

AUSTRIA - AN EQUAL MEMBER OF THE EUROPEAN UNION?

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The decision of the European Union (EU) at the Helsinki summit late last year to start membership negotiations with Lithuania brought the country nearer to its prime political goal: Lithuania's full integration into Europe as an equal "family member". This essay will take a closer look at the problems Austria, one of the smallest member countries and a net contributor from the very beginning, is currently facing.

The background and the actual situation

At the Holocaust-meeting in Stockholm in January 2000, the Portuguese Prime Minister, President of the European Council (also, Head of the Socialist Internationale), issued a "joint reaction" based on consultations with all the Heads of State and Government of the XIV Member States if a Government integrating the FPÖ were to be formed in Austria:

"The Governments of the XIV Member States will not promote or accept any bilateral official contacts at political level with an Austrian Government integrating the FPÖ; there will be no support in favor of Austrian candidates seeking positions in international organizations; Austrian Ambassadors in EU capitals will only be received at a technical level. ... There will be no business as usual in the bilateral relations ..."

This announcement was implemented without any hearing when the leader of the (Christian-Democratic) People's Party (ÖVP) and Vice-Chancellor of the former government, Dr. Wolfgang Schüssel (54) and Freedom Party (FPÖ) leader Dr. Jörg Haider (50), Governor of the province of Carinthia, formed a government on 2 February. Norway and the Czech Republic reacted in the same way and Israel even withdrew its ambassador. If one heeded the results of the voting, the only possible way to prevent the implementation of these measures would have been the formation again of the old coalition under a socialist head. This, however, would have been clearly against the will expressed at the ballot.

A media campaign was simultaneously unleashed against Austria, denouncing it as a refuge for right-wing extremism, racism, anti-Semitism, and hate against foreigners. These efforts had clear results: social, cultural, and scientific relations (visits, conferences etc.) were restricted, parents refused to send their children on students' exchanges to such a country as portrayed by the media. While the ÖVP under Federal Chancellor Schüssel is threatened with exclusion from the EVP (European's People's Parties), the ÖVP gained greater popularity and now for the first time in the last 30 years is more popular than the Social-Democrats (SPÖ).

FPÖ - an ordinary democratic party

Formed in 1956 from the remnants of a political party composed mostly of former Nazi adherents (who got their voting rights back only in 1949), the Freedom Party (FPÖ) gradually transformed itself into a liberal party, given particular support in the 1970s by long-term chancellor Bruno Kreisky, a Socialist of bourgeois and Jewish background,

and became a junior partner in the Socialist government in 1983-1986.

Meanwhile, in the late 1980s, Jörg Haider, a handsome, intelligent young man with an academic career in administrative and constitutional law, became party leader. Not afraid of making strong and controversial statements and sensing the people's concern, anger, and resentment, he promised to end the decade-long rule of the SPÖ and ÖVP, abolish their feuds, and establish a lean government. With a program of clear opposition to the parties in power and determination, he gained wide approval and his party's popularity rose to second behind the SPÖ. He was elected governor of the province of Carinthia twice, the last time in 1999.

In 1991 he created an outrage in Austria and abroad by noting during the debate in the provincial parliament of Carinthia on unemployment "the orderly employment policy pursued in the Third Reich" and was forced to resign. At a meeting commemorating the fight against Slovene (guerrilla) troops in Carinthia who ravaged the mostly German-speaking province at the end of both World Wars, he called former members of the Waffen-SS "decent characters" and used the expression "punishment camps" for Stalin's gulag concentration camps. Little credit, however, has been given to his subsequent repeated apologies.

He purposefully uses ambiguous words in speaking about the highly sensitive topic of the Third Reich to attract attention. Furthermore, by challenging the code of political correctness, he became a popular politician who expresses the views of his frustrated audience regardless of the consequences. This is particularly true in regard to the problems arising with foreigners (foreign workers, asylum seekers, refugees, illegal immigrants) in cities where integration measures are endangered by the large number of such people. The slogan, "stop the over-foreignization" used by the Freedom Party in the Vienna council elections campaign in 1998, was the last straw. Although the party official responsible for the election campaign had to resign and no anti-Semitic slogans were ever noted, the party gained a reputation as right-extremist, fascist, racist, anti-Semitic, and xenophobic.

Genesis of the new Austrian Government

In the Parliamentary elections on October 3, 1999, the Social Democrats (SPÖ) won 33 percent followed by the Freedom Party with 27 percent. This again showed the FPÖ's ability to attract the working class. This result was largely due to the voters' desire for fundamental political change after thirteen years of rule by the coalition parties SPÖ, and the People's Party (ÖVP) which also won 27 percent of the vote. The Greens, however, were too weak to be a helpful element for constituting a majority government.

