

EU membership – a salvation from or a solution for historical struggles?

An analysis of the Czech-German and the Slovak-Hungarian
relations in the context of the Beneš-decrees

Abstract

In 2004, the EU welcomed ten new member states. For two of these newcomers, namely the Czech and the Slovak Republic, the accession process did encounter difficulties as they got haunted by their own history. In both states' constitution, there are decrees, issue from the post-war era, including discriminative regulations against minorities. These decrees, commonly called Beneš-decrees, have been criticised for being inconsistent with EC-law and for that reason the EU demanded their abolition before the Czechs and the Slovaks enter the Union. Instead of annulment, both the Czech and the Slovak parliament declared the Beneš-decrees as untouchable. In other words, the Decrees will remain as a fundamental part of the constitution, without any current legal force.

The Czech and the Slovak resolution has triggered a hectic discussion among the concerned states, such as Germany and Hungary and the pressure increased towards the EU who was considered playing a roll of an arbiter in this sensitive issue.

Keywords: European Union; integration theory; enlargement; Beneš-decrees; Czech-German and Slovak-Hungarian relations; minority rights;

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Introduction

1.1 The topic of the study

In the end of September 2007, the Slovakian parliament declared the *Decrees of the President of the Republic*, commonly known as the so called *Beneš-decrees*, as inviolable and untouchable. The Czech Republic came into a similar resolution about the Presidential Decrees only just a few years earlier. The Slovakian decision triggered once again a hectic debate on this issue and questioned the incompatibility of the Presidential Decrees with EU discrimination norms. The Decrees, issue from the post-war era, were proposed by the Czechoslovakian president Edvard Beneš in 1945 and included a group of laws with discriminative significance specially implicate on German, Austrian and Hungarian minorities living within the Czechoslovakian border. The Beneš-decrees not only covers laws on expulsion of minorities but also on property confiscation and withdrawal of citizenship.

The minority issue deriving from the post-war Presidential Decrees became a common discussion-object within the European Union when the Slovaks and the Czechs applied for EU membership in the mid 1990s. Critics of the Decrees raised their voices and demanded their abolition before the accession of the two states to the European Union. Despite all the thorough and penetrating critique concerning the legal aspects of the Beneš-decrees, both the Czech and the Slovak Republic were welcomed to join the European Union without the annulment of the Decrees.

1.2 The research question and aim of the study

Today, more than a half-decade later the *Decrees of the President of the Republic* (hereinafter: Beneš-decrees or Presidential Decrees) still remains as a fundamental law in both the Slovakian and Czech constitution, although both states that they no longer have any validity. Despite the fact that the Decrees are regarded highly discriminative morally as well as legally, the debate, insignificant and indefinite for most of the EU member states, but already ongoing for a long period of time between Germany and the three Eastern-European states, namely the Czech Republic, Slovakia and Hungary, captured the attention of the European Union only recently.

Our main intention with this study is to examine the motives of the European Union for admitting the Czech and the Slovak Republic and discuss whether the European membership is seen by these two states as a “last resort” to repair the mistakes done in the past or a “tricky plan” to avoid dealing with history. In other words: *Is the EU-membership a salvation from or a solution for historical struggles?* Since the history of the concerned states as well as the consequences of the Beneš-decrees have an indisputable significance in our research, we also seek to examine how discrimination laws like the so called Beneš-decrees could have survived over all these years and furthermore, how these Decrees still can be allowed by the European Union to exist as a fundamental part of a constitution of a member state.

1.3 Methods and Materials

To give our research a theoretical relevance, we have chosen to base our study on a theory recently developed within the concept of the European integration, namely the enlargement theory concerning the *supply*- and the *demand-side* politics of the EU enlargement process. Although this theory is not fully developed and it lacks of empirical researches, it has enough basis to apply on our research. We presume that this theoretical approach will help us to explain why the discriminating Beneš-decrees were neglected by the EU and how come that the Czech and the Slovak Republic could join the union without the abolition of the Decrees. We are highly aware of that *supply* and *demand* are terms frequently used in economics. Our attention is not to investigate the pro- and the con-economic aspects of the eastern enlargement, but to apply the supply- and demand-theory on the Czech and the Slovak accession mainly from a political but also from a legal and a moral perspective.

A legal opinion concerning the legal aspects of the Beneš-decrees has already been presented by the European Parliament in 2002. Since the examination was provided by three experts, namely Professor Dr Jochen A. Frowein, Professor Dr Ulf Bernitz and Lord Kingsland Q.C., we have found it unnecessary to interrogate the official conclusion of the EP but important enough to present it along with the different critiques about the legality of the Decrees.

As the debate on the Beneš-decrees gives us the impression to be very sensitive, we must take into consideration not only a legal but also a moral approach. We assume that it will give us additional explanations behind the application and the affirmation motives.

To our basic research, we have found four scholars, Frank Schimmelfennig, Ulrich Sedelmeier, Walter Mattli and Thomas Plümper, who have studied the enlargement process and contributed rational arguments to the development of the theory of enlargement. We have, in our use, several articles from these researchers on which we intend to base our study.

To study one of our main object, namely the Beneš-decrees and its consequences on the relations between Germany and the Czech Republic as well as between Hungary and the Slovak Republic and on the accession of the Czech and the Slovak state to the European Union, we have mainly consulted a book called *Facing history*, published on the behalf of the Czech Ministry of Culture and articles from Jan Pauer, Bart Driessen, Lynn M. Tesser and Timothy W. Ryback.

When it comes to the second main object of this study, the legal aspects of the Decrees to be exact, the scientific range on this issue is rare. Of those articles we have found, three of them were in German. Unfortunately, we are not able to read these documents in lack of our knowledge of the German language. Of those documents in English that we have found relevant and came to our use are following: the legal opinion on the Beneš-decrees initiated by the European Parliament, an article by Emil Nagengast and the already mentioned book, *Facing history*.

Since the debate about the so called Beneš-decrees between Slovakia and Hungary is still not concluded, there are no scientific articles/researches to be found about this subject. Consequently, we have to rely on texts from different newspaper-sources, international ones as well as Hungarians.

2 Theoretical Framework

Ever since the creation of the European Union, scholars have studied thoroughly the integration process of this European “phenomenon”. Different theories and arguments about this highly significant process have been presented from economical, sociological and political points of view. *European Integration Theory*, as the concept is commonly called, contributed different theoretical approaches, like *neofunctionalism* and *intergovernmentalism*, only to mention the classics, to gain a better conceptual understanding of the historical development of the EU.

