002 Prague NATO Summit, where the Baltic States and Poland joined this military alliance, the earliest Russian proposals lost their validity in principle. Yet, a major question is looming over the Kaliningrad issue: to what extent can Russia negotiate and enter agreements concerning the EU enlargement without the concurrence of at least one side in this dispute, i.e. either EU, or the applicant countries? These would seem to be the main area of a future legal dispute. Beyond the legal context of this problem, the region is exposed to dramatic geopolitical and structural challenges. There is little doubt that these factors determine the prospect for the development of the Kaliningrad region in the long run, considering the turbulent development both in the EU and Russia.

The protagonists in the dispute are the EU, Poland, Lithuania, Russia and the Republic of Belarus (Byelorussia). The latter is also involved into the debates over Kaliningrad, for isolation of this region of the Russian Federation will have a similar impact on the Byelorussian citizens who are living on its territory. It should be noted that the official positions adopted by the EU are also generally shared by Lithuania and Poland. On the other hand, there seems to be an all but complete identity of opinion between Russia and Byelorussia, both on the official level and in public discussion. For

the reasons mentioned above, it appears convenient to discuss the problem of Kaliningrad by reference to the two basic points of view - of the EU and of Russia – and to note differences within each of these parts where they occur. It is also important to consider the fact that a problem of such complexity, however, has not produced substantial divergences between official positions and public opinion within the parties involved. As it will be seen, the official discourse will dominate the debates over Kaliningrad for the number of reasons.

*Background on Kaliningrad*



A brief historical and geographical reference about the region runs as follows: the Kaliningrad (former Königsberg of Germany) region was founded on April 7, 1946. It is the westernmost part of the Russian Federation, which is entirely isolated from the rest of the country by land borders with Lithuania and Poland and by the international

seawaters of the Baltic Sea. It is a region of 15,700 square kilometers (around one-third of the size of Denmark). The population of the region is around 1 million people with ethnical composition of Russians (77%), Byelorussians (8,0%), Ukrainians (7,3%) and Lithuanians (1,9%) that makes it one of the most densely populated areas of the Russian Federation. The region's favorable geographic conditions have allowed creating the platform for the unique transport complex with the only ice-free Russian ports at the Baltic Sea. Heavily militarized in the Soviet period, including nuclear weapons on the Navy submarines, living standards have fallen in the region even more steeply than the Russian average since 1990. Today, GDP is 35% lower than the Russian average, and more than 30% of the population lives below the poverty line. Europol<sup>1</sup> also reports that the region is beset by crime. Legal uncertainty and weak administration has led to chronic under-investment and, in turn, economic stagnation of the Kaliningrad region of the Russian Federation since 1991<sup>2</sup>.

In this paper, I argue that at the moment the problem of Kaliningrad is a top priority in the EU relations with the Russian Federation, stemming from the objective need to establish a common responsibility of European states for a stable future of the whole European continent. Thus, it is necessary to examine factors, influencing the decision on this pressing issue of the EU – Russia relations. In particular, following David Campbell, I suggest investigating “the logic behind contemporary declarations about the new dangers”, i.e. the claims and counterclaims launched since recently by both

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<sup>1</sup> *Europol* is the EU-wide organization, which aim is to facilitate the cooperation between the police forces of the member-states.

<sup>2</sup> See “Communication from the Commission to the Council – The EU and Kaliningrad 26 Final”. Commission of the European Communities. Brussels: Commission of the European Communities, 17 January 2001; “EU – Russia Relations Special Meeting in Kaliningrad”. Commission of the European Communities. Brussels: Commission of the European Communities, 15 May 2002 (IP/02/721).

the EU and RF officials with regard to Kaliningrad<sup>3</sup>. In the first part of this paper, I examine the official positions on this issue adopted by the main protagonists in the dispute in terms of representations of danger made by each side. Here, the emphasis is on the actors' role in the production of insecurity, specifically on the organized political actors such as states (the Russian Federation) and non-states (the European Union). To some degree, I challenge conventional understanding of the actors' role by arguing that the case with the EU is unique in a sense that the EU legal personality is defined as an international organization, a *sui generis* entity, but the EU is not a subject of international law, so, the EU has no legal personality. Although, the latter is merely a political term, standing for traditional mechanisms of international law based on negotiations between states as contracting parties and not as members of an organization<sup>4</sup>, it has certain implications on the negotiations over Kaliningrad. In particular, it could be argued that the settlement of the Kaliningrad issue requires a new legal framework that would harmonize the position of the EU in the system of international law in order to empower the former to negotiate the issues pertaining to sovereignty of states.

The second part of the paper argues that Kaliningrad as a western enclave of Russia within the EU borders is a conceptually new problem in relation to the community's enlargement. Hence, it is important to investigate the suggested variants of possible solutions to the Kaliningrad question with the emphasis on chief actions taken by the EU and RF officials that best explain both the success and failures of each player in the ongoing negotiations. In so doing, I have a closer look at how the notion of

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<sup>3</sup> Campbell, David. Writing Security. Minneapolis: University of Minnesota Press, 1998, p. 191.

<sup>4</sup> See Dehousse, R. "From Community to Union" in R. Dehousse, ed., Europe After Maastricht, 1994; Schermers H.G. and Blokker N.M. International Institutional Law, 3d ed., 1995.

insecurity is used to legitimize the actor's actions in resolving this issue. And finally, the paper proceeds by demonstrating how the production of insecurity in this particular case is implicated in the cultural production of the identities of the actors involved. I maintain that the case of Kaliningrad is critical to understanding the political use of *insecurity* as a notion. So, I analyze the Kaliningrad security discourse through the configuration of the process of identity construction when multiple others are constituted. In the concluding part of the paper, a politics of identity both in the EU and Russia is considered as a demonstrative case of cultural production of insecurity, transforming difference into otherness, and consequently, threatening to identities of all actors in this region<sup>5</sup>.