More than three months of negotiations between the SPÖ and ÖVP over a new government program finally broke down because the trade unions refused to declare in advance their support for deep cuts as suggested in the coalition program. Thereafter, the only other possible coalition was between the FPÖ and the ÖVP. These two parties agreed to the necessary austerity policy within a few days and pushed the Social Democrats from power after 30 years at the helm.

The announcement by the EU member states in Stockholm forced Federal President of Austria Thomas Klestil to insist that the two heads of the government parties sign a programmatic declaration which would embrace the "fundamental values and

truths, self-evident for any developed democracy and preserved by the Austrian Constitution.” But the worldwide publication of the program did not in any way halt the protests in Austria and abroad that Haider’s party was coming to power and Chancellor Schüssel’s request to assess the government on the basis of its actions did not soften the position of the foreign governments.

Austria - a country of fascists?

In the past fourteen years, since the campaign against former Secretary-General of the UN, Kurt Waldheim, was unleashed (despite the failure of an international commission of historians after years of detailed research to find evidence of his guilt), Austria is repeatedly portrayed as a country evading the sensitive parts of its history. Unable to acknowledge its guilt, Austria is portrayed as refusing to accept its responsibility, and refusing to return property or compensation. Austria is said to be xenophobic, racist, and anti-Semitic. Any fact to the contrary is ignored, and any challenge to these accusations only serves as clear evidence of the accuracy of the charges.

a) “Anschluss” - how Austria came under Hitler’s rule in 1938

The authoritarian regime of the Christian Social party (1933-38) fiercely resisted Nazi Germany, which, in response, tried to pressure Austria with economic reprisals including the “thousand mark barrier” aimed at driving Austria’s economy, which depended on tourism, into financial ruin. Other tactics included numerous terrorist attacks from 1933 onwards, including 140 in the first week of January 1934 and over 112 assaults on factories, public transport facilities and institutions in a two-week span in June 1934, as well as the launching of unprecedented levels of propaganda against Catholic-oriented Austria. Leading politicians were the targets of assassination attempts, with Chancellor Dollfuss the first prominent victim in July 1934. This Nazi coup failed, however, with a death toll of 107 government supporters and 153 rebels. Eight insurrectionists were executed and around 1,000 imprisoned. In February 1938 Chancellor Schuschnigg was summoned to Berchtesgaden and placed under heavy pressure: He should include Nazis in his government or face the occupation of Austria. Four weeks later he announced a referendum for the freedom of Austria against German influence, to be held on March 13. To avoid the obvious outcome, the Wehrmacht occupied Austria on March 12.

The Gestapo immediately arrested 76,000 persons, the entire political elite, and deported many of them to the Dachau concentration camp. By the end of the war, 65,000 of the 210,000 Austrian Jews had been killed. A further 16,000 died in Gestapo prisons, 20,000 in concentration camps, almost 3,000 were executed upon decision of “People’s Courts” and 109,060 managed to escape. The allied powers, in the “Moscow Declaration” in 1943, correctly declared that Austria (its name had meanwhile been abolished) was the “first victim of Hitler’s Germany.”

It is, however, true that Hitler was greeted fervently by many Austrians who were opposed to the Catholic authoritarian regime. But these people could not have been aware of the consequences (274,000 Austrian soldiers and 24,000 civilians were killed) as was the rest of the world in 1938 (as shown by the agreement in Munich half a year later).

It should be remembered that Austria and Germany had been together in the Holy

Roman Empire for a thousand years. The Emperor had his Imperial Court held sway in Vienna during four hundred years, until the early 19th century. The close brotherhood in arms of Austria and Germany in the First World War was still strongly remembered by the people. The disintegration of the Austro-Hungarian Empire and the formation of nation-states resulted in a deep economic and social crisis. The goal of a Germanic nation-state made up of Austria and Germany had been a goal of many people since the revolution of 1848/49. In 1919, this goal was prevented by the victorious powers at St. Germain.

b.) Aufarbeitung - analysis of the past

Contrary to public opinion and reproaches, Austria was much stricter than Germany in de-Nazification. All members of the National Socialist Party had to register, lost their civil rights, and had to pay a “penance-tax”. The “de-Nazification laws” affected nearly 550,000 persons in Austria, about 500,000 of whom were categorized as “less incriminated” and whose voting rights were restored in 1949. Some 136,829 criminal investigations were opened and 28,148 indictments were issued, resulting in 23,477 decisions and 13,667 convictions. Forty three death sentences were carried out (in Germany there were 6,500 convictions with 12 death sentences). Some 70,000 former officials had to leave the civil service while 60,000 lost their jobs in the private sector. The property of 10,000 people was confiscated.