While contemporary theoretical concepts concerning the European Union primarily focused on the integration process, the enlargement, which also has an important political relevance, suffered from a theoretical neglect. It is only recently that the theoretical debate about EU enlargement, particularly the enlargement of the Central and Eastern European countries, gained attention among theoretical scholars. Questions about the motives of the EU leaders to admitting new member states from Central and Eastern Europe as well as about motives of the candidate states to join the EU suddenly became an interesting issue to investigate.

2.1 Enlargement theory

Enlargement theory is the latest concept within the theoretical studies of the European Union. Since it is only recently that the enlargement of the EU has evaluated as a theory, it suffers from a lack of completeness and the theory of enlargement still has important aspects to explore. (Schimmelfennig & Sedelmeier 2002:501) Sedelmeier argue that the EU enlargement has been examined on a macro-level whereas researches on the meso-level has lacked of attention. In other words, the debate has primary focused on the motivations and the decisions to enlarge and only a small part considered the policy outcomes, i.e. impacts and consequences of the enlargement (Sedelmeier 2002:627-628).

Consistent with Sedelmeier’s observations, Schimmelfennig seeks to take into account both the motives and the outcomes to explain the enlargement. In his article, he presents his study on the expenditure of the EU by examining the process from different perspectives, such as rational, sociological and constructive. Within the rational perspective, he uses intergovernmentalism, “the most prominent and promising rationalist account” and Andrew Moravcsik’s analysis of integration decisions (Schimmelfennig 2001:48-49). According to Moravcsik, mostly known for his liberal intergovernmentalist approach on the origins and the development of the EU presented in his book *Choice for Europe*,

the liberal intergovernmentalism is the only theory capable to realistically explain the integration process (Moravcsik 1998). Contrary to this statement, Schimmelfennig claims that the decision to expand the EU cannot be fully explained only from a rationalist point of view, without taking other perspectives into consideration (Ibid.). In other words, while Moravcsik states that the European integration is mainly a result of economic interests and other factors like geopolitics or supranational bargaining only have a secondary role in the integration process, Schimmelfennig argues that economic gains alone cannot explain the expenditure process of the EU.

Mattli and Plümpert, two other scholars who has also examined the enlargement process, present the theory from a different approach. Their study focuses on the supply-side and the demand-side politics of the EU enlargement. Their concern with the study is to contribute the enlargement theory a demand-side perspective though only the supply-side has been sufficiently investigated (Mattli & Plümpert 2002:550). Since this approach discusses the subject also from both the micro- and the meso-dimension presented by Schimmelfennig and Sedelmeier, we found it therefore relevant to apply it in our study. Schimmelfennig's and Sedelmeier's study, which resemble to Mattli's and Plümpert's supply-side theory, will help us to reflect on the enlargement from EU perspective while the main question of Mattli's and Plümpert's demand-side approach, *What explains that some European states apply for EU membership while others choose not doing so?*, will help us to study the same process from a member state perspective (Mattli & Plümpert 2002:551).

2.1.1 Supply-side

Supply-side arguments bring to light the different motives of the EU members for admitting additional states, in this case central and eastern European countries, into the union. In so doing, these arguments provide diverse theoretical explanations on the enlargement process.

Mattli and Plümpert make a distinction between three different supply-side arguments. Although each of the arguments is more or less economically related, they provide significant reflections to an enhanced comprehension of the enlargement process.

The first supply-side arguments concern "negative externalities" which refers to different costs and also different social and political deficits as illegal immigration for example. This argument claims that the EU member leaders seek to "maximize economic growth and prosperity of the union" (Mattli & Plümpert 2002:552). It means that they are only ready to accept a candidate if it can contribute to the union's economy with a net positive effect or if the exclusion of the candidate seems more costly than its acceptance.

The second argument regards pure economic gains. It states that the union is enlarging in favour of the benefits it will bring. According to the theorists, multinational corporations in the EU and firms interested in expanding will turn a

profit on trade and investments in the new member states. Eastern enlargement with its new investment opportunities and its improved business will consequently reduce costs in different areas, such as transaction costs, which in turn will encourage multinational firms to invest more in the region. Mattli and Plümper argue in favour of this statement, that countries like Germany and the United Kingdom with strong business interests played an important role in pushing the eastern enlargement plans forwards (Mattli & Plümper 2002:555-556).

Finally, the third supply-side argument is norm-based and mostly refers to Schimmelfennig's theory of *rhetorical entrapment* or *rhetorical action*. He states that member states, as political actors are well concerned about "their reputation and the legitimacy of their preferences and behaviour" (Schimmelfennig 2001:48). To push the process forwards, member states being in support of the enlargement used a norm-based argumentation by referring to the European community's norms and values to justify their interests. In so doing, those member states who opposed themselves to the enlargement, worried about their reputation, did not have other choice but agree (Mattli & Plümper 2002:556-557). However, this rhetorical entrapment does not seem to be a distinctive strategy to stimulate the initiations to further enlargement. Mattli & Plümper point out other, less informal alternatives on pushing the accession debates forwards, such as silent threats or side-payments (Ibid.).

Furthermore, Mattli and Plümper mention Schimmelfennig's claim where he argues that economic gains are not the only explanation to the eastern enlargement. Other norms have to be taken into consideration for a fully understanding of the expenditure process. Despite the fact that the enlargement does not generate economic gains to every member state, gains from own national interests has become the main concern of these states. France, for instance, has refused concessions on beef meat and Spain blocked agreement on steel trade (Mattli & Plümper 2002:556). For that reason, economic gains cannot be considered as a priority of all EU members.

2.1.2 Demand-side

Demand-side arguments, as we have already mentioned, has suffered from negligence and not as fully developed as the supply-side theory. In fact, most of the arguments are ad hoc and never been tested empirically. The aim of this theory is to examine the driving forces of the membership applications.

One demand-side argument claims that the membership is considered by the applicants as somewhat of an identification. States applying for membership are hoping for recognition. They want to be seen as a state who can live up to the fundamental norms and values of the European Union, such as rule of law, social and political pluralism etcetera (Mattli & Plümper 2002:557).

Another argument holds that the attraction to join the EU lays in the fact that the union has promised financial and technical assistance to prepare the candidate states for the entry. The aid will contribute to an effective and a proper

implementation and enforcement of the *acquis communautaire* (Ibid.), i.e. the totality of EU law and other obligations binding the member states together.