*Viewpoints of the Parties Involved: Some Distinctions*

The location of the Kaliningrad region of the Russian Federation presents a set of problems depending on what party of a dispute is looking at them. Moreover, Kaliningrad is even more dependent on how it is approached and placed in perspective. Until quite recently, the Kaliningrad question had not been on the European agenda as well as Russia had not expressed its clear attitude towards that particular issue despite the fact that Lithuania's and Poland's accession to the EU enlargement has been going on for years. But a spate of diplomatic activity in May and June of 2002 dramatically turned Kaliningrad into a key factor of the EU – Russia relations. And – what is perhaps equally important – both interested parties have taken firm positions on Kaliningrad, thus breaking the wall of silence and openly stepping into a new phase of their relations. It seems important to remember that the EU's and Russia's visions of this problem today

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<sup>5</sup> See Weldes Jutta, Laffey Mark, Gusterson Hugh, and Duvall Raymond. "Introduction: Constructing Insecurity" in *Cultures of Insecurity: States, Communities and the Production of Danger*, eds. Jutta Weldes, Mark Laffey, Hugh Gusterson, and Raymond Duvall. Forward by George Marcus (Borderlines, volume 14). University of Minnesota Press: Minneapolis, London, 1999.

are based on different grounds, quite distinctly denoting their approaches towards each other. Despite the fact that the Kaliningrad problem is firmly hooked into the past, it is linked to the various European networks, and is inevitably considered in different contexts.

The position of the EU, both official and academic, is unanimous: the problem of Kaliningrad is *a legal issue*, and consequently, it should be solved within the framework of the existing European, i.e. of the EU, legal framework - the Schengen Agreement<sup>6</sup>. The EU officials constantly reiterate this idea; for instance, Danish Foreign Minister Per Stig Moeller confirmed it once again at the meeting with his Russian counterpart Igor Ivanov in June 2002<sup>7</sup>. However, in the Russian official pronouncements it is pointed out that Kaliningrad is “not a technical issue, but *a political issue*”<sup>8</sup>.

Thus, at the very beginning of the negotiation process on Kaliningrad, there is no uncontroversial ground and conventional explanations of the situation, which further entails a more complex set of ambiguities and contradictions. I assume that both official positions involve a number of assumptions that are highly controversial. Nevertheless, the current media coverage shows that the interested parties strictly adhere to their views, which essentially limit their fields of vision and an area for political maneuvering<sup>9</sup>.

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<sup>6</sup> The Schengen Agreement signed on 14 June 1985 implies visa-free movement of the EU citizens within the EU borders.

<sup>7</sup> “Yevropa reshit kaliningradskiy vopros s pomoschyu tonkikh podkhodov”/ “Европа решит калининградский вопрос с помощью тонких подходов”. 8 June 2002 <<http://vip.lenta.ru/bgcolor/2002/08/06/kaliningrad>>.

<sup>8</sup> “Kalinigrad Top Issue in Russia-EU Ties”. The Russia Journal. 16 June 2002 <[http://www.trj.ru/cgi-bin/kb\\_redirect.cgi?nd=2213](http://www.trj.ru/cgi-bin/kb_redirect.cgi?nd=2213)>.

<sup>9</sup> “Kaliningradskaya oblast' v rossiyskikh i zarubezhnykh SMI”/ “Калининградская область в российских и зарубежных СМИ”. 09.25 – 10.01.2002 <<http://www.inok.baltnet.ru>>.



*A View from Moscow*

It is generally assumed that the region's detachment from mainland Russia has produced traditional debates within the country pertaining to the region's military saliency, and more generally to Russia's territorial integrity and sovereignty. However, there are also some less conventional themes present in the discussion such as the development of power within Russia as well as its role in common European security. In the context of Kaliningrad, the traditional often seems to stand in contrast with the new. Despite the fact that this region of the Russian Federation remains anchored to the past politically and economically, it is more exposed to European trends than Russia in general. Thus, the locale of Kaliningrad is viewed in Russia today as a viable platform for political cooperation and economic interaction with the EU<sup>10</sup>.

The enlargement of the EU was perceived in Russia as a political reality in the light of dramatic events, which took place in the countries of Central and Eastern Europe and on the territory of the former Soviet Union - the Commonwealth of Independent States in the early 1990s. In that period, as many Russian scholars note, the evolution in Russia's and the West's mutual perception had led to the specific relations, which "seem to have worsened as compared to the period when the USSR under Gorbachev initiated its policy of reform"<sup>11</sup>. During the late 1990s, though, one could observe radical changes in relations of the two giants. In fact, the "rapprochement" of the EU and Russia began to accelerate. The EU confirmed its strategy for future partnership with Russia by the 1995

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<sup>10</sup> Shemiatenkov, Vladimir. "Russia – Neighbor, Partner and Enigma". Challenge Europe On-line Journal. 20 June 2000 <[http://www.theepc.be/Challenge\\_Europe/texte 137.asp](http://www.theepc.be/Challenge_Europe/texte 137.asp)>.

<sup>11</sup> Borko, Youri. "The New Intra-European Relations and Russia". Enlarging the EU: Relations between the EU and Central and Eastern Europe. Ed. By Marc Maresceau. London: Longman, 1997, p. 378.

Madrid European Council<sup>12</sup> (Blackwill and Tanaka 137). In 1996, Russian authorities and public have favored the country's accession to the Council of Europe and started to perceive the EU as a positive partner in the European system of cooperation.