c.) Rückstellung - return of property and compensation

Compensation measures were implemented for Nazi victims from the beginning. Under the Welfare of Victims Act, 7.9 billion Austrian shillings (ATS) have been paid to resistance fighters and the victims of political or racial persecution. Laws passed in 1956, 1962, and 1976 established relief funds, worth 550 million, 600 million, and 440 million ATS, respectively, for reparation payments to Nazi victims. Victims of persecution between 1933 and 1945 receive extended pension rights under the General Social Security Act. Almost 25,000 persons (80 percent of whom live abroad) currently receive “privileged pensions”, with annual payments totaling 2 billion ATS.

Seven laws governing the return of property and compensation were passed to regulate the return of all property seized during the period of National Socialist rule. Seizure was considered to have occurred even if the transaction was legally valid according to the laws of the time, but the purchaser could not prove that the transfer would also have taken place independent of National Socialist rule. Over 42,000 cases were reviewed up to 1966, with the verdicts equally divided between settlements and successful applications, withdrawals and dismissals.

In 1995 the Austrian Parliament passed the Law Concerning the National Fund of the Republic of Austria for the Victims of National Socialism. The fund was put under the supervision of the Parliament. The fund compensates persons persecuted by the National Socialist regime for political reasons, for reasons of origin, religion, nationality, sexual orientation, physical or mental disability or “anti-social nature”, as well as other victims of typical National Socialist injustices and those who fled the country to escape such persecution. The precondition for compensation is “with some exceptions,” that is,

Austrian citizenship and residence in Austria on the target date of March 13, 1938. Persons who had previously not the requisite compensation, as well as those who require special assistance or whose circumstances justify such support, are given priority for payment. Each victim receives the sum of 70,000 ATS.

By December 31, 1999, a total of 32,671 persons had expressed an interest in applying for compensation, and roughly 29,500 applications were submitted. Approximately 27,000 applicants have received payment from the Fund (10,000 persons in the USA, 5,900 in Austria, 3,700 in Israel, 3,100 in Great Britain). In 317 cases payment was made to heirs. Some 1,839 applications did not fulfill the legal preconditions and were dismissed. Older applicants are given priority. The National Fund was also instructed to distribute the equivalent of Austria's gold reserves remaining from the period of National Socialist rule, a total of about 102 million ATS. To expedite distribution of these funds as well as funds from the sale of unclaimed cultural property in accordance with federal laws concerning the return of art works from Austrian State museums and collections, the National Fund Act of November 1998 increased the number of those qualifying for payments by considerably relaxing the close connection with Austria which the applicants had previously been required to prove.

The key international measure was establishing an international fund for Holocaust victims using the remaining stocks of Nazi gold. Austria, which had held the second largest amount of gold after the Netherlands, was the first country to pledge its active support for this idea, without which the fund would certainly never have been established in time. Austria's gold stocks (102 million ATS) have already been transferred and are being distributed (to individuals and for relevant projects) via the National Fund of the Republic of Austria for the victims of National Socialism.

Austria also led the international field with its Act on the Return of Works of Art of December 1998, which gained particular recognition at the Washington Conference on Holocaust-related issues. The Act continues to be an internationally unique piece of legislation, since it is based on an independent initiative by a country, instead of merely reacting to claims by injured parties. The Act has applied in good faith. Works of art, including highly valuable paintings, have already been returned. Austria is giving active support, including financial assistance, to the international Conference on Stolen Works of Art to be held in Vilnius in October 2000 at the invitation of the Lithuanian government.

In 1999 Austria established a commission of historians with the mandate to investigate all aspects of the seizure of property by the National Socialists and to learn what was fully returned or compensated after the war. An initial interim report on slave labor has already served as the basis for rapid action by the new government (it is an essential feature of the Government's program). Implementation is to begin immediately, in coordination with industry and business via representatives of their interest groups. Swift action is imperative since the victims are already advanced in age, and Holocaust survivors decrease by a rate of around 15 per cent every year.

Austria - a country of xenophobia and racism

When the Iron Curtain fell in 1989, Austria again became a refuge for many Central and Eastern Europeans. To help those directly affected by the conflicts arising from the

disintegration of Yugoslavia, Austria gave shelter to many thousands of suffering refugees, principally from Bosnia (around 95,000 refugees since 1992) and Kosovo. In relation to its size, Austria has taken in more refugees than any other EU country.

