

## “The 14” and the Sanctions Against Austria

**On October 3, 1999, parliamentary elections were held in Austria. Before the elections, the Prime Minister of Austria said that he would do everything in his power to keep the controversial right-wing party Freiheitliche Partei Österreich (FPÖ) out of the Austrian government. The election results were catastrophic for the Austrian Social Democrats (SPÖ), even though they were able to keep their position as the largest party in the country. About 27 percent of the Austrians voted for the FPÖ and this made it the second largest party in Austria. After the elections, the Conservatives (ÖVP) and the Social Democrats began government negotiations, but three months later (on January 21, 2000) these negotiations collapsed. As a result, on January 25 the ÖVP started government negotiations with the FPÖ.**

The other fourteen EU member states were afraid that the FPÖ was going to disregard Article 6.1 of the Amsterdam Treaty. Article 6.1 defines the principles upon which the European Union is built: the principles of freedom, democracy, human rights, basic human privileges, and a constitutional state. ‘The 14’ (as they were eventually referred to) could not act within the institutions of the EU, because the Amsterdam Treaty does not support action against a member state until something has actually occurred. In this case, the FPÖ had not yet actually done anything. ‘The 14’ was therefore looking for another way to prevent the FPÖ from becoming part of the Austrian government and preserve the community of values girding the EU. Thus, ‘the 14’ considered threatening Austria with 14 “bilateral” sanctions.

On January 31, Antonio Guterres (the Portuguese President of the European Union) pre-



sented an ultimatum to Austria on behalf of the 14 EU countries. The threat consisted of political sanctions, which would be initiated if the FPÖ became a member of the Austrian government. Never before in EU history had one of the member states interfered with another member state’s democratic elections. This issue tested the cohesion and integrity of the EU.

Another acute problem facing the decision-makers during the crisis was the fact that ‘the 14’ had a difficult time defining whether they were individual actors or a collective unit. The sanctions were, according to ‘the 14,’ bilateral (i.e. fourteen independent decisions) and had therefore nothing to do with the union in a formal sense. Yet at the same time, they stated that the reason for the sanctions was to protect the common values and rules of the EU.

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CRiSMART analysts Sara Larsson and Jenny Lundgren analyzed how the 14 EU member states finally reached a decision regarding the political situation in Austria, how this decision-making process impacted the EU as an organization, and the legal implications this had on the Union. The crisis had a profound influence on the future of EU decision-making.

Larsson and Lundgren focus their study on the acute stage of the crisis, January 21 until February 4, 2000. The report also follows the events up until September 12, 2000, when the sanctions were lifted. Other related incidents after this date, such as the Treaty of Nice and the government formed in Italy in May 2001, are also considered in their study for the purpose of comparison.

## Creeping Crisis

The crisis concerning ‘the 14’ and the sanctions against Austria can be defined as ‘a creeping crisis’ in crisis management research. A creeping crisis occurs when a problematic situation is not properly addressed and is simply pushed aside by the decision-makers. The problem does not disappear, but rather the situation develops into a full-blown crisis. Then there is a quick succession of events.

After the Austrian parliamentary elections, ‘the 14’ had speculations regarding how the political situation would develop in Austria. Despite these speculations, some of the member states were surprised and astonished when the decision arose to threaten Austria with sanctions and they were forced to make a decision very quickly. The main reason for this was that ‘the 14’ had not done anything to prepare themselves for this unwanted situation. They had simply waited hoping that the FPÖ, led by Jörg Haider, would not be invited to join the government. As a result, the crisis essentially “crept up” on ‘the 14’ and escalated into an acute crisis by the end of January.

## The Decision Occasions

Larsson and Lundgren analyzed several of the critical decision occasions, which were of great importance in the development of the crisis. Despite the fact that all decisions are important in the sense that they influence each other, some have a greater impact on the course of events than others.

One very significant decision occasion was when ‘the 14’ decided to threaten Austria with sanctions. This decision occasion was a pivotal point in the crisis. It was a dramatic decision in itself, but also it was significant because of the conditions under which it was made.

On the weekend of January 29-30 Portuguese President Guterres was on a private visit at the home of the German Prime Minister, Gerhard Schröder. During his visit, President Guterres received a couple of telephone calls from a few of the member states. The French President (Jaques Chirac) and the Belgium Prime Minister (Guy Verhofstadt) made frequent calls to Prime Minister Schröder’s home. On Sunday a suggestion was proposed to take joint action against Austria. Guterres presented the sanction proposal to the other member states via the telephone that very same day. ‘The 14’ made the decision to present their threat the very next morning.

The joint action focused on EU relations with Austria and consisted of three restrictions.

- (1) There should be no bilateral contacts at the political level with the Austrian government.
- (2) No support should be given to Austrian candidates for international positions.
- (3) Contact with the Austrian ambassadors in the EU capitals should be kept to a minimum (i.e. for purely “technical” matters).

This particular decision-making process was problematic in many ways. ‘The 14’ made the decision together, but some of them had less information about the situation than others. Some of the actors were quite active and took a lot of initiative during the crisis, while others felt they did not know what was going on. Subsequently, those who were less informed were quite surprised when Guterres called them on Sunday, January 30, with the sanction proposal.

‘The 14’ feared that the ÖVP and the FPÖ would present a government coalition on Monday, January 31. Thus there was a sense of urgency. As a result, the Heads of Government did not have any time to consult with their experts or colleagues in their respective countries before making a decision. This led to substantial criticism after the fact. Some felt that they were forced to accept the proposal; otherwise it would look like they supported the FPÖ and Jörg Haider.