Moreover, the EU enlargement has also created new specific points of contact between Russia and the EU member-states, which go beyond the strategic long-term policy and require Russia's immediate maneuvering. For instance, immediately after the disintegration of the USSR there were some improper statements from the German side on the future of the Kaliningrad oblast. But since 1995 the German officials are pursuing a very balanced in this respect. Today there are no grounds for charges that Germany wants to "grab" Koenigsberg/ Kaliningrad in view of the fact that, for instance, "thousands of ethnic Germans from former Soviet republics have resettled in this pocket of the former "East Prussia"<sup>13</sup>. Apparently, the idea of regaining Kaliningrad may cause a very painful reaction not only in Russia, but in Poland as well. It is quite clear, though, that in the circumstances none of the interested parties would contest the idea of belonging the Kaliningrad region to Russia. Considering this scenario, Russian strategy towards the EU is primarily aimed at ensuring national interests and enhancing the role of Russia in establishing reliable pan-European system of collective security. In particular, the Strategy suggests prevention and settlement, through common efforts, of local conflicts in Europe with an emphasis on supremacy of international law and non-use of

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<sup>12</sup> Blackwill, R. and Tanaka A. "Engaging Russia". A Report to the Trilateral Commission. New York, Paris and Tokyo: The Trilateral Commission, 1995.137.

<sup>13</sup> Clemens, Clay. "The Strategic and Political Consequences of NATO Enlargement". Two Tires or Two Speeds? The European Security Order and Enlargement of the European Union and NATO. Ed. by James Sperling. Manchester and New York: Manchester University Press, 1999.p.p. 139 –160, p.144.

force<sup>14</sup>. What possible conflicts, in the view of the Russian side, can arise around the Kaliningrad region?

First, a strategic isolation of the region discussed will impact the Russian relations with Lithuania and Poland as well as the Polish – Lithuanian relations. Today a potential source of tension is the formation of a Polish - Lithuanian peace - keeping battalion, and its joint military exercises with NATO in the region. Second, NATO membership of the two is considered as a negative development in the region in Russia. Third, what also contributes to the atmosphere of tension is the Polish plan “for a region-wide “energy belt” designed to provide all its neighbors natural gas”<sup>15</sup>. There is little doubt that the plan would compete with Russian own energy policy in the region and Europe, especially in the case of Kaliningrad, which is physically isolated from the territory of Russia.

Thus, Russia fears a potential threat of the formation of the so-called “Baltic/Black Sea Belt” of Russia’s isolation. This was the major reason for the Russian Federation to conclude the “Treaty on Formation of the Russian Federation – Belarus Union” in 1999, which can be viewed as a “Russian response” to geopolitical changes around Kaliningrad and an attempt of Russia to strengthen its position in the region. In particular, the Treaty suggests, “pulling the Kaliningrad special defense region out of military and strategic isolation”<sup>16</sup>. It is important to note that from a military standpoint it

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<sup>14</sup> Delegation of the European Commission in Russia. Russia’s Common Strategy Towards the EU. 2000/2001 <http://www.eur.ru/eng>; European Council, the. “Common Strategy of the European Union on Russia”. *Official Journal*. L 157 24 June 1999, p.p. 0001 – 0010.

<sup>15</sup> Wright, J.B. Enlarging the European Union: Risks and Benefits. Warwickshire, the UK: The Research Institute for the Study of Conflict and Terrorism, 1998, p.16.

<sup>16</sup> “Treaty on Formation of the Russian Federation – Belarus Union: Consequences for Ukraine”. CFPU Occasional Paper, January 2000 <<http://www.foreignpolicy.org.ua>>.

is not only an anachronistic military base, but also the headquarters of the Russian Baltic fleet guarded by armed forces “comparable in size with the entire Polish army”<sup>17</sup>.

So, I argue that physical isolation of the Kaliningrad region is constructed by Russia as the biggest danger, which is seen as threatening Russia’s territorial integrity and sovereignty, and national security as well. Hence, the RF views the EU as a future environment within which Russia is insecure. Following David Campbell, Jutta Weldes and Hugh Gusterson, I argue that this is a stereotypical understanding of the concept of security, when the latter is assumed to protect states or entities “against objective and external threat”<sup>18</sup>. In their representations of insecurity, the RF officials, having constitutional legitimacy, claim that first and foremost, the EU enlargement (here, they usually substitute the term *enlargement* for the term *expansion*) endangers personal and commercial mobility of the RF citizens in the region, and that is a dominant Russian official discourse at the moment. Moreover, I think that the Kaliningrad case is an extreme one since there is no challenge to the legitimacy of this dominant discourse, and the RF officials’ representation of danger has become hegemonic by Weldes and Gusterson. Indeed, following the media coverage of the debates around Kaliningrad, it seems as if the Russian diplomats and politicians have received assent from the Russian public for that particular representation of danger, and no competing views exist among the RF citizens. Since the hegemonic Russian official discourse is implicated in power relations, this representation of danger has become itself an important source of power. Thus, it is predominantly the RF officials who articulate insecurity, and this is

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<sup>17</sup> Wright, J.B., p.16.

<sup>18</sup> See Campbell, David; Weldes Jutta, et al. p.p. 9, 18.

particularly the official discourse of insecurity upon Kaliningrad that circulates in a society and its institutions<sup>19</sup>.

Also, it is important to note that in terms of international relations, the Russian official discourse reproduces the insecurity around Kaliningrad by using a specific geopolitical image – an isolated territory of the RF on a map of the EU. From a methodological perspective, this image is used at a macro level by constructing a negative image of the EU in the framework of a Moscow-centric model. As a result, a geopolitical image of the EU, analyzed with relation to the above-mentioned model, is represented as a threat to Russia's territorial integrity.