Furthermore, a full membership has more advantages to offer. Mattli and Plümper mention economic benefits in form of unlimited access to the single European market and influx of transnational capitals into the new regions. According to the statistics, foreign investments have grown remarkably and eastern countries are considered as a potential target for further investments (Mattli & Plümper 2002:558).

2.2 Legal and moral approaches

Since the Beneš-decrees seem to us as a highly sensitive issue, we cannot ignore to take into consideration legal and moral approaches. For the legal basis in our study, we have decided to recall upon the basic conditions for accession as it is written in the articles 49 TEU¹ and 6 TEU, and the bilateral Friendship Treaty signed between the Czech Republic and Germany as well as between the Slovak Republic and Hungary.

As stated by Article 49 TEU, “Any European State which respects the principles set out in Article 6 paragraph 1 TEU may apply to become a member of the Union”. Article 6 paragraph 1 reads: “The union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law, principles which are common to the Member States”. In the context of the fifth enlargement, at the EU summit in Copenhagen 1993, the European Council added into the Article 6 new accession criteria for the future members. The Copenhagen criteria, as it is commonly called, among other basic norms, further included the criteria of *respect for and protection of minorities* (European Parliament homepage).

The aim of the Friendship Treaty, in both cases, was to improve the relationships between the states involved. The *Treaty on Good-neighbourly Relations and Friendly Co-operation between the Republic of Hungary and the Slovak Republic*, as the title illustrates, this bilateral agreement mainly focuses on a mutual cooperation where good neighbourly relations are inevitable if the states really want to achieve the goals laid down in the treaty. There are within this framework also paragraphs concerning minority rights.

To our moral approach, we have chosen to take a look at the EU membership and its significance as it has an important standpoint in our research and also the signification of the Beneš-decrees as a national symbol.

In the context of the Central and Eastern European enlargement, the EU membership as well as the EU itself, has been often described by scholars as a form of an identity (see also Mattli & Plümper 2002; Lane 2007). Besides the attraction of economical benefits including welfare, the EU membership had also

¹ Treaty of the European Union, also known as Treaty of Maastricht

a “somewhere to belong”-unity to offer; a unity with security, peace², and mutual commitments. To become a full member of the EU also requires giving up the national autonomy to a certain extent. As we shall see in our analysis, a membership also requires that the member state lives up to the values and norms of the Community which means, in our case, an obligation to invalidate an important part of the national identity of two states.

National symbols are an important part of national identity; they are essential for the formation and the maintenance of a nation’s identity. They represent the nation to the outside as well as to the inside. With all certainty, the most frequent and empowered national symbol is the flag followed by the national anthem, although national symbols can represent a nation through other forms and characters, such as holidays, currency, buildings and many more (Geisler et al. 2005:XV, XXII).

² As it is well known that democracies do not go to war with each other

3 The so called Beneš-decrees

3.1 History

At the recreation of the Czechoslovak Republic³, also called the Second Republic, at the end of the World War II, similarly to other occupied countries in Europe, the Czechoslovakian state has experienced, during a long time, a hard period with non-functional constitutional bodies and legal system. To stabilize the then current situation, the, at that time, London-exiled ex-president Edvard Beneš tried to rule the Czechoslovak state through a provisional, self-appointed government with himself as head of state. In 1940, he got an official recognition as president of the Czechoslovakian state, primarily by the British government and later on by other states, albeit only as a provisional government (Beneš et al. 2002:162, 282).

As an officially recognised president, Beneš started to introduce new laws, most of them proposed by his appointed government, into the old constitution issued from the First Republic. Through these constitutional extensions and changes he transferred various powers to himself, mostly by necessity for an effective exile governing of the Czechoslovakian state. Besides his presidency role, he was also a leader of the Czech resistance movement organised by exiled Czech and Slovak patriots. Beneš' aim, similar to many others in the resistance was to revive Czechoslovakia and make it to a free state. The home resistance movement had gone a long further in that issue, though the hatred for the Germans did that the majority of the Czechoslovakian population became even more nationalistic and wanted a free nation without any German or Hungarian minority (Beneš et al. 2002:161-166). According to the facts found in the book *Facing history*, Beneš was ready to discuss the remaining of the German population in the Czechoslovakian state. He also wanted to afford a few places in the Council of States for Sudeten Germans, as they originally were called, but he was confronted by an enormous resistance from the inhabitants (Beneš et al. 2002:171). Further historical facts about the relationship between the Sudeten Germans and Czechoslovakia will be introduced in the following chapter.

In 1943, Beneš made a turning point in his political standings and went from anti-fascism to anti-German radicalism. He formulated a ten-point plan which became the fundament to a government programme called Košice-programme, named after the city it was signed in, that he proclaimed two years later. It included discriminative measures which among other things led to expulsion and confiscation of property of German, Austrian and Hungarian minorities living on

³ The first Czechoslovak Republic was founded in 1918 and remained until 1938.

Czechoslovakian territory. His radical change of view can be explained by the pressure he received from the Czechoslovakian population. As Kural states, the President has also been troubled and afraid by the fact that the Communists were intended to take over the power (Beneš et al. 2002:189).

Consequently, the Decrees of the President of the Republic originated from a period where the Czechoslovakian state was in a great need of salvage. President Beneš introduced these laws after the recognition of his provisional government to guarantee the reconstruction of his country caused by the brutal impacts of the Second World War. The Decrees contained at this time only necessary regulations to restore legal order and no discrimination laws at all (Beneš et al. 2002:236). It was the drafting of the Košice-programme which provided fundamental changes, already mentioned above, in the Decrees of the President of the Republic. These laws were only concerning those minority citizens who betrayed the Czechoslovakian state during the Nazi-occupation. In other words, all the Sudeten Germans were guilty in the eyes of the Czechs because of their support for Hitler and his Nazi-regime. When it comes to the Hungarian minority, they faced the same fate as they were regarded as “compliant instruments of political forces invading the Republic from abroad” (Beneš et al. 2002:237). Confiscation of property, withdrawal of citizenship along with expulsion waited for them who were judged as a traitor. Everyone who could prove their innocence and loyalty to their homeland remained unaffected (Ibid.).

3.1.1 Current relevance of the Decrees

The Beneš-decrees were originally comprised by around 140 decrees. However, the present debate concerns only a small but a significant part of the original assortment related to confiscation, citizenship and criminal regulations (Euractive).