In this situation, ‘the 14’ acted as a group. They all know each other well and were used to working together. The most unusual thing about this situation was the fact that the decision-makers never met face to face to reach a decision. Most of the

work had been dealt with over the phone or via the fax, and this created a number of new problems. This phenomenon was dubbed “telegroupthink” by Larsson and Lundgren in their report.

‘The 14’ were quite sure that their threat would force Austria to reconsider the ÖVP/ FPÖ government coalition. When the coalition was approved in Austria, despite their threat, ‘the 14’ had no other option than to implement the sanctions. Then they were faced with the fact that they had backed themselves into a corner. There had not been any discussions about whether the measures should be implemented or not. Some of ‘the 14’ started to soon doubt whether the restrictions against Austria were fruitful. They felt that they had been forced into making this decision and wanted a “way out.” There was an “unofficial agreement” among ‘the 14’ that they should present a unified front, and if they should lift the sanctions, they should do it all together. The struggle between the member states became increasingly more difficult. At the same time Austria was threatening to use its right to veto, and to call a popular vote in Austria about the sanctions.

In an attempt to solve the problem, Guterres asked the President of the European Court of Human Rights to appoint “three wise men” to look into the matter. These “three wise men” were given the task of delivering a report about the Austrian government’s commitment to the common European values, and about the political nature of the FPÖ.

The “three wise men” presented their report on September 8, 2000. The report stated that the Austrian government’s policy on immigrants was in accordance with the common values of the European Union. In the report it was asserted that the further use of sanctions could, and probably would, have the opposite effect (i.e. the FPÖ would gain even more popular support in Austria).

On September 12 ‘the 14’ informed Austria that they were lifting the sanctions.

## Major Findings

- **The importance of the EU presidency:** This case illustrates the importance that the EU presidency as an institution has had for the

member countries, both in practical terms and symbolic value. Despite the fact that it was openly stated that the sanctions had been implemented bilaterally, António Guterres as the President for the EU displayed strong leadership in drumming up support for the sanction proposal.

- **The importance and challenges of modern technology in decision-making:** In a world with fast technological development and rapid communication, new problems have arisen. In the Austrian case Larsson and Lundgren observed the problems which were encountered with “virtual” decision-making. Decision-makers do not necessarily need to meet in person to discuss a problem. This can be bypassed by using e-mail, faxes, and cell phones.

However, problems can easily occur if all of the necessary contact information is not continuously updated (appropriate fax numbers, e-mail addresses, cell phone numbers, etc.) or if the decision-makers must be informed on the weekend. Under such conditions there is a great risk that some group members will be left out or will receive less information than others (as was the case with ‘the 14’). This trend implies that everyone is familiar with these telecommunication tools (and has access to them) and that people are still able to maintain a systematic and professional working environment.

- **Peer pressure:** EU has grown from an economic cooperation into a union based on common fundamental values and national policies. The Austrian case illustrated that any member who does not support these values, or who in some way threatens them, is undesirable and subject to alienation. However, the 14’s embarrassing retreat also demonstrates the limits of “peer pressure” within the EU.

## Lessons Learned

‘The 14’ could not use the Amsterdam Treaty as a foundation for taking any sort of preventive measures (in the form of a sanction) against another member state. To avoid getting into the same situ-

ation again (which was highly likely considering the number of strong right-wing parties in the EU at that time), all of the EU member states have accepted amendments to Article 7 of the Amsterdam Treaty. Article 7 regulates what measures are to be taken if a member country seriously and continuously disregards the principles in Article 6, which defines and summarizes the fundamental values of the Union.

No one ever claimed that Austria had disregarded these principles, although 'the 14' feared it might. Amendments to Article 7 in the Amsterdam Treaty were written into the Treaty of Nice,<sup>1</sup> so now there are regulations for such kinds of situations. The article promotes a more flexible, yet cautious, 'wait and see' approach.

The government formed in Italy in May 2001 put this issue on the agenda again. The party Forza Italia, led by Silvio Berlusconi, was successful in the elections, but it was clear that the party would have to form a coalition government toget-

her with Alleanza Nazionale (AN) and Lega Nord (LN). These two parties are controversial, especially the LN. The LN is a right-wing populist party lead by Umberto Bossi and has many similarities to the FPÖ in Austria. At that point in time, the Swedish Prime Minister Göran Persson was holding the EU Presidency, and it was decided that the EU countries would strictly follow the amended version of Article 7 (i.e. the 'wait and see' approach) as stipulated in the Nice Treaty.

The EU context and the advances in information technology have increased the pace of political interaction and policy making. The abilities of national systems to cope with this pressure must be strengthened if they are to function effectively not only during normal everyday events but also during crises.

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<sup>1</sup> The Treaty of Nice has been ratified by all of the EU member states except for Ireland.

This report in its entirety can be obtained from the author at: [crismart@fhs.mil.se](mailto:crismart@fhs.mil.se)

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Sundelius, Bengt; Eric Stern; and Fredrik Bynander (1997) *Crisis Management the Swedish Way: Theory and Practice [Krisihantering på svenska: Teori och Praktik]* Stockholm: Nerenius och Santérus Förlag AB.

\* There is a summary available of this study in English.

\*\* There is a summary available of this study in Swedish.

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