#### *A View from Brussels*

As early as 1993, the Delegation of the European Parliament for the Commonwealth of Independent States (CIS) provided the Hoff and Timmermann report on the Kaliningrad Question. Referring to that document, Richard Krickus notes, “The Russian authorities did not have a clear picture of what changes in Kaliningrad internal structure needed to be made to improve its economy. Nor were they sure about Kaliningrad's relations with neighboring states”<sup>20</sup>. The authors – Magdalene Hoff, a chairwoman of the European Parliament's Delegation for the CIS, and Heinz Timmermann, a researcher at Cologne's German Institute for Eastern and International Studies – reported that the European Community's (EC) policy of promoting stability in the Baltic region “would become a casualty of the Kaliningrad Question. On the other

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<sup>19</sup> “Kaliningradskaya oblast' v rossiyskikh i zarubezhnykh SMI”

<sup>20</sup> Krickus, Richard J. The Kaliningrad Question. Lanham-Boulder-New York-Oxford: Rowman & Littlefield Publishers, Inc., 2002. 112.

hand, were the EC to cooperate with Russia, the destabilizing forces spawned by Kaliningrad might be avoided”<sup>21</sup>. The authors also emphasized the role of the EU as a mediator and as an integrative alliance standing above the parties concerned in the Kaliningrad dispute. Despite the fact that the cooperation of Brussels and Moscow was viewed as a pledge of success in prevention Kaliningrad from becoming a source of instability in EC’s eastern border, some barriers to cooperation were identified as well. Moscow’s reluctance to grant special economic status to the Kaliningrad region was considered as the most serious barrier stemming from an overall Russian fear of the devolution of power to the regions. It became absolutely clear that Kaliningrad was in great need of a comprehensive development plan to restructure the region’s economy difficulties and to strengthen a democratic society.

The Hoff-Timmermann report favored a special TACIS<sup>22</sup> program for the Kaliningrad region designed by the European Parliament. At the same time, the EU PHARE<sup>23</sup> program was applied to the region’s neighboring countries. Obviously, the TACIS – PHARE competing paradigm has produced a deep asymmetry in the regional development turning Kaliningrad in “a black hole in Europe”<sup>24</sup>. By 1998, the TACIS personnel in Kaliningrad informed the European Commission that the region had already started to export its problems beyond its borders. Indeed, in a center – periphery perspective, the region represents an area of significant interface of Brussels and Moscow. Although, coordination of the two assistance programs would be helpful from a regional perspective, particularly in economic development, the TACIS – PHARE

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<sup>21</sup> Ibid., p.111.

<sup>22</sup> TACIS – Technical assistance for the Commonwealth of Independent States, applies to the former Soviet Union

<sup>23</sup> PHARE – Polish-Hungarian assistance to the economy, applies to the Central European and Baltic states

<sup>24</sup> Krickus, p. 117.

competing paradigm cannot be applied to organizing political space in this region. Thus, I argue that the EU's major concern for Kaliningrad is rooted predominantly into the field of the political. Indeed, if multilateral political coordination based on the principle of regionality is achieved, whose influence and power will increase: that of Brussels, or Moscow? Or, probably, we will hear stronger voices from Vilnius or Warsaw?

Reflecting its concern for relations with Russia, the European Commission produced an *Interim Report* for the European Council in Madrid (1995), thus starting to examine the perspective of implications of the EU enlargement for Kaliningrad. In particular, a pre-accession strategy for EU associate members such as Poland and Lithuania suggests, among all, harmonizing government and legal systems with the EU. The latter, in James Rosenau's view, demonstrate institutional isomorphism as a mechanism of globalizing dynamics<sup>25</sup>. This dynamics, I maintain, introduces de-securitized issues, which might arise for Kaliningrad. In particular, Russia will experience effect of decision over which it has little influence. Interestingly enough, this was one of the arguments made in Scandinavia, as Lyndelle Fairlie notes, when voters were urged to approve the EU membership for their countries<sup>26</sup>.

It could be also argued that in the sphere of international relations, the major external implication of the ongoing enlargement is that the EU will potentially have a de-stabilized region of the Russian Federation at the EU's new eastern border. The reasonable assumption here is that the Kaliningrad problem will have a profound impact

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<sup>25</sup> See Rosenau, James N. "Disorder and Order in a Turbulent World: The Evolution of a Globalized Space", 145 – 169 in Charles W. Kegley, Jr., and Eugene R. Wittkopf (eds.), *The Global Agenda*, 5<sup>th</sup> ed. New York: McGraw-Hill, 1998.

<sup>26</sup> Fairlie, Lyndelle D. "Kaliningrad: Visions of the Future" in *Kaliningrad: The European Amber Region*. Ed. by Pertti Joenniemi and Jan Prawitz. Aldershot- Brookfield USA: Ashgate, 1998, p. 192.

on European security. Considering the fact that the process of rebuilding the European system of security in the Baltic region has been slowed down due to specific features of the internal situation in Russia, a problem with its western enclave in the EU may further reduce the speed of the process even today, when the Baltic States have become members of NATO. Therefore, the EU gives special attention to the consequences of the enlargement pertaining to justice and internal affairs with border control as a top priority problem in its negotiations with Russia today.

Identifying Kaliningrad as a problematic area in the EU-Russia relations, the European Commission released a Communication under the title "*The EU and Kaliningrad*". In an official pronouncement, it is pointed out that there are two sets of issues with regard to the EU enlargement: those, which will arise for all Russian region and those, which are specific to Kaliningrad. Among the latter, the issues of movement of people and goods are the most pressing ones. However, the questions of energy supplies as well as related transit issues, in the Commission's opinion, require closer study and cooperation between the EU and Russia. Underlying the idea that "responsibility for Kaliningrad lies with Russia and the region itself", it is also asserted that the Kaliningrad region is different from other regions of the Russian Federation<sup>27</sup>. Apparently, there is an emphasis on regional cooperation; yet, the Commission avoids expressing an official view at some time. It seems reasonable to think that the EU officials, considering a number of suggestions for tackling the Kaliningrad question, anticipate a difficult road to a final solution, though.

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<sup>27</sup> See "Communication from the Commission to the Council – The EU and Kaliningrad 26 Final". Commission of the European Communities. Brussels: Commission of the European Communities, 17 January 2001.