Decree no. 12 and no. 28 are about confiscation of property without compensation and particularly concerning German and Hungarian minority citizens. These regulations were later on extended with decree no. 108 which ordered the confiscation of all property rights belonging to Germans and Hungarians except for those who could prove their loyalty to the Czechoslovakian state (Frowein et al. 2002:8).

Decree no. 33 concerns Czechoslovak citizenship. According to this law, all Czechoslovak citizens of German or Hungarian nationality lost their Czechoslovakian citizenship. Those persons who have received German or Hungarian citizenship lost their Czechoslovak citizenship retroactively from the same day they acquired German or Hungarian citizenship while all the other persons lost their citizenship from the date this law came into force (Ibid.). Although we found Professor Frowein’s description of this decree very vague, unfortunately we could not find a better justification. We assume that minorities

living in Czechoslovakia had the right to acquire a double-citizenship in the pre-war era.

Persons, especially those belonging to the German or Hungarian minorities were automatically judged as traitors during the occupation (Beneš et al. 2002:237). For those who could not prove their loyalty waited, according to decree no. 16, in certain cases long term prison and also death penalty as worst (Frowein et al. 2002:8).

However, the decree people has reacted the most on, is decree no. 115 where Article 1 states that any act committed during wartime is not illegal, even if under different circumstances, with all possibility, these acts could be punishable by law (Frowein et al. 2002:9).

3.2 The Czech case

The debate about the so called Beneš-decrees came up to the international agenda when the Czech Republic showed its intentions for joining the European Union. MEPs and other politicians concerned about the issue raised their voices and insisted to have the Decrees annulled before the Czech Republic makes its entry into the European Union. After eye-opening arguments, the European Parliament asked for a legal opinion from Jochen A. Frowein, professor at the Max Planck Institute for Foreign Public Law and International Law in Heidelberg, Germany. The European Parliament asked for additional reviews of Frowein's report on the subject from another two experts, professor Ulf Bernitz from Stockholm and Lord Kingsland from London. The submitted common conclusion stated that the so called Beneš-decrees "are not an obstacle to EU accession" (Nagengast 2003:344).

3.2.1 Background

The Czech debate about the so called Beneš-decrees mainly concerns ethnic Germans living as a majority in a part of Czechoslovakia called Sudetenland. The ethnical issues between Germany and Czechoslovakia have considerably started after the disintegration of the Austro-Hungarian Empire after the World War I. Along with other ethnic groups, the Germans also found themselves as ethnic minorities in the neighbouring states (Beneš 2002:194). The Sudetenland, which referred to the entire northern border area of the Czechoslovak Republic with a majority population of Bohemian, Moravian and Silesian Germans, became then a part of the newly created state, the first Czecho-Slovak Republic (Beneš 2002:98). The integration of the Sudeten Germans into their new homeland encountered many difficulties such as lack of acceptance from both sides and under a long time the Sudeten Germans fought for their right to self-determination, in vain (Ryback 1996:166-167).

A resettlement issue of the Sudeten Germans emerged when Hitler came to the power in 1933. As the well-known slogan “ein Volk, ein Reich, ein Führer”⁴ demonstrates, Hitler wanted to reunite all Germans into one state, but what his real objective was, is an absorption of land inhabited by ethnic Germans into the Reich (Beneš 2002:197-198). The *Sudetendeutsche Partei* shared Hitler’s plans concerning the integration of Sudetenland into the Reich. The SdP was not only a pro Nazi party, but also the most powerful political party⁵ in Czechoslovakia. Hitler knew, as well as the adherents to the *Sudetendeutsche Partei* that their aim was possible to realise solely through the destruction of the Czechoslovak Republic (Beneš 2002:93,108).

However, at the very beginning of the Second World War, in the belief of taking the right decision in the minority issue, three European powers, namely Great Britain, France and Italy, influenced by Hitler, signed a treaty together with Germany. The Munich treaty, as the agreement was called, was considered as the only resolution to the minority problem of Sudeten Germans (Beneš 2002:113). It was signed on September 29, 1938 without the approval from the Czechoslovakian state and thus included the resettlement of Sudeten Germans to Germany and also the occupation of four territories, namely Teschen⁶ and parts of Slovakia (The Munich Agreement). The agreement was fulfilled as planned just like Hitler’s objective. In other words, not only the four appointed areas got occupied but the whole Czechoslovakian state fell under Nazi occupation. As a result, many of the Czech inhabitants were expelled from Sudetenland, along with several other cruel crimes committed against them (Ryback 1996:168-169). At the very end of the Second World War, the collapse of the Nazi regime affected gravely the future condition of the Sudeten Germans. Despite the fact that they facilitated Hitler’s occupation of Sudetenland, the Czechs indicted the Sudeten Germans for betraying the Czechoslovakian state (Ryback 1996:170). Thereby started the history of the so called Beneš-decrees.

The end of the Cold War brought the very first sign to a promising end of the Czech-Sudeten German issue. In 1990, the then Czech president Václav Havel made a statement where he personally expressed an apology for all the injustice committed against the Sudeten Germans in post-war Czechoslovakia. According to Pauer, Havel’s apology was “intended as a gesture which would contribute to overcoming the burdens of the past and [...] making a clean break with the past...” (Pauer 1998:173). Even though not all of the Czechoslovakian political parties agreed with the apology, Havel’s moral intensions lead to the next step towards the final resolution, which resulted in a *Friendship Treaty* between the Federal Republic of Germany and the Czechoslovakian state, signed in 1992.

3.2.2 The debate

⁴ One people, one Reich, one Leader

⁵ In terms of votes polled

⁶ A part of Silesia, now divided between the Czech Republic and Poland

As we mentioned previously, the Czech debate about the Beneš-decrees captured the attention of the European political sphere as soon as the Czech Republic presented its interest to join the European Union.