Today, 750,000 (as of 1998: 749,126) foreigners are living in Austria, i.e. 9.26 percent of the population. Similar percentages for some other EU countries are Luxembourg - 25.5, Belgium - 9.06, Germany - 9.0, France - 6.4, Great Britain - 4.25. The number of resident foreigners in Austria is approximately the same as in Spain which, however, has a population five times greater. Some 88 percent of foreigners in Austria are from third (i.e. non-EU) countries, one of the highest proportions in the EU.

After the Hungarian revolution in 1956, the suppression of the Prague Spring in 1968, and the imposition of martial law in Poland in 1981, Austria became the land of asylum for hundreds of thousands of refugees, offering shelter and integration. This was a clear expression of how Austria responsibly valued freedom and democracy.

The proportion of foreigners relative to the population as a whole has risen since 1980 from 3.7 to 9.26 percent, an increase of around 2.5 times over a period of almost twenty years. This increase, however, was not evenly distributed throughout the country; in Vienna foreigners comprise more than 15 percent of the population.

In 1999, 20,129 persons applied for asylum in Austria, 16 percent of whom were accepted. Using the normal international method of comparing positive and negative figures, 50.7 percent of all applications were approved in 1999. In absolute terms, Austria occupied 7th place in Europe for asylum applications in 1999. On a per capita basis (for 1999) Austria is tied in fifth place with Netherlands after Liechtenstein, Luxembourg, Switzerland, and Belgium, i.e. in third place among EU countries. The number of naturalizations in Austria doubled between 1988 and 1997, from 8,200 to 16,300.

Official statistics of asylum-seekers do not reveal the role played by Austria in the 1970s and 1980s as the main hub for Jewish emigrants from the Soviet Union. Between 1973 and 1989 around 250,000 Jewish emigrants came to Austria, but few remained there. Most went to the United States, although about 65,000 emigrated to Israel. Today, around 18 percent of Austria's population was born outside the present borders of the country.

Austria rightfully expects that international partners should show confidence in its stable democratic system, which has remained steadfast during its entire history since the Second World War. Human and civil rights are guaranteed by the Constitution and protected by an independent judicial system. After 1989 Austria did its utmost to use its democratic experience and principles in providing sustained support for its neighboring Central and Eastern European countries in their change towards democracy, thus contributing to freedom and stability in Europe.

Austria and Europe

In 1994, the outcome of Austria's referendum on accession - as net contributor - to the EU was approved by nearly 67%, an extraordinarily high figure among all member states. Meanwhile, EU popularity has increased to 76%. Although a majority of Austrians reject the measures taken by the Fourteen, their pro-European mood could not be weakened.

Austria is committed to all principles of the EU. Cooperation between the coalition partners is based on their commitment to Austria's membership in the European

Union. The Federal Government is bound by the principles of freedom, democracy, respect for human rights and the rule of law, common to all members of the European Union and enshrined in Paragraph 6 of the Treaty of European Union.

Austria actively supports further integration and enlargement of the Union. However, its impact on Austria in the economic and social field is much bigger than on the rest of the member countries, as Austria has the longest borderlines with its neighbors - the Czech Republic, Slovakia, Hungary, and Slovenia. It is rather unpopular to mention this fact, and it is not found in publicly accessible information, but criminal offenses of all sorts committed by foreigners has quadrupled immediately after the opening of the Iron Curtain and has subsequently stabilized at that high level. Nevertheless, Austria perceives its history and geopolitical situation as a special mandate to enhance the process of integration. One of the Government's first European policy initiatives, therefore, was the appointment of former Vice-Chancellor Dr. Erhard Busek as Special Representative of the Government for EU enlargement.

Hence - the need for a legal basis

In spite of the Europhile mood and stance of Austria's population and the government, in spite of the fact that not one single infraction of EU principles by Austria, the measures against Austria are supported by all fourteen Member States. France's foreign ministry, for example, refused to invite an Austrian representative for the introduction of its EU presidency program. Austria was not informed on the EU candidacy for the IMF and Austrian ambassadors are treated by some EU countries as diplomatic representatives of a "rogue" country. Neither the abrogation of his party function by Dr. Haider as of 1 May, nor the fact that the government still has the support of the majority of voters, as independent polls show, have brought an end to the measures. This shows that the purpose of the sanctions is not appropriate punishment, but the removal of a political party and, therefore, the re-institution of the Social-Democrats in the government.

As a way out of the crisis, Chancellor Schüssel has presented a draft of an annex to the Treaties that would give a legal basis to this sort of measure. He would like to have the European Parliament involved and be able to appeal to the European Court in such matters. In his draft, the fundamental principles of a fair hearing for the accused and the need for establishing facts before judgments are made are established. References to "family-values" should not let one forget the principles of a fair trial, especially when it comes to a fight for moral values.