Considering the fears of the EU, I tend to agree with Vladimir Shemiatenkov's idea about the fate of the enclave in case the latter retains strong links with Russia. He writes, "its (Kaliningrad) presence in the midst of the EU territories will be an irritating nuisance for the Europeans, particularly if organized crime and corruption remain systematic features of the Russian situation"<sup>28</sup>. So, it is obvious that the social and economic instability in the Kaliningrad region underlie the possible complications of the EU - Russia bilateral relations in the long run. To illustrate the current situation in the region, I use the data published by the RF Council on Foreign and Defense Policy on drug addiction in Russia. In the opinion of the Council experts', special attention should be attached to crucial zones of the RF, including Kaliningrad, involved into increasing illegal drug trafficking. "Extremely alarming data about the drug addiction problem is coming from the country's armed forces. In many regions - especially in Moscow, areas around Moscow, and Kaliningrad -practically every twelfth draftee during the past two-to-three years has tried drugs, while one out of every thirty has been taking them more or less regularly"<sup>29</sup>. Clearly, the organized crime acts in unison with drug dealers, but the official analyses of the criminal situation in the region is not available at the moment. I suppose that according to an old Soviet tradition, these data are classified, though we can find the constant reiteration of the topic in the Russian media. The RF officials usually react to such publications in a condescending manner and often call them a "compromising discharge of information". Nonetheless, no active measures to fight the organized crime in the region have been taken yet.

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<sup>28</sup> Shemiatenkov, Vladimir.

<sup>29</sup> "Drug Addiction in Russia: A Threat To the Nation". Council on Foreign and Defense Policy. Moscow, 1998 <<http://www.svop.ru/index.htm>>.

Thus, I am coming to the conclusion that the EU, acting as an entity and an international organization in its relations with Russia, does have several patterns of representation of danger, which stems specifically from the Kaliningrad context. These patterns, I maintain, are framed in terms of security and justice, which has had a profound impact on the negotiation process. Experiencing a negative impact of its own institutional isomorphism, the EU officials avoid representing their fears pertaining to Kaliningrad in terms of the political, though. Instead, the EU implicitly transfers its political fears to the Russian side by underlying the fact of a Russian concern over the devolution of power to the RF regions. The latter is rooted into the internal problems of the RF, in particular the problems surrounding the recent administrative reform initiated by President Putin. It should be mentioned, though, that the similar problems exist in the EU as well, where the struggle for more powers to the regions is supported by many EU-members. On a surface, the EU focuses on the issue of security of its borders that has become a crucial point on the European agenda in the light of the approaching enlargement. From this perspective, the Kaliningrad issue is an ordinary one, considering the current legal context in the EU itself. Since the EU is not a state, it cannot articulate security in a similar way as Russia, or any other international actor having legal personality, does. So, the only way to deal with insecurity for such an entity as the EU is to reproduce other discourses, such as legal or economic ones. And, this is where, I believe, the heart of the matter is in a sense that the constructions of threats, used by Russia and the EU, are primordially based on different concepts of security, which are rooted into different domestic discourses. From this stance, I would argue that in order to resolve the Kaliningrad issue, the two sides would have to elaborate new concepts of approaching security and articulating insecurity.

Otherwise, the negotiations over Kaliningrad will lead nowhere, and the future of the EU-Russia bilateral relations in terms of border control, for instance, seems not that promising.

As regards the EU actors' involved into the production of insecurity, I think that the EU officials have a good chance to reemerge here as powerful politicians, representing the whole Europe in a dialogue with Russia. Although, they do not have constitutional legitimacy, and hypothetically it might be even challenged, I consider the EU official discourse as dominant since the majority of the EU members support the official representation of danger offered by Eurocrats regarding the Russian enclave. At this point, the attitude of European and Russian public toward this problem is strikingly similar in a way that in both cases the top officials are entrusted to reproduce certain discourses of insecurity and construct their narratives accordingly. I tend to think that the EU dominant official discourse is implicated in power relations within the EU, for this representation of danger has become in itself an important source of power for the Eurocrats, and, in turn, it empowers them in the eyes of the European public.

### *In Search for Solutions*

Considering the possible implications of the EU enlargement, both the EU and Russia has been looking at ways, in which they can work together to reduce the impact of the problems, confronting Kaliningrad. In order to understand the prospects of the EU-Russian cooperation in this field, it is necessary to have a brief look at the legal basis of this cooperation. I suppose that the settlement of the Kaliningrad problem will require certain adjustments of the existing EU – Russia Partnership and Cooperation Agreement

(PCA), which provides a comprehensive framework for developing relations in numerous fields<sup>30</sup>. Briefly reviewing the pre-PCA period, it is necessary to say that the Political Declaration of 1993 had defined the relations of the two parties. The latter document provided for “permanent political dialogue, and a system of regular consultations at different levels of the whole spectrum of political, economic, and other issues of mutual interests”<sup>31</sup>. Apparently, the provisions of the existing PCA of 1997 are to be complemented as a result of the enlarged EU developing a deeper relationship with Russia. Here, I argue that a dialogue with Russia will eventually evolve issues related to the third pillar of the EU, e.g. the European Court of Justice. Despite the fact that the present PCA is “the broadest and most comprehensive agreement concluded so far between Russia and any western country and organization”<sup>32</sup>, still it does require, at least, significant implementation. However, I assume that until the EU and Russia reproduce different security discourses with regard to Kaliningrad, there is a little chance of reaching a mutually beneficial agreement on this pressing issue.

### *The Position of the EU*

From the very beginning, the EU side has insisted on applying the European law regulations to the Kaliningrad case. For instance, as early as 2001, Gilbert DuBois, Deputy Head of the European Commission Moscow office, pointed out that the question

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<sup>30</sup> See Borko, Youri.

<sup>31</sup> Wright, J.B., p.17.