Though, the true legal and moral dispute about the Decrees started in 1995 when the constitutionality of one of the Beneš-decrees was called into question. To investigate the claims stating that a certain decree do violate several international human rights norms and standards, the Czech Constitutional Court got the privilege to give a legal statement in the question. The Czech high court had reached the following decision: it reaffirmed the constitutionality of the Decrees as well as it declared not only the Nazis as “collectively responsible” for the crimes committed in the name of National Socialism but the Germans as a whole (Ryback 1996:172-173)

After the court’s ruling, when Prague and Bonn finally seemed to reach a consensus on compensation issues, in May 1996, the then German minister of finance, Theo Waigel publicly expressed his criticism towards the Czechs for the expulsion of the Sudeten Germans at the end of the Second World War. In his speech he also compared the Czech post-war acts of “ethnic cleansing” with the crimes recently committed in Bosnia. Waigel claimed the Czech Republic the removal of the so called Beneš-decrees declaring that “These are documents from an epoch marked by hatred, resentment and vengeance. They belong neither in the European legal landscape, nor in our vision of European cooperation among free peoples.” (Ryback 1996:162-163).

Similar criticism and further accusations from Prague to Bonn and vice-versa sustained until the Beneš-decrees became a central political issue within the European Union by the Czech membership application. The critique about the legal stand of the Decrees turned the dispute from a bilateral to a European matter. Innovative queries arose concerning accurately the still remaining discriminative Presidential Decrees where the main question was the following: Can the Czechs be allowed into the EU without annulling the Beneš-decrees? (Nagengast 2003:335). What most of the critics feared were that Germany, as one of the founders and one of the most powerful member states of the EU, will use its veto against the Czech membership (Ryback 1996:177). As far as we know, there was no consideration about a veto from Germany’s side. What the Germans did instead was an infinite struggle for a profound examination of the legitimacy of the Beneš-decrees by the European Union. In 1998 for example, Hartmut Nassauer, the chairman of the CDU/CSU⁷ group in the European Parliament asked in several reprises the European Commission to investigate whether the Presidential Decrees represent an obstacle for EU enlargement. Nassauer’s main concern was the rights of the expelled Sudeten Germans to resettle in their former homes, rights which were encountered by refusal from the Czech side (Nagengast 2003:339).

After the establishment of an independent Czech state, to renew the friendship treaty from 1992 and make it into a bilateral agreement between Germany and the newly founded Czech Republic, these two states signed a *German-Czech Declaration on Mutual Relations and Their Future Development* in Prague in the beginning of 1997. The aim with this declaration was to close the issues of the

⁷ Christian Democratic Union of Germany and its sister-party Christian Social Union, only active in Bavaria

past and instead concentrate of the future relationship “in the spirit of shared European values” (Ministry of Foreign Affairs of the Czech Republic). As the treaty was seen by the Czechs as a “recognition of the excesses of the expulsion and of the incompatibility of the collective expulsion with international law”, they were hoping for a gratification from the Sudeten Germans’ side. Contrarily to what the Czechs expected, anger and disappointment were signifying the reaction of the Sudeten Germans, namely because the declaration ignored the issue of property restitution and did not require the abolition of the Decrees (Nagengast 2003:338).

However, the first resolution passed by the European Parliament about the legal complications between EU enlargement and the so called Beneš-decrees came in April 1999. It demanded the Czech state to annul the Decrees as they violate fundamental human rights, rights of minorities in particular (Nagengast 2003:339). However, in 2002 the EU welcomed the Czech Republic to join.

Although all the investigations and the judgemental statements made concerning the legal status of the Decrees, in April 2002, the Czech parliament passed a resolution giving the Beneš-decrees an untouchable status. It means that the Czech Republic asserted a refuse to take into consideration any upcoming issues relating to property claims and other subjects originating from executed orders during the post-war era. The resolution stated also that “the Beneš-decrees did not have legal significance for current or future cases”. (Nagengast 2003:342)

Immediately after the resolution of the Czech Parliament, as a result of the rapidly increasing pressure against the European Union to provide a final judgement about the legacy of the Decrees, the European Parliament gave mandate to Professor Jochen A. Frowein, active at the Max Planck Institute for Foreign Public Law and International Law, to “carefully review all legal aspects, including existing jurisprudence, of these complex matters” (Nagengast 2003:344). The main aim of this research was to provide, once and for all, a legal answer to this underrated question: *Does the so called Beneš-decrees raise an issue for the Czech accession?* When Professor Frowein presented his opinion in September same year, to give his research a greater sense of validity, two other experts, Ulf Bernitz and Lord Kingsland were asked to examine Frowein’s study and to give their own legal point of view. The focus of the examination laid on subjects showing relevance in the context of the Czech accession, namely citizenship, property rights and criminal regulations. The common conclusion on the legal stand of the Decrees stated that none of the three subjects mentioned above raised an issue under EU-law. According to the experts, the citizenship-issue is outside the competence of the EU since it is up to every member state to decide who and how a citizenship is to be obtained; the Decrees on confiscation have no retroactive effect and thereby do not present an obstacle for the accession; Decree no. 115 “is repugnant to human Rights and all fundamental legal principles, [...] (and) the Czech Republic should formally recognise this” (Frowein et al. 2002:1, 44, 66). The message was clear: the so called Beneš-decrees do not raise an issue for EU accession and thereby the issue on the legal stand of the Decrees was closed. At least for the Czech side.

3.3 The Slovakian case

Similarly to the Czech case, the debate started here as well with the accession to the European Union. The hot debate concerning the Czech-German relations emerged from the Beneš-decrees, retained the main focus from the Slovak Republic. The Slovakian state captivated the attention of the media only recently, when the Slovakian nationalist leader, Jan Slota proposed a bill, similar to the Czech bill voted in 2002, which came to announce the so called Beneš-decrees untouchable (Eurolang).

3.3.1 Background

In the Slovak case it was not the Germans who criticised this declaration the most but the Hungarian population living in Slovakia and also in Hungary. Hungarians are the largest minority in Slovakia which can easily be explained by the fact that Slovakian territory was a part of the Austro-Hungarian Empire during a long period before the empire lost most of its territory at the end of the World War I. After that the Treaty of Trianon was signed in 1920, new states were created of the confiscated territories along with the creation of an independent Slovak state. The territory situated along the Slovakian and the Hungarian border, where most of the ethnic Hungarians with Czech nationality reside, has also experienced three change of powers during the last century: from Hungarian to Czechoslovak rule in 1919, back to Hungarian control thirty years later and back again to Czechoslovak ruling in 1945 when the old borders got restored (Tesser 2003:512). Accordingly to these events, a tension between Slovaks and ethnical Hungarians living in Slovakia remained ever since the World War I.

As late as in 1995, two years after the independence of the Slovakian state, a bilateral *Treaty on Good Neighbourly Relationship and Friendly Cooperation* was signed between the Hungarian Republic and the Slovak Republic. The treaty is considered as “one the most explicit minority treaties” currently signed in Europe (Driessen 1997:1). The ratification of the treaty took place the same year as the Slovakian state applied for European membership (Tesser 2003:516). According to Tesser, the member states of the European Union actually regarded the Slovakian ratification of this treaty as a final solution for the Hungarian-Slovakian never-ending dilemma. The agreement which was signed within the COE⁸'s Framework Convention for the Protection of National Minorities was though not reached without any hitches. The Slovakian Prime Minister Vladimír Mečiar had difficulties gaining support from his fellow-countrymen for the treaty as whole and had to postpone the ratification of the treaty. Mečiar's government and even Mečiar himself doubted the necessity of this bilateral treaty. He was also

⁸ Council of Europe

convinced that minorities living in Slovakia already benefited enough protection at a Council of Europe standard⁹ (Driessen 1997:4-5).

However, the fifteen European member states' optimism about the treaty's power to bring the conflict to an end faded soon again as a disagreement between the parties arose immediately after the ratification of the convention. The argument was about the ambiguous interpretation of the COE's Recommendation No 1201. It proclaimed a creation of somewhat autonomous governance of areas based on ethnic criteria (Tesser 2003:517). In other words, the recommendation implies on areas where the majority of the population consists of ethnic minorities. In this sense, the Government of the Slovak Republic was not willing to accept the validity of the treaty, therefore a modification of the recommendation No 1201 been made, stating a prohibition to an autonomy of the Hungarian minorities within the Slovak state. It is by this revision that the treaty got finally adopted by the Slovak government in 1994, nearly a year after the presentation of the text (Driessen 1997:7).

Another attempt was proposed by Mečiar to enhance the relationship between Hungarians and Slovaks. It was also his last effort to solve the Hungarian minority problem in Slovakia before he lost the parliamentary elections in 1998. His suggestion was that instead of autonomy announced in the COE's Recommendation No 1201, a "voluntary" exchange of population - Slovaks in Hungary for Hungarians in Slovakia - could be an alternative solution. Needless to say, Mečiar's proposition was not welcomed and no discussions at all were made between the two states (Tesser 2003: 519).

3.3.2 The current debate

On September 21, 2007, only three years after joining the European Union, the Slovak Parliament passed, almost by unanimity, a resolution giving the post-war decrees concerning civil and property rights of minorities an inviolable and untouchable status. As expected, the only party who voted against Slotá's proposal was the Hungarian Coalition Party, SMK. The reaffirmation of the so called Beneš-decrees reawakened the memory of the past among minorities and others who felt offended by the Slovak decision. Ferenc Gyurcsány, the Hungarian Prime Minister called his Slovakian counterpart Robert Fico after that Slotá's proposal passed and uttered that "the resolution is at odds with the principles of the EU and does not stand for good neighbourly relations" (Eurolang).

As we already mentioned, the debate about the Slovak-Hungarian minority issues is relatively recent to find legal statements about the inviolability of the Beneš-decrees. In the beginning of November, the European Parliament's Committee on Civil Liberties, Justice and Home Affairs, LIBE started to investigate on the issue (Sme). There are no reports presented at the deadline of our paper therefore we are not able to present any legal statements. In professor Frowein's study, the issue about the Decrees concerning the Slovakian situation

⁹ Within the COE's framework of the protection of human rights

with the Hungarian minority has been left out. It is thought necessary to mention that in the legal opinion, Professor Bernitz stated that parts of the research “would seem to be applicable to the Slovak/Hungarian situation *mutatis mutandis*” (Frowein et al. 2002:40) which simply means that the legal opinion is appropriate with the Slovak case as well and the issue should be handled the same way.

4 Analysis

Accordingly to the fact that the ECSC, Common Market in Coal and Steel, the preliminary model to today's European Union, was created after the Second World War to prevent future conflicts, we cannot ignore the parallels there are to be drawn between the post-war initiatives and the accession of the Czech and the Slovak Republic to the European Union in the context of the Beneš-decrees. We argue that, similarly to the conflict prevention concept from the post-war era, both the EU and the concerned states were expecting a resolution to the never-ending disputes, although this time, from the EU membership itself.

In our analysis, we would like to underline motives affecting the Czech and the Slovak decision to apply and the EU decision to enlarge. Since our study is mainly focuses on the Beneš-decrees and its impacts on the Czech-German and the Slovak-Hungarian relations, we have chosen to exclude motives which are economically related. By taking into account the EU perspective as well as the Czech and the Slovak perspectives, different supply-side and demand-side arguments will hereby be presented.

The first question which has to be posed here is the following: How could the European Union allow the entry of the Czech and the Slovak Republic into the EU without the annulment of the Beneš-decrees? To answer this question both the Beneš-decrees and Friendship Treaty between the Germany and the Czech Republic as well as between the Slovak and the Hungarian Republic has to be examined.

We are well aware of the legal opinion on the Beneš-decrees and as we mentioned earlier in this paper, we will not call the conclusion of the legal opinion into question. There is no doubt that the legal statement of the EP did give the Union a "green light" for the Czech and the Slovak entry, therefore the legal statement represent the main answer to the question posed above. It is almost certain that if the experts would have arrived at a different conclusion stating that the Decrees do represent an obstacle for the Czech entry because of its highly discriminative significance, the EU would have acted immediately.

However, after reading through Professor Frowein, Professor Bernitz and Lord Kingsland's study and being of the same opinion as the experts, we find it necessary to make some additional comments on the issue from a moral perspective. Even though the experts stated that the Decrees do not raise an issue for the Czech accession, its presence does definitely not correspond to the norms and the values of the European Union. As a matter of fact, the Decrees do represent, especially to those persons who were actually affected by these regulations but also to other minority groups, discrimination, inhumanity and ethnic cleansing. Minority issues can be extremely sensitive in situations like the Czech and the Slovak one, and when something like the Beneš-decrees recalls the

past with its expulsion and confiscation laws, there is no wonder that reactions among minorities on the Czech and the Slovak declaration on the status of the Beneš-decrees in 2002 respectively 2007, caused a vast debate and harsh criticism. Morally speaking, these declarations should never have taken place since they gravely violate the existence of minorities. They should have been left untouched, letting them remain only in history books as a reminder of the cruelty of wars. The Czech and the Slovak declaration of the Beneš-decrees also seems to appear as an implicit message conveyed to persons belonging to minority groups, meaning that they are unwelcome in their homeland. Furthermore, these two declarations give us the impression of a reaffirmation of the past; a reaffirmation of the expulsion of German and Hungarian minorities from Czechoslovak territory. In other words, it seems to us as if the Czechs as well as the Slovaks are somehow proud of these decrees not only because of its significance related to the restoration of the Czechoslovakian state after the Second World War, but because of nationalistic reasons. In the Slovak case, the tensions between Slovaks and Hungarian minorities residing within the Slovakian border still remain as discrimination of minorities continues among Slovak citizens (Tesser 2003:520).