<sup>32</sup>Gower, Jackie. “The EU and Russia: The Challenge of Integration Without Succession”. Enlarging the European Union: The way Forward. Eds. Jackie Gower and John Redmond. Aldershot – Brookfield, USA: Ashgate, 2000. 163 – 177: 168.

of visa regime with respect to Kaliningrad would continue to be under discussion<sup>33</sup>. A year later, the *Eubusiness Week* reported, “EU and Moscow officials stuck to their guns... in the first round of talks aimed at soothing a tense row over the Russian Baltic enclave of Kaliningrad”<sup>34</sup>. The most recent variant of the EU proposals is dated by 25 September 2002, when the European Parliament recommended introducing a “special-visa regime” for the resident of the Kaliningrad region of the RF<sup>35</sup>. Thus, the EU has once again repeated the same pattern of reproducing the Kaliningrad security discourse exclusively in legal terms, eliminating any other possible representations of danger (at least, in the official discourse). However, there are three important points to be considered here.

Firstly, it is obvious that the EU institutions are used to contain challenges and to provide security in this particular situation. However, if we follow David Campbell’s logic, the EU does not “enlarge the space of freedom” in case with Kaliningrad. I fully agree with his idea that “unless there is a rethinking of “the political”, the prospects of a liberal reformism on matters of European security or any “post-cold war” international structure producing a benign and non-exclusive order seem deem”<sup>36</sup>. From this stance, the EU has already faced an extreme situation, when it is pushed to act politically, and in doing so, it finds itself in a situation, when it does not have enough instruments to settle the issue by legal means only. Interestingly enough, not all members of the EU supported

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<sup>33</sup> Delegation of the European Commission in Russia. Russia’s Common Strategy Towards the EU. 2000/2001 <<http://www.eur.ru/eng>>.

<sup>34</sup> *Eubusiness Week*. Schumann Letter. Issue 143. 26 July 2002 <<http://www.eubusiness.com?u=44886A50&m=3933>>.

<sup>35</sup> “Russkiy Den’ vo Dvortse Yevropy”/ “Русский день во дворце Европы”. Rossiyskaya Gazeta No 182, 26 September 2002.

<sup>36</sup> Campbell, David., p. 197.

the proposal on introducing a “special visa regime”. Such countries as France, Spain, Italy and Greece were opposing this proposal at some point. But the EU official narrative has no indication of disagreement among its members, though.

Secondly, I would like to stress the importance of the concept of *norms* that is incorporated in the EU discourse on Kaliningrad. Applying a legislative framework for the resolution of this issue, the EU strategy is logical in a sense that it describes collective expectations of the EU members for the proper behavior in this situation. Here, I base my argument on the idea of norms roles in defining the identity of an actor presented by Peter Katzenstein<sup>37</sup>. And again, Kaliningrad, I maintain, is an exception since we have both a “regulative” and a “constitutive” effects that specify the EU behavior. In terms of a “constitutive” effect of norms applied to the resolution of the Kaliningrad question, the EU has a perfect chance to cause Russia to recognize the identity of the former. So, a concept of *norms* operates as not only a defining factor in the EU external relationship with Russia, but also as a unifying one in its internal relationship among the EU member states. As to a “regulative” effect, it prescribes standard behavior for the EU in its negotiations with Russia. However, it is important to note that the issue of Kaliningrad has had a negative impact on this role of the norms specifically, for it has shown that in external relations norms can have a “de-regulative” effect. Indeed, approaching this issue from a legal stance has not helped to successfully settle it so far. Instead, it has introduced a fundamental controversy in the EU bilateral relations with Russia.

Thirdly, and most importantly, I argue that the EU has failed to eliminate a discourse of danger out of its negotiations with Russia. The above two points clearly

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<sup>37</sup> Katzenstein, Peter J. “Introduction: Alternative Perspectives on National Security” in The Culture of National Security: Norms and Identity in World Politics. Ed. Peter J. Katzenstein. Columbia University Press, 1996, p. 5.

demonstrate that the logic of the European integration under the aegis of the EU is primordially inclusive, and, the Kaliningrad question is exactly the point where this logic slips. To be more precise, the EU security discourse on Kaliningrad is a paralogism, emblematic for European security in many ways, in particular if we turn to Campbell's argument about a rethinking of "the political". Equally, the situation around Kaliningrad demonstrates that European integration contradicts the foundations of the existing international system in principle. Thus, I am coming to a conclusion that to a great extent it is the responsibility of the EU to address the Kaliningrad question in order to find a relevant solution. However, now it is obvious that the EU officials will further insist on the proposals they made in September 2002. As to Russia, it cannot offer any alternative proposals, I think, simply because it has not had any experience of participating in the negotiations over issues pertaining to the process of European enlargement and integration. Obviously, Kaliningrad is a *ballon d'essai* in Russia's relations with the EU.

#### *The Position of the RF*

On 24 December 2001 Vladimir Putin touched upon the Kaliningrad problem at the national press conference in Moscow. He stated that "Russia insists on resolving the issue of free movements of the Russian nationals in the Kaliningrad oblast by 2004"<sup>38</sup>. So, Russia hopes not to implement the existing PCA, but to get a conceptually new agreement as a precedent for its future negotiations with the EU on other issues. If concluded, it is very likely to challenge the Strasbourg Law and its institutions. But will it imperil the legality of the EU law system? I do not think so; rather, I suppose that

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<sup>38</sup> "Putin pridumal novyi sposob vstupleniya Litvy v ES"/ "Путин придумал новый способ вступления Литвы в ЕС". RIAN, 13 April 2002 <<http://www.rian.ru>>.