However, already in 1995, the same year as the Czech application was presented, the Czech High Court came up with an unexpected resolution about the status of the Beneš-decrees while the legal opinion of the EP was only presented seven years later. So why did the EU wait so long to have the Beneš-decrees legally examined? We assume that the European Union expected that as soon as the Czechs enter the Union, they will automatically be obliged, according to Articles 49 and 6 of the EU Treaty, to annul the Decrees. Having the Czech state as a full member of the Union signifies also that the EU will have an ultimate authority to sanction the Czech state in case it violates EC law. The leaders of the EU must also have taken into account the supremacy of the EC law which means that even if the Beneš-decrees contained discriminatory regulations or other laws incompatible with EC law, these will immediately cease to remain in force and will automatically be replaced by EU regulations (Frowein et al. 2002:65). We also assume that if the Czech parliament would have passed a resolution about the Decrees after the accession, despite all warning signals, the EU would have waited with the legal examination until after the Czech entry. We believe that the EU, relying on its competence, on the power of its legal system as well as on the integrity of its norms and values, wanted to wait until the accession before an examination process took place. In so doing, the EU would have found itself in a better authority position as arbiter than before the accession.

Both from the Czech and the Slovak side, a bilateral friendship treaty with their respective historical rival has been signed. In both cases the aim of the treaty was to defuse the tensions caused by the past by ameliorating the situation for minorities in their homeland. Although the purpose of these two agreements was similar, the motives for signing the treaty varied.

The treaty *on Good Neighbourly Relationship and Friendly Cooperation* between Slovakia and Hungary seemed to be a simple symbolical agreement, at least from the Slovakian side, mainly to please Brussels, but also to prepare the

state for EU entry and to facilitate the acceptance of a future membership in the NATO (Tesser 2003:520-521). As we mentioned earlier, the ratification of the treaty was postponed by nearly a year as the Slovak parliament had difficulties to find enough support. The fact that the majority of the Slovak did not support the treaty which, in theory, should have improved the relationship between Hungary and Slovakia or at least have given it a new attempt to overcome the past, demonstrate clearly the tension linking these two states together. The main focus of the agreement laid on the minority problem which is, still after more than ten years, the most important and sensible issue in the Hungarian-Slovak relation. It is quite evident that the Slovak Republic agreed upon to finally ratify the bilateral Friendship treaty with Hungary in 1995, merely to take a further step into the Europeanization-process and not because of an improvement of the Hungarian minority situation. According to Tesser, there are two reasons to distinguish: 1, a need to appear “European” and in so doing, 2, also appear as a state who are willing to accept European norms and values, in this case, by giving certain rights to minorities (Tesser 2003:518).

The first argument can be explained from a historical context. It is only two decades ago that many of the new member states, including the Czech and the Slovak Republic, have left an era of communism behind and moved towards a more democratic political system. Struggling with political and economical weakness after the Soviet break-up, to become a full member of the European Community signified for these states recognition for their democratic status and for their potential for economic growth. Thus, the meaning of being “European” signified for these states an opportunity to change their identification; a chance to rub off the communist imprint and to identify themselves as a fully democratic member state of the EU. New identity and the feeling of belonging can be considered as clear and strong evidences for demand-side motives.

The second reason can be considered as a norm-based, supply-side argument, similar to the one in Schimmelfennig’s theory of *rhetorical entrapment*. The European Union seems to be forcing the Slovaks to modify and to steer their national norms and values towards the EU’s direction by signing the Friendship Treaty. In doing so, the Union created an ultimatum: either the Slovak state sign the agreement and ensure that the relationship with its neighbour, namely Hungary will improve or the EU will not guarantee the accession of the Slovak state. Consequently, the Slovak Republic had no choice but agree if it wanted to become a member of the Union at the next enlargement.

Tesser also argues that pressures from the EU to adopt European norms were a key factor in the development of the minority conflict between Slovakia and Hungary (Tesser 2003:521). It clearly illustrates that the EU intervened in this sensitive conflict obviously because it wanted to help resolve the conflict. According to Article 1 TEU, one of the European Union’s basic objectives is to create an “ever closer union among the people of Europe”. We argue that this article implicitly signifies an obligation of the Union to fulfil; an obligation which, in this case, represent an intervention in situations where member states or future members of the Union are in conflict with each other. Even though Hungary and Slovakia were only applicant states, the EU felt the need of an

intervention from a third party. However, the minority conflict between Hungary and Slovakia did not come to an end by the time of the accession as it was expected. In the contrary, the situation has become worth thanks to the disputes about Beneš-decrees.

At first, the Czech reason to the agreement seemed to differ completely from the Slovak case because of the main focus on the Sudeten Germans' claims on property rights. Nevertheless, after further observations, we have found some similarities.

Already when the first Friendship Treaty between Czechoslovakia and Germany was signed in 1992, the Sudeten Germans were hoping that the treaty will come with a resolution in the property claim-issue. They hoped for a compensation for confiscated property or, if it was unfeasible, at least a resettlement into their former homeland but the issue was neglected by the agreement (Nagengast 2003:337). When a renewal of the Friendship treaty became a subject, the Sudeten Germans' optimism for compensation-rights was resuscitated, in vain. Nagengast points out three elements in the new declaration from 1997, which stands out as mainly important for the German-Czechoslovak relation: The word *transfer* was replaced by *expulsion* to describe the post-war events; Germany officially expressed its support for the accession of the Czechoslovakian state into the European Union; and finally, an appendage was attached to the treaty including two additional declarations. One affirmed the treaty's reject of property right issues, while the other stated that the condition for German citizens to settle in Czechoslovakia will "generate" after joining the European community (Nagengast 2003:337-338). The significance of the word *generate* is not explicitly expressed, therefore we can only presuppose the meaning of it. History provides us with strong evidences to assume that the German, feeling guilty for the events of the Second World War, used its support for a Czech entry into the Union as somewhat of a payback.