the “breakthrough” of Strasbourg law may happen in that case. However, I also assume that “there also be a strong temptation for the Strasbourg institution to fashion a two-tier legal order”<sup>39</sup>. Although Mark Janis’s comment refers to a different situation, I assume that his words perfectly illustrate one of the scenarios for a legislative reform at the background of the eastern enlargement of the EU. It could be argued that this prognosis creates a pessimistic impression, but a good degree of caution is needed from both parts, I suppose. For instance, speaking of the economic problems of the region at the meeting of the RF Security Council in April 2002, the Russian President Vladimir Putin attached special attention to the fact that the living standard in the Kaliningrad oblast is 1.4 times lower than an average Russian index<sup>40</sup>. Obviously, despite the attempts of the RF federal authorities to implement the economic conditions in the region, the situation is far from being good, at the moment. In January 2001, the Commission issued a communication on Kaliningrad and its future relationship with the EU. This document is a discussion paper intended “to encourage thinking on how to assist the development of the region in the framework of enhanced cooperation between Russia and the EU”<sup>41</sup>. In one of his comments on the complicated situation around the Russian enclave, Vladimir Putin suggested to turn all the disadvantages for Russia into the advantages to promote the development of this region. This suggestion can be considered as a quintessence of

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<sup>39</sup> Janis, Mark. “Russia and the “Legality” of Strasbourg Law”. *European Journal of International Law* <<http://www.ejil.org/journal/Vol18/No1art5.html>>.

<sup>40</sup> “Putin pridumal novyi sposob vstupleniya Litvy v ES”/ “Путин придумал новый способ вступления Литвы в ЕС”. *RIAN* 13 April 2002 <<http://www.rian.ru>>.

<sup>41</sup> “Bringing INERREG and TACIS Funding Together”, June 2000 <<http://www.inforegio.cec.eu.int/INTERREG3>>.



Putin's strategy on Kaliningrad, and wider, with respect to the future approached to Russia's cooperation with the EU.

In 2002 the situation has aggravated significantly. In June 2002, President Putin insisted on a visa-free regime for the RF citizens, by stressing that it is "an insult for Russians to get an EU visa to get home"<sup>42</sup>. (Interestingly enough, Putin's mother –in-law resides in Kaliningrad, where his wife, Ludmila Putina, was born. So, the family of the Russian President has experienced a direct impact of the developments in the region.) The Russian President has stressed more than once that the EU approach towards the settlement of the Kaliningrad issue is a litmus paper on the EU-Russia relations, which defines the prospects of cooperation for future. Apparently, the recent EU proposals on settling the Kaliningrad problem have provoked indignation and anxiety in Russia. What is really troubling the RF officials today are the practical questions of border control and free movements of persons and goods. Their concerns focus on the key issues, which threaten, in their view, to affect the daily lives and livelihood of the Kaliningrad oblast after the neighbors' accession to the EU. The adoption of the Schengen *acquis* by Lithuania and Poland will involve tightening border control and reinforce the impression in Russia that new divisions are being created in Europe. There have been a lot of complaints not only in the Russian press, but also at the RF official level that such areas as tourism and cross-border trade have already influenced the impact from the two applicants reassuring the EU that their borders are secure<sup>43</sup>. Vladimir Shemiatenkov describes the possible development of this situation as the following: "If, as is often

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42 "Putin stoit na svoem v voprose Kaliningradskogo anklava"/ "Путин стоит на своем в вопросе Калининградского анклава". Strana.Ru. 18 June 2002.

43 "Kaliningradskaya oblast' v rossiyskikh i zarubezhnykh SMI"

suggested, the inhabitants of the oblast receive Schengen status, they will be placed in a privileged position in comparison with other Russian citizens. The Russian border guards in Kaliningrad will have to protect the Schengen area from their fellow countrymen arriving from the mainland. This would be both unconstitutional and politically untenable”<sup>44</sup>.

It has become quite clear that after the last round of talks and discussions of the Kaliningrad problem, the attitude of the RF officials has changed radically, and now they openly state that the Kaliningrad question is *exclusively political, and cannot be resolved within the EU legal framework*. Therefore, they push for a traditional political dialogue, which is, in the opinion of John Mearsheimer, the form of a struggle for security in a power - based political system<sup>45</sup>. Indeed, the old stereotypical understanding of security in power politics is still there, and from this perspective, Russia is obviously right. However, what is wrong is the fact that the logic of power politics is constantly reproducing traditional patterns of danger, and this is particularly the case of Kaliningrad. As early as October 2002, the Russian media widely debated a question, raised in the RF State Duma, of a territorial dispute between Russia and Lithuania over the Klaipeda region<sup>46</sup>. The heart of the matter is that Russia considers a possibility to exert pressure on Lithuania and the EU, in case the Kaliningrad problem is solved without taking into account Russia's interests in the Baltic region. As we can see, nothing has changed on

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<sup>44</sup> Shemiatenkov, Vladimir.

<sup>45</sup> Snyder, Glenn H. “Mearsheimer’s World – Offensive Realism and the Struggle for Security”. A Review Essay. *International Security*. Summer 2002, vol. 27, No1, p.p. 149 – 173.

<sup>46</sup> “Kaliningradskaya oblast’ v rossiyskikh i zarubezhnykh SMI ”

this world, and even the “partisans of the West” in the State Duma are talking now that the Cold War is not over.

To illustrate the above-mentioned assumption, let me show another example, where Kaliningrad plays a symbolic, but at the same time a strange role, to say the least. Nikolai Sokov cites the 1999 Russian military summer maneuvers “Zapad-99”, when a NATO attack on the Kaliningrad region was simulated, and, according to the scenario, “Russian conventional forces were unable to hold for more than three days, and to avoid defeat Russia selectively used nuclear weapons to demonstrate that it took the situation seriously and was not afraid of escalation”<sup>47</sup>. As Sokov further notes, nuclear weapons are the hallmark of a new defense policy in Russia, and they are seen as “the only reliable means to dissuade NATO from using force against Russia; and the harsh language of the recent official documents is clearly intended to ward off this perceived threat”<sup>48</sup>. So, this is the case when a threat to Kaliningrad is framed in merely military terms, and this particular narrative, whatever striking it is, is not different that much from an official Russian narrative framed in political terms. Although articulated differently, both narratives clearly demonstrate Russia’s understanding of threat in the case of Kaliningrad, perceived as a threat to Russia’s territorial and political integrity. What is more important, however, is the fact that neither EU, nor Russia has ever framed their official narratives of insecurity in terms of a military danger in the course of negotiations. But, the closer the two sides get to the heart of this problem, the more obvious it becomes that European neoliberalism with its discourse of security framed in legal terms clashes

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<sup>47</sup> Sokov, Nikolai. “Russia’s New National Security Concept: The Nuclear Angle”. 19 January 2000 <<http://cns.miis.edu/pubs/reports/sokov2.htm#top>>.

<sup>48</sup> Ibid.

with Russian defensive realism of an ex-superpower, which security discourse is predominantly framed in political and, less explicitly, in military terms. And here, I ask the final question, what these discourses of insecurity mean?

### *Some Conclusions*

In order to answer the question raised above, I have to look closer at the cultural aspect of the problem, in particular at how the insecurity is produced by both actors in the dispute over Kaliningrad at the level of culture. I start with the assumption that both interested parties have recognized each other as an entity, which environment is endangering the existence of its counterpart either legally or politically. In this case, it is difficult to challenge conventional representations of danger on both sides since they are obviously stereotypical, intrinsically linked to the existing power based international security system of a "cold war" type. As Weldes and Gusterson point out, "Invoking security in this conventional sense thus invokes the discourse of organized political actors, particularly the state"<sup>49</sup>. From this, I can infer that the EU security discourse with regard to Kaliningrad is certainly of a state, but not of a political organization. The latter fact I find particularly interesting. Indeed, in terms of the ongoing European integration, Kaliningrad casts light on the nature of the political process within the EU itself, which is drifting towards federalism and its own constitution. From a cultural perspective, the process of European integration is obviously a process of identity-formation. Here, I would argue that Kaliningrad is a demonstrative example of a mutual identity construction framed exclusively in terms of insecurity. Although, the official discourses of insecurity are not articulated explicitly in cultural terms, they certainly imply distinct

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<sup>49</sup> Weldes Jutta, et al., p. 10.

politics of identity when difference is transferred into otherness, e.g. different legal systems is a basis for cultural identification of “non-us”.

Nonetheless, it has become apparent that the settlement of this dispute may require reestablishing of the parties’ identities since the condensation of the geo-political space, symbols and characteristics, transforming the space itself, has already happened in the Kaliningrad region<sup>50</sup>. I tend to think that today the process of European identity formation implies expanding an image of space in more inclusive terms. However, in terms of the EU-Russia relations the former eventually means accepting Russia as a part of the EU, and this is out of question at the moment for the number of reasons. For instance, it may be argued that the process of European identity formation would loose its charisma, for Russia would expand the EU borders beyond imagination. Here, the cultural arguments lie at the heart of the problem. In case it ever happened, the EU might well look like Estonia today with its civilizational internal borders, and the problems arising out of that context<sup>51</sup>.

As I have argued, the official hegemonic discourse is dominant in both Russia and the EU. In case with the latter, though, the official narratives of insecurity “produce citizens as particular kinds of subjects”, who can be mobilized to express a unifying support to the EU interests<sup>52</sup>. In the context of the heated ongoing debates over the political future of the EU, the Eurocrats, I believe, are deeply interested in reproducing

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<sup>50</sup> See Agnew J. and Corbridge S. Mastering Space: Hegemony, Territory and International Political Economy. London and New York, 1995; Parker G. Geopolitics: Past, Present and Future. London and Washington: Pinter, 1998.

<sup>51</sup> Kuus, Merje. “Toward Cooperative Security? International Integration and the Construction of Security in Estonia”. Millennium: Journal of International Studies 31: 2, 2002 ISSN 0305-8298.

<sup>52</sup> Weldes Jutta, et al., p. 15.

the Kaliningrad discourse of insecurity framed in legal terms in order to have more evidence of popular support at the background of the deficit of democracy in the EU. Kaliningrad is a lucky chance for Eurocrats to reemerge in the field of the political as a united class of diplomats and politicians, promoting a common European foreign and security policy agenda in the bilateral relations with Russia. And again, mobilizing a discourse of insecurity has appeared to be a powerful means of influence on the public opinion in the EU. As to Russia, it feels threatened by these developments, and it is no surprise that the RF government resorts to the old methods of counter-argumentation by framing insecurity in exclusively political terms and pressing for a political dialogue with the EU. Considering the fact that the construction of identities is a reciprocal process, I would argue that Russia is doomed to reproduce the hegemonic official security discourse with respect to Kaliningrad for mainly two reasons. First, it is a convenient way of mobilizing politically demoralized masses domestically, especially for a new political elite and its leaders such as the Putin's team. Second, from the international perspective, it is a conventional political behavior caused by the existing power based international security system, the pattern of which is well cut in Russian foreign politics.

What is my conclusion here? Alas, today I more than agree with the pessimists, who tend to think that Kaliningrad is a "European deadlock". I also think that there is no mutually acceptable compromise, or a "bridge", over there, as the optimists argue, at least in the existing framework of power politics. To make any progress in this direction, I believe, the EU would need new approaches and, maybe, new institutional framework to resolve this issue. Since the initiatives have come from the EU officials, the Russian side argues that the responsibility to elaborate the ways of resolving the Kaliningrad problem

lies primarily with the EU. Operating within a traditional power-based security system, Russia is deliberately emphasizing the significance of the latter. In a paradoxical way, the EU, though understanding an urgent necessity to develop new political approaches, sticks to the same logic in dealing with Kaliningrad that demonstrates the limits of power politics, in fact. Indeed, the exception proves the rule, and whatever a solution might be under the present conditions, there would be always a bone of contention somewhere there. Nevertheless, I deeply believe that there is still a hope that “all that is not eternal is eternally out of date”, as once C.S. Lewis noted.