However, the similarity lays in the argument of the fear of a German veto. What most of the critics feared were that Germany, as one of the founders and one of the most powerful member states of the EU, will use its veto against the Czech membership (Ryback 1996:177) at least delay the Czech accession process. As far as we know, there was no consideration about a veto from Germany's side. What the Germans did instead was an infinite struggle for a profound examination of the legitimacy of the Beneš-decrees by the European Union. In 1998 for example, Hartmut Nassauer, the chairman of the CDU/CSU¹⁰ group in the European Parliament asked in several reprises the European Commission to investigate whether the Presidential Decrees represent an obstacle for EU enlargement. Nassauer's main concern was the rights of the expelled Sudeten Germans to resettle in their former homes, rights which were encountered by refusal from the Czech side (Nagengast 2003:339). However, we argue that the Czech state, in need of Germany's support, agreed upon to sign the *German-Czech Declaration on Mutual Relations and Their Development* in 1997. As well as in the Slovak case, the desire to become a member of the European Community made the Czech

¹⁰ Christian Democratic Union of Germany and its sister-party Christian Social Union, only active in Bavaria

state founding itself entrapped in an EU ultimatum: resolve the minority-issue otherwise the accession will not be allowed. As the French Prime Minister, Édouard Balladur made it clear in 1993, “the EU would not consider EU membership applications from countries that have outstanding border or minority conflicts with their neighbours” (Driessen 1997:6).

Since the Czech case almost has come to an end with the apologies expressed in the declaration from 1997, we assume that since the Slovak state as well as the Czech state ratified the bilateral treaties not for its purpose but because of the reason to appear European and gain an easier path to the entry of the Union, the Slovak state was expecting that as soon as it becomes member state along with other Centre and Eastern European candidates of the EU, the minority issue will be solved and the resolution of the issue on the Beneš-decrees, similarly to the Czechs, will only be an embarrassing apology away with no issues about compensation rights included.

In an interview in 2002, the Czech Foreign Minister Jan Karavan uttered that “For us [Czech people] it is inconceivable to renounce the Beneš decrees and to tear them out of the context of the Czech legal system... They are part of our history and belonging only in history” (Nagengast 2003:341). There is one important question to be posed here: If the Beneš-decrees belong only in history, just like as Karavan stated, how is it possible that they still remain as a fundamental law in the current constitution? Furthermore, if the Beneš-decrees belong only in history, why did the Czech Parliament vote for their inviolability only recently?

Two main reasons can be distinguished here: 1, the Beneš-decrees are considered as a national symbol and 2, restitution of confiscated properties. Despite the fact that the Beneš-decrees issued from an initiative to reconstruct the legal and political order in Czechoslovakia, these decrees has all the right to be considered as a national symbol; a symbol for a new start, hope for a better future etcetera. According to Tamar Mayer, “...all symbols represent a particular reality and because reality constantly changes, remembered events and therefore symbols of them can [...] (be) reappropriated and injected with new meanings” (Geisler et al. 2005:29). The Beneš-decrees has experienced a similar kind of change: from being a symbol of resumption the Decrees turned into a symbol of hatred and discrimination. However, the Beneš-decrees are an important symbol for the Czech and also of the Slovak legal and political post-war existence. Considering the Decrees from this perspective, any requirement of abolition seems beyond the European Union’s competence.

The second reason why the Czechs and also the Slovaks avoided discussing the Beneš issue is because of the restitution for lost properties. It is mostly the representatives of the Sudeten Germans in the German and the Czech Parliament and their lobbying group in the EU who raised their voices in the issue and required compensation for those affected by it. As a matter of fact, a compensation procedure, initiated by the Czech state, has taken place between 1992 and 2001, although there was a catch: only persons with Czech citizenship had the right to require compensation for confiscated properties during war-time (Frowein et al 2002:44). It means that to those persons belonging to German or Hungarian

minorities who lost their citizenship in accordance with the Beneš-decrees, the compensation right did not apply. Those persons who were affected the most by the Decrees did not have the right to property claims.

In sum, the EU let the Czechs and the Slovaks join the Union without the annulment of the Decrees, mainly because of the EP's legal opinion. Other relevant motives appear to be the role of the EU as an arbiter: although the pressure on the Czech and the Slovak state did improve the minority problem, EU hoped that its work will be automatically achieved as soon as these states become members of the European Union. Why the reaffirmation of the Decrees took place can mainly be explained by the fact that none of the concerned states were willing to compensate for lost property. By declaring the Beneš-decrees as untouchable, they made the state immune for the issue. The other possible explanation is the importance of the Decrees as a national symbol.

Consistent with supply-side arguments, we have found empirical evidences on Schimmelfennig's entrapment theory where the EU, by issuing an ultimatum, sought to resolve the German-Czech and the Slovak-Hungarian minority issue. Finding themselves entrapped in this position, both the Czech and the Slovak state agreed upon to sign declarations providing certain rights to minorities.

Our demand-side argument, similarly to Mattli and Plümper's argument, consists of the Czech and the Slovak desire to belong to the European Community and through the EU membership acquire an identity and recognition for respecting democratic values and norms. Another argument can be mentioned here which concern the Czech and the Slovak expectation of the membership to solve the minority issue.

5 Conclusion

To conclude our analysis, we need to give an answer to our main question: Is the EU membership a salvation from historical struggles or can it instead be considered as a solution for the Czech-German and the Slovak-Hungarian relations? We believe that the right answer depends on the perspective we choose for our reflection. Regarded from an EU perspective, we argue that in this case, the membership was used as a solution, a sort of a “last resort” consistent with the fact that the EU waited with the careful legal examination of the Beneš-decrees until the pressure from different sources became too much to ignore, whilst considered from a Czech perspective, and/or from a Slovak perspective for that matter, we argue that the EU membership seems more like a salvation from the cruelties done in the past, just as the evidences from the Czech refusal of restitution shows.

Despite all the criticism towards the Czech and the Slovak Republic in the context of the Beneš-decrees, the Decrees will remain in the current constitution of both states, with no legal force of course, due to the supremacy of EC law. For how long these decrees will remain existing depends undoubtedly on the continuous pressure from the concerned states towards the European Union to examine the minority policy of these states, though neither the Czech Republic nor the Slovak Republic seem to truly consider the revocation of the Decrees at all.

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